

TITLE 25. - LAND DEVELOPMENT.

CHAPTER 25-1. - GENERAL REQUIREMENTS AND PROCEDURES.

ARTICLE 1. - GENERAL PROVISIONS.

§ 25-1-1 - IMPLEMENTATION OF COMPREHENSIVE PLAN.

This title implements the planning policies of the Comprehensive Plan and shall be construed to achieve its purposes.

Source: Section 13-1-5; Ord. 990225-70; Ord. 031211-11.

§ 25-1-2 - APPLICABILITY OF REGULATIONS.

(A) Regulations in this title apply as follows:

- (1) except as provided in Paragraph (5) and Subsection (B), all regulations apply to property in the zoning jurisdiction;
- (2) except as provided in Subsection (B), water quality, utility district, city utility, and subdivision regulations apply to property in the planning jurisdiction;
- (3) Chapter 25-1, Article 12 (*Vested Rights*) applies to projects in the planning jurisdiction;
- (4) Chapter 25-12, Article 4 (*Electrical Code*) applies to a structure served by the City's electric utility;
- (5) Chapter 25-12, Article 6 (*Uniform Plumbing Code*) applies to a structure served by the City's water utility; and
- (6) Chapter 25-13 (*Airport Hazard and Compatible Land Use Regulations*) applies in the geographic area described in that chapter.

(B) Title 30 (*Austin/Travis County Subdivision Regulations*) governs the subdivision of land in the portion of the city's extraterritorial jurisdiction that is within Travis County.

Source: Sections 13-1-4 and 13-1-602; Ord. 990225-70; Ord. 010809-78; Ord. 031211-11; Ord. 031211-42; Ord. No. 20140612-084, Pt. 5, 6-23-14.

§ 25-1-3 - CONFLICTS.

- (A) Requirements of this title are cumulative of requirements that are imposed by other ordinances, rules, or regulations, or by private easements, covenants, restrictions, or agreements. If a conflict occurs, the requirements of this title control.
- (B) If there is a difference of meaning or implication between the text of a provision of this title and an illustration or table, the text controls.

Source: Sections 13-1-20 and 13-1-21(d); Ord. 990225-70; Ord. 031211-11.

ARTICLE 2. - DEFINITIONS; MEASUREMENTS.

§ 25-1-21 - DEFINITIONS.

Unless a different definition is expressly provided, in this title:

- (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 (FHA), as appropriate.
- (2) ACCESSORY, when used as an adjective to describe a land use, means incidental to, and customarily associated with, a principal use.
- (3) ACCOUNTABLE OFFICIAL means the City officer or employee designated by this title or the city manager with a particular administrative or enforcement responsibility.
- (4) ADVISORY BODY means a City board, commission, or other appointed body that does not make a final decision and whose review is not required by state law.
- (5) AGGREGATE means creating a site on which a structure has been built across two or more lots, at least one of which is substandard.
- (6) AGRICULTURAL OPERATIONS means:
 - (a) producing crops for human food, animal feed, planting seed, or fiber;
 - (b) floriculture, viticulture, horticulture, or silviculture;
 - (c) raising or keeping livestock or poultry;
 - (d) wildlife management; and
 - (e) planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.
- (7) AMPHITHEATER means an outdoor or open-air structure or manmade area specifically designed and used for assembly of 50 or more people and the viewing of an area capable of being used for entertainment and performances.

- (8) APPROVAL means:
 - (a) a final decision granting or approving an application; or
 - (b) an approval granted subject to modifications or conditions.
- (9) APPROVAL AUTHORITY means the City officer, employee, or body charged with reviewing and determining whether to approve an application.
- (10) ATTACHED, when used with reference to two or more buildings, means having one or more common walls or being joined by a covered porch, loggia, or passageway.
- (11) BASE DISTRICT means a zoning district established by this chapter to prescribe basic regulations governing land use and site development.
- (12) BLOCK means one or more lots, tracts, or parcels of land bounded by streets, railroads, or subdivision boundary lines.
- (13) BUFFER ZONE means a strip of land used to separate one land use from another incompatible land use.
- (14) BUILDING COVERAGE means the area of a lot covered by buildings or roofed areas, but excludes ground level paving, landscaping, open recreational facilities, incidental projecting eaves, balconies, and similar features.
- (15) BUILDING LINE means a line beyond which a building must be set back from the street line.
- (16) BUILDING SERVICE EQUIPMENT means plumbing, mechanical, electrical, and elevator equipment necessary for the occupancy or use of a structure.
- (17) CARPORT means a roofed space used as shelter for a parked vehicle.
- (18) CHANGE, when used in reference to a land use, means the replacement of an existing use with a new use, or a change in the nature of an existing use. A change of ownership, tenancy, name, or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use.
- (19) COLLECTOR STREET means a street collecting traffic from other streets and serving as the most direct route to a thoroughfare.
- (20) COMBINING DISTRICT means a zoning district established by this title to prescribe regulations to be applied to a site in combination with regulations applicable to a base district.
- (21) COMMON AREA means an area held, designed, or designated for the common use of the owners or occupants of a townhouse project, planned unit development, apartment, condominium, mobile home park, or subdivision.
- (22) COMMON SIDE LOT LINE means a side lot line between two or more lots.
- (23) COMPREHENSIVE PLAN means the plan adopted by the city council in accordance with Article X, Section 5, of the City Charter.
- (24) CONDEMNATION includes a purchase or donation of property under the threat of condemnation, but excludes a dedication of property as a condition of zoning, subdivision, site plan, or building permit approval.
- (25) CONDITIONAL USE means a use that is allowed on a discretionary and conditional basis in accordance with the conditional use process established in Chapter 25-5 (Site Plans).
- (26) CONTRACTOR means a person employed by an owner to develop property.
- (27) CORNER LOT means a lot located at the intersection of two streets, or of two segments of a curved street, forming an angle of not more than 135 degrees.
- (28) CURB means a vertical sloping structure located along the edge of a roadway, normally constructed integrally with the gutter, that strengthens and protects the pavement edge and clearly defines the pavement edge.
- (29) DESIRED DEVELOPMENT ZONE means the area not within the drinking water protection zone.
- (30) DEVELOPMENT means the construction or reconstruction of a building or road; the placement of a structure on land; the excavation, mining, dredging, grading, or filling of land; the removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include:
 - (a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas;
 - (b) removal of trees or vegetation damaged by natural forces;
 - (c) removal of vegetation or cultivation of the soil for agricultural operations, unless prohibited by Subsection 25-8-321(B) (Clearing of Vegetation); or
 - (d) the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.
- (31) DIRECTOR, when used without a qualifier, means the director of the Watershed Protection and Development Review Department or the director's designee.
- (32) DOMINANT SIDE YARD, when used in reference to a small lot, means the side yard having the larger width.
- (33) DRINKING WATER PROTECTION ZONE means the areas within the Barton Springs Zone, the Barton Creek watershed, all water supply rural watersheds, and all water supply suburban watersheds, as described in Section 25-8-2 (Descriptions of Regulated Areas), that are in the planning jurisdiction.
- (34) DRIPLINE, when used in reference to a tree, means a line on the ground encircling the tree that is directly beneath the outermost portion of the tree canopy.
- (35) DRIVE-IN SERVICE means the sale of products or the provision of services to occupants in vehicles.
- (36) DRIVEWAY means a surfaced area providing vehicular access between a street and an off-street parking or loading area.
- (37)

DRIVEWAY APPROACH means an area between the roadway and private property designed for and intended to provide vehicular access from the roadway to private property.

- (38) DWELLING UNIT means a residential unit other than a mobile home providing complete, independent living facilities including permanent provisions for living, sleeping, eating, and cooking.
- (39) EFFICIENCY, when used in reference to a dwelling unit, means a dwelling unit containing not more than 400 square feet of floor area, and not having a bedroom or sleeping area separate from the principal living area.
- (40) ENCLOSED means a roofed or covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, or an open space of less than 100 square feet fully surrounded by a building or walls exceeding eight feet in height.
- (41) FIRE PROTECTION PLAN means a document prepared for a specific project or development proposed for the wildland-urban interface area that describes ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing the effect on the community's fire protection delivery system.
- (42) FLAG LOT means a lot that abuts a street by means of a strip of land that does not comply with the requirements of this chapter for minimum lot width.
- (43) FLOOR AREA RATIO means the ratio of gross floor area to gross site area.
- (44) FRONT LOT LINE means:
 - (a) for an interior lot, the lot line abutting the street;
 - (b) for a corner lot, the lot line designated as the front lot line by a subdivision or parcel map, or, if none, the shorter lot line abutting a street;
 - (c) for a through lot, the lot line abutting the street that provides the primary access to the lot; and
 - (d) for a flag lot, the lot line designated as the front lot line by a subdivision or parcel map, or if none, the line determined by the building official to be the front lot line.
- (45) FRONT YARD means a yard extending the full width of a lot between the front lot line and the front setback line.
- (46) GRADE means the horizontal elevation of a finished surface.
- (47) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.
- (48) GROSS SITE AREA means the total site area.
- (49) GUTTER means a shallow water drainage area adjacent to a curb.
- (50) HEIGHT, when used in reference to a building, means the vertical distance from the average of the highest and lowest grades adjacent to the building to:
 - (a) for a flat roof, the highest point of the coping;
 - (b) for a mansard roof, the deck line;
 - (c) or a pitched or hip roof, the average height of the highest gable; or
 - (d) for other roof styles, the highest point of the building.
- (51) HILL COUNTRY ROADWAY means a roadway described in Chapter 25-2, Subchapter C, Article 11 (*Hill Country Roadway Requirements*).
- (52) HILL COUNTRY ROADWAY AREA means an area described in Chapter 25-2, Subchapter C, Article 11 (*Hill Country Roadway Requirements*).
- (53) HISTORIC DISTRICT means an area included in a historic area (HD) combining district.
- (54) HISTORIC LANDMARK means a structure or site designated as a historic landmark (H) combining district.
- (55) INTERESTED PARTY means a person who meets the criteria established by Section 25-1-131 (*Interested Parties*).
- (56) INTERIOR LOT means a lot other than a corner lot.
- (57) INTERIOR LOT LINE means a lot line not abutting a street.
- (58) INTERIOR YARD means a yard, not adjacent to a street, that is determined on the basis of an interior lot line.
- (59) INTERNAL STREET means a private street in a mobile home park, planned unit development, planned development area, or other similar development.
- (60) LAND USE COMMISSION means the Planning Commission or the Zoning and Platting Commission, as determined in accordance with Section 25-1-46 (*Land Use Commission*).
- (61) LANDSCAPED AREA means an area devoted to plant material, planters, brick, stone, water, aggregate, and other landscape features, excepting smooth concrete or asphalt, where the use of inorganic materials does not predominate over the use of plants.
- (62) LARGE LOT means a lot of at least 10,000 square feet.
- (63) LOADING SPACE means an area used for loading or unloading goods from a vehicle in connection with the use of the site on which the loading space is located.
- (64)

LOCAL STREET means a street that serves traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.

- (65) LOT means:
 - (a) a parcel of real property with a unique designation shown on a plat, record of survey, parcel map, or subdivision map recorded in the office of the County Clerk; or
 - (b) a parcel of real property established under zoning or subdivision regulations.
- (66) LOT LINE means a line or series of connected line segments bounding a lot.
- (67) MAINTENANCE EASEMENT, when used in reference to a small lot, means an easement granted by the owner of one lot to the owner of an adjoining lot for maintenance of a dwelling within five feet of a common side lot line.
- (68) MIRRORED GLASS means glass with a reflectivity index greater than 20 percent.
- (69) MOBILE HOME means a movable dwelling constructed on a chassis, designed for use without a permanent foundation, and designed to be connected to utilities. The term excludes manufactured modular housing designed to be set on a permanent foundation and recreational vehicles.
- (70) MOBILE HOME PARK means a unified development of mobile home spaces for rent or lease, including common areas and facilities for management, recreation, laundry and utility services, storage, and similar services for the convenience of residents.
- (71) MUNICIPAL UTILITY DISTRICT means a district created under Chapters 50 and 54 of the Texas Water Code.
- (72) NEIGHBORHOOD ORGANIZATION means a an association that has registered as a neighborhood organization under this title.
- (73) NOTICE OWNER means the owner of real property as shown on the records of the tax appraisal district in the county in which the property is located.
- (74) (RESERVED)
- (75) PARKING FACILITY means an area on a site for one or more off-street parking spaces together with driveways, maneuvering areas, and similar features, excluding commercial off-street parking and private garages.
- (76) PARKING SPACE means an area designated for parking a motor vehicle, excluding an area in a public right-of-way.
- (77) PARKING STRUCTURE means a building that includes five or more off-street parking spaces together with driveways, maneuvering areas, and similar features.
- (78) PEDESTRIAN WAY means the portion of a street right-of-way not used for a roadway.
- (79) PERMITTED USE means a use of property authorized by this title.
- (80) PLANNED DEVELOPMENT AREA means a combining district authorized by this chapter or an area subject to a planned development area agreement approved by the City.
- (81) PLANNED UNIT DEVELOPMENT means land developed as a single unit under unified control.
- (82) PLANNING JURISDICTION means the city and its extraterritorial jurisdiction.
- (83) PRELIMINARY PLAN means a map or drawing of a proposed plat, intended for consideration by the Land Use Commission or the city council in accordance with the requirements of this title.
- (84) PRINCIPAL BUILDING ENTRANCE means the primary building entrance where the majority of the public enters the building and which is open during all business hours, excluding secondary access through an attached parking garage. For mixed use development in a multi-tenant building, the entrance to each use at the tenant's outside entrance is considered a principal building entrance.
- (85) PRINCIPAL USE means the primary function of a site, building, or facility.
- (86) PRIVATE COMMON OPEN SPACE means a privately-owned outdoor or unenclosed area, located on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, and intended for use by the residents, employees, and/or visitors to a development.
- (87) PRIVATE PERSONAL OPEN SPACE means a privately-owned outdoor or unenclosed area, located on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, and intended for use solely by the individual residents of a condominium or multifamily dwelling unit.
- (88) PROPERTY means real property.
- (89) PUBLIC MOBILITY PROJECT means a transportation project, including a multi-use trail, rail or transit line, or street, funded by a public entity and located on publicly owned land or in the right-of-way or a public easement.
- (90) QUEUE LINE means an area for temporary parking of motor vehicles while awaiting service or other activity.
- (91) QUEUE SPACE means a space for a motor vehicle in a queue line.
- (92) REAR LOT LINE means the lot line that does not intersect the front lot line, or that is determined in accordance with Section 25-1-22 (Measurements).
- (93) REAR YARD means a yard extending the full width of a lot between the rear lot line and the rear setback line, excluding any area located within the street side yard of a corner lot.
- (94) RECORD OWNER means the owner of real property as shown by the deed records of the county in which the property is located.
- (95)

RECREATIONAL VEHICLE means a vehicle or trailer designed for temporary dwelling or recreational purposes, and includes travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, boats, and boat trailers.

(96) RELEASE means:

- (a) the written certification of the director that a site plan has been approved, that the site plan complies with this title, and that the conditions of approval for the site plan have been satisfied; or
- (b) the written certification of the director and the presiding officer of the Land Use Commission, that a plat has been approved, that the plat complies with this title, and that the conditions of approval for the plat have been satisfied.

(97) RESIDENTIAL INFILL PROJECT means development of a site not exceeding 1.00 acre that consists of:

- (a) five to sixteen dwelling units; or
- (b) a re-subdivision of property that:
 - (i) is zoned SF-1, SF-2, or SF-3;
 - (ii) includes only land that was originally platted as a residential subdivision; and
 - (iii) does not require a plat vacation.

(98) RESPONSIBLE DIRECTOR means:

- (a) the director of the Watershed Protection and Development Review Department or the director's designee; or
- (b) the director of the Planning and Development Review Department or the director's designee for responsibilities arising under:
 - (i) Chapter 25-2, Subchapter A, B, or D; or
 - (ii) Chapter 25-3, except Article 3.

(99) REVISION means a change in an approved or released plan that is initiated by an applicant.

(100) RIGHT-OF-WAY means land dedicated or reserved for streets, utilities, or other public facilities.

(101) ROADWAY means the portion of a street right-of-way used for vehicular travel.

(102) SCREENED means hidden from the view of a person standing at ground level on an abutting site by an architectural or landscape feature that is, or will grow to, at least six feet in height.

(103) SECURE means either in a dedicated locked room, an area enclosed by a fence with a locked gate, and/or within 100 feet of a permanent security guard station. For residential use enclosed private garage space is considered to be secure.

(104) SETBACK LINE means a line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a yard and governing the placement of structures and uses on the lot.

(105) SIDE LOT LINE means a lot line intersecting the front lot line and extending a minimum distance of 25 feet.

(106) SIDEWALK means the paved portion of a pedestrian way.

(107) SIDE YARD means a yard extending the depth of a lot from the front yard to the rear lot line between the side lot line and the side setback line. For a corner lot, a street side yard is a yard that extends from the front yard to the rear lot line.

(108) SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may not cross a public street or right-of-way.

(109) SITE PLAN means a plan for a development, other than a subdivision construction plan, submitted by an applicant to demonstrate that the development complies with the requirements of this title.

(110) SMALL LOT means a lot with an area of less than 5,750 square feet.

(111) SPECIAL EXCEPTION means the waiver of a requirement because of vested rights established in accordance with the procedures prescribed by Article 7, Division 3 (*Special Exceptions*).

(112) STAFF means a City employee.

(113) STANDARD LOT means a lot of at least 5,750 square feet and less than 10,000 square feet.

(114) STREET LINE means a lot line abutting a street.

(115) STREET YARD means a yard adjacent to a street and determined on the basis of a street lot line.

(116) STRUCTURAL ALTERATION means a change in the supporting members of a building including load bearing walls, columns, girders, and beams over eight feet long.

(117) STRUCTURE means a building of any kind, or a piece of work artificially built-up or composed of parts joined together in a definite manner.

(118) SUBDIVIDE means:

- (a) to divide land into two or more lots or sites for the purpose of sale or development;
- (b) to resubdivide an existing lot; or
- (c) to combine of two or more lots into the same number or fewer lots with different boundaries.

(119) SUBORDINATE SIDE YARD, when used in reference to a small lot, means the side yard having the smaller width.

- (120) SUBSTANDARD LOT means a lot or tract recorded by deed or plat that does not comply with current area, width, or depth requirements, but that complied with the requirements in effect when it was placed on record.
- (121) TECHNICAL CODE means the International Building Code, the National Electrical Code, the Uniform Mechanical Code, the Uniform Plumbing Code, the International Fire Code, the Uniform Solar Energy Code, the Uniform Housing Code, or the International Property Maintenance Code, as adopted by the city council.
- (122) THROUGH LOT means a lot, other than a corner lot, abutting more than one street.
- (123) TINY HOME means a dwelling unit that is 400 square feet or less in floor area excluding loft space.
- (124) TOWNHOUSE means a dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.
- (125) TOWNHOUSE GROUP means two or more contiguous townhouses.
- (126) TOWNHOUSE LOT means the portion of a townhouse development that is intended for separate ownership as the location of a single townhouse and associated private yard area.
- (127) TRANSPORTATION PLAN means the Austin Metropolitan Area Transportation Plan or an equivalent plan adopted by the city council as part of the Comprehensive Plan.
- (128) UPDATE means additional information, a plan, or a plat submitted by an applicant in response to comments by a review entity.
- (129) USE means the conduct of an activity, or the performance of a function, on a site or in a structure.
- (130) USE EASEMENT, when used in reference to a small lot, means an easement granted by the owner of a small lot with the subordinate side yard to the owner of a small lot with a dominant side yard along the common lot line, and which allows the occupant of the dwelling unit on the lot having the dominant side yard the use, enjoyment, and privacy of the dominant side yard.
- (131) VALUE or VALUATION, when used in reference to a structure, means the estimated cost to replace the structure in kind, based on current replacement costs.
- (132) VARIANCE means a waiver of a provision of this title under Article 7, Division 2 (*Variances*).
- (133) WATER CONTROL AND IMPROVEMENT DISTRICT means a district created under Chapters 50 and 51 of the Water Code.
- (134) WATER DISTRICT means a district created under Title 4 of the Water Code.
- (135) WILDLAND-URBAN INTERFACE AREA means an area designated by the city council as one where conditions affecting the combustibility of both wildland and built fuels allow for the ignition and spread of fire through the combined fuel complex.
- (136) WORKING DAY is synonymous with BUSINESS DAY and excludes a Saturday, Sunday, an official City holiday, or any other day on which City offices are closed for regular business at any time during normal business hours.
- (137) YARD means an open space on a lot adjoining a lot line.
- (138) ZERO LOT LINE means a common lot line on which a wall of a structure may be constructed.
- (139) ZONING MAP means the zoning district map of the City as adopted by ordinance.

Source: Sections 13-1-22, 13-2-1, 13-2-401, 13-2-435, and 13-5-61; Ord. 990225-70; Ord. 990805-46; Ord. 000309-39; Ord. 000406-85; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16; Ord. 20111215-096; Ord. 20120524-139; Ord. 20130228-074; Ord. 20130523-104; Ord. 20130926-145; Ord. No. 20160303-036, Pt. 1, 3-14-16; Ord. No. 20160421-039, Pt. 1, 5-2-16; Ord. No. 20170615-102, Pt. 1, 6-15-17; Ord. No. 20220519-094, Pt. 1, 5-30-22; Ord. No. 20230413-057, Pt. 1, 4-24-23; Ord. No. 20230831-141, Pt. 1, 9-11-23; Ord. No. 20231207-001, Pt. 1, 12-18-23; Ord. No. 20231102-028, Pt. 1, 11-13-23; Ord. No. 20240516-006, Pt. 1, 5-27-24; Ord. No. 20250306-037, Pt. 1, 5-23-25.

§ 25-1-22 - MEASUREMENTS.

- (A) Lot area is the net horizontal area within the lot lines, excluding the portion of the lot:
 - (1) that provides street access, if the lot is a flag lot; or
 - (2) that is located below 492.8 feet of elevation above sea level, if the lot is adjacent to Lake Austin.
- (B) Lot depth is the horizontal distance between the mid-point of the front lot line and the midpoint of the rear lot line.
- (C) Except as otherwise provided in this title, lot width is measured at the front setback line and at a distance of 20 feet to the rear of the front setback line.
- (D) In determining required yards and setbacks for an irregularly shaped lot or a lot bounded by only three lot lines, the rear lot line is:
 - (1) a line ten feet long;
 - (2) parallel to the front lot line; and
 - (3) at the most distant location from the front lot line.
- (E) A distance from a structure to a line or location is measured from the exterior face of the nearest wall or vertical support of the structure to the line or location. For a structure that does not have a wall or vertical support, the building official shall determine the point of measurement.

Source: Sections 13-2-1, 13-2-602 and 13-2-603; Ord. 990225-70; Ord. 031211-11; Ord. No. 20240516-006, Pt. 2, 5-27-24.

§ 25-1-23 - IMPERVIOUS COVER MEASUREMENT.

(A) Except as otherwise provided in this section, impervious cover means the total area of any surface that prevents the infiltration of water into the ground, such as roads, parking areas, concrete, and buildings.

(B) Impervious cover shall be calculated in accordance with the Environmental Criteria Manual and Section 25-8-63 (Impervious Cover Calculations).

Source: Ord. 000406-85; Ord. 031211-11; Ord. 20080306-072; Ord. 20131017-046.

ARTICLE 3. - ACCOUNTABLE ENTITIES.

§ 25-1-41 - NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT.

The Neighborhood Planning and Zoning Department provides the citizens of Austin with assistance in neighborhood planning, makes recommendations on land use issues, coordinates the delivery of neighborhood services, and ensures compliance with zoning and housing regulations. The department has the duties and powers prescribed by ordinance or delegated by the city manager. The city manager shall appoint a director to manage the department.

Source: Ord. 010329-18; Ord. 031211-11.

§ 25-1-42 - RESERVED.

§ 25-1-43 - WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT.

The Watershed Protection and Development Review Department ensures that development in the City's planning jurisdiction efficiently and effectively complies with the Comprehensive Plan and City ordinances and serves the citizens of Austin by using environmentally responsible, cost-effective water resource management to protect lives, property, and quality of life. The department has the duties and powers prescribed by ordinance or delegated by the city manager. The city manager shall appoint a director to manage the department.

Source: Section 13-1-130; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-1-44 - RESERVED.

§ 25-1-45 - ENVIRONMENTAL OFFICER.

(A) The city manager shall appoint an environmental officer to advise and direct the city staff and ensure that environmental protection is the highest priority in public and private development.

(B) The environmental officer may receive complaints from citizens, investigate the complaints, and report the findings to the city manager.

(C) The environmental officer shall deliver a report on Austin's environment to the city manager and Council each April.

Source: Section 13-1-134(d); Ord. 990225-70; Ord. 031211-11.

§ 25-1-46 - LAND USE COMMISSION.

(A) The Planning Commission or the Zoning and Platting Commission may act as the Land Use Commission, as prescribed by this section.

(B) The Planning Commission or the Zoning and Platting Commission may act as the Land Use Commission to consider an appeal for a disapproval of an application for preliminary plan or plat. The determination of which commission shall act as the Land Use Commission for a particular preliminary plan or plat application shall be made by the director based on agenda management considerations. Regardless of the initial determination, either Commission may act as the land use commission for subsequent consideration of the application.

(C) The Zoning and Platting Commission shall act as the Land Use Commission for all applications, except as provided in Subsection (D).

(D) The Planning Commission shall act as the land use commission for property that is wholly or partly within:

(1) the boundaries of a neighborhood plan that the council has adopted as a component of the comprehensive plan;

(2) the former Robert Mueller Municipal Airport site;

(3) a transit oriented development (TOD) district;

(4) the old Enfield neighborhood planning area; or

(5) the boundaries of a proposed neighborhood plan that the Planning Commission is considering as an amendment to the comprehensive plan. In this subsection, Planning Commission consideration of a proposed neighborhood plan:

(a) begins on the effective date of a council resolution or ordinance directing the Planning Commission to consider a neighborhood plan for an identified area; and

(b) ends on the date that the council adopts or rejects the proposed neighborhood plan or withdraws its directive to the Planning Commission to consider a neighborhood plan for the area.

(E)

A liaison committee of the Planning Commission and the Zoning and Platting Commission is established. The chair of each commission shall appoint two commission members to serve on the committee. The committee shall meet regularly to exchange information relating to the commissions and make recommendations to the commissions on common policies, objectives, issues, and activities.

Source: Ord. 010607-8; Ord. 011129-79; Ord. 031211-11; Ord. 20060309-057; Ord. 20060622-128; 20090806-068; Ord. 20120524-083; Ord. 20121018-104; Ord. No. 20140626-113, Pt. 2, 7-7-14; Ord. No. 20190822-117, Pt. 1, 9-1-19; Ord. No. 20230831-141, Pt. 2, 9-11-23.

ARTICLE 4. - APPLICATION AND APPROVAL.

Division 1. - General Provisions.

§ 25-1-61 - ORDER OF PROCESS.

- (A) An applicant must obtain approvals in the following order:
 - (1) zoning;
 - (2) subdivision;
 - (3) site plan; and
 - (4) building permit.
- (B) An applicant must obtain approvals for subdivision development in the following order:
 - (1) preliminary plan, if required;
 - (2) plat; and
 - (3) subdivision construction plan.
- (C) An applicant may concurrently file zoning and site plan applications if no subdivision is required.
- (D) An applicant may concurrently file subdivision, site plan, and building permit applications, if:
 - (1) no zoning or rezoning is required or requested; and
 - (2) the site plan has been certified as complete under Section 25-1-82 (Nonsubdivision Application Requirements and Expiration).
- (E) The director may authorize concurrent review of applications for subdivision development under the following circumstances:
 - (1) Plat and preliminary plan if the director determines that the application for the preliminary plan only has outstanding deficiencies that are of an administrative nature that will not require significant changes to the layout or design of the subdivision.
 - (2) Plat and subdivision construction plan if:
 - (a) the preliminary plan has been approved;
 - (b) the director determines that the application for the preliminary plan only has outstanding deficiencies that are of an administrative nature that will not require significant changes to the layout or design of the subdivision; and
 - (c) the subdivision construction plan has been certified complete under Section 25-1-84 (Subdivision Construction Application Requirements and Expiration).

Source: Section 13-1-36; Ord. 990225-70; Ord. 031211-11; Ord. No. 20190822-117, Pt. 2, 9-1-19; Ord. No. 20230831-141, Pt. 3, 9-11-23.

§ 25-1-62 - DEVELOPMENT ASSESSMENT.

- (A) A person considering development in the planning jurisdiction may request that the director prepare an assessment of the proposed development. The City encourages a development assessment for a residential project of more than 200 acres, or a commercial or mixed use project of more than 50 acres.
- (B) A development assessment is based on information provided by the requestor and the requirements applicable at the time of the request.
- (C) A development assessment includes:
 - (1) an explanation of the procedures and requirements of this title for zoning and rezoning, subdivision, site plan approval, and building permits;
 - (2) an estimate of fees; and
 - (3) an identification of potential major issues for the project, including whether:
 - (a) the proposed land use conforms to the Comprehensive Plan and current zoning;
 - (b) proposed arterials, if any, comply with the Transportation Plan;
 - (c) proposed collector streets, if any, are adequate for the projected traffic;
 - (d) there are significant environmental issues;
 - (e) adequate utilities are available; and
 - (f) the proposed density or floor area is:
 - (i) consistent with the requirements of this title;

- (ii) appropriate, considering the surrounding land use or zoning; and
 - (iii) consistent with watershed requirements.
- (D) After the request is received, the director shall deliver a development assessment to the requestor within the time frame established by the director by administrative rule. After its delivery, the requestor may seek a meeting with the director or the director's designee to discuss the development assessment.

Source: Section 13-1-90; Ord. 990225-70; Ord. 031211-11; Ord. No. 20160421-039, Pt. 2, 5-2-16.

§ 25-1-63 - PROJECT ASSESSMENT.

In this section, subdivision means preliminary plan, plat, or subdivision construction plan.

- (A) A person considering subdivision in the planning jurisdiction may request that the director prepare a project assessment of the proposed development.
- (B) A project assessment may be submitted before submitting an application if the application as designed requires consideration of discretionary approvals such as:
 - (1) A variance or waiver from a provision in Title 25;
 - (2) A variance or waiver from criteria manuals adopted to implement the provisions of Title 25;
 - (3) An alternative method of compliance allowed under Title 25 or the associated criteria manuals;
 - (4) A recommendation from an advisory board or commission; or
 - (5) Other discretionary considerations as specified by rule.
- (C) A project assessment is based on information provided by the requestor.
- (D) A project assessment includes:
 - (1) an explanation of the procedures and requirements of this title for subdivision;
 - (2) an identification of potential major issues for the project, including whether:
 - (a) the proposed land use conforms to the Comprehensive Plan and current zoning;
 - (b) proposed arterials, if any, comply with the Transportation Plan;
 - (c) proposed collector streets, if any, are adequate for the projected traffic;
 - (d) there are significant environmental issues;
 - (e) there is an official floodplain map delineated;
 - (f) there is a wildfire risk area map delineated;
 - (g) adequate utilities are available; and
 - (h) the proposed density is:
 - (i) consistent with the requirements of this title;
 - (ii) appropriate, considering the surrounding land use or zoning; and
 - (iii) consistent with watershed requirements.
- (E) A recommendation included in a project assessment is not a final determination on a variance or waiver. A recommendation included in a project assessment remains valid for 180 days.
- (F) After the request is received, the director shall deliver a project assessment to the requestor within the time frame established by the director by administrative rule. After its delivery, the requestor may seek a meeting with the director or the director's designee to discuss the project assessment.

Source: Ord. No. 20190822-117, Pt. 4, 9-1-19; Ord. No. 20230413-057, Pt. 2, 4-24-23; Ord. No. 20230831-141, Pt. 4, 9-11-23.

§ 25-1-64 - ACTION ON AN APPLICATION; DEADLINE.

- (A) The director shall grant or deny an application for a permit or approval required by this title within the timeframe established by state law.
- (B) Nothing in this section limits any exceptions to the deadlines provided for in state law.

Source: Section 13-1-22; Ord. 990225-70; Ord. 031211-11; Ord. No. 20190822-117, Pts. 3, 5, 9-1-19; Ord. No. 20230831-141, Pt. 6, 9-11-23.

§ 25-1-65 - UPDATES PERMITTED AFTER APPLICATION IS DENIED.

- (A) This section does not apply to an application for a preliminary plan or plat. An application that is denied under Section 25-1-64 (Action on an Application; Deadline) may be updated and resubmitted for review before the application expires. An applicant may update the application in accordance with the timelines adopted under Section 25-1-82 (Non-Subdivision Application Requirements and Expiration) and Section 25-1-84 (Subdivision Construction Plan Application Requirements and Expiration).

(B)

If the director cannot approve an updated application because the updated application fails to comply with the requirements of this title, the director may provide a report to the applicant that specifies the reasons why the updated application does not meet the requirements. A comment included in this report is not a final decision on the update application.

- (C) An application that is expired may not be updated. A new application is required.

Source: Ord. No. 20230831-141, Pts. 5, 7, 9-11-23.

§ 25-1-66 - TRANSFER OF PERMIT OR APPROVAL.

A permit or approval authorizing a particular use of land or a structure transfers with the ownership of the land or structure.

Source: Section 13-1-6; Ord. 990225-70; Ord. 031211-11; Ord. No. 20190822-117, Pt. 3, 9-1-19; Ord. No. 20230831-141, Pt. 5, 9-11-23.

Division 2. - Filing; Review.

§ 25-1-81 - AUTHORITY TO FILE AN APPLICATION.

A record owner or the record owner's agent may file an application for a permit or approval required by this title. The responsible director or building official may require an applicant to provide evidence of the applicant's authority to file an application.

Source: Section 13-1-30; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-1-82 - NON-SUBDIVISION APPLICATION REQUIREMENTS AND EXPIRATION.

This section does not apply to an application for preliminary plan, plat, or subdivision construction plan.

- (A) The responsible director may adopt rules establishing the requirements for an application, including timelines for completing staff review and deadlines by which an application must be updated to meet the requirements of this title and other applicable regulations. The rules adopted must be consistent with the timelines for action established in Section 25-1-64 (Action on an Application; Deadline).
- (B) The responsible director or building official may permit an applicant to omit required information from an application that the responsible director or building official determines is not material to a decision on the application. An applicant who disagrees with a determination under this subsection may appeal the decision to the city manager.
- (C) Except as otherwise provided for in this section, the director is authorized to certify a site plan application if it complies with this subsection.
- (1) An application is complete after the applicant pays the required fee and provides the information required to be included in the application no later than the 45th day after the application is submitted.
 - (2) If the director rejects an application as incomplete, the director shall provide an applicant with a written explanation that identifies the deficiencies and information needed to complete the application. The director must provide the written explanation within 10 working days after the application is received.
 - (3) An application expires if it is not complete on or before the 45th day after the application is submitted. An applicant may submit additional information and correct any deficiencies at any time before the 45th day after the application was submitted.
 - (4) A certification that the site plan application is administratively complete is valid for 45 days after the certification has been issued.
- (D) The director is authorized to review a site plan application if the applicant pays the required fee and the site plan application has a valid certification of completeness. If the application has not yet been certified, the certification is no longer valid, or the submitted site plan does not match the certified materials, the director may not review the application but shall provide the applicant a written explanation that identifies the deficiencies within 10 working days after application is received.
- (E) The responsible director or building official may not accept a building or demolition permit application described in Chapter 25-11, Article 2 (Building and Demolition Permits) unless the application is determined to be complete in accordance with this subsection.
- (1) The responsible director or building official shall accept an application as complete if the applicant has paid the required fee and provided the information required to be included in the application no later than the 45th day after the application is submitted.
 - (2) If the responsible director or building official rejects an application as incomplete, the responsible director or building official shall provide an applicant with a written explanation that identifies the deficiencies and information needed to complete the application. The responsible director or building official must provide the written explanation within 10 working days after the application is received.
 - (3) An application expires if it is not complete on or before the 45th day after the application is submitted. An applicant may submit an update to provide additional information and to correct deficiencies at any time before the application expires.
- (F) An application for a site plan expires one year after the application is submitted unless:
- (1) the application has been approved; or
 - (2) the director has granted additional days for the applicant to submit an update under Section 25-1-90(A) (Extension of Update Deadline).
- (G)

If the director grants additional days to the applicant under Subsection (F)(2), then the expiration date of the application is extended by the number of days granted.

(H) Applications subject to Section 25-1-712 (Tenant Notification Required).

- (1) The responsible director may not certify a site plan application as complete until the applicant has paid the required fee, provided the information required to be included, and complied with the notification requirements or the required number of days lapse.
- (2) The responsible director or building official may not accept an application as complete until the applicant has paid the required fee, provided the information required to be included, and complied with the notification requirements or the required number of days lapse.
- (3) If, at the time an application is submitted, a multi-family property is unoccupied but was occupied within the previous 120 days, the application will be rejected as incomplete.
- (4) If, at the time an application is submitted, a mobile home park is unoccupied but was occupied within the previous 270 days, the application will be rejected as incomplete.

Source: Section 13-1-31; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. No. 20140612-084, Pt. 6, 6-23-14; Ord. No. 20160421-039, Pt. 3, 5-2-16; Ord. No. 20160901-050, Pt. 6, 9-12-16; Ord. No. 20190822-117, Pt. 6, 9-1-19; Ord. No. 20230831-141, Pt. 8, 9-11-23; Ord. No. 20230831-103, Pt. 1, 9-11-23.

§ 25-1-83 - PRELIMINARY PLAN OR PLAT APPLICATION REQUIREMENTS AND EXPIRATION.

This section applies only to an application for preliminary plan or plat.

- (A) The responsible director may adopt rules establishing the requirements for an application, including timelines for completing staff review as well as when an application may be updated to meet the requirements of this title and other applicable regulations. The rules adopted must be in accordance with the timelines for action established within Section 25-4-32 (Action Within 30 Days).
- (B) An application for preliminary plan or plat expires 180 days after the application is filed unless the application has been approved.
- (C) An application that has been disapproved with reasons may be updated to address those reasons until the application expires.
- (D) The responsible director may permit an applicant to omit required information from an application that the responsible director determines is not material to a decision on the application.
- (E) The responsible director shall consider an application filed only if the applicant has paid the required fee and provided the information required by the director consistent with state law.
 - (1) The applicant has 45 days to provide all the information required by the director after the application is submitted.
 - (2) If an application is rejected as incomplete, the responsible director shall provide the applicant a written explanation identifying the deficiencies and the information required to complete the application 10 working days after the application is received.
 - (3) An application expires if it is not complete on or before the 45th day after the application is submitted. An applicant may submit an update to provide additional information and to correct deficiencies at any time before the application expires.

Source: Ord. No. 20190822-117, Pt. 8, 9-1-19; Ord. No. 20230831-141, Pt. 9, 9-11-23; Ord. No. 20240718-102, Pt. 1, 7-29-24.

§ 25-1-84 - SUBDIVISION CONSTRUCTION PLAN APPLICATION REQUIREMENTS AND EXPIRATION.

- (A) The responsible director may adopt rules establishing the requirements for a subdivision construction plan application, including timelines for completing staff review as well as when an application may be updated to meet the requirements of this title and other applicable regulations.
- (B) The director is authorized to certify a subdivision construction plan as complete if it complies with this subsection.
 - (1) An application is complete if the applicant has paid the required fee and provided the information required to be included in the application no later than the 45th day after it was submitted. The responsible director may permit an applicant to omit required information from an application that the responsible director determines is not material to a decision on the application.
 - (2) When the director rejects an application as incomplete, the director shall provide an applicant with a written explanation that identifies the deficiencies and information needed to complete the application. The director must provide the written explanation within 10 working days after the application is received.
 - (3) An application expires if it is not complete on or before the 45th day after the application is submitted. An applicant may submit an update to provide additional information and correct any deficiencies at any time before the 45th day.
 - (4) A certification that the subdivision construction application is administratively complete is valid for 45 days after the certification has been issued.
- (C) The director is authorized to review the subdivision construction plan application if the applicant pays the required fee and the application has a valid certification of completeness. If the application has not yet been certified, the certification is no longer valid, or the submitted construction plan application does not match the certified materials, the director will not review the application but shall provide the applicant a written explanation identifying the deficiencies 10 working days after the application is received.
- (D) An application for subdivision construction plan expires one year after the application is submitted unless the application has been approved.

Source: Ord. No. 20230831-141, Pt. 11, 9-11-23.

§ 25-1-85 - APPLICATIONS RELATING TO A CLOSED MUNICIPAL SOLID WASTE LANDFILL.

(A) In this section:

- (1) CMSWL means an area defined as a closed municipal solid waste landfill in Texas Administrative Code, Title 30, Section 330.951.
- (2) LANDFILL AREA means an area marked on a map created by the City and maintained in the Watershed Protection and Development Review Department showing all known CMSWL and including property within:
 - (a) the known boundary of a CMSWL;
 - (b) 200 feet around the estimated boundary of a CMSWL if the boundary is not known; or
 - (c) 1,500 feet from the estimated center of the CMSWL if neither a known boundary nor an estimated boundary is known.
- (B) Except as provided in Subsection (C), this section applies to development of a residential, commercial, or public enclosed structure that is designed for use by humans and that is located on:
 - (1) a site over 1 acre in size; or
 - (2) a site located within a landfill area.
- (C) This section does not apply to the remodel of or addition to a single family or duplex residential use permitted in a single family residential small lot (SF-4A) or more restrictive zoning district.
- (D) The responsible director or building official may not approve an application for subdivision, site plan, or building permit unless the applicant has delivered to the responsible director or building official:
 - (1) certification from a licensed professional engineer that the site does not overlie a CMSWL; or
 - (2) if the site overlies a CMSWL:
 - (a) a development permit from the Texas Commission on Environmental Quality;
 - (b) written notification from the Texas Commission on Environmental Quality that a development permit is not required; or
 - (3) certification from a licensed professional engineer that the applicant will conduct soil testing under the requirements of the Texas Commission on Environmental Quality during construction of the foundation to determine whether the site overlies a CMSWL.

Source: Section 13-1-37; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20080925-138; Ord. No. 20190822-117, Pt. 7, 9-1-19; Ord. No. 20230831-141, Pt. 10, 9-11-23.

§ 25-1-86 - PROCESSING CYCLES.

- (A) The responsible director may establish regular cycles for consideration of applications by City staff, boards, commissions, and the council. The city manager shall advise the council of the creation or change of a cycle.
- (B) An established cycle supersedes conflicting requirements of this title, except the requirements relating to the duration of a project and those mandated by state law.

Source: Section 13-1-33; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. No. 20190822-117, Pt. 7, 9-1-19; Ord. No. 20230831-141, Pt. 10, 9-11-23.

§ 25-1-87 - SEQUENCE OF REVIEW.

- (A) An application may not be placed on a board or commission agenda unless staff review is finished and a staff recommendation is available for board or commission consideration. This requirement does not apply if staff review is not finished by the deadline prescribed by this title.
- (B) An application may not be placed on the Land Use Commission or council agenda unless recommendations from all other boards and commissions required to review the application are available for Land Use Commission or council consideration. The responsible director may waive this requirement if the responsible director determines that:
 - (1) a board or commission did not review the application in a reasonable period of time; and
 - (2) the delay is attributable to the board or commission and not the applicant.

Source: Section 13-1-110; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. No. 20190822-117, Pts. 7, 9, 9-1-19; Ord. No. 20230831-141, Pts. 10, 12, 9-11-23.

§ 25-1-88 - BOARD AND COMMISSION SCHEDULE.

The city manager shall inform a board or commission of the dates that other boards or commissions are scheduled to consider an application. A board or commission shall act diligently to finish its review in accordance with the schedule.

Source: Section 13-1-111; Ord. 990225-70; Ord. 031211-11; Ord. No. 20190822-117, Pt. 7, 9-1-19; Ord. No. 20230831-141, Pt. 10, 9-11-23.

§ 25-1-89 - EXTENSION OF REVIEW PERIOD FOR PRELIMINARY PLANS AND PLATS.

- (A) For preliminary plan and plat applications, the director may extend the review period one time if the applicant submits a written request for an extension before the time limitations in Section 25-4-32 (Action Within 30 Days). The review period can only be extended to one time.
- (B) If the director approves an extension request under Subsection (A), the director shall approve, approve with conditions, or disapprove an application for a preliminary plan or plat no later than the expiration of the extended review period.

Source: Section 13-1-34; Ord. 990225-70; Am. Ord. 010329-18; Ord. 031211-11; Ord. No. 20190822-117, Pts. 7, 10, 9-1-19; Ord. No. 20230831-141, Pts. 10, 13, 9-11-23.

§ 25-1-90 - EXTENSION OF UPDATE DEADLINE.

This section does not apply to a preliminary plan, plat, or subdivision construction plan. For all other development applications:

- (A) If the time required for staff review of an application exceeds the review time established by the director under Section 25-1-82 (Non-Subdivision Application Requirements and Expiration), the responsible director shall extend the deadline for submitting an update to the application by the number of days that staff exceeded the established review time. The responsible director shall notify the applicant of the new deadline for submitting an update.
- (B) An applicant who is not entitled to an automatic extension under Subsection (A) of this section may request that the responsible director extend a deadline for submitting an update to an application, other than an application for a site plan, subdivision, or subdivision construction plan, in accordance with this subsection.
 - (1) A request for an extension under this subsection must be filed with the responsible director in writing before expiration of the deadline established by the director under Section 25-1-82 (Non-Subdivision Application Requirements and Expiration) and must include a justification for the request.
 - (2) The responsible director must give notice under Section 25-1-133(B) (Notice of Applications and Administrative Decisions) of an extension request under this subsection.
 - (3) The responsible director may grant an extension request under this subsection if the responsible director determines that good cause exists for the extension. An extension period may not exceed the length of the original time period for submitting an update to the application.
 - (4) An interested party may appeal the responsible director's decision under this subsection to the Land Use Commission.

Source: Section 13-1-35; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. No. 20160421-039, Pt. 4, 5-2-16; Ord. No. 20190822-117, Pts. 7, 11, 9-1-19; Ord. No. 20230831-141, Pt. 10, 9-11-23.

§ 25-1-91 - TOLLING OF APPLICATION PERIOD.

- (A) This section establishes a "stop the clock" provision tolling the expiration period for an application that requires discretionary review by the Land Use Commission, Board of Adjustment, or city council.
- (B) The expiration of an application is tolled if, prior to expiration of the application, the director determines that:
 - (1) discretionary review, as authorized under this title, by the Land Use Commission, Board of Adjustment, or city council, other than a zoning change or code amendment; and
 - (2) the application meets all other requirements for approval, except for payment of fees, posting fiscal surety, and other code requirements as determined by the director under Section 25-1-82 (Non-Subdivision Application Requirements and Expiration), 25-1-83 (Preliminary Plan or Plat Application Requirements and Expiration), or 25-1-84 (Subdivision Construction Plan Application and Requirements).
- (C) If an applicant obtains all required discretionary approvals from the Land Use Commission, Board of Adjustment, or city council, any additional updates of the application must be submitted no later than 60 working days after the date of the approval. An application expires if the applicant does not comply with this deadline.
- (D) An application expires if the Land Use Commission, Board of Adjustment, or city council denies a required discretionary approval or fails to take action after considering the matter at a public hearing.
- (E) If expiration of an application is tolled under this section pending required approval by the Land Use Commission, Board of Adjustment, or city council, the expiration period for all other applications associated with the same project is also tolled.

Source: Ord. No. 20160421-039, Pt. 5, 5-2-16; Ord. No. 20160901-050, Pt. 9, 9-12-16; Ord. No. 20190822-117, Pts. 7, 12, 9-1-19; Ord. No. 20230831-141, Pts. 10, 14, 9-11-23.

ARTICLE 5. - FEES AND FISCAL SECURITY.

§ 25-1-111 - FEES.

The fees required under this title shall be established by separate ordinance.

Source: Section 13-1-32(a); Ord. 990225-70; Ord. 031211-11.

§ 25-1-112 - FISCAL SECURITY.

- (A) An applicant shall post fiscal security required under this title with the director.
- (B) The amount of fiscal security posted by an applicant shall equal the estimated cost to the City to do the work for which the fiscal security is required. A qualified professional must provide the director with an estimate of the cost, and the director's approval of the estimate is required.
- (C) An applicant may post as fiscal security:
 - (1) a cash deposit;
 - (2) a performance bond; or
 - (3) a letter of credit.
- (D) The director shall return the fiscal security to the applicant if the director determines that:
 - (1) the applicant has obtained a certificate of occupancy, certificate of compliance, or final acceptance letter for the work for which the fiscal security was posted; or
 - (2) the obligation to do the work for which the fiscal security was posted has terminated.
- (E) The director may draw on the fiscal security and pay the cost of fulfilling the applicant's obligations if the director determines that an applicant has breached the obligations secured by the fiscal security. The director shall pay the balance of the fiscal security, if any, to the applicant. The applicant is liable for the cost that exceeds the amount of fiscal security, if any, to the director.
- (F) A public mobility project in the right-of-way is not required to post fiscal security under this title.

Source: Section 13-1-32(b) through (e); Ord. 990225-70; Ord. 031211-11; Ord. No. 20220519-094, Pt. 2, 5-30-22.

ARTICLE 6. - INTERESTED PARTIES, NOTICE, AND PUBLIC HEARING PROCEDURES.

Division 1. - Interested Parties and Notice.

§ 25-1-131 - INTERESTED PARTIES.

- (A) An interested party is a person who has an interest in a matter that is the subject of a public hearing or administrative decision. A person has an interest if the person:
 - (1) is the applicant or the record owner of property that is the subject of a public hearing or administrative decision; or
 - (2) communicates an interest in a matter; and
 - (a) occupies a primary residence that is within 500 feet of the site of the proposed development;
 - (b) is the record owner of property within 500 feet of the site of the proposed development;
 - (c) is an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development; or
 - (d) has a utility account address located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.
- (B) A person communicates an interest in a matter that is the subject of a public hearing by:
 - (1) delivering a written statement that generally identifies the issues of concern to the body conducting the hearing, either before or during the public hearing; or
 - (2) appearing and speaking for the record at the public hearing.
- (C) A person communicates an interest in a matter that is the subject of an administrative decision by delivering a written statement to the responsible director or by making telephone contact with the responsible director. The communication must:
 - (1) generally identify the issues of concern;
 - (2) include the person's name, telephone phone number, and mailing address;
 - (3) be delivered before the earliest date on which action on the application may occur; and
 - (4) if the communication is by telephone, be confirmed in writing not later than seven days after the earliest date on which action on the application may occur.

Source: Section 13-1-240; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20080515-033; Ord. 20090521-062.

§ 25-1-132 - NOTICE OF PUBLIC HEARING.

- (A) For a notice required to be given under this subsection, the responsible director shall give notice of a public hearing before a board or commission by mailing notice not later than the 11th day before the date of the hearing to the:

- (1) applicant;
 - (2) notice owner of property located within 500 feet of the subject property;
 - (3) registered environmental or neighborhood organization whose declared boundaries are within 500 feet of the site of the proposed development;
 - (4) parties to an appeal; and
 - (5) utility account addresses located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.
- (B) For a notice required to be given under this subsection, the responsible director shall give notice of a public hearing before the council by:
- (1) publishing notice not later than the 16th day before the date of the public hearing; and
 - (2) mailing notice not later than the 16th day before the date of the hearing to the:
 - (a) applicant;
 - (b) notice owner of property located within 500 feet of the subject property;
 - (c) registered environmental or neighborhood organization whose declared boundaries are within 500 feet of the site of the proposed development;
 - (d) parties to an appeal; and
 - (e) utility account addresses located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.
- (C) For a notice required to be given under this subsection, the responsible director shall give notice of a public hearing before a board or commission or the council by:
- (1) mailing notice to a neighborhood organization not later than the 11th day before the date of a hearing scheduled before a board or commission and not later than the 16th day before the date of a hearing scheduled before the council; and
 - (2) publishing notice not later than the 16th day before the date of a hearing before the council.
- (D) This subsection applies to public hearings on two or more matters related to the same property or development.

- (1) One notice may be provided if the hearings are scheduled:

 - (a) on the same date before the same body; or
 - (b) before two or more bodies not later than the 45th day after the date of a notice.

(2) The responsible director shall provide notice not later than the date the earliest notice is required.

(E) Notice provided under this section must:

- (1) generally describe the subject matter of the public hearing;
- (2) identify the applicant and the location of the subject property;
- (3) identify the body holding the public hearing and the date, time, and place of the public hearing;
- (4) if the decision of the body holding the public hearing may be appealed, describe the procedure and requirements for an appeal; and
- (5) include the address and telephone number of the office from which additional information may be obtained.

Source: Section 13-1-200 and Section 13-1-202(b); Ord. 990225-70; Ord. 010329-18; Ord. 030828-65; Ord. 031211-11; Ord. 20080515-033; Ord. 20090521-062.

§ 25-1-133 - NOTICE OF APPLICATIONS AND ADMINISTRATIVE DECISIONS.

- (A) For notice required to be given under this subsection, the responsible director shall mail notice not later than the 14th day after the filing of an application to the:
- (1) applicant;
 - (2) notice owner of real property located within 500 feet of the subject property; and
 - (3) registered environmental or neighborhood organization whose declared boundaries are within 500 feet of the site of the proposed development; and
 - (4) utility account addresses located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.
- (B) For notice required to be given under this subsection, the responsible director shall mail notice not later than one day after an administrative decision to:
- (1) the record owner of the subject property; and
 - (2) interested parties.
- (C) Notice provided under this section must:
- (1) describe the general nature of the application;
 - (2) identify the applicant and the location of the site;
 - (3) generally describe the proposed development;
 - (4) identify the entity that may approve the application;
 - (5) state the earliest date that action under a decision may occur;

- (6) describe the procedure and requirements for becoming an interested party;
 - (7) if the decision may be appealed, describe the procedure for an appeal; and
 - (8) include the address and telephone number of the accountable official from whom additional information may be obtained.
- (D) An accountable official may not make a decision on an application for which notice is required to be provided under this section earlier than the 14th day after the date the notice is issued. The responsible director may permit the decision to be made sooner.

Source: Section 13-1-201 and Section 13-1-202(c); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20080515-033; Ord. 20090521-062.

§ 25.1-134 - PROCEDURES AND REQUIREMENTS FOR NOTICE.

- (A) Published notice is effective on the date a notice is published in a newspaper of general circulation in the city.
- (B) Mailed notice is effective on the date a letter is deposited in a depository of the U.S. Post Office, postage paid, and addressed:
 - (1) to an applicant, by mailing notice to the property owner or agent at the address shown on the application or on a written change of address form filed with the responsible director or building official;
 - (2) to a notice owner of real property, by mailing notice to the owner shown on the records of the county tax appraisal district;
 - (3) to a record owner of real property, by mailing notice to the owner at the street address of the property or, if the property does not have a street address, to the return address shown on the deed; and
 - (4) to a neighborhood organization, by mailing notice to the agent or officer of the organization at the mailing address specified in the City registration information.
- (C) Notice by certified mail, return receipt requested, is only required if prescribed in this title.
- (D) Notice by hand delivery may be substituted for notice by mail if the addressee provides a receipt of delivery.
- (E) When mailed notice to a notice owner is required:
 - (1) except as provided in Subsection (E)(2), the responsible director shall prepare the list of notice owners; or
 - (2) if the county tax appraisal district maintains ownership records on an automated data base that is not accessible by the City, the applicant shall provide a complete list of notice owners from information obtained from the tax appraisal district and shall certify its accuracy on a form provided by the responsible director.
- (F) The responsible director shall notify a neighborhood organization of:
 - (1) an application concerning property located completely or partially within the boundaries of the neighborhood organization; and
 - (2) a proposed amendment to the text of this title or the Comprehensive Plan.

Source: Section 13-1-202(a) and (b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25.1-135 - POSTING OF SIGNS.

- (A) The responsible director shall post a sign required by this title.
- (B) A sign must:
 - (1) specify the type of action pending, the file number, and the name and telephone number of the person to contact for additional information;
 - (2) be visible from the street; and
 - (3) be spaced not more than 200 feet apart from another sign for the same application.
- (C) If the street frontage of the subject property is less than 200 feet in length, only one sign is required. Not more than three signs are required regardless of the length of the street frontage.
- (D) A person may not remove a sign before the earliest date on which action may be taken on the application.
- (E) If requested by an applicant, the responsible director may allow the applicant to post a sign. The applicant shall:
 - (1) place a sign on property in accordance with this section;
 - (2) provide verification of the placement of the sign in the manner prescribed by the responsible director; and
 - (3) respond to a complaint not later than 24 hours after receiving the complaint.

Source: 13-1-202(d); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

Division 2. - Public Hearing Procedures.

§ 25.1-151 - CONDUCT OF PUBLIC HEARINGS.

- (A) A person shall register to speak at a public hearing with the presiding officer of the body conducting the hearing in the manner provided by the presiding officer.
- (B)

A person who registers before the hearing may speak at the time provided in Subsection (E). A person who registers after the beginning of a hearing may speak before the close of the hearing with the permission of the presiding officer.

- (C) The speaker registration shall identify the name and mailing address of the speaker and the matter to be addressed.
- (D) A speaker shall state the speaker's name at the beginning of the speaker's presentation when addressing the body conducting the hearing.
- (E) Except as provided in Article 7 (*Appeals, Variances, Special Exceptions, and Adjustments*), a public hearing shall proceed as follows:

- (1) presentation of a report by City staff;
- (2) presentation by the applicant, for a hearing on an application;
- (3) presentation by interested parties supporting the application or proposal;
- (4) presentation by interested parties opposing the application or proposal;
- (5) rebuttal by the applicant, for a hearing on an application.

(F) A member of the body conducting the public hearing may ask questions of a person at any time during the hearing. With the approval of the presiding officer, a person may ask a question of another person.

(G) The body conducting a public hearing may limit a speaker's time to address the body. The presiding officer may request that a speaker eliminate repetitious or irrelevant testimony.

Source: Section 13-1-241; Ord. 990225-70; Ord. 031211-11.

§ 25-1-152 - POSTPONEMENT AND CONTINUATION OF PUBLIC HEARINGS.

- (A) The body conducting a public hearing may:
 - (1) postpone a public hearing by announcing the postponement on the date and at the time and location stated in the notice for the scheduled hearing; and
 - (2) continue a public hearing to a later date by announcing the continuance after the hearing begins.
- (B) If the body conducting a public hearing postpones or continues a hearing to a specific date and time not later than 60 days after the date on which the postponement or continuance is announced, the announcement is adequate notice of the next hearing and additional notice is not required.
- (C) When a body conducting a public hearing postpones or continues a hearing, the next hearing shall be held at the same location as the original hearing unless a change in location is announced at the time of the postponement or continuance.
- (D) If a body does not specify a hearing date and time at the time that a postponement or continuance is announced, notice of the next hearing shall be provided in the manner required for the original hearing.
- (E) The body conducting a public hearing regarding a preliminary plan or plat may not postpone or continue the hearing, unless it can do so without exceeding the time limitations in Section 25-4-32 (Action Within 30 Days) and Section 25-4-39 (Action Within 15 Days after Applicant Response).

Source: Section 13-1-203; Ord. 990225-70; Ord. 031211-11; Ord. No. 20190822-117, Pt. 13, 9-1-19.

§ 25-1-153 - CHANGE OF LOCATION OF PUBLIC HEARINGS.

- (A) The presiding officer of the body conducting a public hearing may change the location of a hearing for good cause.
- (B) The presiding officer shall post a sign notifying the public of the change of location. The sign must:
 - (1) be prominently displayed at the original location of the hearing on the date and at the time of the original hearing;
 - (2) identify the hearing being relocated;
 - (3) state the time, date, and new location of the hearing; and
 - (4) provide an explanation for relocation.
- (C) The hearing shall be postponed a sufficient period of time to provide a reasonable opportunity for interested parties to travel from the original location to the new location of the hearing.

Source: Section 13-1-203; Ord. 990225-70; Ord. 031211-11.

§ 25-1-154 - RECORD OF PUBLIC HEARING.

- (A) The body conducting a public hearing shall record each public hearing on audio tape or video tape.
- (B) The official record of a public hearing includes:
 - (1) the audio tape or video tape recording of the public hearing;
 - (2) written staff reports; and
 - (3) documentary evidence submitted during a public hearing.
- (C) A person may review the official record of a public hearing.
- (D) The custodian of the records of the body conducting the hearing may establish rules regarding the time and location for review of the record.

Source: Section 13-1-242; Ord. 990225-70; Ord. 031211-11.

ARTICLE 7. - APPEALS, VARIANCES, SPECIAL EXCEPTIONS, AND ADJUSTMENTS.

Division 1. - Appeals.

§ 25-1-181 - STANDING TO APPEAL.

(A) A person has standing to appeal a decision if:

- (1) the person is an interested party or has standing to appeal under applicable provisions of state law; and
- (2) a provision of this title or state law identifies the decision as one that may be appealed by that person.

(B) A body holding a public hearing on an appeal shall determine whether a person has standing to appeal the decision.

Source: Section 13-1-250; Ord. 990225-70; Ord. 030828-65; Ord. 031211-11; Ord. No. 20230831-141, Pt. 15, 9-11-23.

§ 25-1-182 - INITIATING AN APPEAL.

An interested party or a person who has standing to appeal under applicable provisions of state law may initiate an appeal by filing a notice of appeal with the responsible director or building official, as applicable, not later than:

- (1) the 14th day after the date of the decision of a board or commission; or
- (2) the 20th day after an administrative decision; or
- (3) for an appeal authorized under state law, the date specified by state law.

Source: Section 13-1-251(a); Ord. 990225-70; Ord. 031211-11; Ord. No. 20230831-141, Pt. 16, 9-11-23.

§ 25-1-183 - INFORMATION REQUIRED IN NOTICE OF APPEAL.

The notice of appeal must be on a form prescribed by the responsible director or building official and must include:

- (1) the name, address, and telephone number of the appellant;
- (2) the name of the applicant, if the appellant is not the applicant;
- (3) the decision being appealed;
- (4) the date of the decision;
- (5) a description of the appellant's status as an interested party; and
- (6) the reasons the appellant believes the decision does not comply with the requirements of this title.

Source: Section 13-1-251(a); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-1-184 - NOTICE TO APPLICANT CONCERNING INTERESTED PARTY.

The responsible director shall notify an applicant in writing if there is an interested party to an administrative decision.

Source: Section 13-1-251(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-1-185 - NOTICE TO PRESIDING OFFICER AND APPLICANT.

On receipt of a notice of appeal or an amendment of a notice, the responsible director or building official shall promptly notify the presiding officer of the body to which the appeal is made and, if the applicant is not the appellant, the applicant.

Source: Section 3-1-253(a); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-1-186 - MEETING TO RESOLVE ISSUES.

If requested by an interested party, the responsible director shall schedule a meeting to discuss and attempt to resolve the issues raised by an appeal of an administrative decision. The responsible director shall notify all interested parties of a meeting scheduled under this section. All interested parties may attend the meeting.

Source: Section 13-1-251(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-1-187 - DEVELOPMENT NOT PERMITTED DURING APPEAL.

(A) Development under a site plan may not occur during the time period during which an appeal of the site plan may be initiated.

- (B) An approved plan or permit is suspended on the timely filing of an appeal of the plan or permit.
- (C) Development affected by an appeal may not occur pending the final disposition of the appeal.

Source: Section 13-1-252; Ord. 990225-70; Ord. 031211-11.

§ 25-1-188 - SCHEDULING OF PUBLIC HEARING.

A public hearing on an appeal shall be scheduled for the first available meeting for which notice of the hearing can be timely provided.

Source: Section 13-1-253(b); Ord. 990225-70; Ord. 031211-11.

§ 25-1-189 - NOTICE OF PUBLIC HEARING.

- (A) The responsible director shall give notice under Section 25-1-132(B) (Notice of Public Hearing) of a public hearing on an appeal to the council.
- (B) Except as provided in Subsection (C), the responsible director shall give notice under Section 25-1-132(A) (Notice of Public Hearing) of a public hearing on an appeal to a board or commission.
- (C) The responsible director shall give notice under Chapter 25-12 (Technical Codes) and applicable state law of a public hearing on an appeal to a board or commission created by Chapter 25-12 (Technical Codes) or having jurisdiction over regulations contained in Chapter 25-12 (Technical Codes).

Source: Section 13-1-253(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-1-190 - APPELLATE BURDEN.

The appellant must establish that the decision being appealed is contrary to applicable law or regulations.

Source: Section 13-1-254; Ord. 990225-70; Ord. 031211-11.

§ 25-1-191 - CONDUCT OF PUBLIC HEARING.

- (A) Before opening a hearing, a body hearing an appeal shall decide preliminary issues raised by the parties, including whether to postpone or continue the hearing and whether the appellant has standing to appeal.
- (B) A public hearing on an appeal shall proceed in the following order:
 - (1) a report from City staff;
 - (2) a presentation by the appellant;
 - (3) comment by persons supporting the appeal;
 - (4) comment by persons opposing the appeal; and
 - (5) a rebuttal by the appellant.

Source: Section 13-1-255; Ord. 990225-70; Ord. 031211-11.

§ 25-1-192 - POWER TO ACT ON APPEAL.

A body hearing an appeal may, in accordance with the requirements of this title, exercise the power of the official or body whose decision is appealed. A decision may be upheld, modified, or reversed.

Source: Section 13-1-256; Ord. 990225-70; Ord. 031211-11.

Division 2. - Administrative Decisions.

§ 25-1-197 - USE DETERMINATIONS.

- (A) This section applies to a formal determination by the director under Section 25-2-2 (Determination of Use Classification) regarding the appropriate classification of a land use that is not specifically classified under Chapter 25-2, Subchapter A (Zoning Uses).
- (B) Except as otherwise provided by this section, a use determination may be requested at any time by filing an application on a form provided by the director and by paying a fee established by separate ordinance.
- (C) In addition to any additional information required by the director, an application for a use determination must:
 - (1) state whether the determination is requested in connection with a specific project, and if so, reference the application number;
 - (2) if the determination is not related to a specific development application, state whether it is requested for a particular address;
 - (3) describe the land use(s) for which a determination is sought; and
 - (4) include any information that the applicant requests the director to consider in making the use determination, including but not limited to an explanation of the similarities, if any, of the use to other classified uses.

- (D) A use determination for a project that is subject to a pending development application is a "project use determination" and is subject to the requirements of this subsection.
- (1) The director shall determine whether a site plan application requires a use determination under Section 25-2-2 (Determination of Use Classification) within the applicable review period required by Section 25-5-114 (Time Periods for Determination; Notice) or Section 25-5-143 (Director's Report).
 - (2) If the director determines that a use determination is required, the applicant must submit a request for a project use determination under Subsection (B) before the application expires.
 - (3) Within 14 days after receiving a request for a project use determination, the director shall issue a determination under Subsection (F) of this section and provide notice of the determination under Section 25-1-133(B) (Notice of Applications and Administrative Decisions).
 - (4) Any person entitled to notice of a use determination under Section 25-1-133(B) (Notice of Applications and Administrative Decisions) may appeal the decision to the Board of Adjustment no later than 14 days after notice is provided.
- (E) A request for a use determination that is not associated with a pending development application is a "non-project use determination" and is subject to the requirements of this subsection.
- (1) A non-project use determination may be requested by anyone, at any time, for a use that requires a determination under Section 25-2-2 (Use Determination).
 - (2) In addition to the requirements in Subsection (C) of this section, an application for a non-project use determination must include:
 - (a) any information requested by the director regarding the nature of the use for which a determination is requested, including the size, scale, or intensity of the use; and
 - (b) a specific address, if the applicant intends to rely on the determination in connection with a development application.
 - (3) Within 14 days after receiving a request for a non-project use determination, the director shall provide notice of the determination:
 - (a) to the applicant and to registered environmental and neighborhood organizations, if the determination is not associated with a specific address; or
 - (b) to all parties entitled to notice under Section 25-1-133(A) (Notice of Applications and Administrative Decisions), if the determination is associated with a particular address.
 - (4) Any person entitled to notice of a non-project use determination under this subsection may appeal the determination to the Board of Adjustment within 14 days.
- (F) The director may not make a decision on an application that is dependent upon a use determination:
- (1) until after the period for appealing the use determination to the Board of Adjustment has run;
 - (2) if the use determination is appealed to the Board of Adjustment, until after the board has decided the appeal; or
 - (3) if a decision of the Board of Adjustment is appealed to district court, until after the district court has decided the appeal.
- (G) Unless a use determination is reversed or modified by the Board of Adjustment, the director shall follow the determination in reviewing subsequent requests for a determination on the same or substantially similar land uses.
- (H) A use determination is not subject to further notification or appeal under this section if it has been considered by the Board of Adjustment in response to an appeal or notice of the determination was previously provided under this section and no appeal was filed.
- (I) A use determination issued by the director under this section must:
- (1) include all information required under Section 25-1-133(C) (Notice of Applications and Administrative Decisions);
 - (2) state the director's determination regarding how the use is classified under existing use regulations;
 - (3) explain the factors considered by the director in making the determination under Section 25-2-2 (Determination of Use Classification), including the similarity of a use to other classified land uses; and
 - (4) describe any special characteristics of the use determination, including limitations on the size, scale, location or intensity, of the use.
- (J) A use determination issued under this section may not be used to render decisions interpreting site development regulations.

Source: Ord. 20120426-122.

Division 3. - Variances and Special Exceptions.

§ 25-1-211 - APPLICATION FOR A VARIANCE OR SPECIAL EXCEPTION.

- (A) A person may file an application for a variance or a special exception with:
- (1) the building official for a variance or special exception granted by the Board of Adjustment; or
 - (2) the responsible director for a variance granted by the Land Use Commission or the council.
- (B) An application may include a request for:
- (1) variances or special exceptions from regulations applicable to the same site; or
 - (2) similar variances or special exceptions on two or more adjacent parcels with similar characteristics.

- (C) The building official or responsible director may require that the applicant provide information that the building official or responsible director determines is necessary to evaluate the variance or special exception request.

Source: Section 13-1-280; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 20110526-098.

§ 25-1-212 - REPORT.

- (A) For an application for a variance or special exception requiring consideration by the Board of Adjustment, the building official shall prepare and file a report with the board not later than the 11th day before the public hearing.
- (B) For an application for a variance requiring consideration by the Land Use Commission, the responsible director shall prepare and file a report with the Land Use Commission not later than the 11th day before the public hearing.
- (C) The building official shall make a report described in this section available to the public when the report is filed with the Board of Adjustment or Land Use Commission.
- (D) This subsection applies to an application for a zoning variance or special exception for property zoned as a family residence (SF-3) or more restrictive district.
 - (1) The building official shall waive the application fee if the official determines that the variance or special exception is supported by the notice owners of 80 percent or more of the property located within 300 feet of the property for which the variance is sought.
 - (2) An applicant who seeks a fee waiver must:
 - (a) obtain the signature of each notice owner who supports the variance or special exception, on a form provided by the building official; and
 - (b) submit the completed form to the building official.

Source: Section 13-1-281 and 13-1-282; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 20080110-106; Ord. 20110526-098.

§ 25-1-213 - REVIEW BY THE ENVIRONMENTAL BOARD.

- (A) This section applies to an application for a variance from the requirements of Chapter 25-8, Subchapter A (*Water Quality*).
- (B) The Environmental Board shall consider an application for a variance and forward its recommendation to the Land Use Commission.
- (C) The Land Use Commission shall consider the Environmental Board's recommendation before acting on a variance.

Source: Section 13-1-283(b); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-1-214 - PUBLIC HEARING AND NOTICE.

- (A) This subsection does not apply to a preliminary plan, plat, or subdivision construction plan. For all other development applications:
 - (1) The Board of Adjustment or Land Use Commission, as applicable, shall hold a public hearing on an application for a variance or special exception not later than the 45th day after the date the application is filed.
 - (2) The building official or responsible director, as applicable, shall give notice under Section 25-1-132(A) (*Notice of Public Hearing*) of a public hearing on an application for a variance or special exception, and, for a variance or special exception heard by the Board of Adjustment, by posting one or more signs.
- (B) For an application to replat without vacation of the preceding plat, the director shall give notice under Section 25-1-132(B) (*Notice of Public Hearing*) if:
 - (1) During the preceding five years any of the area to be platted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - (2) Any lot in the preceding plan was limited by deed restriction to residential use for not more than two residential units per lot.

Source: Section 13-1-283(a); Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 20110526-098; Ord. No. 20190822-117, Pt. 14, 9-1-19.

§ 25-1-215 - ACTION ON AN APPLICATION.

- (A) Except as otherwise provided in this chapter, the Board of Adjustment or the Land Use Commission shall act on an application for a variance or special exception not later than the next meeting after the public hearing is closed.
- (B) The Board of Adjustment or the Land Use Commission may:
 - (1) approve an application for a variance;
 - (2) approve an application for a variance with modifications; or
 - (3) deny an application for a variance.
- (C) The Board of Adjustment or the Land Use Commission may require that a variance be:
 - (1) revocable;
 - (2) effective for a specified time period; or
 - (3) subject to one or more conditions.
- (D) The Board of Adjustment may act on a request for a special exception in the manner provided for variances under Subsections (B) and (C) of this section.

Source: Section 13-1-284; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20110526-098.

§ 25-1-216 - EFFECTIVE DATE OF VARIANCE OR SPECIAL EXCEPTION.

- (A) Except as provided in Subsection (B), a decision on a variance or special exception is effective immediately.
- (B) If a variance or special exception is appealable, a decision on the variance is effective:
 - (1) except as provided in Subsection (B)(2), at the expiration of the time period during which an appeal may be filed; or
 - (2) if a notice of appeal is filed, when a final decision on the appeal is made.

Source: Section 13-1-285; Ord. 990225-70; Ord. 031211-11; Ord. 20110526-098.

§ 25-1-217 - EXPIRATION OF VARIANCE OR SPECIAL EXCEPTION.

- (A) Except as provided in Subsection (B), a variance or special exception expires:
 - (1) except as provided in Subsection (A)(2), one year after the effective date of the variance or special exception; or
 - (2) on the date established as a condition of approval.
- (B) A variance or special exception expires on the date an approved plan or permit expires if:
 - (1) an application for approval of a plan or permit is submitted before a variance or special exception expires under Subsection (A); or
 - (2) the variance or special exception is granted in association with the approved plan or permit.

Source: Section 13-1-286; Ord. 990225-70; Ord. 031211-11; Ord. 20110526-098.

§ 25-1-218 - RESTRICTION ON SIMILAR APPLICATIONS.

If an application for a variance or special exception is denied or if a variance or special exception is revoked, a person may not file an application for the same or a similar variance or special exception on the same or substantially the same site for a period of one year from the date of denial or revocation.

Source: Section 13-1-287; Ord. 990225-70; Ord. 031211-11; Ord. 20110526-098.

Division 4. - Adjustments.

Footnotes:

-- (1) --

Editor's note— *Ord. No. 20140612-084, Pt. 4, effective June 23, 2014, repealed Division 4, §§ 25-1-231—25-1-234, which pertained to special exceptions. See References to Ordinances for complete derivation. Subsequently, Division 5 was renumbered as Division 4.*

§ 25-1-251 - APPLICATION FOR ADJUSTMENT.

- (A) An application for an adjustment under Chapter 25-8, Subchapter A (*Water Quality*) may be considered only in connection with the review of:
 - (1) a site plan;
 - (2) a subdivision; or
 - (3) other specific development project or proposal.
- (B) An applicant may file an application for an adjustment with the director.
- (C) An application for an adjustment must be on a form prescribed by the director and must include:
 - (1) the names and addresses of the applicant and the owner;
 - (2) the address and legal description of the property;
 - (3) proof that the applicant is either the record owner or the record owner's agent;
 - (4) identification of the section of Chapter 25-8, Subchapter A (*Water Quality*) that, as applied to the development project or proposal, the applicant claims violates the United States Constitution, the Texas Constitution, or federal or state statute, and the provisions violated;
 - (5) a statement of the factual basis for applicant's claims;
 - (6) a legal brief supporting applicant's claims; and
 - (7) a description of the adjustment requested, and an explanation of how the adjustment is the minimum required to comply with the conflicting law and provides maximum protection of water quality.

Source: Section 13-1-304; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

§ 25-1-252 - CONSIDERATION OF APPLICATION FOR ADJUSTMENT.

This section prescribes the order of process for an application for adjustment.

- (1) The Law Department shall review an application for adjustment and advise the city manager.
- (2) The city manager shall present the application and the city manager's recommendation to the council.
- (3) The council shall determine whether application of the identified section of Chapter 25-8, Subchapter A (*Water Quality*) to the applicant's development project or proposal violates the United States Constitution, the Texas Constitution, or federal or state statute. An affirmative determination requires a three-quarters vote of the city council. If the council does not make an affirmative determination, the application is denied.
- (4) This subsection applies if the council makes an affirmative determination under Subsection (3).
 - (a) The Watershed Protection Department shall review the application and advise the city manager.
 - (b) The city manager shall present the application and the city manager's recommendation to the council at a public hearing.
 - (c) After a public hearing, the city council shall:
 - (i) determine the minimum adjustment required to comply with the conflicting law and provide maximum protection of water quality; and
 - (ii) grant the adjustment.

Source: Section 13-1-305; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046.

ARTICLE 8. - CONSTRUCTION MANAGEMENT.

Division 1. - General.

§ 25-1-281 - APPLICABILITY.

This article applies to development that occurs under an approved subdivision construction plan or site plan in the planning jurisdiction of the City.

Source: Section 13-1-830; Ord. 990225-70; Ord. 031211-11.

§ 25-1-282 - PRECONSTRUCTION CONFERENCE REQUIRED.

- (A) Except as provided in Subsection (C), the owner of a project, or owner representative, shall participate in a preconstruction conference with accountable officials before starting construction under an approved site plan or subdivision construction plan.
- (B) An owner, or owner representative, shall request the accountable official to schedule the preconstruction conference when the owner pays the required inspection fees.
- (C) The director may waive the requirement for a preconstruction conference.

Source: Section 13-1-831(a); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-1-283 - NOTICE OF CONFERENCE AND DISTRIBUTION OF PLANS.

- (A) The accountable official shall provide notice of the conference to the following persons or entities not later than the second day before the conference:
 - (1) owner representative;
 - (2) consulting engineer;
 - (3) contractors;
 - (4) county engineers, as appropriate; and
 - (5) affected utilities and appropriate city departments.
- (B) Before convening a preconstruction conference, the accountable official shall distribute approved plans for the development to the persons and entities receiving notice of the conference.

Source: Section 13-1-831(b); Ord. 990225-70; Ord. 031211-11.

§ 25-1-284 - CONFERENCE PROCEDURE.

- (A) The conference participants shall exchange telephone numbers and addresses at the conference.
- (B) The participants shall discuss:
 - (1) the sequence of construction;
 - (2) start dates and schedule of events;
 - (3) erosion and sedimentation controls;
 - (4) traffic control barricades;
 - (5) site supervision;
 - (6) emergency response;
 - (7) special conditions or provisions of plans or specifications;

- (8) final acceptance guidelines; and
- (9) publishing and distribution of minutes of the conference.

Source: Section 131-831(b); Ord. 990225-70; Ord. 031211-11.

§ 25-1-285 - MINUTES OF CONFERENCE.

Before construction begins, the owner's consulting engineer shall prepare and distribute minutes of the preconstruction conference. Conference participants may file exceptions to the minutes. The engineer shall distribute copies of exceptions to the conference participants and shall include the exceptions in the inspection file.

Source: Section 13-1-831(b); Ord. 990225-70; Ord. 031211-11.

§ 25-1-286 - INSPECTION REQUESTS.

- (A) The central dispatcher for the City shall coordinate contact between a permittee and an inspector.
- (B) A permittee shall contact the central dispatcher to request an inspection.
- (C) The accountable official may:
 - (1) require that a request be made 48 hours before the date the inspection is desired; and
 - (2) specify the manner in which the request is made.
- (D) The central dispatcher shall maintain inspection requests for the city departments.

Source: Section 13-1-833; Ord. 990225-70; Ord. 031211-11.

§ 25-1-287 - INSPECTION RECORD CARD.

- (A) A permittee may not begin work under a permit until an inspection record card is posted on the site.
- (B) The permittee shall post the card in a readily accessible location.
- (C) The inspector shall note each inspection on the record card.
- (D) The permittee shall post the record card until the accountable official finds that the permittee meets all City requirements.

Source: Section 13-1-834; Ord. 990225-70; Ord. 031211-11.

§ 25-1-288 - INSPECTION OF EROSION AND SEDIMENTATION CONTROLS AND TREE PROTECTION MEASURES.

- (A) The owner shall request an inspection of erosion and sedimentation controls and tree protection measures after the owner installs the controls and measures.
- (B) The accountable official shall schedule the inspection. The owner, consulting engineer, and contractor shall attend the inspection.
- (C) During the inspection, the owner shall:
 - (1) demonstrate that the erosion and sedimentation controls and tree protection measures comply with the City's Environmental Criteria Manual; and
 - (2) present a plan to the inspector that includes future erosion and sedimentation controls, drainage, and utility and street layout.
- (D) After two days notice to the owner, the inspector may modify the approved erosion control and construction sequencing if:
 - (1) the inspector determines that the plans are inadequate;
 - (2) the inspector confirms the determination with the accountable official in the Watershed Protection and Development Review Department; and
 - (3) the accountable official provides written approval of the modification.
- (E) The inspector may make minor changes to the erosion control and construction sequencing plans without written approval from an accountable official in the Watershed Protection and Development Review Department if the modification upgrades erosion controls or reflects construction progress.
- (F) Except as provided in Subsection (G), the owner may not begin construction until the accountable official determines that the erosion and sedimentation controls and tree protection measures comply with City requirements.
- (G) If the accountable official does not conduct an inspection on or before the fifth day after receiving a request, the owner may proceed with construction.

Source: Section 13-1-832; Ord. 99-0225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-1-289 - REINSPECTION FEE.

- (A) Except as provided in Subsection (B), the director may charge a reinspection fee if at the time that an inspector attempts to conduct an inspection, the permittee:
 - (1) has not finished the work to be inspected;
 - (2) has not finished corrections previously required by an inspector;
 - (3) has not posted the record inspection card;

- (4) does not make approved plans readily available to the inspector; or
 - (5) does not provide access to the work on the scheduled inspection date.
- (B) Work that was rejected at the first inspection for failure to comply with a technical code may be reinspected without payment of a reinspection fee.
- (C) If a reinspection fee is due, additional inspections may not be performed until the reinspection fee is paid.

Source: Section 13-1-835; Ord. 990225-70; Ord. 031211-11.

Division 2. - Subdivision Construction.

§ 25-1-311 - DISTRIBUTION OF APPROVED PLANS.

The director shall deliver two copies of the released subdivision construction plans and approved plan revisions to the accountable official for inspection.

Source: Section 13-1-860; Ord. 990225-70; Ord. 031211-11.

§ 25-1-312 - SUBSTANTIAL COMPLETION NOTICE.

- (A) Approximately 10 days before work under the subdivision construction plans is finished, the owner shall notify the accountable official in writing that the work is substantially complete and shall request a list of work to be completed.
- (B) On the day that the owner provides notice under Subsection (A), the consulting engineer shall submit a construction summary report to the accountable official.

Source: Section 13-1-861; Ord. 990225-70; Ord. 031211-11.

§ 25-1-313 - FINAL INSPECTION.

- (A) Not later than the fourth day after the owner gives written notice that work under a subdivision construction plan is substantially complete, the accountable official shall:
 - (1) review the work; and
 - (2) prepare a report identifying work that does not comply with the construction plans and work that must be performed before the accountable official issues a final acceptance letter.
- (B) When the owner finishes the work listed in the report issued under Subsection (A), the accountable official shall modify the report to reflect that the required work is finished.

Source: Section 13-1-862; Ord. 990225-70; Ord. 031211-11.

§ 25-1-314 - ACCEPTANCE BY THE CITY.

- (A) The accountable official shall schedule a final acceptance meeting at the site and shall invite the:
 - (1) consulting engineer;
 - (2) contractors, as appropriate;
 - (3) county engineer, as appropriate;
 - (4) staff of affected utilities and City departments;
- (B) The accountable official may not issue a final acceptance letter until:
 - (1) work identified in the accountable official's report has been completed;
 - (2) the following items have been submitted:
 - (a) construction summary report;
 - (b) consulting engineer's concurrence letter;
 - (c) reproducible plans, certified "as built" by the consulting engineer;
 - (d) required one-year warranty bonds;
 - (e) cash or cashier's check for balances due, if any; and
 - (3) if the owner executed a developer contract, the conditions of the contract have been satisfied.
- (C) The accountable official shall issue an acceptance letter to an owner who meets the requirements of Subsection (B). If the owner has not satisfied all requirements, the accountable official shall issue a list of requirements that the owner must satisfy.

Source: Section 13-1-863; Ord. 990225-70; Ord. 031211-11.

Division 3. - Site Construction.

§ 25-1-331 - DISTRIBUTION OF APPROVED PLANS.

- (A) The director shall forward to the accountable official two copies of the approved site plan, approved building permit construction plan, approved revision, and applicable specifications for a development.
- (B) The building official shall provide a copy of the approved plans required by Subsection (A) to the owner. The owner shall retain the plans at the site during construction and inspections.

Source: Section 13-1-900; Ord. 990225-70; Ord. 031211-11.

§ 25-1-332 - GRADING, DRAINAGE, AND WATER QUALITY FACILITIES.

- (A) During construction, the accountable official shall inspect land grading, drainage, and detention and water quality control facilities to determine whether the facilities comply with the released site plan.
- (B) After construction of the land grading, drainage, and detention and water quality control facilities on a site is finished, the design engineer must submit a letter to the accountable official stating that the project substantially complies with the approved construction plans.
- (C) The accountable official shall perform the final inspection of the facilities after the design engineer submits the letter described in Subsection (B).
- (D) Except as provided in Subsection (E), the accountable official may issue a certificate of occupancy or compliance only if the land grading, drainage, and detention and water quality facilities have been completed in accordance with the requirements of the Code, site plan, and building permit construction plan.
- (E) Except in the Barton Springs Zone, the accountable official may issue a certificate of compliance or certificate of occupancy before the construction is finished if:
 - (1) the accountable official determines that the unfinished construction is minor and the facility, as constructed, can perform the task for which it was designed; and
 - (2) the owner executes an agreement on a form prescribed by the accountable official providing for the finishing of the construction and the posting of fiscal security in the amount and for the length of time determined by the accountable official.

Source: Section 13-1-901; Ord. 990225-70; Ord. 031211-11.

§ 25-1-333 - CONNECTION OF CITY UTILITIES.

- (A) Except as provided in Subsection (B), City utilities may be provided to a property if:
 - (1) for a property located in the extraterritorial jurisdiction of the City, the accountable official issues a certificate of compliance for the development and signs a final acceptance letter for the subdivision infrastructure; or
 - (2) for a property located in the City's zoning jurisdiction, the building official issues a certificate of occupancy for the building.
- (B) If required erosion and sedimentation controls are finished, the accountable official may authorize a temporary electrical connection:
 - (1) to test building service equipment before a certificate of occupancy or certificate of compliance has been issued; or
 - (2) to provide electrical service to a building for which a temporary certificate of occupancy has been issued.

Source: Section 13-1-905; Ord. 990225-70; Ord. 031211-11.

ARTICLE 9. - CERTIFICATES OF COMPLIANCE AND OCCUPANCY.

§ 25-1-361 - CERTIFICATE REQUIRED.

- (A) In the zoning jurisdiction and in a municipal utility district that has a consent agreement with the City requiring the issuance of a building permit, a person may not use, occupy, or change the existing use or occupancy of a structure unless the building official has issued a certificate of occupancy for the structure.
- (B) In the planning jurisdiction:
 - (1) for development that does not require a site plan, a person may not use or occupy a structure unless the accountable official has issued a certificate of compliance for the subdivision infrastructure; and
 - (2) for development that requires a site plan, a person may not use or occupy the development included in the site plan unless the accountable official has issued certificates of compliance for the site plan and the subdivision infrastructure.

Source: Sections 13-1-903, 13-1-904, and 13-1-906; Ord. 990225-70; Ord. 031211-11.

§ 25-1-362 - ISSUANCE OF CERTIFICATE OF COMPLIANCE.

The accountable official shall issue a certificate of compliance if the development has been completed in accordance with the released site plan, construction plans, and other ordinance requirements, as applicable, and for subdivision infrastructure:

- (1) in the extraterritorial jurisdiction, the accountable official has signed a final acceptance letter; or
- (2) in the zoning jurisdiction:
 - (a) the accountable official has signed a final acceptance letter; or
 - (b) the accountable official and the developer have executed a developer agreement.

Source: Section 13-1-903; Ord. 990225-70; Ord. 031211-11.

§ 25-1-363 - ISSUANCE OF CERTIFICATE OF OCCUPANCY.

Except as provided in [Section 25-1-364 \(Temporary Certificate Of Occupancy\)](#) and [Section 25-1-365 \(Exemption From Compliance\)](#) of this article, the building official shall issue a certificate of occupancy if:

- (1) the development has passed required inspections;
- (2) the owner satisfies fiscal security requirements;
- (3) the development has been completed in accordance with the released site plan, construction plans, and other ordinance requirements, as applicable; and
- (4) the accountable official has signed a final acceptance letter for subdivision infrastructure or the accountable official and the developer have executed a developer agreement, if applicable.

Source: Section 13-1-904(a); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-1-364 - TEMPORARY CERTIFICATE OF OCCUPANCY.

- (A) A person may file an application with the building official for:
 - (1) a temporary certificate of occupancy before the building or structure is finished or
 - (2) a temporary certificate of retail occupancy in connection with a temporary retail use permit approved under [Section 25-2-921\(F\) \(Temporary Uses Described\)](#).
- (B) The building official may issue a temporary certificate of occupancy if the building official determines that the proposed use or occupancy is not a hazard to life, health, or the public safety.

Source: Section 13-1-904(b); Ord. 990225-70; Ord. 031211-11; Ord. 20111110-075.

§ 25-1-365 - EXEMPTION FROM COMPLIANCE.

- (A) This section applies to an existing use or occupancy for which a certificate of occupancy was not issued if:
 - (1) the structure in which the use or occupancy occurs existed before March 1, 1986;
 - (2) the use or occupancy was established before March 1, 1986;
 - (3) the use or occupancy was not subject to an enforcement action on January 1, 1988;
 - (4) the use is a permitted use or is a nonconforming use; and
 - (5) the use is not an adult-oriented business use.
- (B) The building official shall issue a certificate of occupancy for a use or occupancy described in Subsection (A) if the building official determines that continuing the existing use or occupancy is not a hazard to life, health, or the public safety.
- (C) The building official shall issue a certificate of occupancy under Subsection (B) notwithstanding the noncompliance of an existing use or occupancy or of a building in which the use or occupancy occurs with applicable technical code requirements or site development regulations.

Source: Section 13-1-732(f); Ord. 990225-70; Ord. 031211-11.

§ 25-1-366 - FEE WAIVER PROGRAM FOR EXISTING RESIDENTIAL STRUCTURES.

- (A) Subject to the requirements of Subsection (B) of this section, the director shall:
 - (1) waive the fee for a variance application to the Board of Adjustment under [Section 25-2-473 \(Variance Requirements\)](#) or a special exception under [25-2-476 \(Special Exceptions\)](#); and
 - (2) refund permitting and inspection fees if:
 - (a) the building official determines, based on a minimum life-safety inspection, that the structure does not pose a hazard to life, health, or public safety; and
 - (b) the structure:

- (i) complies with current zoning regulations; or
 - (ii) the structure receives a special exception or variance from the Board of Adjustment or certificate of occupancy or compliance from the building official under Section 25-1-365 (Exemption from Compliance).
- (B) A fee waiver or refund authorized under Subsection (A) of this section:
- (1) applies only to existing residential structures and does not cover permits for remodels, except to the extent required by the building official to address minimum life and safety requirements;
 - (2) applies only if the residential use for which a special exception is sought is allowed in an SF-3 or more restrictive zoning district;
 - (3) does not cover fees for re-inspections or for after-hours inspections; and
 - (4) expires on June 6, 2017.

(C) The director shall refund fees collected after June 6, 2011 if the requirements for waiver under this section are met.

Source: Ord. 20110526-098; Ord. 20110804-008; Ord. 20130822-126; Ord. No. 20160519-057, Pt. 1, 5-30-16.

ARTICLE 10. - ENFORCEMENT.

Division 1. - Compliance Required; Inspection.

§ 25-1-391 - COMPLIANCE WITH TITLE REQUIRED.

A person shall comply with the requirements of this title.

Source: Section 13-1-60; Ord. 990225-70; Ord. 031211-11.

§ 25-1-392 - INSPECTION.

- (A) A permit holder must, as a condition of the permit, to allow City inspectors to enter and inspect the land or premises that is the subject of the permit.
- (B) An applicant for an approval under this title shall agree in writing to allow City inspectors to enter and inspect the land or premises that is the subject of the application during approval and development.
- (C) Entry and inspection under this section must be at a reasonable time for the purpose of investigating or enforcing the requirements of this title.
- (D) If the premises are occupied, the City inspector shall present the inspector's credentials and request entry. If the premises are unoccupied, the inspector shall attempt to contact a responsible person and request entry.

Source: Section 13-1-74; Ord. 990225-70; Ord. 031211-11.

§ 25-1-393 - COPY OF RELEASED SITE PLAN AT DEVELOPMENT SITE.

- (A) A contractor shall keep a copy of the released site plan at the development site and allow a City inspector to examine it on request.
- (B) A contractor's failure to produce the copy of the released site plan on request by a City inspector is prima facie evidence that a released site plan does not exist.

Source: Section 13-1-72(c); Ord. 990225-70; Ord. 031211-11.

§ 25-1-394 - COPY OF RIGHT-OF-WAY USE PERMIT TO BE KEPT ON-SITE.

- (A) A permit holder shall keep a copy of the right of way use permit in an accessible place on the construction site or business premises during the period for which the permit is valid.
- (B) A permit must state the name of the site manager, supervisor, project superintendent, or prime contractor to be contacted by the inspector or police officer if problems exist.
- (C) A permit holder's failure to produce a copy of the permit on request from a police officer, an authorized representative of the City, or a City building inspector, is prima facie evidence that a permit does not exist.

Source: Section 13-1-71(b); Ord. 990225-70; Ord. 031211-11; Ord. 20060504-039.

Division 2. - Suspension and Revocation.

§ 25-1-411 - SUSPENSION OF A PERMIT OR LICENSE.

- (A) The accountable official may suspend a permit or license if the official determines that:
 - (1) the permit or license was issued in error; or

(2) the permit or license holder has not complied with the requirements of this title.

(B) A suspension is effective until the official determines that the permit holder has complied with the requirements of this title.

Source: Section 13-1-63 (a); Ord. 990225-70; Ord. 031211-11.

§ 25-1-412 - SUSPENSION OF A RELEASED SITE PLAN OR APPROVED SUBDIVISION CONSTRUCTION PLAN.

(A) The director may suspend a released site plan or an approved subdivision construction plan if the director determines that:

- (1) the site plan was released in error;
- (2) the subdivision construction plan was approved in error; or
- (3) the development does not comply with this title.

(B) A suspension is effective until the director determines that the applicant has complied with the requirements of this title.

Source: Section 13-1-64 (a); Ord. 990225-70; Ord. 031211-11.

§ 25-1-413 - SUSPENSION OF A CERTIFICATE OF OCCUPANCY.

(A) The building official may suspend a certificate of occupancy if the building official determines that:

- (1) the certificate of occupancy was issued in error; or
- (2) the structure does not comply with the requirements of the City Code.

(B) A suspension is effective until the building official determines that the person using the building has complied with the requirements of the City Code.

Source: Section 13-1-65 (a); Ord. 990225-70; Ord. 031211-11.

§ 25-1-414 - SUSPENSION AND REVOCATION OF A RIGHT-OF-WAY USE PERMIT.

(A) In this section, "permit issuer" means the department director who issued a right-of-way use permit under Chapter 14-11 (*Use of Right-of-Way*).

(B) The permit issuer may suspend a right-of-way use permit if the permit issuer determines that the permit holder has not complied with the requirements of the permit.

(C) The permit issuer may request review by the Compliance Review Committee of a proposed revocation or suspension. The Committee's findings are not binding on the permit issuer.

(D) The permit issuer may require that a person found in violation of a permit requirement pay an investigation fee before the director reinstates a suspended or revoked right-of-way use permit. The fee is one-third of the cost of the permit.

(E) A suspension is effective until the permit issuer determines that the person has complied with the requirements of the permit.

Source: Sections 13-1-66(a) and (d); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-1-415 - SUSPENSION AND REVOCATION OF A VARIANCE OR SPECIAL EXCEPTION.

(A) If the accountable official determines that a person is not in compliance with a requirement of a variance or special exception, the accountable official may suspend the variance or special exception pending compliance.

(B) The body granting the variance or special exception shall hold a public hearing and determine whether the person is in compliance with the requirements of the variance or special exception.

(C) The body shall hold the public hearing not later than the 45th day after notification of the suspension under Section 25-1-418 (Notice Of Suspension Or Revocation). The director shall give notice under Section 25-1-132(A) (Notice Of Public Hearing) of the public hearing.

(D) If the body determines that the person is not in compliance with a requirement of the variance or special exception, the body may revoke the variance or special exception or take other action to obtain compliance.

(E) The body's decision to revoke a variance or special exception is effective immediately.

Source: Sections 13-1-62 (a), (c), and (d); Ord. 990225-70; Ord. 031211-11.

§ 25-1-416 - REVOCATION AFTER SUSPENSION.

The accountable official may immediately revoke a person's permit, license, released site plan, approved subdivision construction plan, certificate of occupancy, or right-of-way use permit that has been suspended if the accountable official determines that the person:

- (1) did not comply in a reasonable time with the requirements of this title for which the suspension was ordered; or
- (2) during the suspension, did not comply with other requirements of this title.

Source: Sections 13-1-63(a), 13-1-64(a) and (c), 13-1-65(a) and (c), 13-1-66(a) and (c); Ord. 990225-70; Ord. 031211-11.

§ 25-1-417 - NOTICE OF INTENT TO SUSPEND OR REVOKE.

- (A) An accountable official may give notice to the person affected of the official's intent to suspend or revoke a permit, license, released site plan, approved subdivision construction plan, certificate of occupancy, or right of way use permit under this division.
- (B) The notice may specify a reasonable time for compliance with this title. If a time for compliance is specified, the accountable official may not suspend or revoke before the time for compliance has expired.

Source: Section 13-1-61; Ord. 990225-70; Ord. 031211-11.

§ 25-1-418 - NOTICE OF SUSPENSION OR REVOCATION.

The accountable official shall give notice by certified mail, return receipt requested, under Section 25-1-132(B) (Notice Of Public Hearing) of a suspension or revocation by the official under this division.

Source: Sections 13-1-62(b) and (d), 13-1-63(b), 13-1-64(b), 13-1-65(b), and 13-1-66(b); Ord. 990225-70; Ord. 031211-11.

Division 3. - Orders.

§ 25-1-441 - STOP WORK ORDER.

- (A) If the director determines that a person required to obtain a site plan, subdivision construction plan, or permit has not complied with a requirement of this title, the director may order the person to stop the development of or transportation of construction material to the site until the person complies with the requirements of this title.
- (B) While a stop work order is in effect:
 - (1) a City inspection may not be performed, and work requiring an inspection may not be approved; and
 - (2) a person may not connect a utility at the site.
- (C) If a stop work order is based on a failed inspection, a person may not further develop the site until the development passes a reinspection.
- (D) If a stop work order is based on a health or safety hazard, a person may not further develop the site until the director determines that the development complies with the requirements of this title.
- (E) If a stop work order is based on a violation of the requirements of this title for a right of way use permit, the order:
 - (1) must state that no work may be performed at the site if traffic is obstructed, unless the person obtains a right-of-way use permit;
 - (2) must state that noncompliance may result in the immediate removal of an obstruction from the right-of-way and the arrest of an equipment operator; and
 - (3) shall require the immediate removal of an obstruction or traffic control device in the public right-of-way.
- (F) A City employee shall post a stop work order on the site and mail a copy of the order to the record owner.

Source: Sections 13-1-67(a), (b), (c), (e), (f), and (g); Ord. 990225-70; Ord. 031211-11.

§ 25-1-442 - REMOVE OR RESTORE ORDER.

- (A) If the building official determines that building service equipment regulated by the technical codes is hazardous to life, health, or property, the building official may order that the equipment be removed or restored to a safe condition.
- (B) A remove or restore order must be in writing, posted on the site, and state a deadline by which compliance must be achieved.
- (C) The building official shall mail a copy of the remove or restore order to the record owner.
- (D) A person may not use or maintain building service equipment after a remove or restore order is posted.

Source: Section 13-1-68; Ord. 990225-70; Ord. 031211-11.

§ 25-1-443 - ORDER TO CLEAR PUBLIC RIGHT-OF-WAY.

Unless a person complies with the requirements of Chapter 14-11 (Use Of Right-Of-Way) for a right of way use permit, a police officer may order the person to immediately stop obstructing traffic and remove the obstruction from the public right-of-way. The police officer may:

- (1) impound a vehicle, machinery, or equipment;
- (2) order the driver to proceed to the Police Department;
- (3) remove a barricade or traffic diverting device;
- (4) issue a citation to a person who authorized or caused the violation; and
- (5) arrest a person who does not comply with the order.

Source: Section 13-1-66 (e); Ord. 990225-70; Ord. 031211-11.

Division 4. - Appeal; Criminal Enforcement.

§ 25-1-461 - APPEAL.

- (A) A person may appeal a stop work order, remove or restore order, revocation, or suspension issued under this division by giving written notice to the accountable official not later than the third day after:
 - (1) the stop work order or remove or restore order is posted; or
 - (2) the person receives notice of the revocation or suspension.
- (B) The notice of appeal must contain:
 - (1) the name and address of the appellant;
 - (2) a statement of facts;
 - (3) the decision being appealed; and
 - (4) the reasons the decision should be set aside.
- (C) The accountable official shall hear the appeal not later than the third working day after the appeal is filed. The appellant, the appellant's expert, and the department may offer testimony to the accountable official.
- (D) The accountable official shall affirm or reverse the department's decision not later than the second working day after the hearing. The official shall give written notice of the decision and a statement of the reasons for the decision to the appellant.
- (E) The appellant may appeal the accountable official's decision to the Land Use Commission or appropriate technical board by giving written notice to the accountable official and the presiding officer of the Land Use Commission or appropriate technical board not later than the third working day after receiving notice of the decision. The notice of appeal must contain the information described in Subsection (B).
- (F) The Land Use Commission or appropriate technical board shall hear the appeal at the next regularly scheduled meeting following receipt of the notice of appeal. An appeal is automatically granted if the Land Use Commission or appropriate technical board does not hear the appeal before the 21st day following receipt of the notice of appeal.
- (G) A stop work order, remove or restore order, suspension, or revocation remains in effect during the pendency of an appeal under this section.

Source: Section 13-1-69; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-1-462 - CRIMINAL ENFORCEMENT.

- (A) A person who violates a provision of this title commits a separate offense for each day the violation continues.
- (B) A person who violates this title commits a misdemeanor punishable by a fine not to exceed \$2000.
- (C) A culpable mental state is not required, and need not be proved, for fines of \$500 or less.
- (D) A person who violates Chapter 25-12 (Technical Codes) commits a misdemeanor punishable by a fine not to exceed \$2000 and not less than:
 - (1) \$150 for a first conviction;
 - (2) \$250 for a second conviction; and
 - (3) \$500 for a third or subsequent conviction.

Source: Sections 13-1-60, 13-1-70, 13-1-71, and 13-1-72; Ord. 990225-70; Ord. 031211-11; Ord. No. 20140515-058, Pt. 1, 5-26-14.

ARTICLE 11. - AMENDMENT PROCEDURE.

§ 25-1-501 - INITIATION OF AMENDMENT.

- (A) Other than the city council, only the Planning Commission may initiate an amendment to the regulations in this title.
- (B) An amendment to the zoning map may be initiated in accordance with the procedures in Chapter 25-2 (Zoning).

Source: Sections 13-1-980 and 13-1-990; Ord. 990225-70; Ord. 031211-11.

§ 25-1-502 - AMENDMENT; REVIEW.

- (A) This section prescribes the procedure for amending the regulations in this title. The procedure for amending the zoning map is prescribed by Chapter 25-2 (Zoning).
- (B) The council may amend this title after a public hearing. The council must receive a recommendation required by Subsection (C), (D), or (E) before opening a public hearing or acting on an amendment.
- (C) Except as provided in Subsection (D), Planning Commission review of a proposed amendment of this title is required. The Planning Commission must hold a public hearing on the proposed amendment before forwarding its recommendation to the council.

- (D) For a proposed amendment to or repeal of a technical code in Chapter 25-12 (Technical Codes), review by the appropriate technical board, if any, is required.
- (E) For a proposed amendment that only affects historic zoning, Historic Landmark Commission review is required. Historic Landmark Commission review must occur before the Planning Commission's review of the proposed amendment. The Historic Landmark Commission shall forward its recommendation to the Planning Commission and the council.
- (F) Notice of a public hearing required by this section shall be provided in accordance with Section 25-1-132(C) (Notice Of Public Hearing).

Source: Section 13-1-981; Ord. 990225-70; Ord. 031211-11.

ARTICLE 12. - VESTED RIGHTS.

Division 1. - Petition Submittal and Review Procedures.

§ 25-1-531 - DEFINITIONS.

- (1) In this article, "permit," "project," and "regulatory agency" have the meanings assigned to them by Chapter 245 of the Local Government Code.
- (2) TYPE 1 (CHAPTER 245) PETITION means a vested rights petition that alleges rights under Chapter 245 of the Local Government Code to develop property under ordinances, regulations, or rules other than those in effect on the date the permit application is submitted.
- (3) TYPE 2 (CONTINUING USE) PETITION means a vested rights petition that alleges rights under Section 43.002 of the Local Government Code to continue or begin a land use that was begun or planned prior to annexation of the land by the City of Austin.
- (4) VESTING DATE means the date on which a project accrued development rights under Chapter 245 or use rights under Section 43.002 of the Local Government Code.
- (5) VESTED RIGHTS means a right conferred by state law to develop property under ordinances, regulations, or rules other than those in effect on the date a permit application is submitted. The term includes development rights under Chapter 245 and use rights under Section 43.002 of the Local Government Code, but does not include a right existing under common law.
- (6) VESTED RIGHTS PETITION or PETITION means a petition requesting a determination of development rights under Chapter 245 or use rights under Section 43.002 of the Local Government Code.

Source: Ord. 20140612-084, Pt. 2, 6-23-14.

§ 25-1-532 - PURPOSE AND APPLICABILITY.

- (A) This article establishes requirements for determining whether a project is entitled to vested rights under Chapter 245 or Section 43.002 of the Local Government Code. To the extent a project is entitled to vested rights, as determined under this article, a permit necessary to initiate, continue, or complete the project may be exempt from current regulations.
- (B) The purpose of this article is to:
 - (1) Establish a clear and consistent process for evaluating vested rights claims;
 - (2) Ensure that vested rights determinations are based on accurate and complete information, including the nature and scope of the original project for which vested rights are asserted and actual development, if any, that has occurred over time; and
 - (3) Recognize legitimate claims of vested rights under state law, while ensuring that new development complies to the greatest extent possible with current regulations.
- (C) The requirements of this article apply within the planning jurisdiction.

Source: Ord. 20140612-084, Pt. 2, 6-23-14.

§ 25-1-533. - VESTED RIGHTS PETITION REQUIRED.

A petition for vested rights that meets the requirements of Section 25-1-534 (Contents of Vested Rights Petition) must be submitted by a landowner or a landowner's agent in order to request that an application for a permit be reviewed under ordinances, regulations, or rules other than those in effect on the date the application is filed.

Source: Ord. 20140612-084, Pt. 2, 6-23-14.

§ 25-1-534 - CONTENTS OF VESTED RIGHTS PETITION.

- (A) Except as provided in Subsection (B) of this section, a petition for vested rights required by Section 25-1-533 (Vested Rights Petition Required) must be submitted on a form approved by the director and must include, at a minimum, the following information:
 - (1) reference to one of the following applications, which must be submitted concurrent with the vested rights petition:
 - (a) a permit application for development of the property; or

- (b) a development plan, on a form provided by the director, that establishes the nature of the permit sought, including the scope and intensity of proposed development and the type of land use, but need not include construction-level detail;
- (2) a summary of the basis on which the applicant claims vested rights;
- (3) the date on which the applicant claims that vested rights accrued and any permit or fair notice application that was submitted on that date; and
- (4) a complete chronological history of the project for which vested rights are claimed, including:
 - (a) a list of permits for development of the property, along with supporting documents, that were issued or applied for after the date the applicant claims that vested rights accrued;
 - (b) a description of any permitted or unpermitted development that occurred on the property after the date the applicant claims that vested rights accrued;
 - (c) a description of existing development on the property, regardless of whether the development is permitted or unpermitted;
 - (d) a list of all annexations and zoning changes affecting the property, if any;
 - (e) any covenants, conditions, or restrictions recorded in the deed records for the property; and
 - (f) if deemed relevant by the director, evidence regarding progress towards completion of the project under [Section 25-1-554 \(Dormant Projects\)](#).

(B) The director may allow an applicant to omit information required under this section if, in the sole judgment of the director, an application is associated with a project for which vested rights have been conclusively established by a court order, or by a settlement agreement or project consent agreement approved by the city council.

Source: [Ord. 20140612-084, Pt. 2, 6-23-14](#).

§ 25-1-535 - FAIR NOTICE APPLICATION.

- (A) A fair notice application may be used in lieu of a permit application to establish vested rights for a new project.
- (B) The director shall adopt a Fair Notice (New Project) application, which may be used to establish a vesting date for a new project that is filed for review under current regulations and for which no prior permits have been sought. The application must include a proposed plan for development of the property, including the scope and intensity of development and the nature of the land use, but need not include construction-level detail.
- (C) Acceptance of a fair notice application does not authorize construction or have any effect other than that prescribed by this article.

Source: [Ord. 20140612-084, Pt. 2, 6-23-14](#).

§ 25-1-536 - COMPLETENESS REVIEW FOR VESTED RIGHTS PETITION.

- (A) A vested rights petition and associated permit or Fair Notice (New Project) application are treated as a single application for purposes of completeness review and expiration under [Section 25-1-82 \(Non-Subdivision Application Requirements and Expiration\)](#). This subsection does not apply to a permit for a preliminary plan, plat, or subdivision construction plan.
- (B) A vested rights petition and permit for a preliminary plan, plat, or subdivision construction plan, are not treated as a single application for the purposes of completeness review and expiration under [Section 25-1-83 \(Subdivision Application Requirements and Expiration\)](#).

Source: [Ord. 20140612-084, Pt. 2, 6-23-14](#); Ord. No. [20190822-117](#), Pt. 15, 9-1-19.

Division 2. - Vested Rights Determinations.

§ 25-1-541 - VESTED RIGHTS DETERMINATION.

- (A) Not later than 10 working days after acceptance of a complete vested rights petition, the director shall review the petition under [Section 25-1-542 \(Criteria for Approval\)](#) and render a determination consistent with the requirements of this section.
- (B) In acting on a petition, the director may:
 - (1) approve the petition and require the development applications necessary to initiate, continue, or complete the project to be reviewed in accordance with regulations in effect on the vesting date, except for those regulations exempt from vesting under state law;
 - (2) deny the petition and require the development application associated with the project to be reviewed under current regulations of this title; or
 - (3) approve the petition in part, as authorized by Subsection (C) of this section.
- (C) The director may approve a petition in part if a project is legally entitled to some, but not all, of the rights asserted in the petition, or if a change in the scale or intensity of development is necessary to maintain conformity with the original project. A vested rights determination may not waive or modify applicable regulations or provide relief not required by Chapter 245 or Section 43.002 of the Local Government Code.
- (D) The director shall provide a written determination to the applicant, which must state:
 - (1) Whether the petition is approved or denied, in whole or in part, and the basis for the decision;
 - (2) Findings of fact in support of the decision and information sufficient to identify the permit or fair notice application on which the petition is based; and

- (3) If the petition is approved:
 - (a) a description of the project for which vested rights are recognized; and
 - (b) a vesting date.
- (E) An applicant may request that the director reconsider a vested rights determination at any time before the application expires under Section 25-1-82 (Application Requirements and Expiration). The director's decision on a reconsideration request is final and not subject to further reconsideration.
- (F) A vested rights determination under this section does not affect the availability of a variance or other administrative remedy authorized by this title, but requesting a variance is not required to exhaust administrative remedies for purposes of challenging a determination by the director that a project is not entitled to vested rights.
- (G) The director shall make vested rights petitions submitted under Section 25-1-533 (Vested Rights Petition Required) and vested rights determinations issued under this section available on the City of Austin's website.

Source: Ord. 20140612-084, Pt. 2, 6-23-14.

§ 25-1-542 - CRITERIA FOR APPROVAL.

- (A) The director shall review a Type 1 (Chapter 245) petition for vested rights under the criteria described in this subsection.
 - (1) General Standard. A permit application is entitled to development rights under Chapter 245 of the Local Government Code if the permit is required to initiate, continue, or complete a project for which a prior application was submitted to the City of Austin. An application is not entitled to development rights if it is unrelated to or inconsistent with the original project or if the original project has been completed, changed, or expired.
 - (2) Review Criteria. In determining whether a petition meets the standard for approval under this subsection, the director shall consider the following factors:
 - (a) The nature and extent of proposed development shown on the prior permit or other application that initiated the project for which vested rights are claimed;
 - (b) Whether the permit application submitted in connection with the vested rights petition is related to and consistent with the original project;
 - (c) The nature and extent of prior development of the property, including any permitting or construction activity that occurred subsequent to the vesting date requested by the applicant;
 - (d) Any prior vested rights determinations made for development of the property; and
 - (e) Whether the project has expired in accordance with Division 3 (*Expirations*) of this article or other applicable regulations.
- (B) The director shall review a Type 2 (Continuing Use) petition for vested rights under the criteria described in this subsection.
 - (1) General Standard. A permit application is entitled to use rights under Section 43.002 of the Local Government Code to the extent that current regulations would prohibit:
 - (a) continuing to use the land in the manner in which it was being used on the date the annexation proceedings were instituted, if the land use was legal at that time; or
 - (b) beginning to use land in the manner that was planned before the 90th day before the effective date of the annexation if:
 - (i) one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and
 - (ii) a completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted.
 - (2) Review Criteria. In determining whether a petition meets the standard for approval under this subsection, the director shall consider the nature and extent of development that:
 - (a) occurred on the property prior to initiation of annexation proceedings, including photographs or other evidence substantiating the use; or
 - (b) was proposed in one or more required applications submitted to a governmental entity.
 - (3) Date of Annexation. For purposes of this subsection, annexation proceedings are deemed to have been instituted on the date of the first public hearing before the city council on the annexation ordinance for the property.
- (C) The criteria in this section are intended to assist the director in reviewing Type 1 (Chapter 245) and Type 2 (Continuing Use) petitions for vested rights, but do not limit the director from considering other factors relevant to the determination of rights for a particular project. The director may consider whether a project is entitled to common law vested rights if the project is not subject to Chapter 245 or Section 43.002 of the Local Government Code.

Source: Ord. 20140612-084, Pt. 2, 6-23-14.

§ 25-1-543 - EFFECT OF VESTED RIGHTS DETERMINATION.

If the director approves a vested rights petition, any permit required to initiate, continue, or complete the project shall be entitled to the development or continuing use rights recognized by the vested rights determination, unless the project expires under Division 3 (*Expirations*) of this article or other applicable regulations.

Source: [Ord. 20140612-084, Pt. 2, 6-23-14.](#)

§ 25-1-544 - PROJECT CONSENT AGREEMENTS.

- (A) This section provides a voluntary mechanism for determining applicable regulations where the extent of a project's vested rights are unclear and for incentivizing projects with clearly established vested rights to achieve greater compliance with current regulations.
- (B) An applicant may submit a request for a project consent agreement to the director, in writing, after the director issues a vested rights determination under [Section 25-1-541 \(Vested Rights Determination\)](#) and before the application expires under [Section 25-1-82 \(Application Requirements and Expiration\)](#). The request must identify:
 - (1) current regulations for which compliance would be required, other than regulations exempt from vested rights protections under state law;
 - (2) additional restrictions on the nature and intensity of the proposed development; and
 - (3) any modifications or waivers requested as a condition to the agreement, including but not limited to provisions for the transfer or averaging of impervious cover to include additional property or changes to the original project that increase compatibility with adjacent land uses.
- (C) The director may recommend a project consent agreement for approval to the city council if the director finds that the agreement achieves a greater degree of environmental protection and compatibility with adjacent land uses than would occur if a project developed to the full extent of vested rights that have been verified or are reasonably likely to exist for the project.
- (D) In making a determination under Subsection (C) of this section, the director shall consider:
 - (1) the degree to which vested rights for the project have been established;
 - (2) the importance of particular regulations to achieving adopted planning goals or policies for the area in which the project is located; and
 - (3) a recommendation from the environmental officer regarding the environmental benefits of the proposed agreement, if vested rights from the regulations of [Chapter 25-8 \(Environment\)](#) are asserted for the project.
- (E) The city council may consider approval of a project consent agreement under this section only if the agreement is recommended by the director or initiated by the city council. Before the council acts on a consent agreement, the director shall seek a recommendation from the Environmental Board and the Land Use Commission, and the council shall hold a public hearing. The director shall provide notice of the hearing under [Section 25-1-132\(B\) \(Notice of Public Hearing\)](#).
- (F) In acting on a project consent agreement, the city council may approve, deny, or modify the agreement based on the standard applicable to the director's review under Subsections (C) and (D) of this section. A project consent agreement may waive or modify site development regulations applicable to a project as deemed appropriate by the city council.
- (G) A project consent agreement for a project located in the extraterritorial jurisdiction may include a development agreement as authorized under Section 212.172 of the Local Government Code. The director shall review a proposed development agreement concurrent with an application for a project consent agreement, but council may consider the agreements separately or as a single agreement.
- (H) A project consent agreement is subject to the expiration requirements specified in this subsection.
 - (1) A project consent agreement approved by the city council expires on the 90th day after approval, unless the applicant has submitted a complete site plan application for review by the director under the terms of the agreement.
 - (2) Following submittal of a site plan application, a project consent agreement expires if:
 - (a) the site plan application expires under [Section 25-1-82 \(Application Requirements and Expiration\)](#); or
 - (b) the site plan expires under [Section 25-5-81 \(Site Plan Expiration\)](#).
 - (3) In approving a project consent agreement, the city council may extend the expiration periods established under this subsection.

Source: [Ord. 20140612-084, Pt. 2, 6-23-14.](#)

§ 25-1-545 - ADMINISTRATIVE GUIDELINES.

- (A) The director may adopt guidelines to assist in reviewing applications under [Section 25-1-533 \(Vested Rights Petition Required\)](#), [Section 25-1-544 \(Project Consent Agreements\)](#), and [Section 25-1-553 \(Managed Growth Agreements\)](#).
- (B) Guidelines adopted under this section for review of vested rights petitions may be used to help address common questions that arise in determining vested rights, including but not limited to:
 - (a) whether a permit application is required to continue, complete, or initiate the project for which vested rights are claimed;
 - (b) whether the project for which vested rights are claimed has been completed, changed, or expired; and
 - (c) whether progress towards completion of a project has been made under [Section 25-1-554 \(Dormant Projects\)](#).
- (C) Guidelines adopted under this section shall be posted on the department's website and made available to the public, but need not be adopted by administrative rule under Section 1-2 ([Adoption of Rules](#)).

Source: [Ord. 20140612-084, Pt. 2, 6-23-14.](#)

Division 3. - Expirations.

§ 25-1-551 - EXPIRATION REQUIREMENTS GENERALLY.

- (A) During the timeframes established under this division, a vested rights determination for a project approved under Section 25-1-541 (Vested Rights Determination) applies to any permit application required to initiate, continue, or complete the project.
- (B) If the vesting date approved for a project under Section 25-1-541 (Vested Rights Determination) is based on a permit application that is submitted on or after June 23, 2014, the project is subject to the expiration periods specified in Section 25-1-552 (Expiration of Projects Begun On or After June 23, 2014).
- (C) If all permits for a project expire, the project expires.
- (D) A permit application submitted after a project expires constitutes a new project and is subject to the current regulations of this title, except that:
 - (1) if a site plan associated with a project remains active at the time the project expires, the vested rights determination for the project applies to any application for a building permit necessary to complete construction of the site plan for as long as the site plan remains active; and
 - (2) an application to extend a site plan associated with a project may be approved in accordance with Section 25-5-62 (Extensions of Released Site Plan by Director).
- (E) The expiration of a project associated with a preliminary plan or a final plat does not affect the validity of a platted lot under this title.

Source: Ord. 20140612-084, Pt. 2, 6-23-14.

§ 25-1-552 - EXPIRATION OF PROJECTS BEGUN ON OR AFTER JUNE 23, 2014.

- (A) The project expiration period established by this section applies if the vesting date approved for a project under Section 25-1-541 (Vested Rights Determination) is based on a permit application that is submitted on or after June 23, 2014.
- (B) Except as provided in Subsection (C) of this section or in Section 25-1-551 (Expirations Generally), a project expires nine years after the vesting date approved for the project under Section 25-1-541 (Vested Rights Determination).
- (C) If the vesting date approved for a project under Section 25-1-541 (Vested Rights Determination) is based on a fair notice application (new project submitted under Section 25-1-535 (Fair Notice Application)):
 - (1) the project expires one year after the date the application was submitted; or
 - (2) if a permit application is submitted before the fair notice application expires, the project expires on the date applicable to the permit under this section, except that the project expiration period shall be deemed to run from the date of the fair notice application.

Source: Ord. 20140612-084, Pt. 2, 6-23-14.

§ 25-1-553 - MANAGED GROWTH AGREEMENTS.

- (A) This section provides a voluntary mechanism to request longer project expiration periods than those established under Section 25-1-552 (Expiration of Projects Begun On or After June 23, 2014) for large-scale projects or projects located within a planned development center.
- (B) To be accepted for review, an application for a proposed managed growth agreement must include all information required by the director, including a proposed expiration date, and must meet the requirements of this subsection.
 - (1) An application for a managed growth agreement may be submitted concurrent with the first permit application, or before the review period expires, if the project associated with the proposed agreement:
 - (a) is filed for review under current regulations;
 - (b) does not require a variance approved by the Land Use Commission or Board of Adjustment, unless the project is limited to residential uses that do not require a site plan under Section 25-5-2 (Exemptions);
 - (c) includes only property located within the zoning jurisdiction, outside of the Barton Springs Zone; and
 - (d) includes at least 10 acres of land.
 - (2) An application for a managed growth agreement may be submitted after approval of the first permit application, but no later than one year before the project expires, if the project associated with the proposed agreement:
 - (a) complies with the regulations in effect on the date the application for a managed growth agreement was submitted or, in extraordinary circumstances, includes community benefits or superior development features that mitigate noncompliance with current regulations;
 - (b) does not require a variance approved by the Land Use Commission or Board of Adjustment, unless the project is limited to residential uses that do not require a site plan under Section 25-5-2 (Exemptions);
 - (c) includes only property located within the zoning jurisdiction, outside of the Barton Springs Zone; and
 - (d) does not impede or delay official City of Austin economic development or sustainability initiatives.
- (C) If an application meets the requirements in Subsection (B) of this section, the director shall:
 - (1) schedule a public hearing on the proposed agreement and provide notice of the hearing under Section 25-1-132(B) (Notice of Public Hearing); and
 - (2) make a recommendation to approve or deny the agreement based on whether the project:

- (a) requires a longer period of time to construct than the timeframes established under Section 25-1-552 (Expiration of Projects Begun On or After June 23, 2014);
 - (b) furthers the goals and policies of the Imagine Austin Comprehensive Plan; and
 - (c) is environmentally superior to the minimum standards applicable to the project under Chapter 25-8 (Environment), as determined based on a recommendation from the environmental officer.
- (D) The city council may approve or deny a proposed managed growth agreement based on the criteria in Subsection (C) of this section and may establish whatever expiration period the council deems appropriate, but may not waive or modify current regulations applicable to the project.
- (E) If a managed growth agreement is approved under this section, the director shall treat the project as vested to the regulations in effect on the date of the first application until the date the agreement expires.

Source: Ord. 20140612-084, Pt. 2, 6-23-14.

§ 25-1-554 - DORMANT PROJECTS.

- (A) This section is adopted under Section 245.005 of the Local Government Code to provide expiration dates for permits that lack an expiration date under applicable regulations. This section does not apply to a permit that is subject to an expiration date under the regulations applicable to the permit. For purposes of this section, a permit that is not subject to an expiration date is an "unexpired permit."
- (B) If an unexpired permit was approved prior to May 11, 2000, then the permit expired on May 11, 2004, unless the applicant submits evidence sufficient to show that progress towards completion of the project was made under Subsection (D) of this section prior to May 11, 2000.
- (C) If an application for an unexpired permit was submitted after September 5, 2005, then the permit expires five years after the permit was approved unless the applicant submits evidence sufficient to show that progress towards completion of the project was made prior to that date under Subsection (D) of this section.
- (D) For purposes of this section, progress towards completion of a project includes any one of the following:
 - (1) an application for a final plat or plan is submitted to a regulatory agency;
 - (2) a good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
 - (3) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 - (4) fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
 - (5) utility connection fees or impact fees for the project have been paid to a regulatory agency.
- (E) If the first permit in a series of permits for a project expires based on dormancy of the project, then it cannot form the basis of a vested rights petition.

Source: Ord. 20140612-084, Pt. 2, 6-23-14.

ARTICLE 13. - RESERVED.

Footnotes:

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Editor's note— Ord. No. 20140612-084, Pt. 3, effective June 23, 2014, amended article 13 in its entirety to read as herein set out in Article 12, § 25-1-554. Former Article 13, §§ 25-1-551, 25-1-552, pertained to dormant project expiration, and derived from Ord. 20050512-035.

ARTICLE 14. - PARKLAND DEDICATION

Footnotes:

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Editor's note— Ord. No. 20231130-087, Pt. 2, effective January 1, 2024, repealed the former Art. 14, §§ 25-1-601—25-1-609, and enacted a new Art. 14 as set out herein. The former Art. 14 pertained to similar subject matter and derived from Ord. No. 20160128-086, Pt. 2, 2-8-16; Ord. No. 20190822-117, Pt. 16, 9-1-19; Ord. No. 20220915-053, Pt. 2, 9-26-22; Ord. No. 20220915-066, Pts. 2—7, 1-1-23.

§ 25-1-601 - GENERAL PROVISIONS.

- (A) The City of Austin has determined that recreational areas in the form of public parks are necessary for the well-being of residents. The City has further determined that the approval of new residential development is reasonably related to the need for additional parkland and park amenities to serve new development. This article establishes the method for determining the amount of parkland dedication to be required as a condition to the approval of new development.
- (B) Before receiving approval for a development application, an applicant shall provide for the parkland needs of the new residents.
- (C) Except as otherwise provided in this section, the parkland dedication requirements of this article apply to:

- (1) a subdivision that includes residential units or a hotel-motel use within the planning jurisdiction;
 - (2) a site plan within the zoning jurisdiction that includes residential units or a hotel-motel use; and
 - (3) a building permit for development that:
 - (a) at the time of subdivision or site plan approval, was deemed exempt from parkland dedication based on the assumption that development within the subdivision would be limited to non-residential uses; or
 - (b) is proposing additional residential units that exceed the number of units for which parkland dedication was previously provided for.
- (D) The following are exempt from the requirements of this article:
- (1) a subdivision or site plan for which parkland was previously dedicated or payment made under this title, except for the dwelling units that exceed the number for which dedication or payment was made;
 - (2) development within the City's extraterritorial jurisdiction that is within Travis County and governed by Title 30 (Austin/Travis County Subdivision Regulations);
 - (3) dwelling units that are certified under the S.M.A.R.T. Housing Policy approved by the city council; or
 - (4) dwelling units that are income-restricted under a municipal, county, state, or federal program.
- (E) The following definitions apply throughout this article:
- (1) CONSUMER PRICE INDEX means the Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, published by the Bureau of Labor Statistics of the United States Department of Labor or its successor in function.
 - (2) DEFICIENT PARK AREA MAP means a map depicting areas that the director has determined lack sufficient parkland based on locational criteria established by the Parkland Dedication Operating Procedures and the parkland policies of the Imagine Austin Comprehensive Plan.
 - (3) DIRECTOR means the director of the Parks and Recreation Department.
 - (4) DISTRICT PARK means a park of 31 to 199 acres with a two-mile service area.
 - (5) GEOGRAPHIC AREA means the City's designation of land within its municipal boundaries as a suburban area, urban area, or central business district area for determining the amount of multi-family parkland dedication fee required.
 - (6) GOLF COURSE means a city-operated golf course open for public use including 9 or 18 holes.
 - (7) GREENWAYS means a multi-functional linear park that:
 - (a) links two or more separate parks;
 - (b) serves as a wildlife corridor;
 - (c) provides flood control; or
 - (d) contains routes for non-motorized vehicles.
 - (8) LAND VALUE means the market value of land per acre, not including an improvement to the land.
 - (9) METRO PARK means a park of 200 or more acres that serves the entire city.
 - (10) MEDIAN FAMILY INCOME means the United States Census Bureau's most recent American Community Survey five-year estimate of median family income for all families within the applicable municipality.
 - (11) MULTI-FAMILY means a residential use other than a detached single-family or two-family dwelling. This use also includes hotel and motel rooms ordinarily used for sleeping.
 - (12) NEIGHBORHOOD PARK means a park of two to thirty acres with a one-mile service area.
 - (13) PARKLAND DEDICATION URBAN CORE means an area bound by Highway 71/Ben White Boulevard to the south; Highway 183 to the east and north; Loop 1 (MOPAC) on the west to FM 2222; FM 2222 on the north to Loop 360; Loop 360 on the west to Lake Austin; Lake Austin on the west to Loop 1 (MOPAC); and Loop 1 (MOPAC) on the west to Highway 71 (Ben White).
 - (14) POCKET PARK means a park of no more than two acres with a one-quarter mile service area.
 - (15) SINGLE-FAMILY means a residential use consisting of detached single-family or two units.
- (F) Development within a Planned Unit Development (PUD) zoning district may, if required by the ordinance adopting the PUD, be subject to additional parkland requirements and may be entitled to count dedicated parkland towards meeting open space requirements under Chapter 25-2, Article 2, Subchapter B, Division 5 (Planned Unit Developments).

Source: Ord. No. 20231130-087, Pt. 2, 1-1-24.

§ 25-1-602 - SINGLE-FAMILY DEDICATION OF PARKLAND.

- (A) For a development proposing single-family uses, parkland dedication will be satisfied by the dedication of suitable land for park and recreational purposes in accordance with this section or by payment of a fee in-lieu of dedication under Section 25-1-606 (Single-Family Fee In Lieu of Parkland Dedication).
- (B) The following formula will apply to determine the amount of parkland dedication required:

$$\frac{9.4 \times (\text{Number Of Units})}{\times (\text{Residents Per Unit})} = \frac{\text{Acres of parkland}}{1000}$$

(C) In calculating the amount of parkland to be dedicated, the number of residents per unit is based on density as follows:

| Density Classification | Residents Per Unit |
|---|--------------------|
| <i>Low Density</i> : Not more than 6 units per acre | 2.8 |
| <i>Medium Density</i> : More than 6 and not more than 12 units per acre | 2.2 |
| <i>High Density</i> : More than 12 units per acre | 1.7 |

(D) If the density of a single-family development is not known:

- (1) the density is assumed to be the highest permitted in the zoning district, or if the property is not zoned, 24 dwelling units per acre; or
- (2) for a residential subdivision within the extraterritorial jurisdiction, the applicant may reduce the assumed density by agreeing, in a manner that is enforceable by the City and approved by the city attorney, that any subsequent increases in density may require additional dedication of parkland under this section or payment of a fee in lieu of dedication under [Section 25-1-606 \(Single-Family Fee In Lieu of Parkland Dedication\)](#).

(E) The amount of parkland required to be dedicated within the Parkland Dedication Urban Core may not exceed 15% of gross site area for the development required to provide the dedication except upon consent of the applicant or as authorized under this subsection.

- (1) The director may request that the Land Use Commission approve dedication greater than 15% off the gross site area, up to the amount required under Subsection (B) of this section, if doing so is necessary to:
 - (a) address a critical shortage of parkland for an area identified in the Deficient Parkland Area Map; or
 - (b) provide connectivity with existing or planned parks or recreational amenities.
- (2) Before the Land Use Commission considers a request under this subsection for approval, the director shall present the request to the Parks Board for a recommendation.
- (3) In considering a request from the director under this subsection, the Land Use Commission may:
 - (a) deny the director's request and limit the required dedication to no more than 15% of gross site area; or
 - (b) require additional parkland dedication greater than the 15% if gross site area, up to the lesser of:
 - (i) the amount required under Subsection (B) of this section; or
 - (ii) the minimum amount the Land Use Commission finds to be necessary based on the criteria in Paragraph (I)(a)-(b) of this subsection and the Parkland Dedication Operating Procedures.

- (4) If an applicant dedicates less than the amount of land required for dedication under Subsection (B) due to the cap imposed by this subsection, the director shall require payment of a fee in-lieu of dedication under [Section 25-1-606 \(Single-Family Fee in Lieu of Parkland Dedication\)](#) for the remaining undedicated land.

Source: [Ord. No. 20231130-087](#), Pt. 2, 1-1-24.

§ 25-1-603 - MULTI-FAMILY DEDICATION OF PARKLAND.

- (A) For a development application proposing multi-family uses, the director shall determine how the applicant will satisfy applicable parkland dedication requirements. The director may require the applicant to:
 - (1) dedicate land that meets the criteria in [Section 25-1-604 \(Standards for Dedicated Parkland\)](#) as parkland;
 - (2) pay a parkland dedication fee under [Section 25-1-608 \(Multi-Family Parkland Dedication Fee\)](#); or
 - (3) dedicate land that meets the criteria in [Section 25-1-604 \(Standards for Dedicated Parkland\)](#) as parkland and pay a reduced parkland dedication fee calculated under [Section 25-1-608 \(Multi-Family Parkland Dedication Fee\)](#).
- (B) In determining how an applicant will satisfy their parkland dedication requirements under this article, the director shall consider whether the development:
 - (1) is located within the Deficient Park Area Map;
 - (2) is adjacent to existing parkland;
 - (3) has sufficient acreage to meet the standards for dedicated parkland under the Parkland Dedication Operating Procedures;
 - (4) is needed to address a critical need for parkland or to remedy a deficiency identified by the Deficient Park Area Map; or
 - (5) would provide increased connectivity with existing or planned parks or recreational amenities.

(C) Subject to Subsection (D), if the director is requiring an applicant to satisfy their parkland dedication requirements entirely through land dedication, the following formula will apply to determine the amount of land required:

$$[\# \text{ of multifamily units} \times .005] + [\# \text{ of hotel/motel rooms} \times .004] = \text{Acres of parkland}$$

(D) The amount of land required to be dedicated may not exceed 10% of gross site area of the development.

(E) If a development application proposes both multi-family and commercial uses, the amount of land dedication required is based on a prorated portion of the land proposed for the multi-family use.

Source: [Ord. No. 20231130-087](#), Pt. 2, 1-1-24.

§ 25-1-604 - STANDARDS FOR DEDICATED PARKLAND.

- (A) In addition to the requirements of this article, land to be dedicated as parkland must meet the requirements of this subsection.
 - (1) Parkland must be easily accessible to the public and open to public view so as to benefit area residents, enhance the visual character of the City, protect public safety, and minimize conflicts with adjacent land uses.
 - (2) On-street and off-street connections between residential neighborhoods shall be provided, wherever possible, to provide reasonable access to parks and open space areas.
 - (3) In addition to the requirements of this subsection, parkland must comply with the standards in the Comprehensive Plan, the Parks and Recreation Long-Range Plan, the Environmental Criteria Manual, and the Parkland Dedication Operating Procedures.
 - (4) If an applicant is proposing multifamily uses, the parkland shall not be encumbered with restrictions that will negatively impact the parkland's ability to be used for recreational purposes with park amenities unless:
 - (a) there is no feasible and prudent alternative land available for parkland dedication as determined by the director; and
 - (b) the land will provide a critical greenbelt or trail connection with sufficient recreational opportunities.
- (B) The director shall determine whether land offered for dedication complies with the standards for dedication under Subsection (A) and may require a subdivision or site plan applicant to provide information deemed necessary to determine compliance.
- (C) If an applicant is proposing single-family uses, then the director may allow land that does not otherwise meet the standards under Subsection (A) to be dedicated as parkland if the land meets the requirements of this subsection.
 - (1) 50 percent of acreage in the 100-year floodplain that is dedicated as parkland may be credited toward fulfilling the requirements of this article if any adjoining land within the 25-year floodplain is also dedicated as parkland. The land within the 25-year floodplain may not be credited toward fulfilling the requirements of this article, unless it complies with Subdivision 25-I-604(C)(2).
 - (2) Land identified on the Deficient Parkland Area Map may be accepted if the director determines that the land will provide recreational or educational opportunities for the surrounding community. If the director determines the land has recreational or educational opportunities, 50 percent of the acreage may be credited toward fulfilling the requirements of this article.
- (D) If land dedication is required for subdivision approval, the area to be dedicated must be shown on the preliminary plan and final plat as "Parkland Dedicated to the City of Austin." The subdivider shall dedicate to the City all parkland required by this article when a plat is approved, except that the director may defer dedication of parkland to site plan approval if development within the subdivision will require a site plan under [Chapter 25-5 \(Site Plan\)](#).
- (E) If land dedication is required for site plan approval, the area to be dedicated must be shown on the site plan as "Parkland Dedicated to the City of Austin". Unless the director has deferred the land dedication until the time of issuance of a certificate of occupancy under Subsection (F), the applicant shall dedicate the parkland required by this article to the City by deed or easement before the site plan is released.
- (F) The director may defer the land dedication until the time of issuance of a certificate of occupancy if the land proposed to be dedicated is necessary for the construction of the proposed development and the applicant will restore the parkland. If the director authorizes the deferral of land dedication until this subsection, the development shall not receive any type of certificate of occupancy, temporary or permanent, until the land has been dedicated.
- (G) For a building permit that is required to dedicate parkland the area must be dedicated in a deed or easement to the City. The applicant shall dedicate to the City all parkland required by this article before a building permit is issued.
- (H) The applicant shall pay all costs of transferring the parkland to the City, including the costs of:
 - (1) an environmental site assessment without any further recommendations for clean-up, certified to the City not earlier than the 120th day before the closing date;
 - (2) a Category 1(a) land title survey, certified to the City and the title company not earlier than the 120th day before the closing date;
 - (3) a title commitment with copies of all Schedule B and C documents, and an owner's title policy;
 - (4) a fee simple deed;
 - (5) taxes prorated to the closing date;
 - (6) recording fees; and
 - (7) charges or fees collected by the title company.

Source: [Ord. No. 20231130-087](#), Pt. 2, 1-1-24.

§ 25-1-605 - PRIVATE PARKLAND.

- (A) The director may allow up to a 100 percent credit toward fulfilling the requirements of:
 - (1) [Section 25-1-602 \(Single-Family Dedication of Parkland\)](#) or [Section 25-1-603 \(Multi-Family Dedication of Parkland\)](#) for privately owned and maintained parkland that is available for use by the public and meets the standards of the Parkland Dedication Operating Procedures; and
 - (2) [Section 25-1-607 \(Single-Family Parkland Development Fee\)](#) for recreational facilities that are located on privately owned and maintained parkland and available for use by the public if the development is proposing single-family development.
- (B) The director may allow up to a 100 percent credit toward fulfilling the requirements of this article for private parkland in a subdivision or site plan located outside the city limits if the director determines that the private parkland meets City parkland standards.
- (C) For an application proposing single-family development, if private parkland will include construction of recreational amenities, the applicant must post fiscal surety in an amount equal to the fee in-lieu provided for under [Section 25-1-606 \(Single-Family Fee In Lieu of Parkland Dedication\)](#) and the development fee required under [Section 25-1-607 \(Single-Family Parkland Development Fee\)](#). The fiscal surety must be posted:
 - (1) before final plat approval; or
 - (2) before site plan release, for any portion of the subdivision that will require a site plan.
- (D) Yards, setback areas, and private personal open spaces required by this title may not be counted as private parkland under this section, except for a required setback or yard that includes a public trail.
- (E) If private parkland is allowed, an access easement to the parkland must be recorded prior to site plan or subdivision approval.

Source: [Ord. No. 20231130-087](#), Pt. 2, 1-1-24.

§ 25-1-606 - SINGLE-FAMILY FEE IN LIEU OF PARKLAND DEDICATION.

- (A) For single-family development, the director may require or allow an applicant to deposit with the City a fee in lieu of parkland dedication under [Section 25-1-602 \(Single-Family Dedication of Parkland\)](#) if:
 - (1) the director determines that payment of a fee in lieu of dedication is justified under the criteria in Subsection (B) of this section; and
 - (2) the following additional requirements are met:
 - (a) less than six acres is required to be dedicated under [Section 25-1-602 \(Single-Family Dedication of Parkland\)](#); or
 - (b) the land available for dedication does not comply with the standards for dedication under [Section 25-1-604 \(Standards for Dedicated Parkland\)](#).
- (B) In determining whether to require dedication of land under [Section 25-1-602 \(Single-Family Dedication of Parkland\)](#) or allow payment of a fee in lieu of dedication under this section, the director shall consider whether the subdivision or site plan:
 - (1) is located within the Deficient Park Area Map;
 - (2) is adjacent to existing parkland;
 - (3) has sufficient acreage to meet the standards for dedicated parkland under the Parkland Dedication Operating Procedures;
 - (4) is needed to address a critical need for parkland or to remedy a deficiency identified by the Deficient Park Area Map; or
 - (5) would provide increased connectivity with existing or planned parks or recreational amenities.
- (C) The amount of the fee in lieu of parkland is established in the annual fee schedule based on a recommendation by the director in accordance with this subsection.
 - (1) Single-Family Fee In Lieu of Dedication:

| Density Classification | Fee In Lieu Amount |
|---|----------------------------|
| <i>Low Density</i> : Not more than 6 units per acre | 2.8 × Land Cost Per Person |
| <i>Medium Density</i> : More than 6 and not more than 12 units per acre | 2.2 × Land Cost Per Person |
| <i>High Density</i> : More than 12 units per acre | 1.7 × Land Cost Per Person |

- (2) For purposes of determining the amount of single-family fee in lieu under Subdivision (D)(1):
 - Land Cost Per Person =

[Parkland Cost Factor](#)

Parkland Level-of-Service

where:

- (a) "Parkland Cost Factor" is determined by the director based on the average purchase price to the City for acquiring an acre of parkland, excluding a metro or district park or golf course; and
- (b) "Parkland Level-of-Service" is:

City Population

Net Park Acreage

where "City Population" is determined by the city demographer and "Net Park Acreage" is the total citywide acreage of neighborhood parks, pocket parks, and greenways, as determined by the director prior to adoption of the annual fee ordinance by the city council.

- (D) If the director determines that payment of a fee in lieu of parkland dedication is authorized under this section for only a portion of the land required to be dedicated under Section 25-1-602 (Single-Family Dedication of Parkland), the director may allow an applicant to pay a fee in lieu for that portion and require that the remaining land be dedicated. If an applicant dedicates parkland under Section 25-1-602 (Single-Family Dedication of Parkland), the director may not include that acreage in calculating the fee in lieu required by this section for any remaining land not included in the dedication.

Source: Ord. No. 20231130-087, Pt. 2, 1-1-24.

§ 25-1-607 - SINGLE-FAMILY PARKLAND DEVELOPMENT FEE.

- (A) Except as provided in Subsection (C), an applicant proposing single-family development must pay a parkland development fee as a condition to subdivision or site plan approval to ensure that land is developed with recreational amenities sufficient for park use.
- (B) The amount of the development fee is established in the annual fee schedule based on a recommendation by the director in accordance with this subsection.

(1) Parkland Development Fee:

| Density Classification | Development Fee Amount |
|---|--|
| <i>Low Density</i> : Not more than 6 units per acre | $2.8 \times \text{Park Development Cost Per Person}$ |
| <i>Medium Density</i> : More than 6 and not more than 12 units per acre | $2.2 \times \text{Park Development Cost Per Person}$ |
| <i>High Density</i> : More than 12 units per acre | $1.7 \times \text{Park Development Cost Per Person}$ |

(2) For purposes of determining the parkland development fee under Subdivision (B)(1):

Park Development Cost =

Park Development Cost Factor

Park Facilities Level-of-Service

where:

- (a) "Park Development Cost Factor" is determined by the director based on the average cost of developing an acre of parkland up to the standards of a neighborhood park; and
- (b) "Park Facilities Level-of-Service" is:

City Population

Number of Developed Parks

where "City Population" is determined by the city demographer and "Number of Developed Parks" is the total number of parks developed with a recreational amenity or trail, as determined by the director prior to adoption of the annual fee ordinance by the city council.

- (C) The director may allow an applicant to construct recreational amenities on public parkland or private parkland, if applicable, in lieu of paying the development fee required by this section. In order to utilize this option, the applicant must:
 - (1) post fiscal surety in an amount equal to the development fee;
 - (2) if a dedication of land is required, construct recreational amenities prior to the dedication in a manner consistent with the Parkland Dedication Operating Procedures; and
 - (3) document the required amenities concurrent with subdivision or site plan approval, in a manner consistent with the Parkland Dedication Operating Procedures.

Source: Ord. No. 20231130-087, Pt. 2, 1-1-24.

§ 25-1-608 - MULTI-FAMILY PARKLAND DEDICATION FEE.

- (A) For purposes of determining the amount of a parkland dedication fee required for approval of a development permit proposing multi-family development, City Council has designated all the land within its municipal boundaries into geographic areas via separate ordinance. These designations may be modified as set out under state law.
- (B) The dwelling unit factor shall be:
 - (1) .005 for multi-family units; and
 - (2) .004 for rooms in a hotel or motel ordinarily used for sleeping.
- (C) The density factor shall be:
 - (1) one for the suburban area;
 - (2) four for the urban area; and
 - (3) forty for the central business district area.
- (D) Every 10 years, the City will use the average land value for each geographic area calculated by the applicable appraisal district. For the years in which the applicable appraisal district does not calculate the average land value, the City shall calculate the average land value for each geographic area by multiplying the previous year's average land value for each geographic area by one plus the average CPI for each month of the previous year.
- (E) If the director has determined that an applicant will satisfy their parkland dedication requirements entirely by paying a parkland dedication fee, the dollar amount required is calculated using the following formula:

$$\{[(\# \text{ of multifamily units}) \times .005] + [(\# \text{ of hotel/motel rooms}) \times .004]\} \times (\text{Avg Land Value of Geographic Area})/\text{Density Factor}$$
 - (1) First, add the product of the number of multifamily units proposed to be developed by .005 and the product of the number of hotel and motel rooms ordinarily used for sleeping proposed to be developed by .004.
 - (2) Then, multiply the sum calculated under Subdivision (E)(1) by the average land value for the geographic area where the development is located.
 - (3) Finally, divide the number calculated under Subdivision (E)(2) by the applicable density factor.
- (F) If the director has determined that an applicant is satisfying their parkland dedication requirements through dedicating land and paying a parkland dedication fee, the dollar amount of parkland dedication fee owed is calculated using the following formula:

$$[\text{Parkland dedication fee per Subsection (E)}] - [(\text{Applicable land value}) \times (\# \text{ of acres})]$$
 - (1) First, calculate the amount of fee using the formula described in Subsection (E).
 - (2) Then, subtract the product of the land value applicable to the land and the number of acres dedicated from the total amount of the parkland dedication fee.
- (G) If the applicant is dedicating land and paying a reduced fee, the applicant will only be required to dedicate for development approval an acreage amount that has a land value that does not exceed the amount of parkland dedication fee calculated under this section. Additionally, the acreage amount shall not exceed 10% of gross site area of the development.
- (H) If there is a remaining amount of parkland dedication fee after subtracting the land value of the acreage required to be dedicated as parkland, the applicant may choose to construct recreational facilities on the future parkland in lieu of paying the remaining parkland dedication fee amount. The recreational facilities must be shown on the subdivision or site plan application and constructed before the land is dedicated.

Source: Ord. No. 20231130-087, Pt. 2, 1-1-24.

§ 25-1-609 - FEE PAYMENT AND EXPENDITURE.

- (A) Payment of a fee required under Section 25-1-606 (Single-Family Fee In Lieu of Parkland Dedication) or Section 25-1-607 (Single-Family Parkland Development Fee) must be paid as required by this subsection.
 - (1) If a fee in lieu of dedication or a parkland development fee is required as a condition to subdivision approval, the applicant must deposit the fee with the City before final plat approval. The applicant may defer payment of a fee until site plan approval unless development proposed within the subdivision is exempt from the requirement to submit a site plan under Section 25-5-2 (Site Plan Exemptions).
 - (2) If a fee in lieu of dedication or a parkland development fee is required as a condition to site plan approval, the applicant must deposit the fee with the City before the site plan may be approved.
- (B) Payment of a parkland dedication fee required under Section 25-1-608 (Multi-Family Parkland Dedication Fee) shall be paid prior to issuance of a certificate of occupancy.
- (C) The director shall place fees paid under Section 25-1-607 (Single-Family Parkland Development Fee) into a separate fund than fees paid under Section 25-1-606 (Single-Family Fee In Lieu of Parkland Dedication) and Section 25-1-608 (Multi-Family Parkland Dedication Fee). All fees collected shall be spent consistent with the requirements of this subsection.
 - (1)

Except as provided in Subsection (C)(2), the director shall use fees paid under Section 25-1-606 (Single-Family Fee In Lieu of Parkland Dedication) and Section 25-1-608 (Multi-Family Parkland Dedication Fee) solely to acquire land or easements for park purposes that will benefit residents of the development for which the fees are assessed and are located within a service area designated by the director under the Parkland Dedication Operating Procedures.

- (2) The director may use fees paid under Section 25-1-606 (Single-Family Fee In Lieu of Parkland Dedication) and Section 25-1-608 (Multi-Family Parkland Dedication Fee) and consistent with the purposes described in Subsection (C)(3) if, after one year from the date the fees are collected for expenditure, the director determines that land which meets the requirements of Section 25-1-604 (Standards for Dedicated Parkland) is unavailable for purchase within the service area for which the fees were assessed.
- (3) The director shall use fees paid under Section 25-1-606 (Single-Family Fee In Lieu of Parkland Dedication) to acquire and develop recreational amenities that will benefit residents of the development for which the fees are assessed and are located within a service area designated by the director under the Parkland Dedication Operating Procedures. If, after one year from the date the single-family parkland development fees are collected for expenditure, the director determines there are no longer any parks within the service area for which fees were assessed that need new recreational facilities, then the parkland development fees can be used to acquire land or easements for park purposes that will benefit residents of the development for which the fees are assessed and are located within a service area designated by the director under the Parkland Dedication Operating Procedures.
- (D) The City shall expend a fee collected under this article within five years from the date the fees are appropriated for expenditure by the director. This period is extended by five years if, at the end of the initial five-year period, less than 50 percent of the residential units within a subdivision or site plan have been constructed.
- (E) If the City does not expend a fee payment by the deadline required in Subsection (D), the subdivision or site plan applicant who paid the fee may request a refund under the requirements of this subsection.
 - (1) A refund may only be requested for unbuilt units for which a fee in lieu of dedication or parkland dedication fee was paid. The refund request must be made in writing and filed with the Parks and Recreation Department not later than 180 days after the expiration of the deadline under Subsection (D).
 - (2) If the refund request is timely filed, the director shall:
 - (a) refund the amount of unspent fees that were collected under this article in connection with approval of a subdivision or site plan; and
 - (b) if a site plan for which fees were assessed was subsequently revised to reduce the number of units, recalculate the amount due based on the reduced number of units and refund any fees paid in excess of that amount.

Source: Ord. No. 20231130-087, Pt. 2, 1-1-24.

§ 25-1-610 - PARKLAND DEDICATION DETERMINATION.

- (A) An applicant may make a written request to the director asking for a formal determination of the amount of parkland dedication that will be required to obtain approval for a proposed development on their property.
- (B) After receiving a written request for a parkland dedication determination, the director may request additional information from the requestor. Any additional information requested shall be:
 - (1) public and readily available; and
 - (2) necessary for the director to provide a parkland determination.
- (C) The director shall respond in writing to a request for a parkland dedication determination within 30 days after receiving a complete application.
- (D) Except as provided in Subsection (E), a parkland dedication determination issued under this section is valid for the property that is the subject of the determination for a period that is the lesser of:
 - (1) the time between the date of the determination is issued and the date a development application is filed that uses or relies on the determination; or
 - (2) two years.
- (E) A requestor can void the applicability of a parkland dedication determination to their property by providing written notice to the director.

Source: Ord. No. 20231130-087, Pt. 2, 1-1-24.

§ 25-1-611 - APPEAL.

- (A) A landowner or an applicant authorized by the landowner may appeal the director's decision on any element of the parkland dedication ordinance, including amount, orientation, or suitability, as that element applies to the landowner's property to the Planning Commission consistent with the procedures in Article 7, Division I (*Appeals*).
- (B) An applicant may appeal the Planning Commission's determination to council.
- (C) The Planning Commission or council shall uphold, reverse, or modify an appeal not later than the 60th date after the appeal is filed with the commission or council.

Source: Ord. No. 20231130-087, Pt. 2, 1-1-24.

§ 25-1-612 - ADMINISTRATIVE AUTHORITY.

- (A) The director is authorized to adopt administrative rules and take other actions that are necessary to implement this article.
- (B) The director shall, at a minimum, adopt the following by administrative rule under Chapter 1-2 (*Adoption of Rules*).
 - (1) a Deficient Park Area Map illustrating shortages in parkland; and
 - (2) Parkland Dedication Operating Procedures establishing:
 - (a) boundaries for service areas required by Section 25-1-609 (Fee Payment and Expenditure) for use of a fee in lieu of parkland dedication, parkland development fee, and parkland dedication fees;
 - (b) general standards for dedicated parkland under Section 25-1-604 (Standards for Dedicated Parkland);
 - (c) methodology for determining:
 - (i) parkland cost factor and park level-of-service under Section 25-1-606 (Single-Family Fee In Lieu of Parkland Dedication); and
 - (ii) park development cost factor and facilities level-of-service under Section 25-1-606 (Single-Family Fee In Lieu of Parkland Dedication); and
 - (d) other provisions deemed necessary for implementing this article.
- (C) Before initiating the administrative rules process, as required by Subsection (B) of this section, the director shall present a proposed Deficient Park Area Map and Parkland Dedication Operating Procedures to the Parks Board for a recommendation.

Source: Ord. No. 20231130-087, Pt. 2, 1-1-24.

ARTICLE 15. - HOUSING.

Division 1. - General Provisions.

§ 25-1-701 - DEFINITIONS.

In this article:

- (1) DIRECTOR means the director of the City's Housing Department.
- (2) HIGH OPPORTUNITY AREA means an area that provides certain conditions that places individuals in a position to be more likely to succeed or excel. This area must include one or more of the following conditions:
 - (a) racial and economic integration;
 - (b) access to employment;
 - (c) high performing schools;
 - (d) access to fresh and healthy foods;
 - (e) low levels of poverty;
 - (f) low crime rate;
 - (g) access to parks;
 - (h) minimal environmental hazards; or
 - (i) is identified in the Imagine Austin Plan as a center.
- (3) HOUSING COSTS means:
 - (a) for an owner-occupied dwelling unit, the average monthly cost for mortgage, utilities, and, if applicable, condominium dues; or
 - (b) for a dwelling unit for lease, the average monthly cost for rent and utilities.
- (4) MEDIAN FAMILY INCOME means the median family income for the Austin statistical metropolitan area as determined by the director of the City's Neighborhood Housing and Community Development Department.
- (5) TENANT means any person who occupies a residential unit primarily for living or dwelling purposes under a rental agreement or lease, including those persons who are considered to be tenants under Section 92.001 or 94.001 of the Texas Property Code. For purposes of this article, "tenant" does not include owner of a dwelling unit or mobile home lot, or members of the owner's immediate family.

Source: Ord. 20071129-100; Ord. No. 20141106-124, Pt. 1, 11-17-14; Ord. No. 20160901-050, Pt. 3, 9-12-16; Ord. No. 20230831-103, Pt. 2, 9-11-23; Ord. No. 20250522-063, Pt. 1, 6-2-25.

Division 2. - S.M.A.R.T. Housing.

§ 25-1-702 - ADMINISTRATION.

- (A) The director administers, implements, and enforces the S.M.A.R.T. Housing program.

(B) The director is authorized to adopt, administer, and implement program guidelines and establish requirements for an application under the program.

Source: Ord. 20071129-100; Ord. No. 20141106-124, Pt. 2, 11-17-14; Ord. No. 20250522-063, Pt. 2, 6-2-25.

§ 25-1-703 - PROGRAM REQUIREMENTS.

(A) S.M.A.R.T. Housing is housing that is safe, mixed-income, accessible, reasonably priced, transit-oriented, and compliant with the City's Green Building Standards.

(B) S.M.A.R.T. Housing must:

- (1) be safe by providing housing that complies with Title 25 of the City Code (*Land Development*);
- (2) provide mixed-income housing by including dwelling units that are reasonably-priced, as described in Subsections (C) and (D);
- (3) provide for accessibility by:
 - (a) including dwelling units that comply with the accessibility requirements of the Building Code in:
 - (1) each building with four or more dwelling units; and
 - (2) at least 10 percent of the dwelling units in each development; or
 - (b) for a development with three or fewer dwelling units, complying with the design and construction requirements of Chapter 5-1, Article 3, Division 2 (*Design and Construction Requirements*); and
- (4) except as provided in Subsection (E), be located within one-half mile walking distance of a local public transit route at time of application; and
- (5) achieve at least a one star rating under the Austin Green Building program.

(C) A reasonably-priced dwelling unit is one that is affordable for purchase or rental by a household that meets the housing costs and income qualifications of this subsection.

(1) This paragraph provides qualifications on the amount of household income spent on housing costs.

- (a) Except as provided by Subparagraphs (b) and (c), housing costs of a household may not exceed 30 percent of its gross income.
- (b) A household may spend up to 35 percent of its gross income on housing costs if a household member receives City-approved homebuyer counseling.
- (c) A household that complies with other federal, state, or local income eligibility standards is not subject to the expenditure qualifications of Paragraphs (a) and (b).

(2) This paragraph provides qualifications on household income.

- (a) If an applicant develops dwelling units for sale, reasonably-priced dwelling units must serve households whose incomes average 80 percent of the median family income or below.
- (b) If an applicant develops dwelling units for lease, reasonably-priced dwelling units must serve households whose incomes average 60 percent of the median family income or below.

(D) The director may waive the transit-oriented requirement in (B)(4) if the project meets one of the following criteria:

- (1) the project will be located in a high opportunity area as identified by the director and established in the program guidelines;
- (2) the application includes a letter from Capital Metropolitan Transportation Authority that confirms a future route is documented in agency plans;
- (3) developer applies for State or Federal Government funds, including the Low Income Housing Tax Credit Program, related to this project; or
- (4) project affirmatively furthers fair housing as determined by the Director and in consideration of the City's Analysis of Impediments.

Source: Ord. 20071129-100; Ord. No. 20141106-124, Pt. 3, 11-17-14; Ord. No. 20250522-063, Pt. 3, 6-2-25.

§ 25-1-704 - FEE WAIVERS.

(A) The city manager may, in accordance with the director's determination under Subsection (B), waive all or a portion of fees described in the City's annual fee ordinance for a S.M.A.R.T. housing development.

(B) A developer is eligible for a waiver of the fees if the director determines that the S.M.A.R.T. housing development provides the percentage of reasonably priced dwelling units prescribed by this subsection.

- (1) If at least ten percent of the dwelling units are reasonably priced, the development is eligible for a waiver of 25 percent of the fees.
- (2) If at least 20 percent of the dwelling units are reasonably priced, the development is eligible for a waiver of 50 percent of the fees.
- (3) If at least 30 percent of the dwelling units are reasonably priced, the development is eligible for a waiver of 75 percent of the fees.
- (4) If at least 40 percent of the dwelling units are reasonably priced, the development is eligible for a waiver of 100 percent of the fees.

Source: Ord. 20071129-100; Ord. No. 20200220-056, Pt. 1, 3-2-20; Ord. No. 20240201-053, Pt. 1, 2-12-24; Ord. No. 20250522-063, Pt. 4, 6-2-25.

§ 25-1-705 - REQUIRED AFFORDABILITY PERIOD.

- (A) To be eligible for the S.M.A.R.T. Housing program, unless a longer term is required by law, private agreement, or another provision of this Code, all reasonably priced dwelling units in a S.M.A.R.T. Housing development must remain reasonably priced for the following affordability periods commencing on the date of initial occupancy:
 - (1) if the unit is owner-occupied, a period of at least one year, or if the owner is receiving federal housing assistance, a period of at least five years; or
 - (2) if the unit is a rental unit, a period of at least five years.
- (B) If a reasonably-priced dwelling unit within a S.M.A.R.T. Housing development is converted from a rental unit to an owner- occupied dwelling unit during the applicable affordability period, the dwelling unit shall be subject to the affordability period applicable to an owner-occupied dwelling unit, and the new affordability period begins on the date that the converted dwelling unit is available for owner occupancy.
- (C) If the development does not comply with the requirement to maintain the applicable percentage of dwelling units as reasonably- priced for the duration of the applicable affordability period, the developer shall reimburse the City for all fees.
- (D) Before the director may certify, the applicant shall comply with Section 4-18-25 (*Certification*) except that the agreement must, at a minimum, include:
 - (1) terms that require a defaulting applicant to pay the otherwise applicable fees;
 - (2) liquidated damages in an amount up to twice the amount of fees waived, being such an amount that will fairly compensate the City for administrative costs incurred; and
 - (3) liquidated damages that will fairly compensate the City for any breach that results in the loss of reasonably-priced dwelling units during the affordability period.

Source: Ord. 20071129-100; Ord. No. 20250522-063, Pt. 5, 6-2-25.

Division 3. - Tenant Notification and Relocation.

§ 25-1-711 - PURPOSE, APPLICABILITY, EXCEPTIONS AND DEFINITIONS.

- (A) The requirements of this division seek to mitigate, through notification requirements and relocation assistance, the impacts of tenant displacement resulting from multi-family redevelopment and the demolition or change in use of multi-family properties and mobile home parks. This division does not regulate or affect the landlord-tenant relationship.
- (B) Except where otherwise provided, the requirements of this division do not apply to any dwelling unit:
 - (1) demolished or vacated because of damage caused by the tenant or by other events beyond the owner's control, including fire, civil commotion, malicious mischief, vandalism, tenant waste, natural disaster or other destruction;
 - (2) owned by a public housing agency;
 - (3) located inside the boundaries of an educational institution that is occupied by students, faculty, or staff of the institution;
 - (4) for which relocation assistance is required to be paid to the tenants under federal or state law; or
 - (5) that is operated as emergency or temporary shelter for homeless persons and owned or administered by a nonprofit organization or public agency.
- (C) In this division,
 - (1) MOBILE HOME PARK means a site containing five or more structures that:
 - (a) are transportable in one or more sections;
 - (b) in travelling mode, are at least 8 feet in width or 40 feet in length or, when erected onsite, are 320 square feet or more in area;
 - (c) are built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation; and
 - (d) includes plumbing, heating, air-conditioning, and electrical systems; or
 - (e) satisfies all criteria other than the size requirements in Paragraph (1)(b).
 - (2) MULTI-FAMILY PROPERTY means a property that includes at least five residential units;
 - (3) MULTI-FAMILY REDEVELOPMENT means the demolition, alteration, repair, partial demolition, redevelopment, rezoning, or change in use of a multi-family property, or any portion of a multi-family property, or a mobile home park;
 - (4) TENANT DISPLACEMENT means any condition that requires a tenant to vacate a multi-family building or mobile home park due to multi-family redevelopment, where a tenant will not be relocated to another comparably sized unit within the same building or site; and
 - (5) UNPERMITTED REDEVELOPMENT means multi-family redevelopment that occurs without the appropriate approval under this title.

Source: 20160901-050, Pt. 4, 9-12-16; Ord. No. 20230831-103, Pt. 3, 9-11-23.

§ 25-1-712 - TENANT NOTIFICATION REQUIRED.

- (A) The requirements of this section apply to:
 - (1) an application to:
 - (a)

demolish, alter, or repair the interior or exterior of one or more residential units at a multi-family property that would result in the displacement of one or more tenants, including a demolition permit or a building permit;

- (b) approve a site plan or change of use permit for an existing mobile home park; or
- (c) rezone a property within the Mobile Home Residence (MH) District designation that contains an existing mobile home park; or
- (2) unpermitted redevelopment that results in displacement of one or more tenants either before or after unpermitted redevelopment occurs.

(B) **Notification Timelines.**

- (1) an applicant must provide tenant notification prior to submittal of the application in accordance with the timelines established under this subsection.
- (2) to demonstrate that required notification was provided prior to submittal of an application, the applicant must include a certified statement, on a form approved by the director, confirming that all tenants received notification required under this section within the following timeframes:
 - (a) for a multi-family property, at least 120 days prior to the date application for a building permit or a demolition permit was submitted; or
 - (b) for a mobile home park, at least 270 days prior to the date the application for a rezone, site plan, or change of use permit was submitted.

(C) The notification required by this section must be on a form approved by the director and must:

- (1) be delivered:
 - (a) by the applicant or the applicant's representative, or by registered or certified mail, with return receipt requested;
 - (b) to all units:
 - (i) proposed for demolition in a multi-family property under a permit application for which notice is required under Subsection (A)(1)(a) of this section; or
 - (ii) located in a mobile home park included in a rezone, change of use, or site plan application for which notice is required under Subsections (A)(1)(b), (c) of this section; or
 - (c) in a manner authorized by the director; and
- (2) include the following information, in English, Spanish, and such other language as may be required by the director:
 - (a) the applicant's name and contact information;
 - (b) a description of the development application for which notification is required under Subsection (A) of this section;
 - (c) a statement that the application may be reviewed on or after the 120th or 270th day, whichever applies, following receipt of the notice and may result in displacement of tenants;
 - (d) a description of any tenant relocation assistance that may be available under Section 25-1-714 (Tenant Relocation Program), including income eligibility requirements and forms for requesting assistance;
 - (e) information regarding applicable school district policies relating to district residency requirements;
 - (f) information regarding the requirements of state law for return of security deposits;
 - (g) information regarding the availability of fee waivers from Austin Energy for obtaining utility service at a new residence where relocation is required due to displacement;
 - (h) other information as may be required by the director, including programs and services to assist displaced tenants; and
- (3) be on a form provided by the director, which shall be uniform for all applicants except that the director may require an additional language as provided under Paragraph (2).

(D) If an applicant requests an extension of a permit for which notification under this section is required, the applicant must provide renotification to tenants consistent with the requirements for a new application.

(E) A landowner or landowner's agent must provide notification that complies with Subsection (C) prior to unpermitted redevelopment. In this subsection, prior to unpermitted redevelopment means:

- (1) for a multi-family property, at least 120 days before unpermitted redevelopment begins; and
- (2) for a mobile home park, at least 270 days before unpermitted redevelopment begins.

Source: 20160901-050, Pt. 4, 9-12-16; Ord. No. 20220421-058, Pt. 2, 4-21-22; Ord. No. 20230831-103, Pt. 3, 9-11-23.

§ 25-1-713 - ADDITIONAL NOTICE REQUIREMENTS.

- (A) At the time that notification is provided under Section 25-1-712 (Tenant Notification Required), the owner or operator of a multi-family property or mobile home park must post one or more signs in accordance with this section.
- (B) The sign must be on a form approved by the director and must:
 - (1) describe the application for which notification is required under Section 25-1-712 (Tenant Notification) and state that any new or existing tenants may be required to relocate from the property as a result of proposed demolition or redevelopment; and
 - (2) to the greatest extent feasible:
 - (a) for a mobile home park, be posted at the main entrance in a location visible to the public from the adjacent public right-of-way or private drive; or
 - (b) for a multi-family property, be posted at the front of the leasing office or other primary building entrance as determined by the director.

- (C) A sign required to be posted under this section must remain on the property until:
- (1) for a multi-family property, the date that demolition, alteration, or repair activity begins; and
 - (2) for a mobile home park, the earlier of:
 - (a) the date that the property ceases to be used as a mobile home park; or
 - (b) if applicable, the date that the site plan approval or change of use permit expires; and
 - (3) the date that unpermitted redevelopment ends.
- (D) If a landowner or a landowner's agent rents a unit to a new tenant following application for a permit requiring notice under Section 25-1-712 (Tenant Notification Required), the landowner or landowner's agent must provide the tenant with notification that includes the information required under Section 25-1-712(C) (Tenant Notification Required).

Source: 20160901-050, Pt. 4, 9-12-16; Ord. No. 20230831-103, Pt. 3, 9-11-23.

§ 25-1-714 - TENANT RELOCATION PROGRAM.

- (A) The director shall adopt a tenant relocation program by administrative rule for the purpose of mitigating the impacts of tenant displacement resulting from multifamily redevelopment within the City of Austin.
- (B) The tenant relocation program must, at a minimum, include each of the elements described in this subsection.
- (1) Tenant Relocation Fee. The program must include a methodology to be used by the director in recommending to the city council the amount of the fee required under Section 25-1-715 (Tenant Relocation Assistance—Developer Funded). The methodology shall include a nexus study that accounts for the impacts of displacement to tenant communities directly affected by multifamily redevelopment and to the community as a whole. The fee shall be consistently calculated and uniformly applied, but may vary based on number of units, bedrooms, and other objective criteria identified by the nexus study.
 - (2) Eligibility for Tenant Relocation Assistance. The program shall establish eligibility requirements that a tenant must meet in order to receive tenant relocation assistance under Section 25-1-715 (Tenant Relocation Assistance—Developer Funded) or Section 25-1-716 (Tenant Relocation Assistance—City Funded). At a minimum, the eligibility requirements must:
 - (a) require that a tenant:
 - (i) have a household income at or below 70% of median family income or, for residents of a mobile home park, 80% of median family income; and
 - (ii) submit a claim form documenting income eligibility no later than the deadline established by the director; and
 - (b) allow a tenant who resided at a property where multi-family redevelopment occurred if the tenant resided at the property:
 - (i) for a multi-family property, 120 days before multi-family redevelopment begins; or
 - (ii) for a mobile home park, 270 days before multi-family redevelopment begins; and
 - (c) prohibit participation by tenants of multi-family redevelopment that is exempt from this division under Section 25-1-711 (Purpose, Applicability, Exemptions, and Definitions), except that the director may allow use of funds under Section 25-1-716 (Tenant Relocation Assistance—City Funded) to provide relocation assistance for tenant displacement resulting from fire, civil commotion, malicious mischief, vandalism, natural disaster, or other destruction beyond the control of the owner or tenant.
 - (3) Use of Tenant Relocation Assistance. The program must specify the types of expenses for which tenant relocation assistance may be provided. Eligible expenses paid using funds collected under Section 25-1-715 (Tenant Relocation Assistance—Developer Funded) must be reasonably attributable to tenant displacement based on the nexus study required under Paragraph (C)(1).
 - (4) Refund Procedures. The program shall establish procedures by which an applicant who paid a tenant relocation fee under Section 25-1-715 (Tenant Relocation Assistance—Developer Funded) may request a refund of any fees not spent for an authorized purpose within ten years after approval of an application for which notification is required under Section 25-1-712 (Tenant Notification Required).
- (C) The director may include additional elements in the tenant relocation program, including but not limited to notification forms and other documents required under Section 25-1-712 (Tenant Notification Required) and Section 25-1-713 (Additional Notice Requirements).

Source: 20160901-050, Pt. 4, 9-12-16; Ord. No. 20230831-103, Pt. 3, 9-11-23.

§ 25-1-715 - TENANT RELOCATION ASSISTANCE—DEVELOPER FUNDED.

- (A) An applicant for multi-family redevelopment must pay a tenant relocation fee established by separate ordinance as a condition to approval of:
- (1) a planned unit development (PUD) zoning district, as required under Section 2.3.2 (*Additional Requirements*) of City Code Chapter 25-2, Subchapter B, Article 2, Division 5 (*Planned Unit Developments*); or
 - (2) a rezone or other discretionary land use approval that requires approval by the city council and is reasonably likely to result in tenant displacement, unless waived by the city council.
- (B)

The director shall deposit a fee imposed under this section into the Developer Fund for Tenant Relocation Assistance, which is established under this section. The director shall use the fund to provide tenant relocation assistance to eligible tenants at the development or site for which the payment was made, consistent with requirements adopted under [Section 25-1-714 \(Tenant Relocation Program\)](#).

Source: [20160901-050](#), Pt. 4, 9-12-16.

§ 25-1-716 - TENANT RELOCATION ASSISTANCE—CITY FUNDED.

- (A) The City of Austin Tenant Relocation Fund is established for use in providing relocation assistance to tenants displaced by multi-family redevelopment.
- (B) The director shall administer the fund consistently with guidelines established under [Section 25-1-714 \(Tenant Relocation Program\)](#) and may use the fund to provide relocation assistance to any tenant displaced due to:
 - (1) development activity for which notification was required under [Section 25-1-712 \(Tenant Relocation Required\)](#), whether or not the applicant was required to pay a fee under [Section 25-1-715 \(Tenant Relocation Assistance—Developer Funded\)](#);
 - (2) emergency orders to vacate based on health and safety concerns;
 - (3) fire, civil commotion, malicious mischief, vandalism, natural disaster, or other destruction beyond the control of the owner or tenant; or
 - (4) major repairs or renovations of multifamily buildings.

Source: [20160901-050](#), Pt. 4, 9-12-16.

§ 25-1-717 - OFFENSES.

- (A) A person commits an offense if the person fails to deliver the notification required under [Section 25-1-712 \(Tenant Notification Required\)](#) to one or more units within a multi-family property or mobile home park. A person commits a separate offense for each day the person fails to deliver required notification to an individual unit within a multi-family property or mobile home park for which notification is required.
- (B) A person commits an offense if the person fails to post the notification required under [Section 25-1-713 \(Additional Notification Requirements\)](#). A person commits a separate offense for each day the person fails to post the required notification.
- (C) Each offense is punishable by a fine not to exceed \$500 and requires proof of a culpable mental state.

Source: [20160901-050](#), Pt. 4, 9-12-16; [Ord. No. 20230831-103](#), Pt. 3, 9-11-23.

Division 4. - Affordability Unlocked Bonus Program.

§ 25-1-720 - PURPOSE, APPLICABILITY, SHORT TITLE, AUTHORITY, AND CONFLICT.

- (A) The purpose of this division is to establish a voluntary affordable housing bonus program that allows for increased density for residential dwelling units.
- (B) This division applies within the zoning jurisdiction.
- (C) This division may be cited as "Affordability Unlocked Bonus Program".
- (D) The director may adopt, implement, and enforce:
 - (1) program guidelines; and
 - (2) administrative rules in accordance with Chapter 1-2 (*Administrative Rules*).
- (E) A provision of this title that is specifically applicable to a qualifying development governs over a conflicting provision of this title.

Source: [20190509-027](#), Pt. 2, 5-20-19.

§ 25-1-721 - DEFINITIONS.

In this division,

- (1) GOVERNMENT-OPERATED AFFORDABLE HOUSING PROGRAM means a program operated by a federal, state, or local department that provides financial or other form of subsidy for the purpose of providing affordable housing.
- (2) HOUSING FOR OLDER PERSONS means housing for households with at least one individual who is at least 62 years of age at the time of initial occupancy.
- (3) MFI means median family income for the Austin metropolitan statistical area.
- (4) QUALIFYING DEVELOPMENT means a development certified under [Section 25-1-724 \(Certification\)](#) and participating in the Affordability Unlocked Bonus Program.
- (5) SLEEPING UNIT means a bedroom in a structure that serves as a dwelling unit for seven or more unrelated individuals who share amenities, such as a kitchen, bathrooms, or living areas.
- (6) SUPPORTIVE HOUSING means housing that includes non-time-limited affordable housing assistance with wrap-around supportive services for individuals experiencing homelessness, as well as other individuals with disabilities.

§ 25-1-722 - ELIGIBILITY.

- (A) A proposed development qualifies as a Type I development and is eligible for this program if:
- (1) it includes:
 - (a) a minimum of three dwelling units,
 - (b) only affordable dwelling units; or
 - (c) one or more structures that serve as a dwelling unit for seven or more unrelated individuals who share amenities, such as a kitchen, bathrooms, or living areas;
 - (2) at least 25 percent of the affordable dwelling units include two or more bedrooms, supportive housing, housing for older persons, or any combination of the three;
 - (3) not more than 25 percent of the proposed development's gross floor area is for commercial uses;
 - (4) it is new construction, it is redevelopment of a site without existing multi-family structures, or the existing development on the site complies with the requirements in Subsection (D); and
 - (5) it meets the requirements set forth in Section 25-1-723 (Affordability Requirements).
- (B) Except for a proposed development participating in a government-operated affordable housing program with stricter requirements, the applicant for a proposed rental development:
- (1) shall incorporate lease provisions that are consistent with:
 - (a) the U.S. Department of Housing and Urban Development (HUD) Section 8 Tenant-Based Assistance Housing Choice Voucher (HCV) Program related to the termination of tenancy by owner;
 - (b) any lease addendum required as a condition to receive city or Austin Housing Finance Corporation (AHFC) funds; and
 - (c) 24 C.F.R. § 245.100 related to a tenant's right to organize; and
 - (2) may not discriminate on the basis of an individual's source of income as defined in Section 5-1-13 (*Definitions*).
- (C) A proposed development qualifies as a Type 2 development and is eligible for additional bonuses if it meets the standards imposed in Subsections (A) and (B) plus one or more of the following:
- (1) at least 50 percent of the affordable dwelling units include two or more bedrooms;
 - (2) for a rental development:
 - (a) at least 75 percent of the total units or sleeping units serve households whose incomes average 60 percent MFI or below, rounded up to the nearest unit or sleeping unit; or
 - (b) at least 10 percent of the affordable units or sleeping units serve households with incomes of 30 percent MFI or below, rounded up to the nearest unit or sleeping unit; or
 - (3) for an owner-occupied development, at least 75 percent of the owner-occupied dwelling units or sleeping units serve households whose incomes average 80 percent MFI or below; or
 - (4) is located within ¼ mile of an activity corridor designated in the Imagine Austin Comprehensive Plan and is served by a bus or transit line.
- (D) A proposed development that will require the applicant to redevelop or rebuild an existing multi-family structure is eligible for this program if:
- (1) the proposed development meets the standards imposed in Subsections (A) and (B);
 - (2) the existing multi-family structure requires extensive repairs and for which rehabilitation costs will exceed 50 percent of the market value, as determined by the building official;
 - (3) the proposed development will replace all existing units that were affordable to a household earning 80 percent MFI or below in the previous year and have at least as many bedrooms;
 - (4) the applicant provides current tenants with:
 - (a) notice and information about the proposed development on a form approved by the director; and
 - (b) relocation benefits that are consistent with Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C.A. 4601, *et seq.*; and
 - (5) the applicant grants current tenants the option to lease a unit of comparable affordability and size following completion of redevelopment.

Source: 20190509-027, Pt. 2, 5-20-19.

§ 25-1-723 - AFFORDABILITY REQUIREMENTS.

- (A) An applicant complies with the requirements in this section if the applicant participates in a government-operated affordable housing program that imposes, at a minimum, the same affordability requirements.
- (B) A rental development must comply with at least the following:
- (1) at least 50 percent of the total units or sleeping units serve households whose incomes average 60 percent MFI or below; and

- (2) at least 20 percent of the total units or sleeping units serve households with incomes of 50 percent MFI or below.
- (C) Except for a Type 2 owner-occupied development that complies with the requirements in Section 25-1-722(C)(3), at least 50 percent of the owner-occupied dwelling units or sleeping units must serve households whose incomes average 80 percent MFI or below.
- (D) If the number of units required in this section include less than a whole unit, the unit number is rounded up to the nearest whole unit.
- (E) The minimum affordability period for a rental development is the greater of the affordability period required for development receiving city or Austin Housing Finance Corporation (AHFC) funds or 40 years following the issuance of the last certificate of occupancy required for the qualifying development.
- (F) The minimum affordability period for an owner-occupied dwelling unit is 99 years following the issuance of a certificate of occupancy for the owner-occupied dwelling unit.
- (G) In a multi-phased qualifying development, the director may begin the minimum affordability period upon the issuance of the last certificate of occupancy for each phase.

Source: [20190509-027](#), Pt. 2, 5-20-19.

§ 25-1-724 - CERTIFICATION.

- (A) If the director certifies that a proposed development meets the requirements of this division, the accountable official is authorized to process a development application as a qualifying development.
- (B) Before the director may certify that a proposed development meets the requirements of this division, the applicant shall execute:
 - (1) an agreement to preserve the minimum affordability period and related requirements imposed by this division; and
 - (2) a document for recording in the real property records that provides notice of or preserves the minimum affordability requirements imposed by this division.
- (C) The form of the documents described in Subsection (B) must be approved by the city attorney.
- (D) The director may certify an applicant who complies with the requirements in Subsection (B) because the applicant participates in a government-operated affordable housing program that imposes, at a minimum, the same affordability requirements.

Source: [20190509-027](#), Pt. 2, 5-20-19.

§ 25-1-725 - POST-CONSTRUCTION REQUIREMENTS AND PENALTY.

- (A) For a rental development, the property owner or the property owner's agent shall provide the director with information that allows the director to verify compliance with the affordability requirements. The information shall be provided on an annual basis and on a form approved by the director.
- (B) If, for any reason, the director is unable to confirm that the affordability requirements were met during any 12-month period, the preceding 12 months may not be used to satisfy the minimum affordability requirements in Section 25-1-723 (Affordability Requirements).
- (C) An applicant complies with the requirements in this section if the applicant complies with monitoring and income verification requirements that are imposed and enforced as part of a government-operated affordable housing program.
- (D) A person commits an offense if the person fails to comply with the requirement in Subsection (A). A culpable mental state is not required, and need not be proved. A person commits a separate offense for each day the person fails to provide the documentation. Each offense is punishable by a fine not to exceed \$500.

Source: [20190509-027](#), Pt. 2, 5-20-19.

Division 5. - Reserved.

Footnotes:

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Editor's note— Ord. No. 20240229-070, Pt. 1, effective March 11, 2024, repealed §§ 25-1-751—25-1-756, which pertained to Residential Uses in Commercial Districts Incentive Program and derived from Ord. No. [20221201-055](#), Pt. 1, 12-12-22.

ARTICLE 16. - NEIGHBORHOOD PLAN AMENDMENTS.

§ 25-1-801 - DEFINITIONS.

In this article:

- (1) DIRECTOR means the director of the Planning and Development Review Department.
- (2) NEIGHBORHOOD PLAN CONTACT TEAM means the individuals designated to implement an adopted neighborhood plan. The neighborhood plan contact team is a neighborhood organization that qualifies as an interested party for purposes of notice, appeal, and other processes if all other qualifications for interested party status are satisfied. The neighborhood plan contact team is a separate body apart from any other existing or future neighborhood organization.

Source: Ord. 20080306-073; Ord. 20091105-069; 20091217-053.

§ 25-1-802 - DIRECTOR'S REVIEW OF NEIGHBORHOOD PLAN.

The director shall conduct a general review of a neighborhood plan not earlier than five years after the adoption of the plan and may recommend amendments of a plan to the Planning Commission and council. The director shall include neighborhood stakeholder input in the review process.

Source: Ord. 20080306-073.

§ 25-1-803 - INITIATION OF NEIGHBORHOOD PLAN AMENDMENT.

A neighborhood plan amendment may be initiated by:

- (1) for an amendment regarding an individual property:
 - (a) the owner of the subject property;
 - (b) the council;
 - (c) the Planning Commission;
 - (d) the director;
 - (e) the neighborhood plan contact team for the planning area in which the property is located; or
- (2) for an amendment regarding an area-wide or subdistrict-wide recommendation:
 - (a) the council;
 - (b) the Planning Commission;
 - (c) the director; or
 - (d) the neighborhood plan contact team for the affected neighborhood plan area.

Source: Ord. 20080306-073; 20091217-053.

§ 25-1-804 - APPLICATION TO AMEND A NEIGHBORHOOD PLAN.

(A) Pre-Application Meeting. The applicant and the director's staff must meet before an applicant can submit an application to amend a neighborhood plan.

At the meeting:

- (1) the staff shall describe the application process to the applicant;
- (2) the applicant shall describe the proposed neighborhood plan amendment to the staff;
- (3) if the applicant is proposing a change to the future land use map, the applicant shall provide the staff with information regarding the proposed change, including the address, boundaries, acreage, current and proposed future land use map categories, and current and proposed uses; and
- (4) if the applicant is proposing a text change, the applicant shall provide the proposed language and an explanation of the change.

(B) Applications for an Individual Property.

- (1) The director may accept an application to amend a neighborhood plan not earlier than one year after the adoption of the plan.
- (2) An applicant may not file an application for an amendment that is substantially the same as an application denied by council until one year after the council action denying the prior application.

(C) Applications for Area-wide or Subdistrict-wide Amendments.

- (1) The director may accept an application to amend a neighborhood plan two or more years after council adopted the plan.
- (2) The director may accept an application to amend a neighborhood plan two or more years after the most recent council action on the plan occurred.
- (3) An application initiated by council may be filed at any time.

(D) The director may waive all or a portion of the fees, as set by the City's annual fee ordinance, for an amendment application initiated by a neighborhood plan contact team.

Source: Ord. 20080306-073; 20091217-053; Ord. No. 20170608-057, Pt. 1, 6-8-17; Ord. No. 20200220-056, Pt. 2, 3-2-20; Ord. No. 20230831-104, Pt. 1, 9-11-23.

§ 25-1-805 - NEIGHBORHOOD PLAN CONTACT TEAM.

- (A) The director shall initiate the formation of a neighborhood plan contact team.
- (B) The neighborhood plan contact team shall to the greatest extent practicable include at least one representative from each of the following groups within a neighborhood plan area:
 - (1) property owners;
 - (2) residential renters;
 - (3) business owners; and
 - (4) neighborhood organization members owning or renting property within the neighborhood plan area.

- (C) Representatives shall to the greatest extent possible be drawn from the group of persons involved in the development of the neighborhood plan.
- (D) The neighborhood plan contact team shall annually submit a list of its officers and members, including individual contact information and applicable membership category under Subsection (B), to the director.
- (E) The neighborhood plan contact team shall submit new bylaws or changes in existing bylaws to the director. The bylaws shall address roles and responsibilities, boundaries, membership, decision-making, meetings and meeting notification, officers and duties, amendments to the bylaws, finances, and conflicts of interest. The bylaws shall be consistent with the standardized bylaws template and instructions provided by the director.
- (F) Before the date on which the Planning Commission is scheduled to consider a proposed neighborhood plan amendment, the neighborhood plan contact team may submit a letter to the director stating its recommendation on the proposed amendment. The neighborhood plan contact team shall also identify any conflict of interest as defined in the bylaws of the neighborhood plan contact team.
- (G) Neighborhood plan contact teams shall have dispute resolution as follows:
 - (1) Filing complaints. A person who meets the membership requirements described under Subsection (B) and believes that the neighborhood plan contact team has violated the provisions of this section may file with the director a request to have the director investigate and mediate the complaint. Such complaints shall be in writing and shall identify the neighborhood plan contact team alleged to be violating the provisions of this section. All complaints must be filed within 45 days following the occurrence of an alleged violation.
 - (2) Investigation. The director shall review with the charging party the allegations contained within the complaint and, if warranted based on the requirements of this chapter, shall conduct a prompt and full investigation of the matter stated in the complaint through interviews with the charging party, contact team officers, and through review of all available documentation. The director shall determine in writing whether dispute resolution is warranted within 14 days of receiving a complaint and shall render a written report identifying issues to be addressed through dispute resolution within 28 days of receiving the complaint.
 - (3) Informal Dispute Resolution. If after investigation it is determined that there is reasonable cause to believe that dispute resolution is warranted, the director shall endeavor to eliminate any such alleged violations by informal methods of conference, conciliation, and persuasion. All informal dispute resolution and determinations of the director must be completed within 30 days after the director provides the written report.
 - (4) Formal Dispute Resolution. If, after determining that there is reasonable cause to believe that dispute resolution is warranted, and the director is unable to secure from the respondent an acceptable conciliation agreement, the director shall present a report to the Planning Commission within 30 days of completing the informal dispute resolution. If after review of the report the Planning Commission agrees with the report of the director, the Planning Commission may recommend a more formal mediation or dispute resolution process. The Planning Commission shall set a deadline for the completion of formal mediation based on the complexity and circumstances of a specific case and shall identify a neutral third party to conduct the dispute resolution process.
 - (5) Remedy.
 - (a) In cases where the informal and formal dispute resolution processes initiated by the City are unable to secure from the respondent an acceptable conciliation agreement, the Planning Commission may recommend that the director and the City discontinue recognition of the neighborhood plan contact team under the provisions of this chapter until a conciliation agreement acceptable to the Planning Commission is reached.
 - (b) In the event the City discontinues recognition of a neighborhood plan contact team, special designation of the organization as a neighborhood plan contact team will be removed from the City of Austin Community Registry, the neighborhood plan contact team will no longer be granted the authority to initiate Neighborhood Plan amendments, and the neighborhood plan contact team will no longer have access to any special resources or authority through the City based on its status as a neighborhood plan contact team.
 - (c) If recognition of a neighborhood plan contact team is discontinued for more than six months, the director may take action to initiate a new neighborhood plan contact team for the planning area under the provisions of City Code Section 25-1-805(A)—(C). In the event that the director takes action to initiate a new neighborhood plan contact team, the initial officers of the new neighborhood plan contact team may not have served as officers of the previous neighborhood plan contact team at the time when recognition was discontinued.
 - (6) Appeal. Charging parties and respondents may appeal the determination of the director and of the Planning Commission under this subsection to the City Council. Actions that are appealable include the director's determination that dispute resolution is warranted; findings/determinations that come out of the informal dispute resolution process; and discontinuation of recognition of a neighborhood plan contact team.

Source: Ord. 20080306-073; 20091217-053; Ord. No. 20160128-084, Pts. 1, 2, 2-8-16.

§ 25-1-806 - NOTICE AND PUBLIC HEARING.

- (A) The director shall give notice of the filing of an application for a proposed neighborhood plan amendment under Section 25-1-133 (Notice of Applications and Administrative Decisions).
- (B) The director shall conduct a community meeting on a proposed neighborhood plan amendment prior to the date on which the Planning Commission is scheduled to consider the amendment. The director shall give notice of the meeting under Section 25-1-132(A) (Notice of Public Hearing).
- (C) The Planning Commission and the council shall each hold a public hearing on a proposed neighborhood plan amendment.
- (D) This subsection prescribes notice for a public hearing on a proposed neighborhood plan amendment regarding an individual property.
 - (1) For a hearing before the Planning Commission, the director shall give notice under Section 25-1-132(A) (Notice of Public Hearing).

- (2) For a hearing before council, the director shall give notice under Section 25-1-132(B)(2) (Notice of Public Hearing).
- (3) The applicant is responsible for the cost of notice, unless the applicant is a neighborhood plan contact team. In that event, the City is responsible for the cost of notice.
- (E) This subsection prescribes notice for a public hearing on a proposed neighborhood plan amendment regarding an area-wide or subdistrict-wide recommendation.
 - (1) The director shall give notice of a public hearing before the Planning Commission or council to:
 - (a) each notice owner of property located within the proposed amendment boundaries;
 - (b) each City of Austin utility account address within the proposed amendment boundaries; and
 - (c) each neighborhood plan contact team and registered neighborhood organization within the proposed amendment boundaries and within 500 feet of the proposed amendment boundaries.
 - (2) The City is responsible for the cost of notice.

Source: Ord. 20080306-073; 20091217-053.

§ 25-1-807 - EXPIRATION OF APPLICATION.

- (A) A neighborhood plan amendment application expires if the director does not schedule the application for a public hearing:
 - (1) by the Planning Commission before the 181st day after the date of filing; or
 - (2) by the Planning Commission or council before the 181st day after the date on which the Planning Commission or council grants an indefinite postponement of a scheduled public hearing.
- (B) Except as provided in Subsection (D), a neighborhood plan amendment application expires if the council does not adopt an ordinance before the 361st day after council closes the public hearing on the application.
- (C) Except as provided in Subsection (D), a neighborhood plan amendment application initially submitted before the effective date of this section expires 180 days after the effective date of this section.
- (D) An applicant may file one request with the director and one request with council to extend an application that will expire under Subsection (B) or Subsection (C). The request must be in writing, be filed before the application expires, state good cause for the extension, and be for not more than 180 days.

Source: 20091217-053.

§ 25-1-808 - LAND USE COMMISSION PUBLIC HEARING AND RECOMMENDATION.

- (A) The Land Use Commission shall hold a public hearing on a neighborhood plan amendment application not later than the 90th day after the date the application is filed.
- (B) The Land Use Commission shall make a recommendation to the council on a neighborhood plan amendment application not later than the 14th day after the Land Use Commission closes the public hearing on the application.
- (C) If the Land Use Commission does not adopt a recommendation on an application, the Director shall forward the application to council without a Land Use Commission recommendation.
- (D) If the Land Use Commission does not hold a public hearing in accordance with Subsection (A), the applicant may file a written request for a hearing as prescribed in Section 25-2-282(E).
- (E) The Director shall report the Land Use Commission's recommendation on each neighborhood plan amendment application to the council.

Source: 20091217-053.

§ 25-1-809 - CITY COUNCIL HEARING AND RECOMMENDATION.

- (A) The council shall hold a public hearing on a neighborhood plan amendment application not later than the 40th day after the date of the Land Use Commission recommendation.
- (B) Section 25-2-283(C) shall apply to requests for postponement of the public hearing on a neighborhood plan amendment application.

Source: 20091217-053.

§ 25-1-810 - RECOMMENDATION CRITERIA.

- (A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.
- (B) The applicant must demonstrate that:
 - (1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;
 - (2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;

- (3) the proposed amendment is appropriate:
 - (a) because of a material change in circumstances since the adoption of the plan; and
 - (b) denial would result in a hardship to the applicant;
 - (4) the proposed project:
 - (a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations; or
 - (b) promotes the recruitment or retention of an employment center with 100 or more employees;
 - (5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan; or
 - (6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.
- (C) The applicant must demonstrate that:
- (1) the proposed amendment complies with applicable regulations and standards established by [Title 25 \(Land Development\)](#), the objectives of [Chapter 25-2 \(Zoning\)](#), and the purposes of the zoning district proposed for the subject property; and
 - (2) the proposed amendment is consistent with sound planning principles.

Source: Ord. 20080306-073; 20091217-053.

§ 25-1-811 - RESERVED.

Editor's note— [Ord. No. 20230831-104](#), Pt. 2, effective September 11, 2023, repealed § 25-1-811, which pertained to map; filing dates and derived from Ord. No. 20080306-073; Ord. No. 20091217-053.

ARTICLE 17. - INTERLOCAL DEVELOPMENT AGREEMENTS.

§ 25-1-901 - DEFINITIONS.

In this article:

- (1) DIRECTOR means the Director of the Planning and Development Review Department.
- (2) INTERLOCAL DEVELOPMENT AGREEMENT means an agreement between the City and any governmental entity, municipal corporation or political subdivision that establishes or modifies regulations for the use, development, or construction of property containing one or more existing or proposed structures. The term includes new agreements and amendments to existing agreements, but does not include agreements or amendments related to roads or road facilities or the provision of utility services.

Source: Ord. 20091105-068.

§ 25-1-902 - LAND USE COMMISSION PUBLIC HEARING AND RECOMMENDATION.

- (A) Prior to council consideration of a proposed interlocal agreement, the director shall schedule a public hearing before the Land Use Commission.
- (B) The director shall give notice of a public hearing required under Subsection (A) consistent with the following requirements:
 - (1) If a proposed interlocal development agreement establishes or modifies use, development, or construction regulations applicable to a particular site or structure, the director shall mail notice not later than the 11th day before the date of the hearing as provided under Subsection [25-1-904\(A\) \(Notice Requirements for Proposed Interlocal Development Agreements\)](#).
 - (2) If a proposed interlocal development agreement establishes or modifies general use, development, or construction regulations contained in a master plan or agreement applicable to a governmental entity, municipal corporation, or political subdivision, rather than regulations applicable to a particular site or structure, the director shall provide notice as required under Subsection [25-1-132\(C\) \(Notice of Public Hearing\)](#).
- (C) The Land Use Commission shall make a recommendation to the council on a proposed interlocal development agreement not later than the 14th day after the public hearing on the proposed agreement is closed.
- (D) The Land Use Commission may recommend that the council:
 - (1) approve the interlocal development agreement as proposed;
 - (2) approve a more restrictive interlocal development agreement; or
 - (3) reject the proposed interlocal development agreement.

Source: Ord. 20091105-068.

§ 25-1-903 - CITY COUNCIL HEARING AND ACTION.

- (A) The council shall hold a public hearing on a proposed interlocal development agreement not later than the 40th day after the date of the Land Use Commission recommendation.

- (B) The director shall give notice of a public hearing required under Subsection (A) consistent with the following requirements:
- (1) If a proposed interlocal development agreement establishes or modifies use, development, or construction regulations applicable to a particular site or structure, the director shall provide notice by:
 - (a) publishing notice not later than the 16th day before the date of the public hearing as provided under Subsection 25-1-132(B)(1) (*Notice of Public Hearing*); and
 - (b) mailing notice not later than the 16th day before the date of the hearing as provided under Subsection 25-1-904(A) (*Notice Requirements for Proposed Interlocal Development Agreements*).
 - (2) If a proposed interlocal development agreement establishes or modifies general use, construction, or development regulations contained in a master plan or agreement applicable to a governmental entity, municipal corporation, or political subdivision, rather than a particular site or structure, the director shall provide notice as required under Subsection 25-1-132(C) (*Notice of Public Hearing*).
- (C) After a public hearing on a proposed interlocal development agreement, the council may authorize the city manager to:
- (1) execute the agreement as proposed;
 - (2) execute a modified agreement, which may include different use, development, or construction regulations or other conditions not contained in the proposed agreement;
 - (3) negotiate a new agreement, which shall be subject to review by the Land Use Commission under Section 25-1-903 (*Review and Recommendation of the Land Use Commission*); or
 - (4) reject the proposed agreement and discontinue negotiations.

Source: Ord. 20091105-068.

§ 25-1-904 - NOTICE REQUIREMENTS FOR PROPOSED INTERLOCAL DEVELOPMENT AGREEMENTS.

- (A) Mailed notice required under this article shall comply with the requirements of Subsection 25-1-134(B) (*Procedures and Requirements for Notice*) and shall be sent to:
- (1) governmental entity, municipal corporation, or political subdivision that is to be a party to the agreement;
 - (2) notice owner of property located within 500 feet of the subject property;
 - (3) registered environmental or neighborhood organization whose declared boundaries are within 500 feet of the site of the subject property; and
 - (4) utility account addresses located within 500 feet of the site of the subject property, as shown in the City utility records on the date of the filing of the application.
- (B) Mailed and published notice required under this article must:
- (1) describe the general nature of the proposed interlocal development agreement;
 - (2) identify the governmental entity, municipal corporation, or political subdivision that is to be a party to the agreement;
 - (3) generally describe the proposed agreement;
 - (4) identify the entities that may approve the proposed agreement;
 - (5) state the earliest date that action on the proposed agreement may occur; and
 - (6) include the address and telephone number of the accountable official or staff from whom additional information may be obtained.

Source: Ord. 20091105-068.

ARTICLE 18. - AREA PLANS.

§ 25-1-1001 - DEFINITIONS.

In this article:

- (A) DIRECTOR means the director of the Planning Department.
- (B) AREA PLAN means a long-range policy plan adopted by ordinance as an element of the comprehensive plan that establishes land use policy for a specific geographic area. Area plan may include a neighborhood plan, district plan, station area plan, small area plan, land use-focused corridor plan, framework plan, and plans incorporating future land use maps.

Source: Ord. No. 20250522-065, Pt. 1, 6-2-25.

§ 25-1-1002 - AREA PLAN.

- (A) An area plan shall be prepared by the director.
- (B) The director may conduct a general review of an area plan at any time and may recommend amendments of an area plan to the Land Use Commission and council.

- (C) The director may establish a list of community stakeholders to seek input in the review process.
- (D) The director may establish a list of community resources available to assist the director with technical aspects of area planning.

Source: [Ord. No. 20250522-065](#), Pt. 1, 6-2-25.

§ 25-1-1003 - AMENDMENT PROCESS.

An amendment to an area plan shall follow the process outlined by this Article, except for:

- (1) An amendment to the Lamar Blvd./Justin Station Area Plan, Plaza Saltillo Station Area Plan, or East MLK TOD Station Area Plan, shall follow the process in [25-2-766.23](#).
- (2) An amendment to a neighborhood plan adopted by ordinance shall follow the process in [Chapter 25-1, Article 16 \(Neighborhood Plan Amendments\)](#).

Source: [Ord. No. 20250522-065](#), Pt. 1, 6-2-25.

§ 25-1-1004 - INITIATION OF AREA PLAN AMENDMENT.

An area plan amendment may be initiated by:

- (1) for an individual property amendment:
 - (a) the owner of the subject property;
 - (b) the council;
 - (c) the Land Use Commission; or
 - (d) the director.
- (2) for an area-wide or subdistrict-wide amendment:
 - (a) the council;
 - (b) the Land Use Commission; or
 - (c) the director.

Source: [Ord. No. 20250522-065](#), Pt. 1, 6-2-25.

§ 25-1-1005 - APPLICATION TO AMEND AN AREA PLAN.

- (A) Pre-Application Meeting. The applicant and the director's staff must meet before an applicant can submit an application to amend an area plan. At the meeting:
 - (1) the staff shall describe the application process to the applicant;
 - (2) the applicant shall describe the proposed area plan amendment to the staff;
 - (3) if the applicant is proposing a change to the future land use map, the applicant shall provide the staff with information regarding the proposed change, including the address, boundaries, acreage, current and proposed future land use map categories, and current and proposed uses; and
 - (4) if the applicant is proposing a text change, the applicant shall provide the proposed language and an explanation of the change.
- (B) Application for an individual property.
 - (1) The director may accept an application to amend an area plan not earlier than one year after the adoption of the plan.
 - (2) An applicant may not file an application for an amendment that is substantially the same as an application denied by council until one year after the council action denying the prior application.
- (C) Application for area-wide or subdistrict-wide amendment.
 - (1) The director may accept an application to amend an area plan two or more years after council adopted the plan.
 - (2) The director may accept an application to amend an area plan two or more years after the most recent council action on the plan occurred.
 - (3) An application initiated by council may be filed at any time.

Source: [Ord. No. 20250522-065](#), Pt. 1, 6-2-25.

§ 25-1-1006 - NOTICE AND PUBLIC HEARING.

- (A) The director shall give notice of the filing of an application for a proposed area plan amendment under [Section 25-1-133 \(Notice of Applications and Administrative Decisions\)](#).
- (B) The director shall conduct a community meeting on a proposed area plan amendment prior to the date on which the Land Use Commission is scheduled to consider the amendment. The director shall give notice of the meeting under [Section 25-1-132\(A\) \(Notice of Public Hearing\)](#).
- (C) The Land Use Commission and the council shall each hold a public hearing on a proposed area plan amendment.
- (D) This subsection prescribes notice for a public hearing on a proposed area plan amendment regarding an individual property.
 - (1) For a hearing before the Land Use Commission, the director shall give notice under [Section 25-1-132\(A\) \(Notice of Public Hearing\)](#).

- (2) For a hearing before council, the director shall give notice under Section 25-1-132(B)(2) (Notice of Public Hearing).
- (3) The applicant is responsible for the cost of notice.
- (E) This subsection prescribes notice for a public hearing on a proposed area-wide or subdistrict-wide amendment.
 - (1) The director shall give notice of a public hearing before the Land Use Commission or council to:
 - (a) each notice owner of property located within the proposed amendment boundaries;
 - (b) each City of Austin utility account address within the proposed amendment boundaries; and
 - (c) each registered neighborhood organization within the proposed amendment boundaries and within 500 feet of the proposed amendment boundaries.
 - (2) The City is responsible for the cost of notice.

Source: Ord. No. 20250522-065, Pt. 1, 6-2-25.

§ 25-1-1007 - EXPIRATION OF APPLICATION.

- (A) An area plan amendment application expires if the director does not schedule the application for a public hearing:
 - (1) by the Land Use Commission before the 181st day after the date of filing; or
 - (2) by the Land Use Commission or council before the 181st day after the date on which the Land Use Commission or council grants an indefinite postponement of a scheduled public hearing.
- (B) Except as provided in Subsection (D), an area plan amendment application expires if the council does not adopt an ordinance before the 361st day after council closes the public hearing on the application.
- (C) Except as provided in Subsection (D), an area plan amendment application initially submitted before the effective date of this section expires 180 days after the effective date of this section.
- (D) An applicant may file one request with the director and one request with council to extend an application that will expire under Subsection (B) or Subsection (C). The request must be in writing, be filed before the application expires, state good cause for the extension, and be for not more than 180 days.

Source: Ord. No. 20250522-065, Pt. 1, 6-2-25.

§ 25-1-1008 - LAND USE COMMISSION PUBLIC HEARING AND RECOMMENDATION.

- (A) The Land Use Commission shall hold a public hearing on an area plan amendment application not later than the 90th day after the date the application is filed.
- (B) The Land Use Commission shall make a recommendation to the council on an area plan amendment application not later than the 14th day after the Land Use Commission closes the public hearing on the application.
- (C) If the Land Use Commission does not adopt a recommendation on an application, the director shall forward the application to council without a Land Use Commission recommendation.
- (D) If the Land Use Commission does not hold a public hearing in accordance with Subsection (A), the applicant may file a written request for a hearing as prescribed in Section 25-2-282(E).
- (E) The director shall report the Land Use Commission's recommendation on each area plan amendment application to the council.

Source: Ord. No. 20250522-065, Pt. 1, 6-2-25.

§ 25-1-1009 - CITY COUNCIL HEARING AND RECOMMENDATION.

- (A) The council shall hold a public hearing on an area plan amendment application not later than the 40th day after the date of the Land Use Commission recommendation.
- (B) Section 25-2-283(C) shall apply to requests for postponement of the public hearing on a neighborhood plan amendment application.

Source: Ord. No. 20250522-065, Pt. 1, 6-2-25.

§ 25-1-1010 - RECOMMENDATION CRITERIA.

- (A) The director may not recommend approval of an area plan amendment unless the requirements of Subsections (B) and (C) are satisfied.
- (B) The applicant must demonstrate that:
 - (1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;
 - (2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;
 - (3) the proposed amendment is appropriate because of a material change in circumstances since the adoption of the plan;
 - (4) the proposed project:

- (a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations; or
 - (b) promotes the recruitment or retention of an employment center with 100 or more employees;
 - (5) the proposed amendment is consistent with the goals and objectives of the area plan; or
 - (6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.
- (C) The applicant must demonstrate that:
- (1) the proposed amendment complies with applicable regulations and standards established by Title 25 (Land Development), the objectives of Chapter 25-2 (Zoning), and the purposes of the zoning district proposed for the subject property; and
 - (2) the proposed amendment is consistent with the policies of the Comprehensive Plan and sound planning principles.

Source: Ord. No. 20250522-065, Pt. 1, 6-2-25.

CHAPTER 25-2. - ZONING.

SUBCHAPTER A. - ZONING USES, DISTRICTS, AND MAP; DISTRICT DESIGNATIONS.

ARTICLE 1. - ZONING USES.

§ 25-2-1 - USE CLASSIFICATIONS.

This article describes and classifies uses in the zoning jurisdiction. The major use categories are residential, commercial, industrial, civic, and agricultural.

Source: Sections 13-2-2 through 13-2-6; Ord. 990225-70; Ord. 031211-11.

§ 25-2-2 - DETERMINATION OF USE CLASSIFICATION.

- (A) The director of the Planning and Development Review Department shall determine the appropriate use classification for an existing or proposed use or activity.
- (B) If a particular use is not classified within a zoning category or land use definition, the director shall determine the appropriate use classification based on the characteristics of the proposed use and the similarities, if any, of the use to other classified uses.
- (C) If a use requires a determination under Subsection (B) of this section, a person may request that the director issue a formal use determination stating how the use is classified under existing use regulations. A use determination may be appealed to the Board of Adjustment under Section 25-1-197 (Use Determinations).
- (D) The director shall notify the Planning Commission and the Zoning and Platting Commission of the filing of an appeal within 30 days of the filing, and of the disposition of the appeal within 30 days of disposition.
- (E) The director shall maintain a list of determinations made under this section.

Source: Section 13-2-7; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 20120426-122.

§ 25-2-3 - RESIDENTIAL USES DESCRIBED.

- (A) Residential uses include the occupancy of living accommodations on a nontransient basis. Residential uses exclude institutional living arrangements providing 24-hour skilled nursing or medical care and those providing forced residence, including mental hospitals and prisons.
- (B) Residential use classifications are described as follows:
 - (1) BED AND BREAKFAST RESIDENTIAL use is the use of a residential structure to provide rooms for temporary lodging for overnight guests on a paying basis.
 - (2) CONDOMINIUM RESIDENTIAL use is the use of a site for attached or detached condominiums, as defined in the Texas Property Code.
 - (3) CONSERVATION SINGLE FAMILY RESIDENTIAL use is the use of a site for multiple detached dwelling units with each dwelling unit located on an individual lot and the remainder of the site being jointly-owned and preserved as open space.
 - (4) DUPLEX RESIDENTIAL use is the use of a site for two dwelling units within a single building, other than a mobile home.
 - (5) GROUP RESIDENTIAL use is the use of a site for occupancy by 16 or more adults and a third party prepares or provides food for the occupants on a weekly or longer basis. This use includes fraternity and sorority houses, dormitories, residence halls, and boarding houses.
 - (6) MOBILE HOME RESIDENTIAL use is the use of a site for occupancy of mobile homes on a weekly or longer basis. This use includes mobile home parks and mobile home subdivisions.
 - (7) MULTIFAMILY RESIDENTIAL use is the use of a site for four or more dwelling units, within one or more buildings, and includes condominium residential use.

- (8) RETIREMENT HOUSING (LARGE SITE) use is the use of a site for more than 12 dwelling units designed and marketed specifically for the elderly, the physically handicapped, or both.
- (9) RETIREMENT HOUSING (SMALL SITE) use is the use of a site for 3 to 12 dwelling units designed and marketed specifically for the elderly, the physically handicapped, or both.
- (10) SHORT-TERM RENTAL use is the rental of a housing unit or a portion of a housing unit for a period of less than 30 consecutive days. The use does not include an extension for less than 30 consecutive days of a previously existing rental agreement of 30 consecutive days or more or a rental between the parties to the sale of that housing unit.
- (11) SINGLE-FAMILY ATTACHED RESIDENTIAL use is the use of a site for two dwelling units, each located on a separate lot, that are constructed with common or abutting walls or connected by a carport, garage, or other structural element.
- (12) SINGLE-FAMILY RESIDENTIAL use is the use of a site for only one dwelling unit, other than a mobile home.
- (13) SMALL LOT SINGLE-FAMILY RESIDENTIAL use is the use of a small lot for only one dwelling unit, other than a mobile home.
- (14) TOWNHOUSE RESIDENTIAL use is the use of a site for townhouses.
- (15) THREE-UNIT RESIDENTIAL use is the use of a lot for three dwelling units other than a mobile home.
- (16) TWO-UNIT RESIDENTIAL use is the use of a lot for two dwelling units, each in a separate building, other than a mobile home.

Source: Section 13-2-2; Ord. 990225-70; Ord. 990520-38; Ord. 031211-11; Ord. 041118-57; Ord. 20100819-064; Ord. 20120802-122; Ord. No. 20231207-001, Pt. 2, 12-18-23; Ord. No. 20240516-006, Pt. 3, 5-27-24; Ord. No. 20250227-039, Pt. 4, 10-1-25.

§ 25-2-4 - COMMERCIAL USES DESCRIBED.

- (A) Commercial uses include the sale, rental, servicing, and distribution of goods, and the provision of services, other than those classified as industrial or civic uses.
- (B) Commercial use classifications are described as follows:
 - (1) ADMINISTRATIVE AND BUSINESS OFFICES use is the use of a site for the provision of executive, management, or administrative services. This use includes:
 - (a) administrative offices and services, including real estate, insurance, property management, investment, personnel, travel, secretarial, telephone answering, and photocopy and reproduction; and
 - (b) business offices for public utilities, organizations, associations, and other use classifications if the service rendered is customarily associated with administrative office services.
 - (2) AGRICULTURAL SALES AND SERVICES use is the use of a site for the on-site sale of feed, grain, fertilizers, pesticides and similar goods, or the provision of agricultural services with incidental storage of goods off-site. This use includes hay, feed, and grain stores and tree service firms.
 - (3) ALTERNATIVE FINANCIAL SERVICES BUSINESSES use is the use of a site for a check cashing business, payday advance or loan business, money transfer business, motor vehicle title loan business, or a credit access business as defined in this section.
 - (a) This use excludes:
 - (1) a state or federally chartered bank, savings and loan association or credit union, or a pawnshop, and
 - (2) a convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75% of the total gross revenue generated on site.
 - (b) A check cashing business is an establishment that provides one or more of the following:
 - (1) an amount of money that is equal to the face of a check or the amount specified in a written authorization for an electronic transfer of money, less any fee charged for the transaction;
 - (2) an agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
 - (3) the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any other person or entity for a fee.
 - (c) A payday advance or loan business is an establishment that makes small consumer loans of \$2,500 or less, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term or until a customer's next payday and then cashed unless the customer repays the loan to reclaim the check or debit. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.
 - (d) A motor title loan business is an establishment that makes small consumer loans of \$2,500 or less that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the vehicle.
 - (e) A credit access business has the same meaning as defined in Section 393.601 of the Texas Finance Code.
 - (4) ART GALLERY use is the use of a site for the display or sale of art.
 - (5) ART WORKSHOP use is use of a site for the production of art or handcrafted goods, and it includes the incidental sale of the art produced.
 - (6) AUTOMOTIVE RENTALS use is the use of a site for the rental of automobiles, noncommercial trucks, trailers, or recreational vehicles, including incidental parking and servicing of vehicles. This use includes auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.

- (7) AUTOMOTIVE REPAIR SERVICES use is the use of a site for the repair of automobiles, noncommercial trucks, motorcycles, motor-homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.
- (8) AUTOMOTIVE SALES use is the use of a site for sale or rental of automobiles, noncommercial trucks, motorcycles, motor-homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. This use includes new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
- (9) AUTOMOTIVE WASHING use is the use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.
- (10) BAIL BOND SERVICES use is the use of a site by a licensed bail bond surety to provide bail bond services regulated by Texas Occupations Code Chapter 1704. The use does not include bail bond services that are provided by an attorney and that are exempt from the state licensure requirements under Texas Occupations Code Section 1704.163.
- (11) BUILDING MAINTENANCE SERVICES use is the use of a site for provision of maintenance and custodial services to firms rather than individuals. This use includes janitorial service, landscape maintenance, and window cleaning services.
- (12) BUSINESS OR TRADE SCHOOL use is the use of a site for provision of education or training in business, commerce, language, or other similar activity or occupational pursuit that is not otherwise described as a home occupation, college, university, or public or private educational facility.
- (13) BUSINESS SUPPORT SERVICES use is the use of a site for sale, rental, or repair of equipment or supplies used by office, professional, or service establishments, but excludes automotive, construction, and farm equipment. This use includes office equipment and supply firms, small business machine repair shops, and hotel equipment and supply firms.
- (14) CAMPGROUND use is the use of a site for provision of camping or parking areas and incidental services for travelers in recreational vehicles or tents. This use includes recreation vehicle parks.
- (15) CARRIAGE STABLE use is the use of a site for housing of horses used solely to pull carriages, but excludes uses permitted in the description of stable.
- (16) COCKTAIL LOUNGE use is the use of a site for retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, other than a restaurant use as that term is described in this section.
- (17) COMMERCIAL BLOOD PLASMA CENTER use is the use of a site as a facility for the donation or sale by individual donors of blood plasma and other blood products, with the exception of whole blood. A "blood bank" as defined by Texas Health and Safety Code Section 162.001 is not a commercial blood plasma center.
- (18) COMMERCIAL OFF-STREET PARKING use is the use of a site for the parking of motor vehicles on a temporary basis within a privately owned off-street parking facility. This use includes commercial parking lots and garages and excludes parking as an accessory use.
- (19) COMMUNICATIONS SERVICES use is the use of a site for the provision of broadcasting or information relay services through electronic and telephonic mechanisms, but excludes major utility facilities. This use includes television, film, or sound recording studios, telecommunication service centers, and telegraph service offices.
- (20) CONSTRUCTION SALES AND SERVICES use is a use involving construction activities, the incidental storage of materials on sites other than construction sites, and the on-site sale of materials used in the construction of buildings or other structures, other than retail sale of paint, fixtures and hardware. This use includes building materials stores, tool and equipment rental or sales, and building contractor businesses, but excludes automobile sales, automobile rentals, automobile washing, automotive repair services, commercial off-street parking, equipment repair services, equipment sales, service stations, and vehicle storage.
- (21) CONSUMER CONVENIENCE SERVICES use is the use of a site for the provision of convenient and limited services to individuals in access-controlled facilities that make twenty-four hour operation possible. This use includes the renting of private postal and safety deposit boxes to individuals and automated banking machines.
- (22) CONSUMER REPAIR SERVICES use is the use of a site for the provision of repair services to individuals or households rather than firms. This use includes appliance repair shops, watch or jewelry repair shops, and musical instrument repair shops, and excludes automotive repair services, equipment repair services, and service stations.
- (23) CONVENIENCE STORAGE use is storage services primarily for personal effects and household goods within enclosed storage areas having individual access. This use includes mini-warehouses, and excludes workshops, hobby shops, manufacturing, and commercial activity.
- (24) DROP-OFF RECYCLING COLLECTION FACILITY use is a facility used for the collection and transfer, but not the actual processing, of recyclable materials. Recyclable materials include glass, paper, plastic, cans, or other source-separated, nonputrescible materials, and excludes motor oil, chemicals, household appliances, tires, automobiles, automobile parts, and putrescible materials.
- (25) ELECTRIC VEHICLE CHARGING use is the use of a site for the charging of an electric vehicle, including battery charging stations and rapid charging stations, each as defined by the United States Department of Energy.
- (26) ELECTRONIC PROTOTYPE ASSEMBLY use is the use of a site for the assembly of prototype electrical and electronic components for computers, computer peripherals, scientific or medical measuring or analyzing instruments, radio, telephone, and similar equipment. This use excludes the production of goods for sale to customers, and chip, wafer, or semiconductor prototype assembly.
- (27) ELECTRONIC TESTING use is the use of a site for testing an electrical or electronic component for a computer, computer peripheral, radio, telephone, scientific or medical instrument, or similar equipment. The use excludes the manufacture or assembly of a product.

- (28) EQUIPMENT REPAIR SERVICES use is the use of a site for the repair of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar heavy equipment. This use includes truck repair garages, tractor and farm implement repair services, and machine shops, but excludes dismantling and salvage activity.
- (29) EQUIPMENT SALES use is the use of a site for the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships, construction equipment dealerships, and mobile home sales establishments.
- (30) EXTERMINATING SERVICES use is the use of a site for the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.
- (31) FINANCIAL SERVICES use is the use of a site for the provision of financial and banking services. This use includes banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. This use excludes alternative financial services businesses uses as defined in this section.
- (32) FOOD PREPARATION use is the use of a site for the production of prepared food for wholesale distribution in a structure with not more than 5,000 square feet of gross floor area. The use includes wholesale bakeries, commercial kitchens, and specialty food processing or packaging shops, but excludes the on-site slaughter of animals and the commercial production of ice.
- (33) FOOD SALES use is the use of a site for the retail sale of food or household products for home consumption. This use includes grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.
- (34) FUNERAL SERVICES use is the use of a site for the preparation human dead for burial or arranging or managing funerals. This use includes funeral homes and mortuaries.
- (35) GENERAL RETAIL SALES (CONVENIENCE) use is the use of a site for the sale or rental of commonly used goods and merchandise for personal or household use, but excludes uses classified more specifically in this section. This use includes the provision of household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, specialty items, apparel, jewelry, fabrics, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, office supplies, and bicycles.
- (36) GENERAL RETAIL SALES (GENERAL) use is the use of a site for the sale or rental of commonly used goods for personal or household use, but excludes uses classified more specifically in this section. This use includes department stores, furniture stores, and establishments providing home furnishings, appliances, wallpaper, floor-covering, or automotive parts and accessories (excluding service and installation).
- (37) HOTEL-MOTEL use is the use of a site for the provision of rooms for temporary lodging. This use includes hotels, motels, and transient boarding houses.
- (38) INDOOR ENTERTAINMENT use is a predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.
- (39) INDOOR SPORTS AND RECREATION use is a recreational use conducted within an enclosed building. This use includes bowling alleys, billiard parlors, ice and roller skating rinks, penny arcades, electronic video arcades, and indoor racquetball courts.
- (40) KENNELS use is the use of a site for the boarding and care of dogs, cats, or similar small animals. This use includes boarding kennels, pet motels, and dog training centers.
- (41) LAUNDRY SERVICES use is the use of a site for the provision of laundering, dry cleaning, or dyeing services other than those classified as personal services. This use includes bulk laundry and cleaning plants, diaper services, and linen supply services.
- (42) LIQUOR SALES use is the use of a site for the retail sale of alcoholic beverages for off-premises consumption. This use includes liquor stores and bottle shops.
- (43) MARINA use is:
 - (a) the wet or dry storage or docking of seaworthy watercraft, including ramps and hoists for boats, for profit; or
 - (b) the provision of docks, wharves, piers, floats, or similar structures for the anchoring, mooring, housing, or storing of more than three watercraft.
- (44) MEDICAL OFFICES use is the use of a site for the consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, medical or dental laboratories, or similar practitioners of medical and healing arts for humans, licensed for practice by the state. The use includes a compounding pharmacy that does not exceed 3,000 square feet of gross floor area. A compounding pharmacy may prepare and sell prescription drugs and also sell non-prescription drugs, medical supplies, and other health products. The sale of other merchandise is permitted only as an accessory use.
- (45) MONUMENT RETAIL SALES use is the use of a site primarily for the retail sale of monuments for placement on graves. This use includes the sale, storage, and delivery of headstones, footstones, markers, statues, obelisks, cornerstones, and ledgers.
- (46) OFF-SITE ACCESSORY PARKING use is the use of a site for the provision of parking spaces, together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, located on a different site from the principal use.
- (47) OUTDOOR ENTERTAINMENT use is a predominantly spectator use conducted in open, partially enclosed, or screened facilities. This use includes sports arenas, racing facilities, and amusement parks.
- (48)

OUTDOOR SPORTS AND RECREATION use is a recreational use conducted in open, partially enclosed, or screened facilities. This use includes driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and outdoor racquetball courts.

- (49) PAWN SHOP SERVICES use is the use of a site for the lending of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of the property.
- (50) PEDICAB STORAGE AND DISPATCH use is the use of a site for the staging, storage, and dispatch of non-motorized vehicles, including incidental parking and servicing of these vehicles.
- (51) PERFORMANCE VENUE use is the use of a site for presentation of plays, motion pictures, or other performances that includes the retail sale of alcoholic beverages for consumption on the premises. This use also includes live music performances.
- (52) PERSONAL IMPROVEMENT SERVICES use is the use of a site for the provision of informational, instructional, personal improvement, and similar services. This use includes music studios, martial arts studios, photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft or hobby instruction.
- (53) PERSONAL SERVICES use is the use of a site for the provision of periodically needed services of a personal nature. This use includes beauty or barber shops, seamstress or tailor services, shoe repair shops, and dry cleaning pick-up station services.
- (54) PET SERVICES use is the use of a site for the retail sale of small animals customarily used as household pets, or the provision of veterinary, grooming, or boarding services, totally within a building. This use includes pet stores, small animal clinics, and pet grooming shops, but excludes uses for livestock and large animals.
- (55) PLANT NURSERY use is the use of a site for sale of plants or related goods or services. This use includes garden centers and tree service firms.
- (56) PRINTING AND PUBLISHING use is the use of a site for the bulk reproduction, printing, cutting, or binding of written or graphic material.
- (57) PROFESSIONAL OFFICE use is the use of a site for the provision of professional or consulting services in the fields of law, architecture, design, engineering, accounting, or similar professions.
- (58) RECREATIONAL EQUIPMENT MAINTENANCE AND STORAGE use is the use of a site for the maintenance, service, or storage of sports equipment, watercraft, watercraft motors, trailers, motorcycles, or motor-homes.
- (59) RECREATIONAL EQUIPMENT SALES use is the use of a site for the sale or rental of sports equipment, watercraft, watercraft motors, trailers, motorcycles, or motor-homes, and includes incidental storage, maintenance, and servicing.
- (60) RESEARCH ASSEMBLY SERVICES use is the use of a site for the assembly of products related to research services and used by the owners of the research establishment or affiliated entities in the delivery of services performed by the owner or affiliated entities. This use excludes the mass production of products for general sale to customers.
- (61) RESEARCH SERVICES use is research of an industrial or scientific nature. This use includes electronics research laboratories, space research or development firms, and pharmaceutical research labs, and excludes product testing.
- (62) RESEARCH TESTING SERVICES use is research activity that may be permitted only with the approval of the council within a planned development area district.
- (63) RESEARCH WAREHOUSING SERVICES use is the use of a site for enclosed or screened storage of materials or equipment related to research services, and excludes bulk warehousing or permanent storage of hazardous or toxic substances, except as authorized by a planned development area district ordinance.
- (64) RESTAURANT (GENERAL) use is the use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages as an accessory use.
- (65) RESTAURANT (LIMITED) use is the use of a site for the preparation and retail sale of food and beverages and excludes the sale of alcoholic beverages for on-premises consumption.
- (66) SCRAP AND SALVAGE SERVICES use is the use of a site for the storage, sale, dismantling or other processing of used or waste materials that are not intended for re-use in their original forms. This use includes automotive wrecking yards, junk yards, and paper salvage yards.
- (67) SERVICE STATION use is the use of a site for the provision of fuel, lubricants, parts and accessories, or incidental services to motor vehicles.
- (68) SOFTWARE DEVELOPMENT use is the use of a site for development or testing of computer software packages including magnetic disks, tapes, and associated operating manuals. This use excludes printing, distribution, and software manufacturing.
- (69) SPECIAL USE HISTORIC is a use that complies with the requirements of Section 25-2-807 (Special Use In Historic Districts).
- (70) STABLE use is the use of a site for boarding, breeding or raising of horses not owned by the occupants of the premises, or the rental of horses for riding. This use includes boarding stables or public stables.
- (71) THEATER use is the use of a site for presentation of plays, motion pictures, or other performances within a building. This use also includes live music performances.
- (72) VEHICLE STORAGE use is the use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.
- (73) VETERINARY SERVICES use is the use of a site for provision of veterinary services and hospitals for animals. This use includes pet clinics, dog and cat hospitals, and veterinary hospitals for livestock and large animals.

Source: Section 13-2-3; Ord. 000309-39; Ord. 010426-48; Ord. 020627-Z34; Ord. 031211-11; Ord. 031211-41; Ord. 040617-Z-1; Ord. 20060928-107; Ord. 20120426-139; Ord. 20121101-057; Ord. No. 20230914-097, Pt. 1, 9-25-23; Ord. No. 20240516-007, Pt. 1, 5-27-24.

§ 25-2-5 - INDUSTRIAL USES DESCRIBED.

- (A) Industrial uses include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.
- (B) Industrial use classifications are described as follows:
 - (1) BASIC INDUSTRY use is the use of a site for:
 - (a) the basic processing and manufacturing of materials or products predominately from extracted or raw materials;
 - (b) storage or manufacturing processes that involve flammable or explosive materials; or
 - (c) storage or manufacturing processes that involve hazardous or commonly recognized offensive conditions, including poultry processing.
 - (2) CUSTOM MANUFACTURING use is the use of a site for on-site production of goods by the use of hand tools, domestic mechanical equipment not exceeding five horsepower, or a single kiln not exceeding 12 kilowatts, and the incidental sale of those goods. This use includes candle-making shops and custom jewelry manufacturing.
 - (3) GENERAL WAREHOUSING AND DISTRIBUTION use is open-air storage, distribution, or handling of materials or equipment. This use includes monument or stone yards, grain elevators, and open storage yards.
 - (4) LIGHT MANUFACTURING use is the use of a site for manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of the products, and incidental storage, sales, and distribution of the products. This use excludes basic industrial processing.
 - (5) LIMITED WAREHOUSING AND DISTRIBUTION use is the use of a site for provision of wholesaling, storage, or warehousing services within an enclosed structure. This use includes wholesale distributors, storage warehouses, and moving or storage firms.
 - (6) RECYCLING CENTER use is the use of a site for collection, transfer, or processing of recyclable materials. Recyclable materials include glass, paper, plastic, cans, or other source-separated, nonputrescible materials. This use excludes bulk or single-feed reverse vending machines.
 - (7) RESOURCE EXTRACTION use is the use of a site for on-site extraction of surface or sub-surface mineral products or natural resources. This use includes quarries, borrow pits, sand or gravel operations, oil or gas extraction, and mining operations.
 - (8) STOCKYARDS use is the use of a site for temporary keeping of livestock for slaughter, market, or shipping. This use includes stockyards, animal sales, and auction yards.

Source: Section 13-2-4; Ord. 990225-70; Ord. 031211-11; Ord. 040617-Z-1.

§ 25-2-6 - CIVIC USES DESCRIBED.

- (A) Civic uses include the performance of utility, educational, recreational, cultural, medical, protective, and governmental functions, and other uses that are strongly vested with public or social importance.
- (B) Civic use classifications are described as follows:
 - (1) ADMINISTRATIVE SERVICES use is the use of a site for provision of offices or administrative, clerical, or public contact services, together with incidental storage and maintenance of necessary vehicles. This use includes offices and courthouses serving federal, state, county, and city government.
 - (2) ADULT CARE SERVICES (GENERAL) use is the use of a site for the provision of care for less than 24 hours per day for more than 6 persons who are 18 years of age or older.
 - (3) ADULT CARE SERVICES (LIMITED) use is the use of a site for the provision of care for less than 24 hours per day for 6 or fewer persons who are 18 years of age or older.
 - (4) AVIATION FACILITIES use is the use of a site for provision of landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, or rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities.
 - (5) CAMP use is the use of a site for provision of indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service. If incidental to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private association or group.
 - (6) CEMETERY is the use of land that is dedicated for cemetery purposes for the burial of the dead, including columbariums, crematoriums, mausoleums, and mortuaries.
 - (7) CHILD CARE SERVICES (GENERAL) use of a site for the provision of care for less than 24 hours per day for more than 12 persons who are less than 18 years of age or are eligible to utilize child care under federal or state laws. This use includes nursery schools, preschools, day care centers for children, and similar uses, and excludes public and private primary or secondary educational facilities.
 - (8) CHILD CARE SERVICES (LIMITED) use of a site for the provision of care for less than 24 hours for 12 or fewer persons who are less than 18 years of age or are eligible to utilize child care under federal or state laws. This use includes nursery schools, preschools, day care centers for children, and similar uses, and excludes public and private primary or secondary educational facilities.

- (9) CLUB OR LODGE use is the use of a site for provision of meeting, recreational, or social facilities by a private or nonprofit association, primarily for use by members and guests. This use includes private social clubs and fraternal organizations.
- (10) COLLEGE AND UNIVERSITY FACILITIES use is the use of a site as an educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree in accordance with the Texas Education Code.
- (11) COMMUNICATION SERVICE FACILITIES use is the use of a site for the transmission, transfer, or distribution of telephone service and related activities.
- (12) COMMUNITY EVENTS use is a use described in Local Government Code Chapter 334 as permitted for an "approved venue project", except for a hotel, zoological park, museum, or aquarium. The use includes the sale of alcoholic beverages.
- (13) COMMUNITY RECREATION (PRIVATE) use is the use of a site for the provision of an indoor or outdoor recreational facility for use by residents or guests of a residential development, planned unit development, church, private primary or secondary educational facility, club or lodge, or non-profit organization.
- (14) COMMUNITY RECREATION (PUBLIC) use is the use of a site for the provision of an indoor or outdoor recreational facility for use by the general public, but not for economic gain.
- (15) CONGREGATE LIVING use is the use of a site for the provision of 24 hour supervision and assisted living for more than 15 residents not needing regular medical attention. This use includes personal care homes for the physically impaired, mentally retarded, developmentally disabled, or persons 60 years of age or older, basic child care homes, maternity homes, and emergency shelters for victims of crime, abuse, or neglect.
- (16) CONVALESCENT SERVICES use is the use of a site for the provision of bed care and in-patient services for persons requiring regular medical attention. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.
- (17) CONVENTION CENTER use is the use of a site for the provision of space or facilities owned or managed by the City for conventions, meetings, exhibitions, shows, gatherings, presentations, or celebrations, including related incidental facilities for office and administrative use, food and beverage preparation and service, and on-site and off-site parking facilities.
- (18) COUNSELING SERVICES use is the use of a site for the provision of daytime counseling to neglected or abused children, 15 years of age or younger, or their managing conservators, who are referred by a governmental entity or other counseling service providers.
- (19) CULTURAL SERVICES use is the use of a site for a library, museum, or similar facility.
- (20) DETENTION FACILITIES use is the use of a site for the provision by a public agency of housing and care for legally confined individuals.
- (21) EMPLOYEE RECREATION use is the use of a site for the provision of an indoor or outdoor recreational facility for use by employees of a business engaged in basic industry, commercial services, manufacturing, administrative activities, or research and development services, that is located on property reserved by the business for future expansion.
- (22) GUIDANCE SERVICES use is the use of a site for the provision of daytime counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition.
- (23) HOSPITAL SERVICES (GENERAL) use is the use of a site for the provision of medical, psychiatric, or surgical services on an in-patient basis, and includes ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, and visitors.
- (24) HOSPITAL SERVICES (LIMITED) use is the use of a site for the provision of medical, psychiatric, or surgical services on an out-patient basis, and includes emergency treatment, diagnostic services, training, administration, and services to out-patients, employees, and visitors.
- (25) LOCAL UTILITY SERVICES use is the use of a site for the provision of services that are necessary to support the development in the area and involve only minor structures including lines and poles.
- (26) MAINTENANCE AND SERVICE FACILITIES use is the use of a site for the provision of maintenance, repair, vehicular or equipment servicing, material storage, or similar activities, and includes equipment service centers and similar uses having characteristics of commercial services, contracting, or industrial activities.
- (27) MAJOR UTILITY FACILITIES use is the use of a site for the provision of generating plants, electrical switching facilities or primary substations, refuse collection or disposal facilities, water or wastewater treatment plants, or similar facilities.
- (28) MILITARY INSTALLATIONS use is the use of a site for the provision of military facilities by the federal or state government.
- (29) PARKS AND RECREATION SERVICES (GENERAL) use is the use of a site for the provision of parks, playgrounds, recreation facilities, or open spaces available to the general public and under the management or control of a public agency.
- (30) PARK AND RECREATION SERVICES (SPECIAL) use is the use of a site for the sale of beer or wine in a building that is located in a park or recreation facility under the management or control of a public agency.
- (31) POSTAL FACILITIES use is the use of a site for the provision of postal services and includes post offices, bulk mail processing, and sorting centers operated by the United States Postal Service.
- (32) PRIVATE PRIMARY EDUCATIONAL FACILITIES use is the use of a site for a private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state.
- (33) PRIVATE SECONDARY EDUCATIONAL FACILITIES use is the use of a site for a private or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state.

- (34) PUBLIC PRIMARY EDUCATIONAL FACILITIES use is the use of a site for a public school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state. The term includes an open enrollment charter school as defined under the Texas Education Code.
- (35) PUBLIC SECONDARY EDUCATIONAL FACILITIES use is the use of a site for a public school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state. The term includes an open enrollment charter school as defined under the Texas Education Code.
- (36) QUALIFIED COMMUNITY GARDEN use is a garden that complies with the requirements of Chapter 8-4 (*Qualified Community Garden*) of the City Code.
- (37) RAILROAD FACILITIES use is the use of a site for provision of railroad yards, equipment servicing facilities, or terminal facilities.
- (38) RELIGIOUS ASSEMBLY use is regular organized religious worship or religious education in a permanent or temporary building. The use excludes private primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities. A property tax exemption is *prima facie* evidence of religious assembly use.
- (39) RESIDENTIAL TREATMENT use is 24 hour supervision, counseling, or treatment for more than 15 residents not needing regular medical attention. This use includes alcohol and chemical dependency rehabilitation facilities, facilities to which persons convicted of alcohol or drug-related offenses are ordered to remain under custodial supervision as a condition of probation or parole, and residential care facilities and halfway houses for the emotionally ill.
- (40) SAFETY SERVICES use is the use of a site for provision of public safety and emergency services, and includes police and fire protection services and emergency medical and ambulance services.
- (41) TELECOMMUNICATION TOWER use is the use of a site for provision of a structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communications.
- (42) TRANSITIONAL HOUSING use is the use of a site for the supervision or detention of more than 15 residents who are making the transition from institutional to community living. This use includes pre-parole detention facilities and halfway houses for juvenile delinquents and adult offenders, and overnight shelters for the homeless.
- (43) TRANSPORTATION TERMINAL use is the use of a site for the provision of a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or package express between modes of transportation, and includes bus terminals, railroad stations, airport terminals, and public transit facilities.

(C) This subsection applies to a provision of this code or other ordinance, resolution, or rule that was in effect before October 30, 2023.

- (1) Daycare services (commercial) use or daycare services (general) use has the same meaning as adult care services (general) use or child care services (general) use as defined in Subsection (B).
- (2) Daycare services (limited) use has the same meaning as adult care services (limited) use or child care services (limited) use as defined in Subsection (B).

Source: Section 13-2-5; Ord. 990225-70; Ord. 990902-57; Ord. 031211-11; Ord. No. 20160623-090, Pt. 1, 7-4-16; Ord. No. 20190207-050, Pt. 1, 2-18-19; Ord. No. 20231019-052, Pts. 1, 2, 10-30-23; Ord. No. 20231207-001, Pt. 3, 12-18-23.

§ 25-2-7 - AGRICULTURAL USES DESCRIBED.

- (A) Agricultural uses include the on-site production of plant and animal products by agricultural methods.
- (B) Agricultural use classifications are described as follows:
 - (1) ANIMAL PRODUCTION use is the use of a site for the raising of animals or production of animal products including eggs and dairy products, on an agricultural or commercial basis. This use includes grazing, ranching, dairy farming, and poultry farming.
 - (2) AQUAPONIC SYSTEM is the symbiotic cultivation of fish and plants in a recirculation system.
 - (3) COMMUNITY GARDEN use is the use of a site for growing or harvesting food crops or ornamental crops on an agricultural basis, by a group of individuals for personal or group use, consumption or donation.
 - (4) CROP PRODUCTION use is the use of a site for the raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing.
 - (5) HORTICULTURE use is the use of a site for the growing of horticultural or flora cultural specialties, including flowers, shrubs, and trees intended for ornamental or landscaping purposes, but excluding retail sales. This use includes wholesale plant nurseries and greenhouses.
 - (6) SUPPORT HOUSING use is the use of a site for living accommodations by agricultural employees or their families.
 - (7) URBAN FARM use is the use of a site that can consist of multiple contiguous parcels that is at least one acre in size cultivated primarily for the sustainable production of agricultural products to be sold for profit and may provide agricultural education activities. Agricultural education activities include volunteer programs, farm tours, youth programs and farming classes.
 - (8) MARKET GARDEN use is the use of a site that is less than one acre in size cultivated primarily for the sustainable production of agricultural products to be sold for profit and may provide agricultural education activities. Agricultural education activities include volunteer programs, farm tours, youth programs and farming classes.
 - (9)

INDOOR CROP PRODUCTION use is the use of a site for the raising and harvesting indoors of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing.

Source: Section 13-2-6; Ord. 990225-70; Ord. 000406-86; Ord. 031211-11; Ord. 20110210-018; Ord. 20131121-105, Pt. 1, 3-21-14.

ARTICLE 2. - ZONING DISTRICTS.

Division 1. - Districts Generally.

§ 25-2-31 - PURPOSE OF DISTRICTS.

The zoning districts described in this chapter establish site development regulations and performance standards that are intended to promote compatible land use patterns.

Source: Section 13-2-20; Ord. 990225-70; Ord. 031211-11.

§ 25-2-32 - ZONING DISTRICTS AND MAP CODES.

(A) This section provides the City's zoning districts and the corresponding zoning map codes. A zoning district may be referred to by its map code.

(B) Residential base districts and map codes are as follows:

- (1) Lake Austin residenceLA
- (2) rural residenceRR
- (3) single-family residence large lotSF-1
- (4) single-family residence standard lotSF-2
- (5) family residenceSF-3
- (6) single-family residence small lotSF-4A
- (7) single-family residence condominium siteSF-4B
- (8) urban family residenceSF-5
- (9) townhouse and condominium residenceSF-6
- (10) multifamily residence limited densityMF-1
- (11) multifamily residence low densityMF-2
- (12) multifamily residence medium densityMF-3
- (13) multifamily residence moderate-high densityMF-4
- (14) multifamily residence high densityMF-5
- (15) multifamily residence highest densityMF-6
- (16) mobile home residenceMH

(C) Commercial base districts and map codes are as follows:

- (1) neighborhood officeNO
- (2) limited officeLO
- (3) general officeGO
- (4) commercial recreationCR
- (5) neighborhood commercialLR
- (6) community commercialGR
- (7) lake commercialL
- (8) central businessCBD
- (9) downtown mixed useDMU
- (10) warehouse limited officeW/LO
- (11) general commercial servicesCS
- (12) commercial-liquor salesCS-1
- (13) commercial highway servicesCH

(D) Industrial base districts and map codes are as follows:

- (1) industrial parkIP
- (2) major industryMI

- (3) limited industrial servicesLI
- (4) research and developmentR&D

(E) Special purpose base districts and map codes are as follows:

- (1) development reserveDR
- (2) aviation servicesAV
- (3) agriculturalAG
- (4) planned unit developmentPUD
- (5) publicP
- (6) traditional neighborhoodTN
- (7) transit oriented developmentTOD
- (8) North Burnet/GatewayNBG
- (9) East Riverside CorridorERC

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

- (1) historic landmarkH
- (2) historic areaHD
- (3) conditional overlayCO
- (4) neighborhood conservationNC
- (5) planned development areaPDA
- (6) waterfront overlayWO
- (7) mixed useMU
- (8) vertical mixed useVMU
- (9) vertical mixed use buildingV
- (10) Capitol view corridorCVC
- (11) Capitol dominanceCD
- (12) Congress Avenue CA
- (13) East Sixth/Pecan StreetPS
- (14) downtown parksDP
- (15) downtown creeksDC
- (16) convention centerCC
- (17) central urban redevelopmentCURE
- (18) East AustinEA
- (19) neighborhood planNP
- (20) university neighborhood overlayUNO
- (21) density bonus 90DB90
- (22) equitable transit-oriented developmentETOD
- (23) density bonus ETODDBETOD
- (24) density bonus creative spacesDBCS

Source: Section 13-2-21; Ord. 990225-70; Ord. 000309-39; Ord. 000406-81; Ord. 031211-11; Ord. 040902-58; Ord. 041202-16; Ord. 20050519-008; Ord. 20060831-068; Ord. 20071101-052; Ord. 20071129-098; Ord. 20090312-035; Ord. 20130509-039; Ord. No. 20221201-056, Pt. 1, 12-12-22; Ord. No. 20240229-070, Pt. 1, 3-11-24; Ord. No. 20240229-073, Pt. 1, 3-11-24; Ord. No. 20240516-005, Pt. 1, 7-15-24; Ord. No. 20241010-034, Pt. 1, 10-21-24.

§ 25-2-33 - HIERARCHY OF BASE DISTRICTS.

- (A) The residential, commercial, and industrial base districts in Subsections (B), (C), and (D) of Section 25-2-32 (Zoning Districts And Map Codes) are arranged in a hierarchy that begins with the LA base district as the most restrictive district and ends with the LI base district as the least restrictive district.
- (B) A combining district is classified in the hierarchy of zoning districts according to the base district with which the combining district is combined.
- (C) Special purpose base districts are not included in the hierarchy described in this section.

Source: Section 13-2-25; Ord. 990225-70; Ord. 031211-11.

Division 2. - Residential Base Districts.

§ 25-2-51 - PURPOSES OF RESIDENTIAL DISTRICTS.

The purposes of the residential district designations are to:

- (1) reserve areas for residential occupancy and provide for a broad range of residential densities and variety of housing types consistent with the Comprehensive Plan and standards of public health, safety, and welfare;
- (2) ensure adequate light, air, privacy, and open space for each dwelling;
- (3) encourage compatibility between residential uses and other land uses;
- (4) facilitate the planning for and provision of infrastructure improvements to serve anticipated population, dwelling unit density, traffic generation, and public service requirements; and
- (5) promote energy conservation.

Source: Section 13-2-40; Ord. 990225-70; Ord. 031211-11.

§ 25-2-52 - RESIDENTIAL DISTRICT DESIGNATIONS GENERALLY.

There are 16 residential district designations. The designation established for a proposed use is based on:

- (1) density;
- (2) lot size;
- (3) terrain;
- (4) environmental conditions;
- (5) location;
- (6) surrounding uses;
- (7) public infrastructure; and
- (8) other factors determined to be relevant by the council.

Source: Sections 13-2-40 through 13-2-56; Ord. 990225-70; Ord. 031211-11.

§ 25-2-53 - LAKE AUSTIN RESIDENCE (LA) DISTRICT DESIGNATION.

Lake Austin residence (LA) district is the designation for a low density single-family residential use on a lot that is a minimum of one acre and that is located 1,000 feet or less, measured horizontally, from the 492.8 foot topographic contour line on either side of Lake Austin.

Source: Section 13-2-41; Ord. 990225-70; Ord. 031211-11.

§ 25-2-54 - RURAL RESIDENCE (RR) DISTRICT DESIGNATION.

Rural residence (RR) district is the designation for a low density residential use on a lot that is a minimum of one acre. An RR district designation may be applied to a use in an area for which rural characteristics are desired or an area whose terrain or public service capacity require low density.

Source: Section 13-2-42; Ord. 990225-70; Ord. 031211-11.

§ 25-2-55 - SINGLE FAMILY RESIDENCE LARGE LOT (SF-1) DISTRICT DESIGNATION.

Single-family residence large lot (SF-1) district is the designation for a low density single-family residential use on a lot that is a minimum of 10,000 square feet. An SF-1 district designation may be applied to a use on land with sloping terrain or environmental limitations that preclude standard lot size or to a use in an existing residential development on a lot that is 10,000 square feet or more.

Source: Section 13-2-43; Ord. 990225-70; Ord. 031211-11.

§ 25-2-56 - SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT DESIGNATION.

Single-family residence standard lot (SF-2) district is the designation for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. An SF-2 district designation may be applied to a use in an existing single-family neighborhood that has moderate sized lots or to new development of single-family housing on lots that are 5,750 square feet or more.

Source: Section 13-2-44; Ord. 990225-70; Ord. 031211-11.

§ 25-2-57 - FAMILY RESIDENCE (SF-3) DISTRICT DESIGNATION.

Family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

Source: Section 13-2-45; Ord. 990225-70; Ord. 031211-11.

§ 25-2-58 - SINGLE FAMILY RESIDENCE SMALL LOT (SF-4A) DISTRICT DESIGNATION.

Single-family residence small lot (SF-4A) district is the designation for a moderate density single-family residential use on a lot that is a minimum of 3,600 square feet. An SF-4A district use is subject to development standards that maintain single family neighborhood characteristics.

Source: Section 13-2-46; Ord. 990225-70; Ord. 031211-11.

§ 25-2-59 - SINGLE FAMILY RESIDENCE CONDOMINIUM SITE (SF-4B) DISTRICT DESIGNATION.

Single-family residence condominium site (SF-4B) district is the designation for a moderate density single-family residential use on a site surrounded by existing structures, most of which are single-family residences. An SF-4B district use is subject to development standards that maintain single family neighborhood characteristics. An SF-4B district designation may only be applied to a use at a proposed location if the existing use at the location is designated as an urban family (SF-5) or less restrictive district.

Source: Section 13-2-47; Ord. 990225-70; Ord. 031211-11.

§ 25-2-60 - URBAN FAMILY RESIDENCE (SF-5) DISTRICT DESIGNATION.

Urban family residence (SF-5) district is the designation for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. A duplex, two-family, townhouse, or condominium residential use is permitted in an SF-5 district under development standards that maintain single family neighborhood characteristics. An SF-5 district designation may be applied to a use in an existing family residential neighborhood in a centrally located area of the City. An SF-5 district may be used as a transition between a single family and multifamily residential use or to facilitate the implementation of City affordable housing programs.

Source: Section 13-2-48; Ord. 990225-70; Ord. 031211-11.

§ 25-2-61 - TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) DISTRICT DESIGNATION.

Townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

Source: Section 13-2-49; Ord. 990225-70; Ord. 031211-11.

§ 25-2-62 - MULTIFAMILY RESIDENCE LIMITED DENSITY (MF-1) DISTRICT DESIGNATION.

Multifamily residence limited density (MF-1) district is the designation for a multifamily use with a maximum density of up to 17 units per acre, depending on unit size. An MF-1 district designation may be applied to a use in a residential neighborhood that contains a mixture of single family and multifamily uses or in an area for which limited density multifamily use is desired. An MF-1 district may be used as a transition between a single family and higher intensity uses.

Source: Section 13-2-50; Ord. 990225-70; Ord. 031211-11.

§ 25-2-63 - MULTIFAMILY RESIDENCE LOW DENSITY (MF-2) DISTRICT DESIGNATION.

Multifamily residence low density (MF-2) district is the designation for a multifamily use with a maximum density of up to 23 units per acre, depending on unit size. An MF-2 district designation may be applied to a use in a multifamily residential area located near single family neighborhoods or in an area for which low density multifamily use is desired.

Source: Section 13-2-51; Ord. 990225-70; Ord. 031211-11.

§ 25-2-64 - MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3) DISTRICT DESIGNATION.

Multifamily residence medium density (MF-3) district is the designation for multifamily use with a maximum density of up to 36 units per acre, depending on unit size. An MF-3 district designation may be applied to a use in a multifamily residential area located near supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multifamily use is desired.

Source: Section 13-2-52; Ord. 990225-70; Ord. 031211-11.

§ 25-2-65 - MULTIFAMILY RESIDENCE MODERATE - HIGH DENSITY (MF-4) DISTRICT DESIGNATION.

Multifamily residence moderate - high density (MF-4) district is the designation for multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size. An MF-4 district designation may be applied to high density housing in a centrally located area near supporting transportation and commercial facilities, in an area adjacent to the central business district or a major institutional or employment center, or in an area for which moderate to high density multifamily use is desired.

Source: Section 13-2-53; Ord. 990225-70; Ord. 031211-11.

§ 25-2-66 - MULTIFAMILY RESIDENCE HIGH DENSITY (MF-5) DISTRICT DESIGNATION.

Multifamily residence high density (MF-5) district is the designation for multifamily and group residential use with a maximum density of up to 54 units per acre, depending on unit size. An MF-5 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which high density multifamily use is desired.

Source: Section 13-2-54; Ord. 990225-70; Ord. 031211-11.

§ 25-2-67 - MULTIFAMILY RESIDENCE HIGHEST DENSITY (MF-6) DISTRICT DESIGNATION.

Multifamily residence highest density (MF-6) district is the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.

Source: Section 13-2-55; Ord. 990225-70; Ord. 031211-11.

§ 25-2-68 - MOBILE HOME RESIDENCE (MH) DISTRICT DESIGNATION.

Mobile home residence (MH) district is the designation for a mobile home residence park and mobile home subdivision use. An MH use is subject to standards that promote a residential environment and compatibility with adjoining family residence neighborhoods.

Source: Section 13-2-56; Ord. 990225-70; Ord. 031211-11.

Division 3. - Commercial Base Districts.

§ 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 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.

Source: Section 13-2-60; Ord. 990225-70; Ord. 031211-11; Ord. No. 20231102-028, Pt. 2, 11-13-23.

§ 25-2-92 - COMMERCIAL DISTRICT DESIGNATIONS GENERALLY.

There are 13 commercial district designations. The designation established for a proposed commercial use is based on:

- (1) type of use;
- (2) customer base;
- (3) location;
- (4) surrounding uses;
- (5) traffic generation; and
- (6) other factors determined to be relevant by the council.

Source: Sections 13-2-60 through 13-2-73; Ord. 990225-70; Ord. 031211-11.

§ 25-2-93 - NEIGHBORHOOD OFFICE (NO) DISTRICT DESIGNATION.

Neighborhood office (NO) district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

Source: Section 13-2-61; Ord. 990225-70; Ord. 031211-11.

§ 25-2-94 - LIMITED OFFICE (LO) DISTRICT DESIGNATION.

Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Source: Section 13-2-62; Ord. 990225-70; Ord. 031211-11.

§ 25-2-95 - GENERAL OFFICE (GO) DISTRICT DESIGNATION.

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

Source: Section 13-2-63; Ord. 990225-70; Ord. 031211-11.

§ 25-2-96 - COMMERCIAL RECREATION (CR) DISTRICT DESIGNATION.

Commercial recreation (CR) district is the designation for a commercial or recreation use that serves visitors to major recreational areas, including Lake Travis and Lake Austin. Site development regulations applicable to a CR district use are designed to minimize visual and environmental disruptions of scenic views.

Source: Section 13-2-64; Ord. 990225-70; Ord. 031211-11.

§ 25-2-97 - NEIGHBORHOOD COMMERCIAL (LR) DISTRICT DESIGNATION.

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Source: Section 13-2-65; Ord. 990225-70; Ord. 031211-11.

§ 25-2-98 - COMMUNITY COMMERCIAL (GR) DISTRICT DESIGNATION.

Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

Source: Section 13-2-66; Ord. 990225-70; Ord. 031211-11.

§ 25-2-99 - LAKE COMMERCIAL (L) DISTRICT DESIGNATION.

Lake commercial (L) district is the designation for a use located near Town Lake. An L district designation may be applied to a development that includes any combination of office retail, commercial, and residential uses. Use and site development regulations applicable to an L district use are designed to ensure that the use is compatible and complementary with the Town Lake environment.

Source: Section 13-2-67; Ord. 990225-70; Ord. 031211-11.

§ 25-2-100 - CENTRAL BUSINESS DISTRICT (CBD) DESIGNATION.

(A) Central business district (CBD) is the designation for an office, commercial, residential, or civic use located in the downtown area.

(B) Site development regulations applicable to a CBD district use are designed to:

- (1) ensure that a CBD use is compatible with the commercial, cultural, historical, and governmental significance of downtown and preserves selected views of the Capitol;
- (2) promote the downtown area as a vital commercial retail area;
- (3) create a network of pleasant public spaces and pedestrian amenities in the downtown area;

- (4) enhance existing structures, historic features, and circulation patterns in the downtown area; and
- (5) consider significant natural features and topography in the downtown area.

Source: Section 13-2-68; Ord. 990225-70; Ord. 031211-11.

§ 25-2-101 - DOWNTOWN MIXED USE (DMU) DISTRICT DESIGNATION.

Downtown mixed use (DMU) district is the designation for a use located on the periphery of an area that has a CBD designation. A DMU district designation may be applied to a development that includes any combination of office retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. A DMU district is suitable for an area to which the central business district may expand.

Source: Section 13-2-69; Ord. 990225-70; Ord. 031211-11.

§ 25-2-102 - WAREHOUSE/LIMITED OFFICE (W/LO) DISTRICT DESIGNATION.

Warehouse/limited office (W/LO) district is the designation for an office or warehouse use for a building trade or other business that does not require a highly visible location or generate substantial volumes of heavy truck traffic, that generates low or moderate vehicular trips, and that requires less access than a retail use. A W/LO district use may require special measures to be compatible with adjacent uses. A W/LO district use may be located on a site that is adjacent to or near an arterial or major nonresidential collector street, adjacent to a rail line, or near existing or proposed employment uses. A W/LO district use may also be located on a site that functions as a transition between commercial and industrial uses. A W/LO district use may be located adjacent to a residential use only if the density of the residential development is higher than a typical single-family density or if the physical conditions of the site allow for buffering and project design to mitigate potential adverse effects.

Source: Section 13-2-70; Ord. 990225-70; Ord. 031211-11.

§ 25-2-103 - GENERAL COMMERCIAL SERVICES (CS) DISTRICT DESIGNATION.

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

Source: Section 13-2-71; Ord. 990225-70; Ord. 031211-11.

§ 25-2-104 - COMMERCIAL-LIQUOR SALES (CS-1) DISTRICT DESIGNATION.

Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

Source: Section 13-2-72; Ord. 990225-70; Ord. 031211-11.

§ 25-2-105 - COMMERCIAL HIGHWAY SERVICES (CH) DISTRICT DESIGNATION.

(A) Commercial highway services (CH) district is the designation for a use that has operating and traffic generation characteristics that require that the use be located at the intersection of state maintained highways other than scenic arterial roadways. A CH district designation may be applied to a single major mixed use development of a service nature that includes any combination of office, retail, commercial, and residential uses. A CH district may include a high density residential use. Site development regulations and performance standards applicable to a CH district are designed to ensure adequate access to and from all uses.

(B) A CH district may be located along the following highway corridors:

- (1) IH-35;
- (2) US-183;
- (3) US-290 (including Ben White Boulevard);
- (4) SH-71;
- (5) FM-1325 north of US-183; and
- (6) Loop 1, at least 400 feet north of the northernmost right-of-way line of US 183.

Source: Section 13-2-73; Ord. 990225-70; Ord. 031211-11.

Division 4. - Industrial Base Districts.

§ 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 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.

Source: Section 13-2-80; Ord. 990225-70; Ord. 031211-11; Ord. No. 20231102-028, Pt. 3, 11-13-23.

§ 25-2-122 - INDUSTRIAL DISTRICT DESIGNATIONS GENERALLY.

There are four industrial district designations. The designation established for a proposed use is based on:

- (1) proposed use;
- (2) location;
- (3) site size; and
- (4) other factors determined to be relevant by the council.

Source: Sections 13-2-80 through 13-2-84; Ord. 990225-70; Ord. 031211-11.

§ 25-2-123 - INDUSTRIAL PARK (IP) DISTRICT DESIGNATION.

Industrial park (IP) district is the designation for a limited commercial service use, research and development use, administrative use, or manufacturing use that meets strict development and performance standards and is generally located on a large site or in a planned industrial center.

Source: Section 13-2-81; Ord. 990225-70; Ord. 031211-11.

§ 25-2-124 - MAJOR INDUSTRY (MI) DISTRICT DESIGNATION.

Major industry (MI) district is the designation for a commercial service use, research and development use, administrative use, or manufacturing use generally located on a large site planned for major industrial development.

Source: Section 13-2-82; Ord. 990225-70; Ord. 031211-11.

§ 25-2-125 - LIMITED INDUSTRIAL SERVICE (LI) DISTRICT DESIGNATION.

Limited industrial service (LI) district is the designation for a commercial service use or limited manufacturing use generally located on a moderately-sized site.

Source: Section 13-2-83; Ord. 990225-70; Ord. 031211-11.

§ 25-2-126 - RESEARCH AND DEVELOPMENT (R&D) DISTRICT DESIGNATION.

Research and development (R&D) district is the designation for a research use located on a site with a campus-style design. An R&D district designation may be applied to testing services, research warehousing services, or research assembly services. An R&D district use may not include fabrication, processing, manufacturing, refining, or resource extraction.

Source: Section 13-2-84; Ord. 990225-70; Ord. 031211-11.

Division 5. - Special Purpose Base Districts.

§ 25-2-141 - AGRICULTURAL (AG) DISTRICT DESIGNATION.

Agricultural (AG) district is the designation for an agriculture use or an agriculture-related use. The purpose of the AG district designation is to preserve areas of prime agricultural soils, concentrate urban development in and around growth centers, promote compact urban development, and preserve the environment and open spaces.

Source: Section 13-2-92; Ord. 990225-70; Ord. 031211-11.

§ 25-2-142 - AVIATION SERVICES (AV) DISTRICT DESIGNATION.

Aviation services (AV) district is the designation for an airport-related use that requires direct access to airport facilities or that is compatible with or supports airport operations and services. An AV district designation may be applied to major public airport facilities, including airport-related uses on public lands and on private lands adjoining airport facilities.

Source: Section 13-2-91; Ord. 990225-70; Ord. 031211-11.

§ 25-2-143 - DEVELOPMENT RESERVE (DR) DISTRICT DESIGNATION.

- (A) Development reserve (DR) district is a designation for a temporary use or a use that will not commit land to a particular use pattern or intensity.
- (B) A DR district designation may be applied to a use located on land for which:
 - (1) adequate public services or facilities are not available;
 - (2) economic, demographic, and geographic data is not available; or
 - (3) land use and urban development policies have not been completed.

Source: Section 13-2-90; Ord. 990225-70; Ord. 031211-11.

§ 25-2-144 - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT DESIGNATION.

- (A) Planned unit development (PUD) district is the designation for a large or complex single or multi-use development that is planned as a single contiguous project and that is under unified control.
- (B) The purpose of a PUD district designation is to preserve the natural environment, encourage high quality development and innovative design, and ensure adequate public facilities and services for development within a PUD.
- (C) A PUD district designation provides greater design flexibility by permitting modifications of site development regulations. Development under the site development regulations applicable to a PUD must be superior to the development that would occur under conventional zoning and subdivision regulations.
- (D) A PUD district must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

Source: Section 13-2-93; Ord. 990225-70; Ord. 031211-11.

§ 25-2-145 - PUBLIC (P) DISTRICT DESIGNATION.

Public (P) district is the designation for a governmental, civic, public service, or public institution use. A P district designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located. A P district designation may not be applied to government-owned property that is leased to a nongovernmental agency for a use other than a governmental service or for a use that supports a primary civic or public institutional use.

Source: Section 13-2-94; Ord. 990225-70; Ord. 031211-11.

§ 25-2-146 - TRADITIONAL NEIGHBORHOOD (TN) DISTRICT.

Traditional neighborhood (TN) district is the designation for a compact, mixed-use development that reflects the urban design practices that existed in the United States from colonial times until the 1940's. The TN district is governed by Chapter 25-3 (Traditional Neighborhood District).

Source: Section 13-2-95; Ord. 990225-70; Ord. 031211-11.

§ 25-2-147 - TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT.

Transit oriented development (TOD) district is the designation for an identified transit station and the area around it. The district provides for development that is compatible with and supportive of public transit and a pedestrian-oriented environment.

Source: Ord. 20050519-008.

§ 25-2-148 - NORTH BURNET/GATEWAY (NBG) DISTRICT.

- (A) North Burnet/Gateway (NBG) district is the designation for an identified area of existing low density, auto-oriented commercial, warehouse, and industrial uses that is the subject of an approved master plan for redevelopment of the area into a higher density urban mixed-use neighborhood that is more pedestrian friendly and takes advantage of the links to commuter rail transit and the area's key position in the urban core.
- (B) An NBG designation may be applied only within the North Burnet/Gateway neighborhood plan area.

Source: Ord. 20090312-035.

§ 25-2-149 - EAST RIVERSIDE CORRIDOR (ERC) DISTRICT.

- (A) East Riverside Corridor (ERC) district is the designation for an identified area of existing auto-oriented commercial and multifamily uses that is the subject of an approved master plan for redevelopment of the area into an urban mixed-use neighborhood that is more pedestrian friendly and takes advantage of access to existing and future transit options and the area's key position in the urban core.
- (B) An ERC designation may be applied only within the boundaries identified in the East Riverside Corridor Regulating Plan.

Source: Ord. 20130509-039.

Division 6. - Combining and Overlay Districts.

§ 25-2-161 - CAPITOL DOMINANCE (CD) OVERLAY DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the Capitol dominance (CD) overlay district is to protect the visual and symbolic significance of the State Capitol by keeping buildings in close proximity to the Capitol from dominating the structure.
- (B) The CD overlay district applies to all property in a one-quarter mile radius of the State Capitol dome.

Source: Section 13-2-171; Ord. 990225-70; Ord. 031211-11.

§ 25-2-162 - CAPITOL VIEW CORRIDOR (CVC) OVERLAY DISTRICT PURPOSE.

- (A) The purpose of the Capitol view corridor (CVC) overlay district is to preserve the view of the State Capitol Building by limiting the height of structures located in the capitol view corridors.
- (B) The CVC overlay district applies to all property in the capital view corridors described in Appendix A of this chapter.

Source: Section 13-2-145 (a); Ord. 990225-70; Ord. 031211-11.

§ 25-2-163 - CENTRAL URBAN REDEVELOPMENT (CURE) COMBINING DISTRICT PURPOSE.

- (A) The purpose of a central urban redevelopment (CURE) combining district is to promote the stability of neighborhoods in the central urban area.
- (B) A CURE combining district may be used:
 - (1) for sustainable redevelopment of homes, multifamily housing, and small businesses;
 - (2) to accommodate high priority projects that enhance the stability of urban neighborhoods including the development of affordable housing and small businesses along principal transportation routes that serve a neighborhood;
 - (3) to improve the natural environment; and
 - (4) to encourage high quality development with architectural design and proportion compatible with the neighborhood.

Source: Section 13-2-180; Ord. 990225-70; Ord. 031211-11.

§ 25-2-164 - CONDITIONAL OVERLAY (CO) COMBINING DISTRICT PURPOSE.

- (A) The purpose of a conditional overlay (CO) combining district is to modify use and site development regulations to address the specific circumstances presented by a site.
- (B) A CO combining district may be used to:
 - (1) promote compatibility between competing or potentially incompatible uses;
 - (2) ease the transition from one base district to another;
 - (3) address land uses or sites with special requirements; and
 - (4) guide development in unique circumstances.

Source: Section 13-2-120; Ord. 990225-70; Ord. 031211-11.

§ 25-2-165 - CONGRESS AVENUE (CA) OVERLAY DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the Congress Avenue (CA) overlay district is to protect the historic character and symbolic significance of Congress Avenue and to enhance the pedestrian environment of the area.
- (B) The CA overlay district applies to all property zoned CBD or DMU that is between the alleys on each side of and parallel to Congress Avenue from First Street to Eleventh Street.

Source: Section 13-2-172; Ord. 990225-70; Ord. 031211-11.

§ 25-2-166 - CONVENTION CENTER (CC) OVERLAY DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the Convention Center overlay district is to protect and enhance the health, safety, and welfare of the public, to promote pedestrian activity and vitality in the Convention Center area, and to protect the existing character of the area.
- (B) Except as otherwise provided in Subsection (C), the Convention Center overlay district applies to the land bounded on the west by the boundary line for the Congress Avenue combining district; on the north by the boundary line for the East Sixth/Pecan Street combining district and extending eastward across IH-35 to Waller Street; on the east by Waller Street and an imaginary centerline of Waller Street, if that street were extended in a straight line south to intersect the shoreline of Town Lake; and on the south by the north Town Lake shoreline.

- (C) Property in the following areas is excluded from the Convention Center overlay district if the property was owned by a governmental entity on February 20, 1994 or is owned by a governmental entity at the time an application for a development permit is filed and if the property is used for a governmental tax-exempt purpose:
- (1) the land bounded by East 4th Street on the north, East 3rd Street on the south, Trinity Street on the west, and Red River Street on the east;
 - (2) the land bounded by East 5th Street on the north, East 4th Street on the south, IH-35 on the west, and Waller Street on the east; and
 - (3) the area bounded by East 2nd Street on the north, East 1st Street on the south, Red River Street on the west, and Sabine Street on the east.

Source: Section 13-2-176; Ord. 990225-70; Ord. 031211-11.

§ 25-2-167 - DOWNTOWN CREEKS (DC) OVERLAY DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the downtown creeks (DC) overlay district is to promote public accessibility to the creeks, to promote pedestrian use of the creeks, and to protect and enhance the scenic character of the creek corridors.
- (B) The DC overlay district applies to property within 60 feet of the centerline of creeks that is located within the CBD or DMU base districts.

Source: Section 13-2-175; Ord. 990225-70; Ord. 031211-11.

§ 25-2-168 - DOWNTOWN PARKS (DP) OVERLAY DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the downtown parks (DP) overlay district is to enhance the pedestrian use and vitality of downtown parks and to establish a unique urban design identity associated with the public open spaces.
- (B) The DP overlay district applies to property zoned CBD or DMU that is within:
- (1) 60 feet of the public right-of-way surrounding Republic Square;
 - (2) 60 feet of the public right-of-way surrounding Brush Square; or
 - (3) 60 feet of the public right-of-way surrounding Wooldridge Square.

Source: Section 13-2-174; Ord. 990225-70; Ord. 030612-93; Ord. 031211-11.

§ 25-2-169 - EAST AUSTIN (EA) OVERLAY DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the East Austin (EA) overlay district is to reduce the concentration of intensive commercial and industrial uses in close proximity to residential areas in East Austin and to mitigate the effect of commercial and industrial uses on nearby residential uses.
- (B) Except as provided in Subsection (C), the EA overlay district applies to property located in the area bounded by Interregional Highway 35, Airport Boulevard, and Town Lake.
- (C) The EA overlay district does not apply to land included in a neighborhood plan combining district.

Source: Section 13-2-190; Ord. 990225-70; Ord. 000406-81; Ord. 031211-11.

§ 25-2-170 - EAST SIXTH/PECAN STREET (PS) OVERLAY DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the East Sixth/Pecan Street (PS) overlay district is to protect the historic character of East Sixth/Pecan Street and to enhance the pedestrian environment of the area.
- (B) The PS overlay district applies to all property zoned CBD or DMU that is located between the alleys and the extension of alley lines on each side of and parallel to East Sixth Street from IH-35 to the first alley east of and parallel to Congress Avenue.

Source: Section 13-2-173; Ord. 990225-70; Ord. 031211-11.

§ 25-2-171 - HISTORIC LANDMARK (H) COMBINING DISTRICT AND HISTORIC AREA (HD) COMBINING DISTRICT PURPOSES.

- (A) The purpose of a historic landmark (H) combining district is to protect, enhance, and preserve individual structures or sites that are of architectural, historical, archaeological, or cultural significance.
- (B) The purpose of a historic area (HD) combining district is to protect, enhance, and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance.

Source: Section 13-2-1 and 13-2-100; Ord. 990225-70; Ord. 031211-11; Ord. 041202-16.

§ 25-2-172 - MIXED USE (MU) COMBINING DISTRICT AND VERTICAL MIXED USE (VMU) OVERLAY DISTRICT.

Mixed use (MU) combining districts and vertical mixed use (VMU) overlay districts are described and governed by Subchapter E, Article 4 (*Mixed Use*).

Source: Sections 13-2-165; Ord. 990225-70; Ord. 031211-11; Ord. 20060831-068.

§ 25-2-173 - NEIGHBORHOOD CONSERVATION (NC) COMBINING DISTRICT PURPOSE.

The purpose of a neighborhood conservation (NC) combining district is to preserve neighborhoods with distinctive architectural styles that were substantially built out at least 30 years before the date an application for an NC combining district classification is filed.

Source: Section 13-2-130; Ord. 990225-70; Ord. 031211-11.

§ 25-2-174 - PLANNED DEVELOPMENT AREA (PDA) COMBINING DISTRICT PURPOSE.

The purpose of a planned development area (PDA) combining district is to:

- (1) provide for industrial and commercial uses in certain commercial and industrial base districts; or
- (2) incorporate the terms of a planned development area agreement into a zoning ordinance following annexation of a property that is subject to a planned development area agreement.

Source: Section 13-2-150; Ord. 990225-70; Ord. 031211-11.

§ 25-2-175 - WATERFRONT OVERLAY (WO) DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the waterfront overlay (WO) district is to promote the harmonious interaction and transition between urban development and the park land and shoreline of Town Lake and the Colorado River.
- (B) The WO district applies to all property in its boundaries.
- (C) The boundaries of the WO district are identified in Appendix B of this chapter.

Source: Section 13-2-160(a); Ord. 990225-70; Ord. 031211-11.

§ 25-2-176 - NEIGHBORHOOD PLAN (NP) COMBINING DISTRICT PURPOSE.

The purpose of a neighborhood plan (NP) combining district is to allow infill development by implementing a neighborhood plan that has been adopted by the council as an amendment to the comprehensive plan.

Source: Ord. 000406-81; Ord. 990225-70; Ord. 031211-11.

§ 25-2-177 - CRIMINAL JUSTICE CENTER OVERLAY DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the criminal justice center (CJC) overlay district is to mitigate the effects of the criminal justice center on the surrounding neighborhood by restricting certain land uses.
- (B) The CJC overlay district applies to the area generally bounded on the north by 13th Street, on the east by Guadalupe Street, on the south by 7th Street, and on the west by Shoal Creek Boulevard. The official map of the district is on file with the director of the Neighborhood Planning and Zoning Department, who shall resolve uncertainty regarding the boundary of the district.

Source: Ord. 010426-48; Ord. 031211-11.

§ 25-2-178 - BARTON SPRINGS ZONE OVERLAY DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the Barton Springs Zone (BSZ) overlay district is to preserve the natural beauty of the Hill Country, protect the image and character of the neighborhoods in the district, and reduce the negative effects of urbanization by restricting the scale and intensity of retail development.
- (B) The BSZ overlay district applies to the portion of the Barton Springs Zone, as described in Section 25-8-2 (Descriptions of Regulated Areas), that is within the city's zoning jurisdiction.

Source: Ord. 031204-57; Ord. 031211-11.

§ 25-2-179 - UNIVERSITY NEIGHBORHOOD OVERLAY (UNO) DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the university neighborhood overlay (UNO) district is to promote high density redevelopment in the area generally west of the University of Texas campus, provide a mechanism for the creation of a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the district.
- (B) The UNO district consists of the following subdistricts:
 - (1) inner west campus subdistrict;
 - (2) outer west campus subdistrict;
 - (3) Guadalupe subdistrict; and
 - (4) Dobie subdistrict.
- (C) The boundaries of the UNO district and each subdistrict are identified in Appendix C (University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits) of this chapter.

Source: Ord. 040902-58.

§ 25-2-180 - LAKE AUSTIN (LA) OVERLAY DISTRICT.

- (A) The purpose of the Lake Austin (LA) overlay district is to protect the scenic, recreational, and environmental benefits of Lake Austin by restricting the scale and intensity of development near the lake.
- (B) The boundaries of the Lake Austin (LA) overlay district include land that is located within 1,000 feet of the shoreline of Lake Austin, as defined under Section 25-2-551 (Lake Austin (LA) District Regulations) and is:
 - (1) located within the Lake Austin (LA), Interim Lake Austin (I-LA), Development Reserve (DR), Planned Unit Development (PUD), Rural Residential (RR), or Interim Rural Residential (I-RR) base zoning district on or after June 24, 2014; or
 - (2) located on a site of one acre or more that is:
 - (i) comprised of two or more lots aggregated on or after June 24, 2014; and
 - (ii) zoned or rezoned single family residence large lot (SF-1), single family residence standard lot (SF-2), family residence (SF-3), single family residence small lot (SF-4A), single family residence condominium site (SF-4A), urban family residence (SF-5), or townhouse and condominium residence (SF-6) base zoning district.
- (C) In the event of a conflict, the regulations applicable to a Planned Unit Development (PUD) zoning district control over the regulations prescribed in Section 25-2-647.
- (D) The official map of the Lake Austin Overlay district is on file with the Planning and Development Review Department, which shall resolve any uncertainty regarding the boundary of the district.

Source: Ord. No. 20140626-114, Pt. 1, 7-7-14.

§ 25-2-181 - DENSITY BONUS COMBINING DISTRICTS.

- (A) Density bonus (DB) combining districts authorize a particular property to participate in a voluntary density bonus or incentive program that provides modifications to development regulations or other regulatory-related benefits in exchange for community benefits.
- (B) DB 90 Combining District allows residential uses on sites with certain commercial base zoning districts, modifies compatibility requirements, and grants additional height in exchange for income-restricted housing.
- (C) DBETOD Combining District allows residential uses, preserves certain existing residential and non-residential uses, modifies compatibility standards and site development regulations, and grants additional building height in exchange for income-restricted housing.
- (D) DBCS Combining District allows for resiliency and posterity for centers of art and live music while encouraging affordable creative spaces in new developments.

Source: 20240229-073, Pt. 2, 3-11-24; Ord. No. 20240516-005, Pt. 4, 7-15-24; Ord. No. 20241010-034, Pt. 2, 10-21-24.

Editor's note— Ord. No. 20240229-070, Pt. 1, effective March 11, 2024, repealed § 25-2-181, which pertained to Corridor Overlay (COR) District Purpose And Boundaries and derived from Ord. No. 20221201-056, Pt. 2, 12-12-22; Ord. No. 20231102-028, Pt. 4, 11-13-23.

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

- (A) The purpose of the equitable transit-oriented development (ETOD) combining district is to enhance transit-supportive uses, encourage more intentional and equitable land stewardship with increased bicycle, pedestrian, and transit connectivity, housing options and opportunities, public realm activation, and new economic opportunities near public transit.
- (B) The boundaries of the ETOD district are identified in Appendix G (*ETOD Boundaries*) of this chapter.

Source: Ord. No. 20240516-005, Pt. 2, 7-15-24.

ARTICLE 3. - ZONING MAP.

§ 25-2-191 - ZONING MAP.

- (A) The boundaries of all zoning districts are depicted on the zoning map. The zoning map is incorporated by reference into this section.
- (B) The city clerk shall maintain in the City's files the original zoning map and all zoning map amendments. The director of the Neighborhood Planning and Zoning Department and the building official shall retain a copy of the current zoning map.
- (C) The zoning map may be divided into sections or include a supplemental map.

Source: Section 13-2-22; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-2-192 - DETERMINATION OF DISTRICT BOUNDARIES.

- (A) If a site is divided by a zoning district boundary, the regulations of each zoning district apply to the portion of the site located in that zoning district.

- (B) The boundary of a zoning district shown on the zoning map is determined in accordance with this subsection.
- (1) If a zoning district boundary is shown as approximately following a street, alley, or property boundary, the zoning district boundary coincides with the street, alley, or property boundary.
 - (2) If a zoning district boundary is shown to be within a street, alley, right-of-way, or creek, the center line of the street, alley, right-of-way, or creek is the zoning district boundary.
 - (3) If a zoning district boundary divides a parcel, the location of the zoning district boundary shall be determined:
 - (a) by the dimensions shown on the zoning map; or
 - (b) if the dimensions are not shown, by use of the scale appearing on the zoning map.
 - (4) If a public street, alley, or right-of-way is vacated or abandoned, the zoning regulations applicable to the abutting property apply out to the centerline of the vacated or abandoned street, alley, or right-of-way.
 - (5) The director of the Neighborhood Planning and Zoning Department shall determine the location or meaning of a boundary or other feature on the zoning map.

Source: Section 13-2-23; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

SUBCHAPTER B. - ZONING PROCEDURES; SPECIAL REQUIREMENTS FOR CERTAIN DISTRICTS.

ARTICLE 1. - ZONING PROCEDURES GENERALLY.

Division 1. - District Designations.

§ 25-2-221 - DISTRICT DESIGNATION REQUIREMENTS.

- (A) All land within the zoning jurisdiction shall be designated as a named zoning base district in accordance with the procedures of state law and this subchapter. Different portions of a site may be designated as different zoning base districts, but only one zoning base district designation may apply to any portion of a site.
- (B) A zoning combining district designation may be applied to property in addition to the zoning base district designation.

Source: Section 13-2-24; Ord. 990225-70; Ord. 031211-11.

§ 25-2-222 - DESIGNATION OF ANNEXED LAND.

- (A) Annexed property shall be zoned in accordance with the procedures required by state law and this chapter.
- (B) From the date of annexation until the property is zoned, annexed property is designated as an interim rural residence (RR) district except as otherwise provided in this subsection.
 - (1) Property that is subject to a planned development area agreement is designated as an interim limited industrial services (LI) district and regulated by the planned development area agreement.
 - (2) Property that is included in an approved preliminary plan or final plat for a planned unit development subdivision is designated as an interim planned unit development (PUD) district regulated by the approved plan.
 - (3) Property that is located within 1,000 feet landward, measured horizontally, on either side of Lake Austin, from and parallel to the 492.8 foot topographic contour line, is designated as an interim Lake Austin (LA) district.
 - (4) Property included in a final plat or an unexpired preliminary plan for a small lot subdivision that was approved under Chapter 25-4 (Subdivision) or Chapter 30-2 (Subdivision Requirements) is designated as an interim single-family residence small lot (SF-4A) district.
 - (5) A lot is designated as an interim single-family residence standard lot (SF-2) district if the lot:
 - (a) is smaller than one acre;
 - (b) included in a final plat or unexpired preliminary plan approved under Chapter 25-4 (Subdivision) or Chapter 30-2 (Subdivision Requirements); and
 - (c) does not meet the criteria in Subsection (B)(1) through (B)(4) of this section.
 - (6) The director of the Planning & Development Review Department may not collect a base zoning application fee between the date of approval of an annexation ordinance and a date one year following the effective date of annexation for property formerly in the ETJ and within the annexed area that:
 - (a) has an existing use or planned use as defined by Texas Local Government Code Section 43.002(a) that is not allowed by the interim zoning designated for the property under this Section; and
 - (b) is smaller than 25 acres in size.

Source: Section 13-2-26; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20091210-091; Ord. 20110609-056.

Division 2. - Applications.

§ 25-2-241 - DISTINCTION BETWEEN ZONING AND REZONING.

- (A) Zoning is the initial classification of property as a particular zoning base district. Zoning amends the zoning map to include property that was not previously in the zoning jurisdiction or that was not previously included in the boundaries of a base district.
- (B) Rezoning amends the zoning map to change the base district classification of property that was previously zoned.

Source: Section 13-1-401; Ord. 990225-70; Ord. 031211-11.

§ 25-2-242 - INITIATION OF ZONING OR REZONING.

Zoning or rezoning of property may be initiated by the:

- (1) Council;
- (2) Land Use Commission;
- (3) Record owner;
- (4) Historic Landmark Commission, if the property is, or is proposed to be, designated as a historic landmark (H) combining district or a historic area (HD) combining district; or
- (5) For a proposed historic area (HD) combining district:
 - (a) petition of:
 - (i) the owners of at least 51 percent of the land, by land area, in the proposed district; or
 - (ii) at least 51 percent of the owners of individual properties in the proposed district.
 - (b) property owned by the City of Austin or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that contribute to the historic character of the district, as determined by the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed one-third of the 51% of the land in the proposed district.

Source: Section 13-1-400; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16; Ord. 20060622-128; 20090806-068; Ord. 20091210-092; Ord. 20111215-091.

§ 25-2-243 - PROPOSED DISTRICT BOUNDARIES MUST BE CONTIGUOUS.

- (A) Except as provided in Subsection (B), the boundaries of the districts proposed in a zoning or rezoning application must be contiguous.
- (B) The boundaries of the districts proposed in a zoning application may be noncontiguous if the zoning is initiated by the Council or the Land Use Commission.

Source: Section 13-1-402; Ord. 990225-70; Ord. 031211-11; Ord. 20110609-056.

§ 25-2-244 - REZONING TO REPLACE A PUBLIC RESTRICTIVE COVENANT WITH A CONDITIONAL OVERLAY.

- (A) An applicant may file a rezoning application to request that restrictions identical to those contained in a public restrictive covenant be included in a rezoning ordinance as a conditional overlay.
- (B) A vote by council to amend the zoning designation of a property as requested in an application filed under Subsection (A) constitutes the consent of the council to terminate the public restrictive covenant on the property.
- (C) The director of the Neighborhood Planning and Zoning Department may not collect an application fee for an application filed under Subsection (A).

Source: Section 13-1-431; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-2-245 - CONCURRENT PROCESSING OF MULTIPLE APPLICATIONS.

If an applicant files multiple applications for zoning or rezoning of separate properties in a single development under common ownership or control, the director of the Neighborhood Planning and Zoning Department shall:

- (1) process the applications concurrently;
- (2) schedule the applications for the same Land Use Commission meeting date; and
- (3) schedule the applications for the same council meeting date.

Source: Section 13-1-402; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

§ 25-2-246 - EXPIRATION OF APPLICATION.

- (A) A zoning or rezoning application expires if the director of the Neighborhood Planning and Zoning Department does not schedule the application for a public hearing:
 - (1) by the Land Use Commission before the 181st day after the date of filing; or
 - (2) by the Land Use Commission or council before the 181st day after the date on which the Land Use Commission or council grants an indefinite postponement of a scheduled public hearing.
- (B) Except as provided in Subsection (C), a zoning or rezoning application expires if the council does not adopt an ordinance before the 361st day after council closes the public hearing on the application.
- (C) An applicant may request that the director of the Neighborhood Planning and Zoning Department or council extend an application that will expire under Subsection (B).
 - (1) An applicant's request for the director of the Neighborhood Planning and Zoning Department's approval must be in writing and filed before the application expires.
 - (2) An applicant may file one request for an extension from council. The request must state good cause for the extension and may be for not more than 180 days.

Source: Section 13-1-406(f) and Section 13-1-409; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

§ 25-2-247 - RESTRICTIONS ON NEW APPLICATIONS.

- (A) For 18 months from the date an applicant withdraws an application or the council denies a zoning or rezoning application for a property, an applicant may not file an application to zone or rezone the property or a portion of the property to the same or a less restrictive zoning district if the application that is withdrawn or denied:
 - (1) is not recommended by the Land Use Commission as requested by the applicant and is withdrawn by the applicant before council votes on the application;
 - (2) is not recommended by the Land Use Commission as requested by the applicant and is denied by the council;
 - (3) is amended by the applicant before the Land Use Commission makes a recommendation on the application and is withdrawn by the applicant before the council votes on the application; or
 - (4) is amended by the applicant before the Land Use Commission makes a recommendation on the application and is denied by council.
- (B) For 12 months from the date an applicant withdraws an application or the council denies a zoning or rezoning application for a property, an applicant may not file an application to zone or rezone the property or portion of the property to the same or a less restrictive zoning district if the application that is withdrawn or denied:
 - (1) is not recommended by the Land Use Commission as requested by the applicant and is withdrawn by the applicant before the director of the Neighborhood Planning and Zoning Department forwards the application to council;
 - (2) is recommended by the Land Use Commission as requested by the applicant and is withdrawn by the applicant before council votes on the application; or
 - (3) is recommended by the Land Use Commission as requested by the applicant and is denied by the council.

Source: Section 13-1-408; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

Division 3. - Notice of Filing; Director's Report.

§ 25-2-261 - NOTICE OF APPLICATION FILING.

- (A) For a zoning or rezoning application filed by the record owner, the director of the Neighborhood Planning and Zoning Department shall:
 - (1) give notice of the application under Section 25-1-133(A) (Notice Of Applications And Administrative Decisions); and
 - (2) post signs on the affected property not later than the 14th day after the application is filed.
- (B) For a zoning or rezoning initiated by the Historic Landmark Commission or a rezoning initiated by the Land Use Commission or council, the director of the Neighborhood Planning and Zoning Department shall:
 - (1) give notice under Section 25-1-133(A) (Notice Of Applications And Administrative Decisions); and
 - (2) mail notice to the record owner of the affected property not later than the 14th day after a motion initiating the zoning or rezoning is passed.
- (C) For a zoning initiated by the Land Use Commission or council, the director of the Neighborhood Planning and Zoning Department shall give mailed notice to the notice owner of the property and to neighborhood organizations not later than the 14th day after the motion initiating the zoning is passed.

Source: Section 13-1-403; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

§ 25-2-262 - DIRECTOR'S REPORT.

The director of the Neighborhood Planning and Zoning Department shall prepare for the Land Use Commission and council a report on each zoning or rezoning application. The report shall:

- (1) include a recommendation on each zoning or rezoning application; and
- (2) be filed with the Land Use Commission not later than the 28th day after the applicable zoning cycle deadline.

Source: Section 13-1-404; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

Division 4. - Public Hearing; Action.

§ 25-2-281 - SCHEDULING OF PUBLIC HEARING.

- (A) Except as provided in this Subsection (B), the director of the Neighborhood Planning and Zoning Department may not schedule a zoning or rezoning application for public hearings before both the Land Use Commission and council in the same week.
- (B) The director of the Neighborhood Planning and Zoning Department may schedule an application for public hearings before both the Land Use Commission and council in the same week if the director of the Neighborhood Planning and Zoning Department receives written support of the application from the staff, the neighborhood organizations, and the zoning subcommittee of the Land Use Commission.

Source: Section 13-1-410; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

§ 25-2-282 - LAND USE COMMISSION PUBLIC HEARING AND RECOMMENDATION.

- (A) The Land Use Commission shall hold a public hearing on a zoning or rezoning application not later than the 60th day after the date the application is filed. The director of the Neighborhood Planning and Zoning Department shall give notice under Section 25-1-132(A) (*Notice Of Public Hearing*) of the public hearing. If the application includes property located within the Waterfront Overlay (WO) combining district, the director shall request a recommendation from the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission to be considered by the Land Use Commission at the public hearing. If the Board fails to make a recommendation as required under Section 25-2-715 (*Review and Recommendation of the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission*), the Land Use Commission or accountable official may act on the application without a recommendation from the Board.
- (B) The Land Use Commission shall make a recommendation to the council on a zoning or rezoning application not later than the 14th day after the Land Use Commission closes the public hearing on the application.
- (C) The Land Use Commission may recommend that the council:
 - (1) approve the application as proposed;
 - (2) approve a more restrictive zoning classification than requested;
 - (3) approve the proposed classification or a more restrictive classification subject to conditions; or
 - (4) deny the application.
- (D) If the Land Use Commission does not adopt a recommendation on an application, the director of the Neighborhood Planning and Zoning Department shall forward the application to council without a Land Use Commission recommendation.
- (E) If the Land Use Commission does not hold a public hearing in accordance with Subsection (A), the applicant may file a written request for a hearing with the director of the Neighborhood Planning and Zoning Department or Land Use Commission.
 - (1) If requested, the director of the Neighborhood Planning and Zoning Department shall schedule a public hearing before the Land Use Commission on the first Land Use Commission meeting after the date the request is received for which the director of the Neighborhood Planning and Zoning Department can provide notice under Section 25-1-132(A) (*Notice Of Public Hearing*) of this title.
 - (2) The following procedures apply to a public hearing scheduled under this subsection:
 - (a) the Land Use Commission shall conduct the public hearing before other business scheduled for the same meeting is considered;
 - (b) if more than one public hearing scheduled under this subsection is on an agenda, the Land Use Commission shall conduct the public hearings in the order in which the written requests for the public hearings were received; and
 - (c) if a public hearing is not completed on the date it is scheduled, the Land Use Commission shall continue the public hearing to the next and successive meetings of the Land Use Commission until completed.
 - (3) The Land Use Commission shall make a recommendation on an application considered under this subsection at the same meeting that the Land Use Commission closes the public hearing on the application, except that, the Land Use Commission may postpone its decision on the application for not more than 14 days with the consent of the applicant.
- (F) The director of the Neighborhood Planning and Zoning Department shall report the Land Use Commission's recommendation on each zoning or rezoning application to the council.

Source: Section 13-1-405; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 20090611-074; Ord. No. 20141211-204, Pt. 25, 7-1-15.

§ 25-2-283 - CITY COUNCIL ZONING HEARING AND ACTION.

- (A) The council shall hold a public hearing on a zoning or rezoning application not later than the 40th day after the date of the Land Use Commission recommendation.
- (B) The director of the Neighborhood Planning and Zoning Department shall give notice under Section 25-1-132(B) (*Notice of Public Hearing*) of a public hearing held under this section.
- (C) Unless the council votes to deny a postponement request, a postponement of the public hearing on a zoning or rezoning application is automatically granted on the first request made by each of the following: staff, the applicant, or one interested party in opposition to the application.
 - (1) A postponement request must be written and submitted to the director of the Neighborhood Planning and Zoning Department not later than the seventh day before the scheduled public hearing. The request must specify the reasons for the postponement. The director of the Neighborhood Planning and Zoning Department shall provide a recommendation on the validity of the postponement request.
 - (2) The city clerk shall enter an automatic postponement in the minutes with a notation of the identity of the party requesting the postponement.
 - (3) Unless otherwise approved by council, an interested party is limited to one postponement for a period of not more than 60 days from the date of the scheduled public hearing.
 - (4) The council shall set the time and date of the new hearing at the time a postponement is granted.
- (D) After a public hearing on a zoning or rezoning application, the council may:
 - (1) approve the zoning or rezoning application as requested;
 - (2) approve a more restrictive zoning classification than requested;
 - (3) approve the requested classification or a more restrictive classification subject to conditions; or
 - (4) deny the proposed zoning or rezoning.
- (E) The council may approve the zoning or rezoning of property if the council determines that the zoning or rezoning is consistent with the Comprehensive Plan and the purposes of this title.
- (F) Unless authorized by a resolution of the council, the director of the Planning and Zoning Department may not schedule a zoning or rezoning ordinance for third reading by the council until:
 - (1) the city attorney determines that requirements of the City Code have been met and that required documents protect the interests of the City and have been executed. The city attorney shall make a determination regarding the documents not later than the 14th day after the documents are submitted; and
 - (2) for an application to rezone a property within the mobile home residence (MH) district designation that contains an existing mobile home park, no earlier than the 270th day after all tenants entitled to notice under Section 25-1-712 (*Tenant Notification Required*) have received the required notification.
- (G) The council may not require a site plan as a condition of zoning or rezoning.

Source: Section 13-1-406(a) through (e) and (h); Ord. 990225-70; Ord. 000309-39; Ord. 010329-18; Ord. 010607-8; Ord. 030807-36; Ord. 031211-11; Ord. No. 20160901-050, Pt. 7, 9-12-16.

§ 25-2-284 - REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

- (A) The affirmative vote of three-fourths of the members of council is required to approve:
 - (1) rezoning property to a planned unit development if the Land Use Commission recommends denial of the application;
 - (2) zoning previously unzoned property to a planned unit development if the Land Use Commission recommends denial of the application by a vote of at least three-fourths of the members of the Land Use Commission; or
 - (3) a proposed rezoning that is protested in writing by the owners of not less than 20 percent of the area of land:
 - (a) included in the proposed change; or
 - (b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.
- (B) The director of the Neighborhood Planning and Zoning Department shall include the area of streets and alleys to compute the percentage of land area under Subsection (A)(2).
- (C) The director of the Neighborhood Planning and Zoning Department shall include land subject to a condominium regime in a protest under Subsection (A)(2) if:
 - (1) the protest is signed by the authorized officer of the condominium on behalf of the governing body of the condominium and the protest states that the governing body has authorized the protest petition in accordance with procedures required by its bylaws; or
 - (2) the protest is signed by the owner of an individual condominium unit and the documents governing the condominium establish the right of an individual owner to act with respect to the owner's undivided interest in the common elements of the condominium.
- (D) Except as provided in Subsection (C), the director of the Neighborhood Planning and Zoning Department shall include land owned by more than one person in a protest under Subsection (A)(2) if a written protest is filed by one of the owners.

Source: Section 13-1-407; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. No. 20160211-008, Pt. 1, 2-22-16.

ARTICLE 2. - SPECIAL REQUIREMENTS FOR CERTAIN DISTRICTS.

Division 1. - Central Urban Redevelopment Combining Districts.

§ 25-2-311 - CENTRAL URBAN REDEVELOPMENT (CURE) COMBINING DISTRICT APPLICABILITY.

- (A) A central urban redevelopment (CURE) combining district may be applied only to a property located in the central urban area shown on the map in Appendix F (*Central Urban Redevelopment (CURE) Combining District Boundaries*). The director of the Planning and Zoning Department shall resolve uncertainty regarding the boundary of the combining district.
- (B) A CURE combining district may be applied only to property that:
 - (1) has existing development that is at least 10 years old; or
 - (2) is vacant.
- (C) A CURE combining district may be combined with any base district.

Source: Section 13-2-180; Ord. 990225-70; Ord. 001130-110; Ord. 010329-18; Ord. 031211-11; Ord. No. 20180322-096, Pt. 1, 4-2-18.

§ 25-2-312 - CURE COMBINING DISTRICT REGULATIONS.

- (A) A regulation established by a CURE combining district may modify:
 - (1) permitted or conditional uses authorized in the base district;
 - (2) except for Subchapter C, Article 10 (*Compatibility Standards*), the site development regulations applicable in the base district; or
 - (3) off-street parking design regulations, off-street loading regulations, sign regulations, or landscaping or screening regulations applicable in the base district.
- (B) A modification to the base district regulations must be identified in the ordinance zoning or rezoning property as a CURE combining district.
- (C) The CURE combining district may not be used to modify maximum floor area ratio or maximum height within the area bounded by Martin Luther King, Jr., Boulevard, Interstate Highway 35, Lady Bird Lake and Lamar Boulevard.

Source: Sections 13-2-181 and 13-2-182; Ord. 990225-70; Ord. 030306-48A; Ord. 031211-11; Ord. 20130627-105; Ord. No. 20231102-028, Pt. 5, 11-13-23.

Division 2. - Conditional Overlay Combining Districts.

§ 25-2-331 - CONDITIONAL OVERLAY (CO) COMBINING DISTRICTS GENERALLY.

- (A) A CO combining district may be combined with any base district.
- (B) A restriction imposed by a CO combining district must be stated in the ordinance zoning or rezoning the property as a CO combining district.
- (C) The director of the Neighborhood Planning and Zoning Department shall add the letters "CO" to the base district designation on the zoning map to identify property included in a CO combining district.

Source: Section 13-2-122; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-2-332 - CONDITIONAL OVERLAY (CO) COMBINING DISTRICT REGULATIONS.

- (A) Use and site development regulations imposed by a CO combining district must be more restrictive than the restrictions otherwise applicable to the property.
- (B) A regulation imposed by a CO combining district may:
 - (1) prohibit permitted, conditional, and accessory uses otherwise authorized in the base district or make a permitted use a conditional use;
 - (2) for a mixed use (MU) combining district, prohibit or make conditional a use that is otherwise permitted by Chapter 25-2, Subchapter E, Section 4.2.1 (*Mixed Use Zoning Districts*);
 - (3) decrease the number or average density of dwelling units that may be constructed on the property;
 - (4) increase minimum lot size or minimum lot width requirements;
 - (5) decrease maximum floor to area ratio;
 - (6) decrease maximum height;
 - (7) increase minimum yard and setback requirements;
 - (8) decrease maximum building or impervious coverage;
 - (9) restrict access to abutting and nearby roadways and impose specific design features to ameliorate potentially adverse traffic impacts; or

- (10) restrict any other specific site development regulation required or authorized by this title.

Source: Section 13-2-121; Ord. 990225-70; Ord. 031211-11; Ord. 20060518-059.

§ 25-2-333 - SPECIAL NOTICE FOR CONDITIONAL OVERLAY (CO) COMBINING DISTRICT.

If an applicant includes the CO combining district as part of a zoning or rezoning application, the director of the Neighborhood Planning and Zoning Department shall include the following information in notices required under this division:

- (1) the restrictions requested by the applicant;
- (2) a statement that additional restrictions may be imposed by the council; and
- (3) a statement that additional notice will be provided if the council proposes:
 - (a) to require fewer restrictions than requested by the applicant; or
 - (b) to approve the requested base district without the requested CO combining district.

Source: Section 13-1-430; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

Division 3. - Historic Landmarks And Historic Area Districts.

§ 25-2-350 - DEFINITIONS.

In this division:

- (A) CONTRIBUTING STRUCTURE means a structure that contributes to the historic character of a historic area (HD) combining district, was built during the period of significance for the district, and which retains its appearance from that time. An altered structure may be considered a contributing structure if the alterations are minor and the structure retains its historic appearance and contributes to the overall visual and historic integrity of the district. A structure is designated as a contributing structure by the ordinance establishing the historic area (HD) combining district.
- (B) HISTORIC DESIGN STANDARDS means the design standards adopted by council and used by property owners, the historic preservation officer, and the commission to evaluate proposed projects in accordance with the requirements of Section 25-11-213 (Building, Demolition, and Relocation Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures or Sites).
- (C) SUPPLEMENTAL STANDARDS means design standards for a historic area (HD) combining district adopted in accordance with the requirements of Section 25-2-356 (Historic Area Combining District Ordinance) and to be considered in addition to historic design standards adopted by council where required by Code.

Source: Ord. 041202-16; Ord. 20100819-065; Ord. No. 20221115-049, Pt. 3, 11-28-22.

§ 25-2-351 - LIMITS ON APPLICATIONS FOR HISTORIC DESIGNATION.

- (A) The Historic Landmark Commission may consider no more than a total of three applications per month for historic landmark (H) designation.
- (B) The Historic Landmark Commission may consider no more than one application per month for historic landmark (H) designation of property located in any National Register or Local Historic District, unless there would otherwise be fewer than a total of three applications for historic landmark (H) designation considered in that month.
- (C) Limitations in Subsections (A) and (B) of this section shall not apply to applications initiated by the Historic Landmark Commission in response to a request for a demolition or relocation permit.

Source: Ord. 20100819-065.

§ 25-2-352 - HISTORIC DESIGNATION CRITERIA.

- (A) The council may designate a structure or site as a historic landmark (H) combining district if:
 - (1) the property is at least 50 years old and represents a period of significance of at least 50 years ago, unless the property is of exceptional importance as defined by National Register Bulletin 22, National Park Service (1996);
 - (2) the property retains a high degree of integrity, as defined by the National Register of Historic Places, that clearly conveys its historical significance and does not include an addition or alteration which has significantly compromised its integrity; and
 - (3) the property:
 - (a) is individually listed in the National Register of Historic Places; or is designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or National Historic Landmark; or
 - (b) demonstrates significance in at least two of the following categories:
 - (i) Architecture. The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; exemplifies technological innovation in design or construction; displays high artistic value in representing ethnic or folk art, architecture, or construction; represents a rare example of an architectural style in the city; serves as an outstanding example of the work of an architect,

builder, or artisan who significantly contributed to the development of the city, state, or nation; possesses cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or represents an architectural curiosity or one-of-a-kind building. A property located within a local historic district is ineligible to be nominated for landmark designation under the criterion for architecture, unless it possesses exceptional significance or is representative of a separate period of significance.

- (ii) Historical Associations. The property has long-standing significant associations with persons, groups, institutions, businesses, or events of historic importance which contributed significantly to the history of the city, state, or nation; or represents a significant portrayal of the cultural practices or the way of life of a definable group of people in a historic time.
 - (iii) Archeology. The property has, or is expected to yield, significant data concerning the human history or prehistory of the region;
 - (iv) Community Value. The property has a unique location, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, a neighborhood, or a particular group.
 - (v) Landscape Feature. The property is a significant natural or designed landscape or landscape feature with artistic, aesthetic, cultural, or historical value to the city.
- (B) The council may designate an area as a historic area (HD) combining district if at least 51 percent of the principal structures within the proposed district are contributing to the historic character of the district when the historic preservation officer certifies that the zoning or rezoning application is complete.
- (C) The council may enlarge the boundary of an existing historic area (HD) combining district if the additional structure, group of structures, or area adds historic, archeological, or cultural value to the district.
- (D) Except as limited by Subsection (E), the council may reduce the boundary of an existing historic area (HD) combining district if:
- (1) the structure to be excluded does not contribute to the historic character of the district;
 - (2) excluding the structure or area will not cause physical, historical, architectural, archeological, or cultural degradation of the district; or
 - (3) a reasonable use of the structure that allows the exterior to remain in its original style does not exist.
- (E) The minimum size for a historic area (HD) combining district is one block face.

Source: Ord. 041202-16; Ord. 20060622-128; Ord. 20111215-091.

§ 25-2-353 - APPLICATION REQUIREMENTS.

- (A) An application to designate a structure or site as a historic landmark (H) combining district or an area as a historic area (HD) combining district must demonstrate that the structure, site, or area satisfies the criteria for designation and include the information required by administrative rule.
- (B) A record owner or the record owner's agent filing an application for an owner-initiated historic landmark (H) designation shall affirm that no person involved in the matter was or will be compensated on a contingent fee basis or arrangement.
- (C) An applicant may submit supplemental standards as described in [Section 25-2-356 \(Historic Area Combining District Ordinance\)](#) as part of an application to designate an area as a historic area (HD) combining district.
- (D) Prior to action by the Historic Landmark Commission on an application to designate an area as a historic area (HD) combining district, the historic preservation officer shall forward the supplemental standards, if any, to the Austin Energy Green Building (or successor) program for review and written recommendations regarding the opportunity to incorporate sustainable elements into the supplemental standards. The recommendations shall be provided to all boards and commissions and council prior to public hearing and action on the application.

Source: Ord. 041202-16; Ord. 20060622-128; 20090806-068; Ord. 20100819-065; [Ord. No. 20221115-049](#), Pt. 4, 11-28-22.

§ 25-2-354 - HISTORIC LANDMARK COMMISSION PUBLIC HEARING REQUIREMENT.

- (A) The Historic Landmark Commission shall hold a public hearing on a zoning or rezoning application that requests:
 - (1) designation of a historic landmark (H) or historic area (HD) combining district; or
 - (2) an amendment or removal of a historic landmark (H) or historic area (HD) combining district designation.
- (B) The director of the Neighborhood Planning and Zoning Department shall give notice of the public hearing under [Section 25-1-132\(A\) \(Notice of Public Hearing\)](#). The Director of the Neighborhood Planning and Zoning Department shall also provide notice of the public hearing by posting signs on the property.
- (C) The Historic Landmark Commission shall make a recommendation to the Land Use Commission on a zoning or rezoning application governed by this section not later than the 14th day after the Historic Landmark Commission closes the public hearing on the application.
- (D) The director of the Neighborhood Planning and Zoning Department shall forward the recommendation of the Historic Landmark Commission to the Land Use Commission and council.

Source: Ord. 041202-16.

§ 25-2-355 - HISTORIC LANDMARK COMMISSION REVIEW.

- (A) The Historic Landmark Commission shall consider the criteria established in [Section 25-2-352 \(Historic Designation Criteria\)](#) when reviewing an application for a historic landmark (H) or historic area (HD) combining district.

- (B) If the Historic Landmark Commission recommends designation of a historic landmark (H) or historic area (HD) combining district, it shall send a recommendation to the Land Use Commission and the council that includes:
- (1) a statement of the reasons for recommending designation of the district;
 - (2) a legal description of the boundary of the district;
 - (3) maps, photographs, and histories of the structures, sites, or areas located in the district as required by administrative rule;
 - (4) findings that support the criteria for designating the district and that establish the importance of the district; and
 - (5) for a historic area (HD) combining district, the materials described in [Section 25-2-356 \(Historic Area Combining District Ordinance\)](#).

Source: Ord. 041202-16; Ord. 20060622-128; 20090806-068; Ord. No. [20170928-099](#), 10-9-17; [Ord. No. 20221115-049](#), Pt. 5, 11-28-22.

§ 25-2-356 - HISTORIC AREA COMBINING DISTRICT ORDINANCE.

- (A) An ordinance zoning or rezoning property as a historic area (HD) combining district must:
- (1) describe the character-defining features of the district;
 - (2) adopt supplemental standards, if any; and
 - (3) list the designated contributing structures.
- (B) Supplemental standards:
- (1) may modify regulations relating to building setbacks, building height, compatibility, landscaping, parking design, or signs;
 - (2) may prescribe regulations relating to design, scale, or architectural character of, or materials for:
 - (a) the exterior of a contributing structure or a new structure; and
 - (b) public facilities, including street lighting, street furniture, signs, landscaping, utility facilities, sidewalks, and streets; and
 - (3) must be consistent with the historic design standards and be based on the features and characteristics of the district.

Source: Ord. 041202-16; 20090806-068; [Ord. No. 20221115-049](#), Pt. 6, 11-28-22; [Ord. No. 20231102-028](#), Pt. 6, 11-13-23.

§ 25-2-357 - DESIGNATION ON ZONING MAP.

The director of the Neighborhood Planning and Zoning Department shall add as a suffix to the base district designation on the zoning map:

- (1) the letter "H" to reflect a historic landmark designation; or
- (2) the letters "HD" to reflect a historic area designation.

Source: Ord. 041202-16.

§ 25-2-358 - NOTICE OF DESIGNATION TO TAX APPRAISAL DISTRICT.

- (A) The historic preservation officer shall file with the county tax appraisal district a:
- (1) copy of an ordinance zoning property as a historic landmark or historic area combining district; and
 - (2) notice stating that the council has granted the historic designation.
- (B) The historic preservation officer shall mail a copy of the notice described in Subsection (A)(2) to the notice owner by certified mail.

Source: Ord. 041202-16; Ord. 20060112-053.

§ 25-2-359 - MEDALLIONS.

With the approval of the owner, a person may place a medallion approved by the Historic Landmark Commission on a structure or site that is designated as a historic landmark.

Source: Ord. 041202-16.

Division 4. - Neighborhood Conservation Combining Districts.

§ 25-2-371 - NEIGHBORHOOD CONSERVATION (NC) COMBINING DISTRICT REGULATIONS.

A regulation established by an neighborhood conservation (NC) combining district modifies use and site development regulations of a base district located in the NC combining district in accordance with a neighborhood plan.

Source: Sections 13-2-130 and 13-2-131; Ord. 990225-70; Ord. 031211-11.

§ 25-2-372 - REQUEST BY NEIGHBORHOOD ORGANIZATION.

- (A) An application for zoning or rezoning to an NC combining district may be filed by a sponsoring neighborhood organization on behalf of property owners in the proposed district.
- (B) A sponsoring neighborhood organization shall provide written notice to owners of property in a proposed NC combining district of the intention to create an NC combining district.
- (C) A sponsoring neighborhood organization shall provide written notice to owners of property in a proposed NC combining district of the organization's meetings concerning the NC combining district.

Source: Sections 13-2-130 and 13-2-134(a); Ord. 990225-70; Ord. 031211-11.

§ 25-2-373 - NEIGHBORHOOD PLANS.

- (A) A neighborhood plan must be prepared by a sponsoring neighborhood organization.
- (B) A sponsoring neighborhood organization may obtain from the director of the Neighborhood Planning and Zoning Department a list of community resources available to assist the neighborhood organization with technical aspects of neighborhood planning.
- (C) After considering the age of a neighborhood, the degree to which a neighborhood is distinguishable from other parts of the city, and department resource availability, the director of the Neighborhood Planning and Zoning Department may assist a neighborhood organization with development of a neighborhood plan.
- (D) In addition to the information required by the Administrative Criteria Manual, a neighborhood plan must include an architectural survey of structures in the proposed NCC district that identifies the predominate architectural and urban design characteristics in the area and the characteristics that distinguish the area from other parts of the city.
- (E) A sponsoring neighborhood organization shall deliver a copy of the proposed neighborhood plan to the public library branch located nearest to the proposed district and to one other location in the proposed district.
- (F) A sponsoring neighborhood organization shall file the neighborhood plan with the director of the Neighborhood Planning and Zoning Department.
- (G) A neighborhood plan may be adopted by council with the zoning ordinance establishing an NC combining district.
- (H) Amendments to a neighborhood plan may be proposed annually by a neighborhood organization or an owner of land included in an NC combining district.

Source: Sections 13-2-132, 13-2-133, 13-2-134, 13-2-135, 13-2-136, and 13-2-138; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-2-374 - PUBLIC HEARINGS; NOTICE.

- (A) Public hearings on a request for an NC combining district shall be held by the:
 - (1) Land Use Commission; and
 - (2) council.
- (B) Before the Land Use Commission may hold a hearing, the Historic Landmark Commission must hold a public hearing if the proposed NC combining district contains:
 - (1) a designated historic landmark or historic district; or
 - (2) except as provided in Subsections (F) and (G), a structure with historic significance, as determined by the Cultural and Historic Resources Survey of the City of Austin.
- (C) A neighborhood organization requesting an NC combining district must give notice by certified mail, return receipt requested, to each property owner in the proposed district not later than 60 days before the date of the first Land Use Commission hearing or, if applicable, the first Historic Landmark Commission hearing. The notice must include the time, date, and location of the public hearing and the location of copies of the proposed neighborhood plan that are available for review.
- (D) A neighborhood organization requesting an NC combining district shall provide the director of the Neighborhood Planning and Zoning Department with a list of property owners to whom notice of the public hearing was mailed and the return receipts from the mailed notice. The list must indicate if an owner is in favor of inclusion in the district, is opposed to inclusion, or has not indicated a preference.
- (E) The director of the Neighborhood Planning and Zoning Department shall post signs giving notice of the public hearing described in Subsection (C) along the boundary of a proposed NC combining district.
- (F) The director of the Neighborhood Planning and Zoning Department may waive notice required by Subsection (C) if:
 - (1) the principal use of a portion of a proposed NC combining district is restricted to civic uses;
 - (2) the property in the portion of an NC combining district to be restricted to civic uses is owned by a single person; and
 - (3) the neighborhood organization and the owner of the property to be restricted to civic uses submit a written request to waive notice provisions.
- (G) If a waiver is granted under Subsection (F):
 - (1) a hearing at the Historic Landmark Commission on a proposed NC combining district is required only if the district includes a designated historic landmark or historic district; and

(2) an NC combining district, if established, may include only the property to be restricted to civic uses.

Source: Sections 13-2-134, 13-2-136, and 13-2-137; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16.

§ 25-2-375 - REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

If an owner of property in a proposed NC combining district files a written statement protesting the inclusion of the owner's property in an NC combining district, a separate affirmative vote of three-fourths of all members of the council is required to include the protesting owner's property in an NC combining district.

Source: Sections 13-2-136 and 13-2-137; Ord. 990225-70; Ord. 031211-11.

Division 5. - Planned Unit Developments.

Subpart A. - General Provisions.

§ 1.1. - GENERAL INTENT.

This division provides the procedures and minimum requirements for a planned unit development (PUD) zoning district to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations.

Source: Ord. 20080618-098.

§ 1.2. - COUNCIL AUTHORITY.

The council retains the legislative authority to determine whether PUD zoning is appropriate regardless of whether the proposed development meets the standards prescribed by this division.

Source: Ord. 20080618-098.

§ 1.3. - PRE-APPLICATION FILING REQUIREMENTS AND REVIEW CRITERIA.

1.3.1. Report and Finding Required.

The requirements of this section must be fulfilled before the Neighborhood Planning and Zoning Department may accept an application for a PUD zoning district classification.

- A. The applicant must obtain a project assessment report on the proposed development from the director of the Neighborhood Planning and Zoning Department. Not later than the 11th day after issuance of the report, the director shall mail notice of the report to the neighborhood plan contact team and those entitled to notice under Section 25-1-133(A) (Notice of Applications and Administrative Decisions).
- B. The director of the Neighborhood Planning and Zoning Department must present the project assessment report at a council meeting and make recommendations regarding the requirements in Section 2.3 (*Tier One Requirements*), the criteria in Section 2.4 (*Tier Two Requirements*), and any other applicable requirements or criteria. Not later than the 11th day before the date of the meeting, the director of the Neighborhood Planning and Zoning Department shall mail notice of the meeting to those entitled to receive notice of the project assessment report.

1.3.2. Council Response.

The council or individual council members may supplement or respond to the recommendation of the director of the Neighborhood Planning and Zoning Department with comments identifying issues that should or must be addressed during subsequent review and consideration of the application. A comment does not obligate council members to vote for or against approval of the proposed PUD district zoning.

1.3.3. Baseline for Determining Development Bonuses.

- A. Unless the council establishes a different baseline as part of a comment under Section 1.3.2 (*Council Response*), the baseline for determining development bonuses under Section 2.5 (*Development Bonuses*) is determined by:
 - (1) the regulations of the base zoning district, combining district, and overlay district; and
 - (2) any other applicable site development standards.
- B. The director may recommend an alternate baseline for the property. Council may approve the director's recommendation or other baseline it determines is appropriate.
- C. Any bonuses granted under a combining district or overlay district may only be used to determine the baseline if the project complies with the requirements for the bonuses and the bonuses can be achieved without violating any other applicable site development standards.
- D.

The director shall provide an estimate of the property's baseline entitlements in the project assessment report. If an alternate baseline is recommended by the director, the director shall include any assumptions used to make the estimate baseline entitlements.

1.3.4. Reserved.

1.3.5. Fee Credit.

The director of the Neighborhood Planning and Zoning Department shall credit the fee for the project assessment toward the zoning application fee if the zoning application is filed not later than one year after the applicant receives the assessment report.

Source: Ord. 20080618-098; Ord. 20131003-096.

§ 1.4. - LAND USE PLAN.

1.4.1. Application Requirements.

An application for a PUD zoning district classification must include a land use plan that contains each of the following:

- A. a general land use map;
- B. proposed site development regulations;
- C. the baseline for determining development bonuses under Section 2.5. (*Development Bonuses*), if any;
- D. a description of any bonuses requested under Section 2.5. (*Development Bonuses*) and the manner in which the bonus requirements are to be satisfied;
- E. requested waivers from or modifications of the requirements of this code under Section 2.2 (*Modification by Council*), if any; and
- F. any other information required by the director of the Neighborhood Planning and Zoning Department.

1.4.2. Ordinance Requirements.

An ordinance classifying land as a PUD zoning district must include a land use plan that meets the requirements of Section 1.4.1 (*Application Requirements*).

1.4.3. Effect of Land Use Plan.

The land use plan included in the PUD ordinance establishes the use and site development regulations for development within a PUD zoning district.

Source: Ord. 20080618-098.

§ 1.5. - PLANNED UNIT DEVELOPMENTS APPROVED BEFORE DECEMBER 15, 1988.

A PUD zoning district approved under regulations applicable before December 15, 1988 is governed by the previous regulations and shall be identified on the zoning map as a PUD district.

Source: Ord. 20080618-098.

§ 1.6. - PLANNED UNIT DEVELOPMENTS IN THE EXTRATERRITORIAL JURISDICTION.

- A. The council may designate a planned unit development in the extraterritorial jurisdiction in accordance with state law.
- B. Unless otherwise agreed by the City and the landowners, a planned unit development must comply with all requirements applicable to a PUD zoning district in the City's zoning jurisdiction.
- C. Uses allowed in a planned unit development in the extraterritorial jurisdiction are the uses described in the planned unit development agreement.

Source: Ord. 20080618-098.

Subpart B. - Planned Unit Development Standards.

§ 2.1. - COMPLIANCE REQUIRED.

An applicant who seeks to have property designated as a PUD zoning district must demonstrate that the proposed development complies with this division.

Source: Ord. 20080618-098.

§ 2.2. - MODIFICATION BY COUNCIL.

The proposed development must comply with the requirements of this code, except that:

- A. the council may modify a requirement in accordance with Section 2.5. (*Development Bonuses*); and
- B. the council may waive or modify a requirement if:

1. the PUD ordinance identifies the waiver or modification; and
2. the council finds that:
 - a. the resulting development would achieve greater consistency with the goals enumerated in Section 1.1 (*General Intent*) than development that would occur without the waiver or modification; and
 - b. the adverse effects of the waiver or modification are offset by other enforceable requirements; and
 - c. the objective of the waived or modified requirement is substantially achieved.

Source: Ord. 20080618-098.

§ 2.3. - TIER ONE REQUIREMENTS.

2.3.1. Minimum Requirements.

All PUDs must:

- A. meet the objectives of the City Code;
- B. provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 (*General Intent*) than development under the regulations in the Land Development Code;
- C. provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that:
 1. a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity; and
 2. the required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided;
- D. provide a two-star Austin Energy Green Building Rating;
- E. be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses;
- F. provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land;
- G. provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities;
- H. exceed the minimum landscaping requirements of the City Code;
- I. provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways;
- J. prohibit gated roadways;
- K. protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance; and
- L. include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

2.3.2. Additional Requirements.

In addition to the requirements contained in Section 2.3.1 (*Minimum Requirements*), a PUD containing a retail, commercial, or mixed use development must:

- A. comply with Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*);
- B. inside the urban roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (*Design Standards and Mixed Use*), comply with the sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2 (*Core Transit Corridors: Sidewalks And Building Placement*); and
- C. pay the tenant relocation fee established under Section 25-1-715 (*Tenant Relocation Assistance—Developer Funded*), if approval of the PUD would allow multi-family redevelopment that may result in tenant displacement; and
- D. contain pedestrian-oriented uses as defined in Section 25-2-691(C) (*Waterfront Overlay District Uses*) on the first floor of a multi-story commercial or mixed use building.

Source: Ord. 20080618-098; Ord. No. 20160901-050, Pt. 5, 9-12-16; Ord. No. 20170615-102, Pt. 2, 6-15-17.

§ 2.4. - TIER TWO REQUIREMENTS.

This section contains criteria for determining the extent to which development proposed for a PUD district would be superior to that which would occur under conventional zoning and subdivision regulations as required under Section 1.1 (*General Intent*). A proposed PUD need not address all criteria in this section to achieve superiority, and the council may consider any other criteria the council deems appropriate.

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| Open Space | Provides open space at least 10% above the requirements of Section 2.3.1.A. (<i>Minimum Requirements</i>). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of <u>Chapter 25-2 (Design Standards and Mixed Use)</u> , provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department. |
| Environment/ Drainage | Complies with current code instead of asserting entitlement to follow older code provisions by application of law or agreement. |
| | Provides water quality controls superior to those otherwise required by code. |
| | Uses green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by code. |
| | Provides water quality treatment for currently untreated, developed off-site areas of at least 10 acres in size. |
| | Reduces impervious cover by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code. |
| | Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres. |
| | Provides volumetric flood detention as described in the Drainage Criteria Manual. |
| | Provides drainage upgrades to off-site drainage infrastructure that does not meet current criteria in the Drainage or Environmental Criteria Manuals, such as storm drains and culverts that provide a public benefit. |
| | Proposes no modifications to the existing 100-year floodplain. |
| | Uses natural channel design techniques as described in the Drainage Criteria Manual. |
| | Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas. |
| | Removes existing impervious cover from the Critical Water Quality Zone. |
| | Preserves all heritage trees; preserves 75% of the caliper inches associated with native protected size trees; and preserves 75% of all of the native caliper inches. |
| | Tree plantings use Central Texas seed stock native and with adequate soil volume. |
| | Provides at least a 50 percent increase in the minimum waterway and/or critical environmental feature setbacks required by code. |
| | Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected. |
| | Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas. |
| | Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian use. |

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| | Provides rainwater harvesting for landscape irrigation to serve not less than 50% of the landscaped areas. |
| | Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area. |
| | Employs other creative or innovative measures to provide environmental protection. |
| Austin Energy Green Building | Provides an Austin Energy Green Building Rating of three stars or above. |
| Art | Provides art approved by the Art in Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art in Public Places Program or a successor program. |
| Great Streets | Complies with City's Great Streets Program, or a successor program. Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of <u>Chapter 25-2, Subchapter E (Design Standards and Mixed Use)</u> . |
| Community Amenities | Provides community or public amenities, which may include spaces for community meetings, community gardens or urban farms, day care facilities, non-profit organizations, or other uses that fulfill an identified community need. |
| | Provides publicly accessible multi-use trail and greenway along creek or waterway. |
| Transportation | Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code. |
| Building Design | Exceeds the minimum points required by the Building Design Options of Section 3.3.2. of <u>Chapter 25-2, Subchapter E (Design Standards and Mixed Use)</u> . |
| Parking Structure Frontage | In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in <u>Section 25-2-691(C) (Waterfront Overlay District Uses)</u> in ground floor spaces. |
| Affordable Housing | Provides for affordable housing or participation in programs to achieve affordable housing. |
| Historic Preservation | Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements. |
| Accessibility | Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements. |
| Local Small Business | Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area. |

Source: Ord. 20080618-098; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 3, 6-15-17.

§ 2.5. - DEVELOPMENT BONUSES.

2.5.1. Limitation on Development.

Except as provided in Section 2.5.2 (*Requirements for Exceeding Baseline*), site development regulations for maximum height, maximum floor area ratio, and maximum building coverage in a PUD may not exceed the baseline established under Section 1.3.3 (*Baseline for Determining Development Bonuses*).

2.5.2. Requirements for Exceeding Baseline.

Development in a PUD may exceed the baseline established under Section 1.3.3 (*Baseline for Determining Development Bonuses*) for maximum height, maximum floor area ratio, and maximum building coverage if:

- A. the application for PUD zoning includes a report approved by the Director of the Neighborhood Housing and Community Development Department establishing the prevailing level of affordability of housing in the vicinity of the PUD, expressed as a percentage of median family income in the Austin metropolitan statistical area; and
- B. the developer either:
 - 1. for developments with residential units, provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (*Requirements for Rental Housing*) and Section 2.5.4 (*Requirements for Ownership Housing*); or
 - 2. for developments with no residential units, provides the amount established under Section 2.5.6 (*In Lieu Donation*) for each square foot of bonus square footage above the baseline to the Affordable Housing Trust Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.

2.5.3. Requirements for Rental Housing.

If rental housing units are included in a PUD, dwelling units equal to at least 10 percent of the bonus area square footage within the PUD must:

- A. be affordable to a household whose income is 60 percent or below the median family income in the Austin metropolitan statistical area;
- B. remain affordable for 40 years from the date a certificate of occupancy is issued; and
- C. be eligible for federal housing choice vouchers.

2.5.4. Requirements for Ownership Housing.

If owner occupied housing is included in a PUD, dwelling units equal to at least five percent of the bonus area square footage within the PUD must be:

- A. affordable to a household whose income is 80 percent or below the median family income in the Austin metropolitan statistical area; and
- B. affordable in perpetuity from the date a certificate of occupancy is issued; and
- C. transferred to the owner subject to a shared equity agreement, land trust, or restrictive covenant approved by the Director of the Neighborhood Housing and Community Development Department.

2.5.5. Alternative Affordable Housing Options.

A developer of a residential project may request an exception to the contract commitments and performance guarantees in Section 2.5.3 (*Requirements for Rental Housing*) and Section 2.5.4 (*Requirements for Ownership Housing*) as follows:

- A. Subject to approval by the Director of the Neighborhood Housing and Community Development Department, the developer may provide to the Austin Housing Finance Corporation land within the PUD that is appropriate and sufficient to develop 20 percent of the residential habitable square footage planned for the PUD; or
- B. Subject to approval by the city council, the developer may provide all or a portion of the amount established under Section 2.5.6 (*In Lieu Donation*) for each square foot of bonus square footage above baseline to the Affordable Housing Trust Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.
- C. A request to pay a fee in lieu to meet all or a portion of the residential affordability requirement in Section 2.5.2.B must be submitted in writing to the Director of Neighborhood Housing and Community Development Department, must include supporting documentation sufficient to demonstrate the infeasibility of compliance with Section 2.5.2.B., and must be approved by city council as provided in Section 2.5.5.B above.
- D. Regardless of whether a developer requests an exception under this section, the Director of Neighborhood Housing and Community Development may recommend that a developer be allowed to pay a fee in lieu in order to comply with the contract commitments and performance guarantees in Section 2.5.3 (*Requirements for Rental Housing*) and Section 2.5.4 (*Requirements for Ownership Housing*). The recommendation must be in writing, supported by the Director's reasons as to why the fee in lieu option is appropriate, and approved by city council to be effective.
- E. Council approval of any alternative affordable housing project shall expire 36 months after the date of approval if the project has not been initiated.

2.5.6. In Lieu Donation.

The amount payable under Section 2.5.5.B (*Alternative Affordable Housing Options*) shall be \$6 for each square foot of bonus square footage above baseline. Such fee will be adjusted annually in accordance with the Consumer Price Index all Urban Consumers, US City Average, All Items (1982=84100), as published by the Bureau of Labor Statistics of the United States Department of Labor or other applicable standard as defined by the director of the Neighborhood Housing and Community Development Office. The city manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2014 and report the new fee amounts to the city council.

Source: Ord. 20080618-098; Ord. 20131003-096; Ord. No. 20151119-092, Pts. 1—4, 11-30-15.

Subpart C. - Land Use Plan; Regulations; Variances.

§ 3.1. - LAND USE PLAN EXPIRATION AND AMENDMENT.**3.1.1. Expiration.**

A land use plan does not expire unless the property is rezoned to a district other than PUD.

3.1.2. Substantial Amendment.

A substantial amendment to a land use plan is a rezoning of the affected portion of the PUD zoning district and requires council approval. The following are substantial amendments:

- A. adding a land use that is more intense than the existing permitted uses;
- B. amending a site development regulation;
- C. increasing the intensity of a land use adjacent to a platted single family residential tract;
- D. amending a condition of approval of the PUD zoning district;
- E. increasing land use intensity in a phase of development of the PUD without decreasing land use intensity an equivalent amount in the phase of development;
- F. shifting development intensity in a manner that results in an "E" or "F" level of service on a roadway segment or intersection included in the traffic impact analysis governing the PUD; and
- G. amending a phasing schedule to establish a non-residential land use before establishing the residential development supported by the non-residential use.

3.1.3. Approval By Director.

The director of the Neighborhood Planning and Zoning Department may approve an amendment to a land use plan that is not a substantial amendment described under Subsection 3.1.2 (*Substantial Amendment*).

- A. An applicant must submit a proposed amendment to the director of the Neighborhood Planning and Zoning Department with an application for approval of an administrative site plan.
- B. The director of the Neighborhood Planning and Zoning Department's decision on an amendment may be appealed to the Land Use Commission. The Land Use Commission's decision may be appealed to the council.

3.1.4. Increased Intensity.

A substantial amendment based on increased land use intensity occurs if:

- A. most restrictive base zoning district in which the proposed use is permitted is less restrictive than most restrictive base zoning district in which the existing use is permitted;
- B. residential density is higher than authorized in the existing land use plan; or
- C. a multifamily use is proposed along the periphery of the project.

Source: Ord. 20080618-098.

§ 3.2. - PLANNED UNIT DEVELOPMENT REGULATIONS.**3.2.1. Uses and Regulations.**

The permitted uses, conditional uses, and site development regulations for a planned unit development (PUD) district are established by the ordinance zoning property as a PUD district, the accompanying land use plan, and this section. The council may require development phasing or the construction of off-site infrastructure.

3.2.2. Residential Uses.

For residential uses, a land use plan must include:

- A. the type and location of each use;
- B. the maximum density;
- C. for multifamily development, the maximum floor to area ratio;
- D. the maximum building height;
- E. the minimum lot size and width; and
- F. other site development regulations that may be required by the council.

3.2.3. Nonresidential Uses.

For non-residential uses, a land use plan must include:

- A. the type and location of each use;
- B. the maximum floor area ratio, which may not be greater than the maximum floor to area ratio permitted in the most restrictive base zoning district in which proposed use is permitted;
- C. the maximum building height;
- D. the minimum front yard and street side yard setbacks, which must be not less than the greater of:
 - 1. 25 feet for a front yard, and 15 feet for a street side yard; or
 - 2. those required by Subchapter C, Article 10 (*Compatibility Standards*);
- E. the number of curb cuts or driveways, which must be the minimum necessary for adequate access to the site; and
- F. other site development regulations that may be required by the council.

3.2.4. Industrial Uses.

An industrial use must comply with the performance standards established by [Section 25-2-648 \(Planned Development Area \(PDA\) Performance Standards\)](#).

Source: Ord. 20080618-098.

Subpart D. - Development Applications.

§ 4.1. - CONCURRENT CONSIDERATION OF DEVELOPMENT APPLICATIONS.

The council may consider a preliminary plan or final plat processed concurrently with an application requesting a PUD zoning district classification for a property.

Source: Ord. 20080618-098.

§ 4.2 - RESERVED.

Editor's note— Ord. No. [20190822-117](#), Pt. 17, effective September 1, 2019, repealed § 4.2, which pertained to development applications must comply with land use plan and derived from Ord. No. 20080618-098.

§ 4.3. - REZONING IF DEVELOPMENT APPLICATIONS EXPIRE OR ARE NOT APPROVED.

The director of the Neighborhood Planning and Zoning Department shall request that the council initiate the rezoning of property in a PUD zoning district if:

- A. a preliminary plan or site plan for a portion of the property is not approved within three years after the effective date of the ordinance approving the PUD zoning classification for the property; or
- B. an approved preliminary plan or site plan expires.

Source: Ord. 20080618-098.

Division 6. - Planned Development Areas.

§ 25-2-441 - PLANNED DEVELOPMENT AREAS GENERALLY.

- (A) A planned development area (PDA) combining district may be combined with the following base districts:
 - (1) industrial park;
 - (2) limited industrial services;
 - (3) commercial highway services;
 - (4) major industry; and
 - (5) research and development.
- (B) Regulations established by a PDA combining district may modify:
 - (1) permitted or conditional uses authorized in the base district;
 - (2) except for Subchapter C, Article 10 (*Compatibility Standards*), the site development regulations applicable in the base district; or
 - (3) off-street parking design or loading regulations, sign regulations, or landscaping or screening regulations applicable in the base district.
- (C) Modifications to the base district regulations must be identified in the ordinance zoning or rezoning property as a PDA combining district.

Source: Sections 13-2-151, 13-2-152, 13-2-153; Ord. 990225-70; Ord. 030306-48A; Ord. 031211-11; [Ord. No. 20231102-028](#), Pt. 7, 11-13-23.

Division 7. - Density Bonus Creative Spaces Districts.

§ 25-2-451 - DEFINITIONS.

In this division,

- (1) COCKTAIL LOUNGE means a cocktail lounge use described in Chapter 25-2 (Zoning) and established on or before October 31, 2024.
- (2) CREATIVE SPACE means a use described in Chapter 25-2 (Zoning) that allows one or more of the following occupancies:
 - (a) art gallery;
 - (b) art workshop;
 - (c) cocktail lounge;
 - (d) cultural services;
 - (e) performance venue;
 - (f) personal improvement services; or
 - (g) theater.
- (3) CREATIVE SPACES DISTRICT means an area designated and zoned as density bonus creative spaces (DBCS) combining district.

Source: Ord. No. 20241010-034, Pt. 3, 10-21-24.

§ 25-2-452 - APPLICATIONS AND CRITERIA FOR DISTRICT DESIGNATION.**(A) Application Requirements.**

- (1) The Land Use Commission may consider no more than a total of three applications per month to designate a creative spaces district and to apply density bonus creative spaces (DBCS) combining district zoning to the property within the creative spaces district.
- (2) An application to designate a creative spaces district must demonstrate that the area satisfies the criteria for designation and include the information required by the director of the Economic Development Department.
- (3) An applicant must submit proposed supplemental standards as described in Section 25-2-454 (District Designation Ordinance and Designation on Zoning Map) as part of an application to designate an area a creative spaces district.
- (4) The director of the Economic Development Department is authorized to adopt rules under Chapter 1-2 (Administrative Rules) that requires an applicant to provide certain information as part of an application to designate an area a creative spaces district.

(B) Except as provided in Subsection (E), the council may designate an area a creative spaces district if:

- (1) the area is at least three acres;
- (2) the base zoning for each site within the area is a commercial or less restrictive base zoning district;
- (3) at least 25 percent of the primary uses within the proposed district are existing creative spaces or are proposed to be used as creative spaces; and
- (4) at least 50 percent of the existing uses are non-residential.

(C) The council may enlarge an existing creative spaces district if the site to be included contains uses that qualify as existing creative spaces or is proposed to contain new creative spaces and the creative spaces add or will add value to the district.**(D) Except as provided in Subsection (E), the council may reduce the boundary of an existing creative spaces district if the site to be excluded:**

- (1) does not contribute to the preservation or creation of creative space, including affordable creative space;
- (2) does not include a creative space; and
- (3) has not utilized the benefits of the density bonus program.

(E) Limitations.

- (1) A site within a creative spaces district is not eligible to be combined with any other density bonus combining district.
- (2) If a site's base zoning is combined with the planned development area (PDA) combining district, the site is not eligible to be included in a creative spaces district.

Source: Ord. No. 20241010-034, Pt. 3, 10-21-24.

§ 25-2-453 - LAND USE COMMISSION REVIEW.

- (A) Before an application can be reviewed by the Land Use Commission, the director of the Planning Department must obtain recommendations from the directors of the following departments:
 - (1) Economic Development Department; and
 - (2) Housing Department.
- (B) The Land Use Commission shall consider the criteria established in Section 25-2-452 (Applications and Criteria for District Designation) when reviewing an application to designate a creative spaces district.

Source: [Ord. No. 20241010-034](#), Pt. 3, 10-21-24.

§ 25-2-454 - DISTRICT DESIGNATION ORDINANCE AND DESIGNATION ON ZONING MAP.

- (A) An ordinance designating an area as a creative spaces district and zoning or rezoning property to include density bonus creative spaces (DBCS) combining district must:
- (1) describe the existing creative spaces to be preserved throughout the creative spaces district;
 - (2) adopt supplemental standards that will apply to the creative spaces district; and
 - (3) identify one or more creative spaces that will be permitted uses on each property within the creative spaces district.
- (B) Supplemental standards apply to the creative spaces district and must assist with preserving creative spaces, creating creative spaces, and furthering the purpose of the combining district by:
- (1) modifying regulations relating to building setbacks, building height, compatibility, landscaping, parking design, and signs; and
 - (2) prescribing regulations relating to design, scale, or placement for public facilities, including street lighting, street furniture, signs, landscaping, utility facilities, sidewalks, and streets.

Source: [Ord. No. 20241010-034](#), Pt. 3, 10-21-24.

SUBCHAPTER C. - USE AND DEVELOPMENT REGULATIONS.

ARTICLE 1. - GENERAL PROVISIONS.

§ 25-2-471 - INTERPRETATION GUIDELINES.

The Planning Commission may, by resolution, adopt guidelines for the interpretation by the building official of yard and setback requirements in instances where geometric shape, dimensions, or topography make the literal interpretation of the requirements impractical.

Source: Section 13-2-613; Ord. 990225-70; Ord. 031211-11.

§ 25-2-472 - BOARD OF ADJUSTMENT VARIANCE AUTHORITY.

The Board of Adjustment shall hear and decide a request for a variance from a requirement of this chapter, or a Neighborhood Conservation Combining District adopted under this chapter, except as otherwise provided by the Code.

Source: Section 13-2-833 (1); Ord. 990225-70; Ord. 031211-11; Ord. 20101216-095.

§ 25-2-473 - VARIANCE REQUIREMENTS.

- (A) A variance from the requirements of this chapter, or a Neighborhood Conservation Combining District adopted under this chapter, may be granted under this division if, because of special circumstances of a property, the strict application of this chapter deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- (B) A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or on the district in which the property is located.

Source: Section 13-2-830; Ord. 990225-70; Ord. 031211-11; Ord. 20101216-095.

§ 25-2-474 - REQUIRED FINDINGS.

- (A) The Board of Adjustment may grant a variance from a requirement if it determines that:
- (1) the requirement does not allow for a reasonable use of property;
 - (2) the hardship for which the variance is requested is unique to the property and is not generally characteristic of the area in which the property is located; and
 - (3) development under the variance does not:
 - (a) alter the character of the area adjacent to the property;
 - (b) impair the use of adjacent property that is developed in compliance with the City requirements; or
 - (c) impair the purposes of the regulations of the zoning district in which the property is located.
- (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.
- (C) A variance granted under Subsection (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.
- (D) A variance granted under Subsection (B) shall not apply to bicycle parking. An applicant may also seek a waiver pursuant to Code Section § 25-6-477(F) (*Bicycle Parking*) to waive bicycle parking.

Source: Section 13-2-834; Ord. 990225-70; Ord. 031211-11; Ord. 20130523-104; Ord. No. 20231102-028, Pt. 8, 11-13-23.

§ 25-2-475 - APPEALS.

A person may appeal a decision of the building official regarding a site development regulation prescribed by this subchapter, or by a Neighborhood Conservation Combining District adopted under this chapter, to the Board of Adjustment. After an appeal is filed, the building official shall provide the board with a copy of documents regarding the matter that has been appealed.

Source: Section 13-2-835; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20101216-095.

§ 25-2-476 - SPECIAL EXCEPTIONS.

- (A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under *Chapter 25-2 (Zoning)* if the board finds that the special exception meets the requirements of this section.
- (B) The Board shall grant a special exception under Subsection (A) of this section if:
 - (1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;
 - (2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and
 - (3) the Board finds that:
 - (a) the violation has existed for:
 - (i) at least 25 years; or
 - (ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2017;
 - (b) the use is a permitted use or a nonconforming use;
 - (c) the structure does not share a lot with more than one other primary residence; and
 - (d) granting a special exception would not:
 - (i) alter the character of the area;
 - (ii) impair the use of adjacent property that is developed in compliance with city code; or
 - (iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.
- (C) A special exception granted under this section:
 - (1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;
 - (2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and
 - (3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.
- (D) A structure granted a special exception under this section shall be treated as a non-complying structure under *Chapter 25-2*, Article 8 (*Noncomplying Structures*).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126; Ord. No. 20160519-057, Pt. 2, 5-30-16.

ARTICLE 2. - PRINCIPAL USE AND DEVELOPMENT REGULATIONS.

Division 1. - Regulation Tables.

§ 25-2-491 - PERMITTED, CONDITIONAL, AND PROHIBITED USES.

- (A) The table in Subsection (C) provides the permitted and conditional uses for each base district. "P" means a use is a permitted use, "C" means a use is a conditional use, and "X" means a use is prohibited. Endnotes provide additional information.
- (B) The requirements of other provisions of this subchapter modify and supersede the requirements of this section, to the extent of conflict.
- (C) Table of permitted, conditional, and prohibited uses.

Source: Sections 13-2-220 and 13-2-221; Ord. 990225-70; Ord. 990520-38; Ord. 990715-114; Ord. 990902-57; Ord. 990930-100; Ord. 991104-46; Ord. 020627-Z34; Ord. 000302-36; Ord. 000309-39; Ord. 000406-86; Ord. 000511-108; Ord. 010426-48; Ord. 031211-11; Ord. 031211-41; Ord. 040617-Z-1; Ord. 041118-57; Ord. 20080131-135; Ord. 20090423-089; Ord. 20100819-064; Ord. 20110210-018; Ord. 20111110-107; Ord. 20120426-139; Ord. 20120802-122; Ord. 20121101-057; Ord. 20130411-061; 20130620-092; Ord. 20131017-081; Ord. 20130926-144; Ord. 20131121-105, Pt. 2, 3-21-14.

ZONING USE SUMMARY TABLE (LAND DEVELOPMENT CODE)

P = Permitted Use C = Conditional Use Permit — = Not permitted

| | LA | RR | SF-1 | SF-2 | SF-3 | SF-4A | SF-4B | SF-5 | SF-6 | MF-1 | MF-2 | MF-3 | MF-4 | MF-5 | MF-6 | MH | NO | LO | GO | CR |
|--|----|----|------|------|------|-------|-------|------|------|------|------|------|------|------|------|----|----|----|----|----|
|--|----|----|------|------|------|-------|-------|------|------|------|------|------|------|------|------|----|----|----|----|----|

RESIDENTIAL USES

| | | | | | | | | | | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bed & Breakfast (Group 1) | — | — | P | P | P | — | — | P | P | P | P | P | P | P | P | — | P | P | P | P |
| Bed & Breakfast (Group 2) | — | — | — | — | — | — | — | P | P | P | P | P | P | P | P | — | P | P | P | P |
| Condominium Residential | — | — | — | — | — | — | — | P | P | P | P | P | P | P | P | — | — | — | — | — |
| Conservation Single Family Residential | — | — | P | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Duplex Residential | — | — | P | P | P | — | — | P | P | P | P | P | P | P | P | — | — | — | — | — |
| Group Residential | — | — | — | — | — | — | — | — | — | — | C | P | P | P | P | — | — | — | — | — |
| Mobile Home Residential | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | — | — | — | — |
| Multifamily Residential | — | — | — | — | — | — | — | — | — | P | P | P | P | P | P | — | — | — | — | — |
| Retirement Housing (Small Site) | — | — | — | — | P | — | — | P | P | P | P | P | P | P | P | — | — | — | — | — |
| Retirement Housing (Large Site) | — | — | — | — | — | — | — | C | C | C | C | C | C | C | C | — | — | — | — | — |
| Single-Family Attached Residential | — | — | — | — | P | — | — | P | P | P | P | P | P | P | P | — | — | — | — | — |
| Single-Family Residential | P | P | P | P | P | — | — | P | P | P | P | P | P | P | P | — | — | — | — | — |
| Small Lot Single- Family Residential | — | — | P | P | P | P | P | P | P | — | — | — | — | — | — | — | — | — | — | — |

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| Townhouse Residential | — | — | — | — | — | — | — | P | P | P | P | P | P | P | P | — | — | — | — | — | — |
| Three-Unit Residential | — | — | P | P | P | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Two-Unit Residential | — | — | P | P | P | — | — | P | P | P | P | P | P | P | P | — | — | — | — | — | — |

COMMERCIAL USES

| | | | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Administrative and Business Offices | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | P | P | P | — | — |
| Agricultural Sales and Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Alternative Financial Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Art Gallery | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | P | P | P | P |
| Art Workshop | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | P | P | P | P |
| Automotive Rentals | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Automotive Repair Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Automotive Sales | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Automotive Washing (of any type) | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Bail Bond Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Building Maintenance Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Business or Trade School | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | — | — |
| Business Support Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | — | — |
| Campground | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C |
| Carriage Stable | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Cocktail Lounge | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |

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| Commercial Blood Plasma Center | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Commercial Off-Street Parking | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Communications Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | P | — | — |
| Construction Sales and Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Consumer Convenience Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C |
| Consumer Repair Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Convenience Storage | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Drop-Off Recycling Collection Facility | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Electronic Prototype Assembly ¹⁵ | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Electronic Testing ¹⁶ | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Equipment Repair Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Equipment Sales | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Exterminating Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Financial Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Food Preparation | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Food Sales | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Funeral Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| General Retail Sales (Convenience) | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| General Retail Sales (General) | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Hotel-Motel | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C |

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| Indoor Entertainment | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C |
| Indoor Sports and Recreation | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C |
| Kennels | — | C | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Laundry Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Liquor Sales | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Marina | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P |
| Medical Offices— exceeding 5,000 sq. ft. gross floor area | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | P | — |
| Medical Offices— not exceeding 5,000 sq. ft. gross floor area | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | P | — |
| Monument Retail Sales | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Off-Site Accessory Parking ¹⁴ | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | CP | P | — |
| Outdoor Entertainment | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C |
| Outdoor Sports and Recreation | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P |
| Pawn Shop Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Pedicab Storage and Dispatch | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Performance Venue | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C |
| Personal Improvement Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P |
| Personal Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C | P | — |
| Pet Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Plant Nursery | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |

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| Printing and Publishing | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | — |
| Professional Office | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | P | P |
| Recreational Equipment Maint. & Stor. | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P |
| Recreational Equipment Sales | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P |
| Research Assembly Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Research Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Research Testing Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Research Warehousing Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Restaurant (General) | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C |
| Restaurant (Limited) | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C | — |
| Scrap and Salvage | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Service Station | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C |
| Software Development | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | P | P |
| Special Use Historic | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Stables | — | C | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Theater | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | C | P | P |
| Vehicle Storage | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Veterinary Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |

INDUSTRIAL USES

| | | | | | | | | | | | | | | | | | | |
|----------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Basic Industry | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Custom Manufacturing | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |

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| General Warehousing and Distribution | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Light Manufacturing | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Limited Warehousing and Distribution | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Recycling Center | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Resource Extraction | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |

AGRICULTURAL USES

| | | | | | | | | | | | | | | | | | | | | | | |
|------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Animal Production | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Community Garden | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Crop Production | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Horticulture | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Indoor Crop Production | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Support Housing | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Urban Farm | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |

CIVIC USES

| | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Administrative Services | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Adult Care Services (General) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Adult Care Services (Limited) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | — |
| Aviation Facilities | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Camp | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Cemetery | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| Child Care Services (General) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Child Care Services (Limited) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | C |

1-Refers to [25-2-602](#) (13-2-225); 2-Refers to [25-2-622](#) (13-2-226); 3-Refers to Subchapter B, Art. 2, Div 5; 4 Refers to [25-2-624](#) (13-2-227); 5-Refers to [25-2-842](#); 9-Refers to [25-2-863](#); 10-Subject to [25-2-177](#) & [25-2-650](#); 11-Subject to [25-2-587](#) (D); 12-Subject to [25-2-816](#); 13-Permitted in MU and V con 817; 16-Refers to [25-2-811](#); 17-Permitted in MU and V combining districts, subject to [25-2-789](#).

PC - Permitted in the district, but under some circumstances may be conditional; CP - Conditional in the district, but under some circumstances ma

Source: Ord. No. 20150212-085, Pt. 1, 2-23-15; Updated 3-5-15; Ord. No. 20160223-A.1, Pt. 4, 4-1-17; Ord. No. 20160623-090, Pt. 2, 7-4-16; Ord. No. 20190207-050, Pt. 2, 2-18-19; Ord. No. 20230914-097, Pt. 2, 9-25-23; Ord. No. 20231019-052, Pt. 3, 10-30-23; Ord. No. 20231207-001, Pt. 4, 12-18-23; Ord. No. 20240516-006, Pt. 4, 5-27-24; Ord. No. 20250227-039, Pt. 5, 10-1-25.

§ 25-2-492 - SITE DEVELOPMENT REGULATIONS.

- (A) The table in Subsection (D) establishes the principal site development regulations for each zoning district.
- (B) Except as provided in Subsection (C), if a requirement of Subsection (D) conflicts with another provision of this title, the more restrictive regulation governs.
- (C) The requirements of the other provisions of this subchapter supersede the requirements of Subsection (D), to the extent of conflict.
- (D) Site development regulation table.

Source: Section 13-2-630; Ord. 990225-70; Ord. 991104-46; Ord. 000511-109; Ord. 030731-53; Ord. 031211-11; Ord. 041118-57; Ord. 20100819-064.

| | LA | RR | SF-1 | SF-2 | SF-3 | SF-4A | SF-4B | SF-5 | SF-6 | MF-1 | MF-2 | MF-3 | MF-4 | MF-5 | MF-6 | MH | NO | LO | GO | CR | LR | GR | L | C | |
|--|--------|--------|--------|-------|-------|-------|-------|-------|-------|-------|-----------------|-------|-------|-------|------|-------|-----------------|-----------------|--------|-------|-----------------|-------|-----|----------------|----------------|
| MINIMUM LOT SIZE (square feet): | 43,560 | 43,560 | 10,000 | 5,750 | 5,750 | | | 5,750 | 5,750 | 8,000 | 8,000 | 8,000 | 8,000 | 8,000 | — | 5,750 | 5,750 | 5,750 | 20,000 | 5,750 | 5,750 | 5,750 | — | | |
| MINIMUM CORNER LOT AREA (square feet): | | | | | | 4 | 5 | — | — | — | | | | | | | | | | | | | | | |
| MINIMUM LOT WIDTH: | 100 | 100 | 60 | 50 | 50 | | | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | — | 50 | 50 | 50 | 100 | 50 | 50 | 50 | — | |
| MINIMUM CORNER LOT WIDTH: | | | | | | 4 | 5 | 50 | — | — | | | | | | | | | | | | | | | |
| MAXIMUM DWELLING UNITS PER LOT: | 1 | 1 | 3 | 3 | 3 | | | — | — | | | 6 | 7 | 8 | 9 | 9 | — | — | | | | | | 1 ^c | |
| MAXIMUM HEIGHT: | 35 | 35 | 35 | 35 | 35 | | | 35 | 35 | 40 | 40 or 3 stories | 40 | 60 | 60 | 90 | — | 35 or 2 stories | 40 or 3 stories | 60 | 40 | 40 or 3 stories | 60 | 200 | | |
| MINIMUM SETBACKS: | | | | | | 4 | 5 | | | | | | | | | | | | | | | | | | |
| FRONT YARD: | 40 | 40 | 25 | 25 | 25 | | | 25 | 25 | 25 | 25 | 25 | 15 | 15 | 15 | — | 25 | 25 | 15 | 50 | 25 | 10 | 10 | — | |
| STREET SIDE YARD: | 25 | 25 | 15 | 15 | 15 | | | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | — | 15 | 15 | 15 | 50 | 15 | 10 | 10 | — | |
| INTERIOR SIDE YARD: | 10 | 10 | 5 | 5 | 5 | | | 10 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | — | 5 | 5 | 5 | 20 | — | — | — | — | |
| REAR YARD: | 20 | 20 | 10 | 10 | 10 | | | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | — | 5 | 5 | 5 | 20 | — | — | — | — | |
| MAXIMUM BUILDING COVERAGE: | — | 20% | 35% | 40% | 40% | | | 40% | 40% | 40% | 45% | 50% | 55% | 60% | 60% | 70% | — | 35% | 50% | 60% | 25% | 50% | 75% | 50% | 1 ^b |
| MAXIMUM IMPERVIOUS COVER: | | 25% | 40% | 45% | 45% | * | | 60% | 55% | 55% | 55% | 60% | 65% | 70% | 70% | 80% | — | 60% | 70% | 80% | 60% | 80% | 90% | 50% | 1 ^b |
| MAXIMUM FLOOR AREA RATIO | | | | | | | | | | | | — | .75:1 | .75:1 | 1:1 | — | — | .35:1 | .7:1 | 1:1 | .25:1 | .5:1 | 1:1 | 8:1 | 8 |

¹ See Section 25-2-551 (Lake Austin District Regulations).

² See Section 25-2-556 (Family Residence District Regulations).

³ See Section 25-2-780 (Conservation Single Family Residential Use).

⁴ See Section 25-2-779 (Small Lot Single-Family Residential Uses) and Section 25-4-232 (Small Lot Subdivisions).

⁵ See [Section 25-2-558 \(Single-Family Residence Condominium Site District Regulations\)](#).

⁶ See [Section 25-2-559 \(Urban Family Residence District of Townhouse and Condominium Residence District Retirement Housing Use\)](#).

⁷ See [Section 25-2-561 \(Multifamily Residence Low Density District Regulations\)](#).

⁸ See [Section 25-2-562 \(Multifamily Residence Medium Density District Regulations\)](#).

⁹ See [Section 25-2-563 \(Multifamily Residence Moderate-High Density and Multifamily Residence High Density District Regulations\)](#).

¹⁰ See [Section 25-2-581 \(Central Business District Regulations\)](#).

¹¹ See [Section 25-2-584 \(Warehouse/Limited Office \(W/LO\) District Regulations\)](#).

¹² See [Section 25-2-582 \(Commercial Highway District Regulations\)](#).

¹³ See [Section 25-2-601 \(Industrial Park, Major Industry, And Limited Industrial Service District Regulations\)](#).

¹⁴ See [Section 25-2-603 \(Research And Development Regulations\)](#).

¹⁵ See [Section 25-2-623 \(Aviation Services District Regulations\)](#).

¹⁶ See [Section 25-2-621 \(Agricultural District Regulations\)](#).

¹⁷ See [Section 25-2-625 \(Public District Regulations\)](#).

Source: [Ord. No. 20231207-001](#), Pt. 5, 12-18-23.

Division 2. - Requirements for All Districts.

§ 25-2-511 - RESERVED.

Editor's note— [Ord. No. 20231207-001](#), Pt. 6, effective December 18, 2023, repealed § 25-2-511, which pertained to dwelling unit occupancy limit and derived from Section 13-2-1; Ord. 990225-70; Ord. 030605-49; Ord. 031211-11; Ord. 0411118-59; Ord. 20100923-127; [Ord. 20140320-062](#), Pts. 1, 3, 3-31-14; [Ord. No. 20160223-A.1](#), Pt. 3, 3-5-16.

§ 25-2-512 - LOT SIZE MINIMUM.

- (A) Except as provided in Subsections (B) and (C), a lot may not be reduced in area, width, or depth to less than the minimum requirements.
- (B) This subsection applies to the remainder of a lot if a portion of the original lot is acquired for public use. Notwithstanding other provisions of this article, the remainder of the lot complies with the lot size requirements of this article if:
 - (1) before the acquisition, the lot complied with the lot size requirements of this article;
 - (2) the remainder of the lot contains a rectangular space at least 30 feet by 40 feet in size and usable for a building, excluding required yards;
 - (3) the remainder of the lot contains an area that is not less than 50 percent of the minimum area requirement; and
 - (4) the remainder of the lot has at least 40 feet of street frontage.
- (C) For a lot that is used exclusively for a public building, or by a public or quasi-public agency for a nonresidential use, the entity responsible under [Chapter 25-5 \(Site Plans\)](#) for approving a site plan for the use may reduce the lot size requirements of this article.

Source: Section 13-2-603; Ord. 990225-70; Ord. 031211-11.

§ 25-2-513 - OPENNESS OF REQUIRED YARDS.

- (A) Except as otherwise provided in this section, a required yard must be open and unobstructed from finished grade to the sky. This restriction does not apply to a yard or part of a yard that is not required by this article.
- (B) A window sill, belt course, cornice, flue, chimney, eave, box window, or cantilevered bay window may project two feet into a required yard. The two foot limitation does not apply to a feature required for a passive energy design.
- (C) Uncovered steps or a porch or stoop that is not more than three feet above ground level may project three feet into a required yard.
- (D) A parking area may be located in a required yard, unless prohibited by Article 10 (*Compatibility Standards*).
- (E) In a townhouse and condominium residence (SF-6) or more restrictive district, a pool, including a swimming pool, reflecting pool, or fountain, may be located in a required yard.
- (F) Landscaping may be located in a required yard.
- (G) This subsection applies to a building located in a multifamily residence medium density (MF-3) or more restrictive district. A covered porch that is open on three sides may project five feet into a required front yard, a street side yard, or both.

- (H) A ramp for a new or an existing single-family or duplex residential unit may be constructed in a required yard if:
- (1) a person with a disability requires access to a dwelling entrance that meets the requirements of the Residential Code, Section R320.6 (*Visitable dwelling entrance*);
 - (2) the ramp:
 - (a) is no wider than 48 inches, except that any portion of a landing for the ramp required for turns may be no wider than 60 inches;
 - (b) may have a hand railing, but may not have a roof or walls; and
 - (c) the building official determines that the ramp will not pose a threat to public health and safety; and
 - (3) encroachment into the required yard:
 - (a) is the minimum amount necessary to provide access for a person with a disability;
 - (b) does not extend more than three feet into a side yard setback; and
 - (c) is not located in a rear yard setback unless:
 - (i) the dwelling is located on a corner lot;
 - (ii) access is from an alley; or
 - (iii) another requirement of this title prohibits location of the ramp in the front or side yard.

Source: Section 13-2-610; Ord. 990225-70; Ord. 031211-11; Ord. 040826-67; Ord. No. 20140522-078, Pt. 1, 6-2-14; Ord. No. 20151217-093, Pt. 1, 12-28-15.

§ 25-2-514 - (RESERVED).

§ 25-2-515 - REAR YARD OF THROUGH LOT.

For a through lot, a rear yard must comply with the minimum requirements applicable to a front yard.

Source: Section 13-2-612; Ord. 990225-70; Ord. 031211-11.

§ 25-2-516 - DEVELOPMENT NEAR A HAZARDOUS PIPELINE.

- (A) In this section:
- (1) HAZARDOUS PIPELINE means a pipeline designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2, with an inside diameter of eight inches or more.
 - (2) NEW CONSTRUCTION means the construction after April 20, 2003 of a structure intended for human occupancy, and includes the construction of a new structure, the construction of an addition to an existing structure and the reconstruction of a portion of an existing structure. The term excludes an addition to or the reconstruction or replacement of a structure existing on April 21, 2003 used for:
 - (a) single-family residential use;
 - (b) small lot single-family residential use;
 - (c) single-family attached residential use;
 - (d) duplex residential use;
 - (e) two-family residential use;
 - (f) mobile home residential use; or
 - (g) in a neighborhood plan combining district:
 - (i) cottage special use;
 - (ii) urban home special use; or
 - (iii) secondary apartment special use.
 - (3) RESTRICTED PIPELINE AREA includes an area within 25 feet of a hazardous pipeline and an area within a hazardous pipeline easement.
 - (4) USE REQUIRING EVACUATION ASSISTANCE includes the following uses:
 - (a) congregate living;
 - (b) convalescent services;
 - (c) detention facilities;
 - (d) day care services (commercial);
 - (e) hospital (general);
 - (f) hospital (limited);
 - (g) medical offices exceeding 5,000 square feet of gross floor area;
 - (h) private primary educational facilities;
 - (i) private secondary educational facilities;

- (j) public primary educational facilities;
- (k) public secondary educational facilities; and
- (l) retirement housing (large site).

(B) A use requiring evacuation assistance is prohibited in a structure intended for human occupancy that is located within 500 feet of a hazardous pipeline.

This prohibition does not apply to a structure that is located between 200 and 500 feet of a hazardous pipeline if by resolution the council determines, after receiving a recommendation from the fire chief, that:

- (1) the structure has a performance-based design that provides an adequate time period for occupant evacuation to a safe place in the event of a pipeline leak or fire associated with the pipeline, after considering:
 - (a) the requirements of Chapter 25-12, Article 7 (*Uniform Fire Code*) and the 2000 edition of the National Fire Protection Association 101 Life Safety Code;
 - (b) the site and structure design;
 - (c) the structure's building materials;
 - (d) the structure's distance from the pipeline;
 - (e) the use of radiant energy barriers;
 - (f) access to the site and the structure by emergency responders;
 - (g) available on-site resources for emergency responders;
 - (h) the topography and other natural features;
 - (i) the use of the structure; and
 - (j) the evacuation capability of the occupants;
- (2) the structure incorporates a system for the early detection and notification of a pipeline leak, if the fire chief determines that an appropriate system is commercially available; and
- (3) the performance-based design for occupant evacuation and the early detection and notification system are certified and sealed by an engineer registered in Texas.

(C) A person may not build new construction within 200 feet of a hazardous pipeline unless:

- (1) the fire chief determines that:
 - (a) the new construction has a performance-based design that provides a minimum one-hour time period for occupant evacuation to a safe place in the event of a pipeline leak or a fire associated with the pipeline, in accordance with Chapter 25-12, Article 7 (*Uniform Fire Code*) or the 2000 edition of the National Fire Protection Association 101 Life Safety Code;
 - (b) the new construction incorporates a system for the early detection and notification of a pipeline leak, if the fire chief determines that an appropriate system is commercially available; and
 - (c) the performance-based design for occupant evacuation and the early detection and notification system are certified and sealed by an engineer registered in Texas; or
- (2) the new construction complies with the standards for construction near a pipeline prescribed by the Fire Criteria Manual.

(D) A person may not place a structure or excavate within a restricted pipeline area.

- (1) This prohibition does not apply to:
 - (a) the pipeline or an appurtenance;
 - (b) a facility that produces, consumes, processes, or stores the product transported by the pipeline, including a power generation facility;
 - (c) a utility line that crosses the restricted pipeline area, including an appurtenance to the line;
 - (d) a utility service connection;
 - (e) a road;
 - (f) a surface parking lot; or
 - (g) a structure or excavation that the director determines does not disturb the pipeline or impede its operation.
- (2) Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must deliver to the director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation.

Source: Ord. 030410-12; Ord. 031211-11.

§ 25-2-517 - REQUIREMENTS FOR AMPHITHEATERS.

(A) Construction of an amphitheater that is associated with a civic or residential use requires a site plan approved under Section 25-5, Article 3 (*Land Use Commission Approved Site Plans*), regardless of whether the amphitheater is part of a principal or accessory use. Review of the site plan is subject to the criteria in Section 25-5-145 (Evaluation Criteria) and the notice requirements of Section 25-5-144 (Public Hearing and Notice).

- (B) A decision by the Land Use Commission on an application for an amphitheater is subject to appeal under [Section 25-5-149 \(Appeal to Council\)](#).
- (C) A lawfully constructed amphitheater may be expanded one time without obtaining the approval required under Subsection (A) of this section, provided that the expansion is consistent with the applicable site development regulations and does not expand the total area of the amphitheater by more than ten percent.

Source: Ord. 20130228-074.

§ 25-2-518 - QUALIFYING DEVELOPMENT.

- (A) In this section, a qualifying development is a development certified under [Section 25-1-724 \(Certification\)](#) and participating in the Affordability Unlocked Bonus Program.
- (B) Notwithstanding any ordinance or City Code provision to contrary, a qualifying development is a permitted use under [Section 25-2-491 \(Permitted, Conditional, and Prohibited Uses\)](#) in:
 - (1) a residential base zoning district;
 - (2) a commercial base zoning district;
 - (3) a special purpose base zoning district, except on a site designated:
 - (a) agricultural (AG),
 - (b) aviation (AV); or
 - (4) a combining and overlay district.
- (C) No more than 25 percent of the gross floor area of the qualifying development may be comprised of commercial uses. The permitted commercial uses are determined using the base zoning district.
- (D) A qualifying development is not required to comply with:
 - (1) the height and setback requirements of Article 10 (*Compatibility Standards*) except to maintain side setbacks as required by the base zoning district;
 - (2) the maximum floor-to-area ratio for the applicable base zoning district under [Section 25-2-492 \(Site Development Regulations\)](#);
 - (3) Subchapter F (*Residential Design and Compatibility Standards*) except to maintain side setbacks as required by the base zoning district;
 - (4) [Section 25-2-773 \(Duplex, Two-Unit and Three-Unit Residential Uses\)](#); or
 - (5) minimum site area requirements.
- (E) This subsection applies to a qualifying development located in urban residence (SF-5) or more restrictive zoning district and the height of the development exceeds 35 feet or three stories.
 - (1) A qualifying development must comply with:
 - (a) [Section 25-2-1066 \(Screening Requirements\)](#); and
 - (b) Subsections (A) and (B) in [Section 25-2-1067 \(Design Regulations\)](#).
 - (2) A person must enclose a refuse receptacle, including a dumpster.
 - (3) The location of and access to a refuse receptacle is subject to review and approval by the accountable official.
 - (4) A person may not collect or allow another to collect refuse receptacles between 10:00 p.m. and 7:00 a.m.

Source: Ord. No. [20190509-027](#), Pt. 3, 5-20-19; Ord. No. [20231207-001](#), Pt. 18, 12-18-23.

§ 25-2-519 - RESERVED

Editor's note— Ord. No. [20240229-070](#), Pt. 1, adopted March 11, 2024, repealed § 25-2-519, which pertained to Commercial-Residential Development and derived from Ord. No. [20221201-055](#), Pt. 2, 12-12-22; Ord. No. [20231102-028](#), Pt. 9, 11-13-23.

Division 3. - Exceptions.

§ 25-2-531 - HEIGHT LIMIT EXCEPTIONS.

- (A) This section provides exceptions to zoning district height limits.
- (B) Subsection (C) applies to:
 - (1) parapet walls, chimneys, vents, and mechanical or safety features including fire towers, stairways, elevator penthouses, heating or cooling equipment, solar installations, and protective covers; and
 - (2) ornamental towers, cupolas, domes, and spires that are not designed for occupancy.
- (C) A structure described in Subsection (B) may exceed a zoning district height limit by the greater of:
 - (1) 15 percent;
 - (2) the amount necessary to comply with a federal or state regulation;

- (3) for a stack or vent, the amount necessary to comply with generally accepted engineering standards; or
 - (4) for a spire, 30 percent.
- (D) The height of a home radio or television receiving antenna or a flagpole may not exceed the lesser of:
- (1) a 50 feet; or
 - (2) if attached to a building, 25 feet above the building; or
 - (3) if located on the ground, 125 percent of the zoning district height limit.
- (E) A radio tower operated by a licensed amateur radio operator may not exceed a height of 60 feet plus 15 feet for antennae. The Land Use Commission may approve a greater height as a conditional use.
- (F) An antenna located on a building in a non-residential zoning district may exceed the zoning district height limit by not more than 20 feet.
- (G) A fly tower that is constructed within a performing arts theater that seats 300 or more people may be up to 80 feet in height, regardless of the zoning district height limit, unless a lower height limit is required by City Code Chapter 25-2, Article 10 (*Compatibility Standards*). The fly tower must be:
- (1) located on land owned by the City of Austin; and
 - (2) designed and used for moving set pieces, lights, microphones, and other equipment on and off stage.

Source: Section 13-2-608; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 040826-67; Ord. 20080724-082; Ord. 20100923-132.

§ 25-2-532 - IMPERVIOUS COVER LIMIT EXCEPTIONS.

- (A) This section applies to property that had existing development or that was included in a released site plan on March 10, 1996.
- (B) Development may exceed the impervious cover limits of this article if the director determines that the amount of impervious cover proposed is the minimum necessary to comply with the accessibility standards of the Americans with Disabilities Act or Chapter 25-12, Article 1 (*Uniform Building Code*).

Source: Section 13-2-630; Ord. 990225-70; Ord. 031211-11.

§ 25-2-533 - STREET YARD EXCEPTIONS IN CERTAIN COMMERCIAL AREAS.

- (A) The council may, by ordinance, designate a location in a neighborhood commercial (LR), community commercial (GR), general commercial services (CS), commercial services - liquor sales (CS-1), or commercial highway services (CH) district where the minimum street yard requirement does not apply. To make a designation under this section, the council must determine that:

 - (1) the location contains at least two nonresidential uses that were developed as a neighborhood shopping or business center under previous regulations;
 - (2) the construction of a new building in compliance with current street yard requirements would be incompatible with the existing buildings;
 - (3) at least half of the total lot area that is developed is used for nonresidential uses; and
 - (4) at least half of the total street frontage that is developed with structures does not comply with the current street yard requirements.

- (B) The director of the Neighborhood Planning and Zoning Department shall delineate an area designated under this section on the zoning map.

Source: Section 13-2-611; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-2-534 - QUALIFYING DEVELOPMENT EXCEPTIONS.

- (A) In this section, a qualifying development is a development certified under Section 25-1-724 (Certification) and participating in the Affordability Unlocked Bonus Program.
- (B) A qualifying development is not subject to Section 25-2-511 (Dwelling Unit Occupancy Limit).
- (C) Minimum lot size for a qualifying development is 2,500 square feet.
- (D) Minimum lot width for a qualifying development is 25 feet.
- (E) A Type I development may:
 - (1) construct to a height that is the applicable base zoning district height limit multiplied by 1.25;
 - (2) reduce front yard setbacks by 50 percent;
 - (3) reduce rear setbacks by 50 percent; and
 - (4) include six dwelling units if the existing zoning on the site is Single Family Residential Small (SF-4A), Single Family Residence Condominium Site (SF-4B), or more restrictive.
- (F) In addition to Subsection (E), a Type 2 development may:
 - (1) construct to a height that is the applicable base zoning district height limit multiplied by 1.5; and
 - (2) include eight dwelling units if the existing zoning on the site is Single Family Residential Small (SF-4A), Single Family Residence Condominium Site (SF-4B), or more restrictive.
- (G)

If a qualifying development is also eligible to utilize a separate density bonus program that grants density bonuses for the provision of affordable dwelling units or for the payment of a fee-in-lieu for affordable housing, then the qualifying development may comply with the least restrictive site development requirements if all affordable dwelling units are provided on-site.

(H) A qualifying development will comply with impervious cover as allowed by zoning.

Source: Ord. No. 20190509-027, Pt. 4, 5-20-19.

ARTICLE 3. - ADDITIONAL REQUIREMENTS FOR CERTAIN DISTRICTS.

Division 1. - Residential Districts.

§ 25-2-551 - LAKE AUSTIN (LA) DISTRICT REGULATIONS.

(A) In this section:

- (1) SHORELINE means the 492.8 topographic contour line along the shores of Lake Austin.
- (2) SHORELINE SETBACK means a line parallel to the shoreline and at a distance from the shoreline that is prescribed in this section.
- (3) SHORELINE SETBACK AREA means an area between the shoreline and the shoreline setback.

(B) This subsection specifies shoreline setbacks in a Lake Austin (LA) district.

(1) The shoreline setback is:

- (a) 75 feet; or
- (b) 25 feet, if:
 - (i) the lot is located in a subdivision plat recorded before April 22, 1982, or is a legal tract exempt from the requirement to plat; and
 - (ii) the distance between the shoreline and the front lot line, or the property line of a legal tract, is 200 feet or less.

(2) A shoreline setback area is excluded from impervious cover calculations.

(3) No structures are allowed in a shoreline setback area, except that:

- (a) a bulkhead, retaining wall, fence, dock, public boat ramp, non-mechanized pedestrian access facility, or marina may be constructed and maintained in accordance with applicable regulations of this title; and
- (b) an on-site sewage facility may be constructed and maintained in accordance with the applicable regulations of Chapter 15-5 (*Private Sewage Facilities*).

(C) This subsection specifies lot width and impervious cover restrictions in a Lake Austin (LA) district.

(1) If a lot fronts on a cul-de-sac and is included in a subdivision plat recorded after April 22, 1982 or is exempt from the requirement to plat it must have:

- (a) a chord width of not less than 33 feet at the front lot line;
- (b) a width of not less than 60 feet at the front yard setback line; and
- (c) a width of not less than 100 feet at all points 100 feet or more behind the front lot line.

(2) For a lot included in a subdivision plat recorded after April 22, 1982, impervious cover may not exceed:

- (a) 20 percent, on a slope with a gradient of 25 percent or less;
- (b) 10 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent; or
- (c) if impervious cover is transferred under Subsection (D), 30 percent.

(3) For a lot included in a subdivision plat recorded before April 22, 1982, or a tract that is not required to be platted, impervious cover may not exceed:

- (a) 35 percent, on a slope with a gradient of 15 percent or less;
- (b) 10 percent, on a slope with a gradient of more than 15 percent and not more than 25 percent;
- (c) 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent; or
- (d) 40 percent, if impervious cover is transferred under Subsection (D).

(D) This subsection authorizes the transfer of impervious cover in a Lake Austin (LA) district.

(1) Impervious cover may be transferred only:

- (a) between tracts within an LA district; and
- (b) from land with a gradient of 35 percent or less, to land with a gradient of 15 percent or less.

(2) Land from which impervious cover is transferred must remain undisturbed, if the land exists in a natural condition, or be restored to a natural condition as prescribed by the Environmental Criteria Manual.

(3) A transfer of impervious cover must be documented in a manner approved by the director and documented in the county deed records.

(E) This subsection specifies additional development standards based on slope gradient in a Lake Austin (LA) district.

(1) On a slope with a gradient of more than 15 percent:

- (a) vegetation must be restored with native vegetation, as prescribed by the Environmental Criteria Manual, if it is disturbed or removed as a result of construction; and
- (b) construction uphill or downhill from the slope must comply with the Environmental Criteria Manual.
- (2) On a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.
- (F) In an LA district, a person may transfer impervious cover in accordance with this subsection.
 - (1) Impervious cover may be transferred only:
 - (a) between tracts within an LA district; and
 - (b) from land with a gradient of 35 percent or less, to land with a gradient of 15 percent or less.
 - (2) Land from which impervious cover is transferred may not be developed. The land must either remain undisturbed or be restored to a natural state.
 - (3) A transfer of impervious cover must be described in a restrictive covenant that runs with the land, is approved by the city attorney, and is recorded in the county deed records.

Source: Section 13-2-631; Ord. 990225-70; Ord. 031211-11; [Ord. No. 20140626-113, Pt. 2, 7-7-14](#); Ord. No. [20160922-048](#), Pt. 1, 10-3-16.

§ 25-2-552 - RURAL RESIDENCE (RR) DISTRICT REGULATIONS.

- (A) This section applies in a rural residence (RR) district.
- (B) A lot that fronts on a cul-de-sac must have:
 - (1) a chord width of not less than 33 feet at the front lot line;
 - (2) a width of not less than 60 feet at the front yard setback line; and
 - (3) a width of not less than 100 feet at all points 100 feet or more behind the front lot line.
- (C) This subsection applies to lot clustering.
 - (1) Lot clustering is a conditional use that requires Land Use Commission approval before a final plat may be approved.
 - (2) Lot clustering requires a minimum of five lots.
 - (3) An average lot size of not less than one acre is required.
 - (4) Each lot must contain a building site not less than 3,000 square feet in area that is located on land with a gradient of not more than 25 percent.
 - (5) Development on land with a gradient greater than 35 percent is prohibited.
 - (6) The subdivider shall provide for maintenance of common areas. The maintenance provisions must be included in a homeowners association agreement, unless the Land Use Commission approves a different method when the subdivision is approved.

Source: Sections 13-2-222 and 13-2-632; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-2-553 - SINGLE-FAMILY RESIDENCE LARGE LOT (SF-1) DISTRICT REGULATIONS.

In a single-family residence large lot (SF-1) district, the rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.

Source: Section 13-2-633; Ord. 990225-70; Ord. 031211-11.

§ 25-2-554 - SINGLE-FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT REGULATIONS.

In a single-family residence standard lot (SF-2) district, the rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.

Source: Section 13-2-634(a); Ord. 990225-70; Ord. 031211-11.

§ 25-2-555 - FAMILY RESIDENCE (SF-3) DISTRICT REGULATIONS.

- (A) This section applies in a family residence (SF-3) district.
- (B) The rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.
- (C) For a retirement housing (small site) use:
 - (1) the minimum site area is 18,675 square feet;
 - (2) a site may be developed with not more than 122 dwelling units;
 - (3) at least 6,225 square feet of site area is required for each dwelling unit; and
 - (4) except for a parking space in a driveway, a parking space may not be located in a front street yard.

Source: Section 13-2-635; Ord. 99025-70; Ord. 030605-49; Ord. 031211-11; [Ord. No. 20231207-001](#), Pt. 7, 12-18-23.

§ 25-2-556 - ADDITIONAL IMPERVIOUS COVER IN SINGLE-FAMILY STANDARD LOT (SF-2) AND FAMILY RESIDENCE (SF-3) DISTRICTS.

- (A) In a single-family standard lot (SF-2) or family residence (SF-3) district, the building official may approve impervious cover of up to 55 percent on a lot after determining that the requirements of this section are satisfied.
- (B) The principal use of the lot must be a residential use.
- (C) The lot must be included in a plat that was recorded before January 2, 1989.
- (D) The lot must adjoin open space, including a golf course or regional park, and the open space:
 - (1) must not contain a significant amount of impervious cover;
 - (2) must not be likely to be developed with a significant amount of impervious cover;
 - (3) must contain at least twice the area of the adjacent lots; and
 - (4) must not be separated from the lot by an impervious barrier, including street pavement or a paved plaza.
- (E) A variance from a required building setback on the lot must not have been granted or requested, and the owner of the lot must agree not to request a variance from a required building setback.
- (F) A development intensity transfer affecting the open space must not have been granted.

Source: Sections 13-2-634(b) and 635(d); Ord. 990225-70; Ord. 031211-11.

§ 25-2-557 - RESERVED.

§ 25-2-558 - SINGLE-FAMILY RESIDENCE CONDOMINIUM SITE (SF-4B) DISTRICT REGULATIONS.

- (A) This section applies in a single-family residence condominium site (SF-4B) district.
- (B) A site must be not less than one acre and not more than five acres.
- (C) For the portion of a site facing a public right-of-way on one side, at least 40 feet of site width is required for each building.
- (D) For the portion of a site facing a public right-of-way on two sides, at least 50 feet of site width is required for each building.
- (E) At least 3,600 square feet of site area is required for each dwelling unit.
- (F) At least 2,800 square feet of site area is required for each building.
- (G) Except as provided in Subsection (H), the maximum height of a building is two stories. A story may not exceed a plate height of 10 feet.
- (H) Attic living space is permitted above a second floor if:
 - (1) the attic walls along the building perimeter do not exceed a height of three feet; and
 - (2) the floor area of the attic does not exceed 50 percent of the floor area of the second floor.
- (I) If a building faces a public right-of-way:
 - (1) the minimum front yard setback is 25 feet; and
 - (2) the minimum side street yard setback is 15 feet.
- (J) The minimum distance between structures is 10 feet.
- (K) The minimum rear yard setback is 15 feet.
- (L) The minimum setback between a rear access easement and a building or fence is 10 feet.

Source: Section 13-2-637; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. 041118-57.

§ 25-2-559 - URBAN FAMILY RESIDENCE (SF-5) DISTRICT OR TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) DISTRICT RETIREMENT HOUSING USE.

- (A) In an urban family residence (SF-5) or townhouse and condominium residence (SF-6) district, a retirement housing use must comply with the requirements of this section.
- (B) The minimum site area is 10,500 square feet.
- (C) At least 3,500 square feet of site area is required for each dwelling unit.
- (D) Except for a parking space in a driveway, a parking space may not be located in a front street yard.

Source: Section 13-2-639; Ord. 990225-70; Ord. 031211-11.

§ 25-2-560 - MULTIFAMILY RESIDENCE LIMITED DENSITY (MF-1) DISTRICT REGULATIONS.

- (A) This section applies in a multifamily residence limited density (MF-1) district.
- (B) The minimum site area for each dwelling unit is:
 - (1) 2,500 square feet, for an efficiency dwelling unit;
 - (2) 3,000 square feet, for a one bedroom dwelling unit; and
 - (3) 3,500 square feet, for a dwelling unit with two or more bedrooms.

Source: Section 13-2-638; Ord. 990225-70; Ord. 031211-11; Ord. 20111215-096.

§ 25-2-561 - MULTIFAMILY RESIDENCE LOW DENSITY (MF-2) DISTRICT REGULATIONS.

- (A) This section applies in a multifamily residence low density (MF-2) district.
- (B) The minimum site area for each dwelling unit is:
 - (1) 1,600 square feet, for an efficiency dwelling unit;
 - (2) 2,000 square feet, for a one bedroom dwelling unit; and
 - (3) 2,400 square feet, for a dwelling unit with two or more bedrooms.

Source: Section 13-2-640; Ord. 990225-70; Ord. 031211-11; Ord. 20111215-096.

§ 25-2-562 - MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3) DISTRICT REGULATIONS.

- (A) This section applies in an MF-3 district.
- (B) The minimum site area for each dwelling unit is:
 - (1) 1,200 square feet, for an efficiency dwelling unit;
 - (2) 1,500 square feet, for a one bedroom dwelling unit; and
 - (3) 1,800 square feet, for a dwelling unit with two or more bedrooms.

Source: Section 13-2-641; Ord. 990225-70; Ord. 031211-11; Ord. 20111215-096.

§ 25-2-563 - MULTIFAMILY RESIDENCE MODERATE-HIGH DENSITY (MF-4) AND MULTIFAMILY RESIDENCE HIGH DENSITY (MF-5) DISTRICT REGULATIONS.

- (A) This section applies in a multifamily residence moderate-high density (MF-4) or multifamily residence high density (MF-5) district.
- (B) The minimum site area for each dwelling unit is:
 - (1) 800 square feet, for an efficiency dwelling unit;
 - (2) 1,000 square feet, for a one bedroom dwelling unit; and
 - (3) 1,200 square feet, for a dwelling unit with two or more bedrooms.

Source: Sections 13-2-642 and 13-2-643; Ord. 990225-70; Ord. 031211-11; Ord. 20111215-096.

§ 25-2-564 - (RESERVED).

§ 25-2-565 - SPECIAL SETBACK REQUIREMENTS FOR CERTAIN RESIDENTIAL PROPERTY.

- (A) This section applies to a lot that is located in a rural residence (RR), single-family large lot (SF-1), single-family standard lot (SF-2), family residence (SF-3), single-family residence small lot (SF-4A), single-family residence condominium site (SF-4B), urban family (SF-5), or townhouse and condominium residence (SF-6) district that:
 - (1) was annexed after December 1, 1997; and
 - (2) is included in a plat that:
 - (a) was recorded when the lot was outside the zoning jurisdiction; or
 - (b) before September 7, 1998.
- (B) If the plat establishes a front yard setback, the minimum front yard setback is the greater of:
 - (1) the setback established on the plat; or
 - (2) 15 feet.
- (C) If the plat establishes a street side yard setback, the minimum street yard setback is the greater of:
 - (1) the setback established on the plat; or
 - (2) 10 feet.

Source: Section 13-2-645; Ord. 990225-70; Ord. 031211-11.

§ 25-2-566 - SPECIAL REQUIREMENTS FOR AFFORDABLE HOUSING IN CERTAIN SINGLE FAMILY DISTRICTS.

- (A) This section applies in a single family residence standard lot (SF-2) district or family residence (SF-3) district.
- (B) A development may comply with single-family residence small lot (SF-4A) district site development regulations if:
 - (1) the development is on three or more acres of previously unsubdivided land; and
 - (2) the director of the Neighborhood Housing and Community Development Department certifies that the development complies with the City's S.M.A.R.T. Housing Program.

Source: Ord. 20080131-132.

§ 25-2-567 - SPECIAL REQUIREMENTS FOR AFFORDABLE HOUSING IN CERTAIN MULTIFAMILY DISTRICTS.

- (A) This section applies in a multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, multifamily residence moderate-high density (MF-4) district, or multifamily residence high density (MF-5) district on property that either has not been developed or that has been developed only with an agricultural use.
- (B) Except as provided in Subsection (C), a development may comply with multifamily residence highest density (MF-6) district site development regulations if the director of the Neighborhood Housing and Community Development Department certifies that the development complies with the City's S.M.A.R.T. Housing Program, and:
 - (1) for a rental development, ten percent of the residential units in the development are reserved as affordable for a minimum of 40 years following the issuance of a certificate of occupancy for rental by a household earning not more than 60 percent of the median family income for the Austin metropolitan statistical area; or
 - (2) for an owner-occupied development:
 - (a) five percent of the residential units in the development are reserved as affordable for a minimum of 99 years following the issuance of a certificate of occupancy for ownership and occupancy by a household earning not more than 80 percent of the median family income for the Austin metropolitan statistical area; and
 - (b) five percent of the residential units in the development are reserved as affordable for a minimum of 99 years following the issuance of a certificate of occupancy for ownership and occupancy by a household earning not more than 100 percent of the median family income for the Austin metropolitan statistical area.
- (C) Development under this section must comply with the height regulations established in other provisions of this code.

Source: Ord. 20080131-132.

Division 2. - Commercial Districts.

Subpart A. - General Requirements.

§ 25-2-581 - CENTRAL BUSINESS DISTRICT (CBD) DISTRICT REGULATIONS.

- (A) This section applies in a central business (CBD) district.
- (B) Notwithstanding any other provision of this chapter, the requirements of Article 10 (*Compatibility Standards*) do not apply.
- (C) This subsection applies to a convention center use.
 - (1) council approval is required for a site plan for a convention center use. Approval of a site plan:
 - (a) establishes the site development regulations; and
 - (b) waives regulations that are inconsistent with the site plan, if any.
 - (2) A public hearing is required for each site plan considered under this subsection.
 - (3) The director shall give notice of a public hearing required by this subsection in accordance with Section 25-1-132(C) (Notice of Public Hearing).
- (D) Commercial off-street parking is a permitted use when it constitutes less than 50 percent of the parking spaces in a parking structure.

Source: Section 13-2-661; Ord. 990225-70; Ord. 031211-11; Ord. 20130411-061.

§ 25-2-582 - COMMERCIAL HIGHWAY (CH) DISTRICT REGULATIONS.

- (A) This section applies in a commercial highway (CH) district.
- (B) Except as provided in Subsection (C), the maximum height permitted for a building is:
 - (1) 60 feet, if the impervious cover on the site is more than 80 percent and not more than 85 percent;
 - (2) 80 feet, if the impervious cover on the site is more than 75 percent and not more than 80 percent;
 - (3) 100 feet, if the impervious cover on the site is more than 70 percent and not more than 75 percent;
 - (4) 110 feet, if the impervious cover on the site is more than 65 percent and not more than 70 percent; and
 - (5) 120 feet, if the impervious cover on the site is not more than 65 percent.
- (C) This subsection applies in a zoning district that combines a CH base district with a PDA combining district. If there is a conflict between the requirements of Subsection (B) and the zoning ordinance establishing the CH-PDA district, the zoning ordinance governs.

Source: Section 13-2-663; Ord. 990225-70; Ord. 031211-11; Ord. No. 20230518-058, Pt. 2, 5-29-23.

§ 25-2-583 - COMMERCIAL RECREATION (CR) DISTRICT REGULATIONS.

- (A) This section applies in a commercial recreation (CR) district.
- (B) In this section, SHORELINE means:
 - (1) for Lake Austin, the 492.8 topographic contour line along the shores of Lake Austin; and
 - (2) for Lake Travis, the 681 topographic contour line along the shores of Lake Travis.
- (C) This subsection applies to property located within 1000 feet horizontally of the shoreline of Lake Austin.
 - (1) The areas within 75 feet of the shoreline are excluded from impervious cover calculations.
 - (2) Development is prohibited on land with a gradient that exceeds 35 percent. This prohibition does not apply to a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a pedestrian facility.
 - (3) Impervious cover may not exceed:
 - (a) 20 percent, on a slope with a gradient of 25 percent or less;
 - (b) 10 percent, on a slope with a gradient of more than 25 percent and less than 35 percent; or
 - (c) if impervious cover is transferred under Subsection (C)(4), 30 percent.
 - (4) A person may transfer impervious cover in accordance with this subsection.
 - (a) Impervious cover may be transferred only:
 - (i) between tracts within a CR district; and
 - (ii) from land with a gradient of 35 percent or less, to land with a gradient of 15 percent or less.
 - (b) Land from which impervious cover is transferred may not be developed. The land must either remain undisturbed or be restored to a natural state.
 - (c) A transfer of impervious cover must be described in a restrictive covenant that runs with the land, is approved by the city attorney, and is recorded in the county deed records.
- (D) A permanent improvement is prohibited within 75 feet of the shoreline of Lake Austin or Lake Travis, except for a retaining wall, pier, wharf, boathouse, or marina, or a driveway to the structures.
- (E) Outdoor storage of merchandise, material, or equipment is permitted if:
 - (1) the outdoor storage is incidental to a use located on the premises;
 - (2) the storage area is located on the rear 50 percent of the site;
 - (3) the storage area does not exceed:
 - (a) 20 percent of the site; or
 - (b) for a marina use, recreational equipment sales use, or recreational equipment maintenance and storage use, 50 percent of the site; and
 - (4) the storage area is screened in accordance with the Environmental Criteria Manual and, except for watercraft, the stored items do not exceed the height of the screen.
- (F) Except along a property line of a lot zoned for a residential use, the following merchandise may be displayed outdoors:
 - (1) artwork or pottery;
 - (2) flowers or plants;
 - (3) food products;
 - (4) handcrafted goods; and
 - (5) recreational equipment, including roller skates, bicycles, windsurf boards, and watercraft.
- (G) Merchandise other than that described in Subsection (F) may be displayed outdoors during business hours if screened from view off-premises.
- (H) At least 40 percent of a site, excluding dedicated right-of-way, must be left in a natural state. Up to 25 percent of a natural area may be used as a sewage disposal field. A natural critical area identified in the Comprehensive Plan must be left in a natural state.
- (I) Landscaped areas at least ten feet wide are required adjacent to public streets and property zoned for residential use. Landscaped areas must contain trees, shrubs, and ground cover.
- (J) Medians at least 5 feet wide are required between rows of parking spaces. Each median must contain either existing native trees or densely massed installed trees.
- (K) The noise level of live music may not exceed 70 decibels, measured at the property line.

Source: Section 13-2-660; Ord. 990225-70; Ord. 031211-11; Ord. 20090521-017.

§ 25-2-584 - WAREHOUSE/LIMITED OFFICE (W/LO) DISTRICT REGULATIONS.

- (A) This section applies in a warehouse/limited office (W/LO) district.
- (B) The building must include an office use. The minimum floor area for the office use is the lesser of:
 - (1)

20 percent; or

- (2) 1,000 square feet.
- (C) A truck loading dock may not be located on the same building face as an office entrance.
- (D) An office use must face the street that provides primary access.
- (E) A construction sales and service use may not exceed 10,000 square feet of gross floor area.
- (F) The Land Use Commission may approve, in accordance with the applicable provisions of Chapter 25-5, Article 3 (*Land Use Commission Approved Site Plans*), the following modifications to the site development regulations:
 - (1) a lot that contains at least 21,780 square feet, but less than 43,560 square feet;
 - (2) a structure with a height greater than 25 feet, but not more than 35 feet; or
 - (3) a structure with a floor area ratio of more than 0.25, but not more than 0.50.

Source: Section 13-2-662; Ord. 990225-70; Ord. 991104-46; Ord. 010607-8; Ord. 031211-11.

§ 25-2-585 - SPECIAL REQUIREMENTS FOR BUILDINGS IN CERTAIN COMMERCIAL DISTRICTS.

- (A) This section applies to a building in a general office (GO), neighborhood commercial (LR), general commercial services (CS), or commercial services - liquor sales (CS-1) district that:
 - (1) is located on property adjacent to an Lake Austin residence (LA), rural residence (RR), or single-family residence large lot (SF-1) district; and
 - (2) exceeds a height of 35 feet.
- (B) A building's exterior glass is required to be either clear or lightly tinted.
- (C) Exterior light illuminating a building above the second floor is prohibited.

Source: Section 13-2-607; Ord. 990225-70; Ord. 031211-11.

§ 25-2-586 - DOWNTOWN DENSITY BONUS PROGRAM.

- (A) *Definitions.* In this section:
 - (1) BONUS AREA means the greater of:
 - (a) The gross floor area that exceeds the maximum allowable floor-to-area ratio allowed with the site's primary entitlements; or
 - (b) The gross floor area contained within the portion of a structure that exceeds the maximum height allowed under the site's primary entitlements.
 - (2) COMMUNITY BENEFIT is a public amenity that exceeds the Gatekeeper Requirements of the Downtown Density Bonus Program as described in (C)(1) of this section and that is provided by an applicant in order to obtain bonus area.
 - (3) CULTURAL USES are uses that are eligible to participate in the City of Austin Core Cultural Funding Program.
 - (4) DAY CARE SERVICES is the provision of one of the adult or child care services defined in Section 25-2-6 (Civic Uses Described) of the City Code.
 - (5) DEVELOPMENT BONUS FEE means the dollar amount an applicant pays to the City per square foot of bonus area.
 - (6) DIRECTOR means director of the Planning and Development Review Department.
 - (7) DWELLING UNIT means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
 - (8) FAMILY-FRIENDLY ELIGIBLE BEDROOM is any bedroom over one bedroom within a dwelling unit that provides on-site affordable housing that complies with all of the affordability requirements of Subsection (G) of this section.
 - (9) GREAT STREETS STREETSCAPE STANDARDS means design standards for streets within the boundaries of the Great Streets Master Plan.
 - (10) LIVE MUSIC USE is the performance of live music at least four days a week in an indoor public or private facility of at least 2,500 square feet that is open to the general public and readily equipped with sound, staging, lighting and safety accoutrements to accommodate professional and semi-professional live music needs on a daily basis.
 - (11) MIXED-USE PROJECT means a project that has 25 percent or more of its floor area in a use different from a predominant use.
 - (12) NON-RESIDENTIAL PROJECT means a project for which the predominant use is not listed in Section 25-2-3 (Residential Uses Described), and which has less than 25 percent of its floor area devoted to uses described in Section 25-2-3 (Residential Uses Described).
 - (13) PRIMARY ENTITLEMENT means the height and floor-to-area ratio entitlement that a site derives from its current zoning. That entitlement may be derived from the base zoning or from a previous modification to the base zoning.
 - (14) PUBLICLY ACCESSIBLE ON-SITE PLAZA is a publicly-accessible area provided by an applicant as a community benefit that complies with the Downtown Public Plaza Standards adopted by administrative rule.
 - (15) RESIDENTIAL PROJECT means a project for which the predominant use is within one or more of the classifications described in Section 25-2-3 (Residential Uses Described).
 - (16) URBAN DESIGN GUIDELINES means guidelines for public streetscapes, plazas, open space and buildings in a dense area, adopted by City Council.
- (B) *Downtown Density Bonus Maps and Table.*

- (1) The downtown district boundaries are shown on the Downtown Districts Map (Figure 1). Properties in the downtown district that are eligible for density bonuses under this section are shown on the Eligibility, Floor-to-Area Ratio and Height Maps (Figure 2).
- (2) Properties in the Rainey Street Subdistrict may participate in the Downtown Density Bonus Program only for floor-to-area ratio that exceeds 8:1. To achieve floor-to-area ratio up to 8:1, properties in the Rainey Street Subdistrict must comply with Subsection (C)(4) of Section 25-2-739 (Rainey Street Subdistrict Regulations) of the City Code.
- (3) The amount of floor-to-area ratio or height that may be achieved by a downtown density bonus for a site is limited by the maximum height or Floor-to-Area Ratio identified on Figure 2.

- (4) The maximum heights and maximum floor-to-area ratios on Figure 2 do not modify a site's primary entitlement. If the maximum height or maximum floor-to-area ratio allowed under a primary entitlement exceeds the height or floor-to-area ratio on Figure 2, the bonus area is calculated by using the site's primary entitlement that does not exceed the maximums shown on Figure 2.
- (5) The development bonus fee may vary by use and downtown district. The applicable development bonus fee within each of the nine districts is established by ordinance.
- (6) Notwithstanding the limitation provided for in Subsection (B)(3) of this section, the city council may grant to an applicant floor-to-area ratio that exceeds the maximum floor-to-area ratio in Figure 2 if:
 - (a) The applicant has already achieved the maximum floor-to-area ratio in Figure 2 by participating in the Downtown Density Bonus Program;
 - (b) The applicant submits a written request and rationale for the additional floor-to-area ratio to the director;
 - (c) The director makes a written recommendation on the application and then submits the recommendation to the Planning Commission for its review and recommendation; and
 - (d) The city council determines that the additional floor-to-area ratio should be granted because:
 - (i) The applicant has offered additional community benefits described in Subsections (E)(1)—(12) above and beyond those offered to achieve the floor-to-area ratio in Figure 2;
 - (ii) The applicant agrees to use the same methodology and bonus area granted for each community benefit as described in the downtown density bonus program to achieve the desired bonus area;
 - (iii) The city council determines that awarding the additional floor-to-area ratio substantially furthers the goals and objectives of the Downtown Austin Plan and the Imagine Austin Comprehensive Plan; and
 - (iv) the applicant has agreed that any residential parking space shall be offered separately from the dwelling unit.
- (7) A property described in the downtown district boundary (Figure 1) and subject to Section 25-2-161 (Capitol Dominance Overlay District) is eligible for density bonuses shown on the Eligibility, Floor-to-Area Ratio and Height Maps (Figure 2).
- (8)

A property described in the downtown district boundary (Figure 1) and subject to Section 25-2-162 (Capitol View Corridor Overlay District) is eligible for density bonuses shown on the Eligibility, Floor-to-Area Ratio and Height Maps (Figure 2) that do not conflict with the height limitations established in Section 25-2-642 (Capitol View Corridor Overlay District Regulations).

(C) *Program Requirements.*

(1) *Gatekeeper Requirements.*

- (a) To receive bonus area, the director must determine that the project substantially complies with the Urban Design Guidelines.
 - (i) The applicant must submit to the director a schematic level site plan, building elevations, and other drawings, simulations or other documents necessary to fully describe the urban design character of the project and relationship of the project to its surroundings.
 - (ii) The Design Commission shall evaluate and make recommendations regarding whether the project complies with the Urban Design Guidelines and the director shall consider comments and recommendations of the Design Commission.
 - (b) Except as provided in Subsection (C)(1)(c), the applicant shall execute a restrictive covenant committing to provide streetscape improvements along all public street frontages, consistent with the Great Streets Standards.
 - (c) For a property located on a Texas Department of Transportation frontage, an applicant provides for Great Streets streetscape improvements along all public street frontages if the applicant pays a fee-in-lieu set by separate ordinance and a one-time maintenance obligation fee set by separate ordinance. The director of the Transportation and Public Works Department may spend a fee paid under this subsection for Great Streets capital improvement projects within the Downtown area.
 - (d) The applicant shall execute a restrictive covenant committing to achieve a minimum two star rating under the Austin Energy Green Building program using the ratings in effect at the time the project is registered with the Austin Energy Green Building program. The applicant shall also provide the director with a copy of the project's signed Austin Energy Green Building Letter of Intent before the director may approve bonus area for a site.
- (2) After the director determines the applicant meets the gatekeeper requirements, the applicant shall provide sufficient written information so that the director can determine:
- (a) the site's primary entitlement;
 - (b) the amount of bonus area that the applicant is requesting;
 - (c) the total dollar amount the applicant will pay if the applicant chooses to obtain the entire bonus area exclusively by paying a development bonus fee, and the amount of the fee to be dedicated to each community benefit; and,
 - (d) the community benefits the applicant proposes to provide to obtain bonus area if the bonus area will not be obtained exclusively by paying a development bonus fee.

(D) *Changes in Design of Proposed Building.* If the design of a building changes after a bonus is granted under this section, the director shall review the new design for substantial compliance with the Urban Design Guidelines prior to building permit approval. A building permit for a final design will not be approved until the design substantially complies with the gatekeeper requirements and the restrictive covenants are amended to reflect new or revised community benefits.

(E) *Community Benefits.* A person may achieve bonus area by providing community benefits outlined in this subsection. If the applicant chooses to achieve 100 percent of the desired bonus area by providing community benefits described in Subsections (E)(1)—(12), the director may approve the bonus area administratively.

(1) *Affordable Housing Community Benefits.*

- (a) *Affordable Housing Community Benefit.* An applicant may use one or more of the following.
 - (i) *On-site affordable housing.* A project may achieve bonus area by providing on-site affordable housing within the project. The amount of bonus area that may be achieved for each one square foot of dwelling unit space that is devoted to on-site affordable housing is established by ordinance.
 - (ii) *Family-friendly housing.* A project providing on-site affordable housing may achieve additional bonus area by providing one or more family-friendly eligible bedrooms. The amount of bonus area that may be achieved for each family-friendly eligible bedroom is established by ordinance.
 - (iii) *Development bonus fee for affordable housing.* The project may achieve bonus area by paying a development bonus fee at the dollar per square foot amount set by ordinance. The fee will be paid into the Affordable Housing Trust Fund.
- (b) *Affordable housing community benefit percentages.*
 - (i) A project must achieve at least 50 percent of the desired bonus area by providing affordable housing community benefits.
 - (ii) For any portion of the desired bonus area not achieved by providing affordable housing benefits, the applicant shall achieve bonus area by providing one or more of the community benefits described in Subsections (E)(2)—(12) below.

(2) *Rainey Street Subdistrict Historic Preservation Community Benefit.*

- (a) A project may achieve bonus area for each historically significant building that is:
 - (i) rehabilitated; and

- (ii) preserved on site, relocated to a site within the Rainey Street Subdistrict, or relocated to a location within the city limits as determined appropriate by the Historic Landmark Commission.
- (b) The amount of bonus area that may be achieved for on-site improvements for Rainey Street Subdistrict historic preservation is established by ordinance.
- (c) Buildings eligible for this community benefit include those buildings within the Rainey Street National Historic Register District that the City's historic preservation officer has determined contribute to the historic character of the Rainey Street National Historic Register District.
- (d) Requirements:
 - (i) Development using this community benefit option shall maintain the architectural integrity of the building as determined by the Historic Landmark Commission (HLC) whether or not the building is zoned H-Historic or HD-Local Historic District.
 - (ii) The HLC must review and approve modifications to a building before the City may grant a density bonus.
 - (iii) Development may use this option only in cases where a substantial percentage of the external walls and internal structure remain intact at project completion.
 - (iv) An applicant must provide a description of the rehabilitation that describes the existing conditions of the building and the proposed work. The applicant must submit photographs showing the major character-defining features of the building prior to the start of work.
 - (v) Before the director may issue any type of certificate of occupancy, an applicant must submit documentation verifying that the work has been completed as proposed. The documentation must be submitted in a format similar to the Description of Rehabilitation portion of the United States Department of the Interior National Park Service Historic Preservation Certification Application.
 - (vi) An applicant who cannot complete restoration as proposed must pay into the Historic Preservation Fund the applicable development bonus fee for the bonus area initially granted for this community benefit. The applicant's payment will be based on the development bonus fee in effect at the time the applicant pays the fee.
- (3) *Day Care Services Community Benefit.*
 - (a) A project may achieve bonus area by providing day care services within the project. The amount of bonus area that may be achieved for each square foot of day care services that are provided is established by ordinance.
 - (b) Requirements:
 - (i) The applicant must execute a restrictive covenant that requires compliance with all relevant requirements of this section and that ensures continuation of operations and maintenance of the facility with the specified community benefit use for a period of at least 10 years, which is the life of the agreement.
 - (ii) City of Austin must approve of the operator and the lease terms, which shall be for no less than ten years.
 - (iii) The facility must comply with applicable state and local codes.
 - (iv) The facility must be open during normal business hours at least five days each week and fifty weeks each calendar year.
 - (v) The facility must be maintained and kept in a good state of repair throughout the life of the agreement.
 - (vi) If the day care services use is non-operational for more than 180 consecutive days or for 180 days in any 365 day period, the owner must pay into the Affordable Housing Trust Fund the applicable development bonus fee for the bonus area initially granted for this community benefit. The payment will be a pro-rated amount based on the time left in the term of the agreement and based on the development bonus fee in effect when the owner pays.
- (4) *Cultural Uses Community Benefit.*
 - (a) A project may achieve bonus area by providing on-site cultural uses within the project. The amount of bonus area that may be achieved for each square foot of cultural uses provided is established by ordinance.
 - (b) Requirements:
 - (i) The applicant must execute a restrictive covenant that requires compliance with all requirements of this section and that ensures continuation of operations and maintenance of the facility with the specified community benefit use for a period of at least 10 years, which is the life of the agreement.
 - (ii) City of Austin must approve of the operator and the lease terms, which shall be for no less than ten years.
 - (iii) Use must meet the definition of cultural uses and the space must be leased to a 501(c) organization.
 - (iv) If the required use is non-operational for more than 180 consecutive days or for 180 days in any 365 day period, the owner must pay into the Affordable Housing Trust Fund the applicable development bonus fee for the bonus area initially granted for this community benefit. The payment will be a pro-rated amount based on the time left in the term of the agreement and based on the development bonus fee in effect when the owner pays.
- (5) *Live Music Community Benefit.*
 - (a) A project may achieve bonus area by providing an on-site live music use. The amount of bonus area that may be achieved for each square foot of live music use is established by ordinance.
 - (b) Requirements:

- (i) The applicant must ensure continuation of operations and maintenance of the facility with the specified community benefit use for a period of at least 10 years, which is the life of the agreement.
 - (ii) City of Austin must approve of the operator and the lease terms, which shall be for no less than ten years.
 - (iii) The operator of the facility must maintain proper permitting and documentation to play amplified music in said space.
 - (iv) The space must meet the City of Austin's sound-proofing specifications.
 - (v) If the required use is non-operational for more than 180 consecutive days or for 180 days in any 365 day period, the owner must pay into the Affordable Housing Trust Fund the applicable development bonus fee for the bonus area initially granted for this community benefit. The payment will be a pro-rated amount based on the time left in the term of the agreement and based on the development bonus fee in effect when the owner pays.
 - (vi) Venues may not charge an up-front fee to performing artists for the use of their facilities or require performing artists to guarantee a minimum attendance through pre-show ticket sales.
- (6) *On-Site Improvements for Historic Preservation Community Benefit.*
- (a) A project may achieve bonus area by providing on-site improvements for historic preservation. The amount of bonus area that may be achieved for on-site improvements for historic preservation is established by ordinance.
 - (b) Buildings Eligible for On-Site Improvements for Historic Preservation Community Benefit include:
 - (i) Buildings designated as City landmarks, Recorded Texas Historic Landmarks, State Antiquities Landmarks, or listed on the National Register of Historic Places;
 - (ii) Contributing properties within National Register or Local Historic Districts;
 - (iii) Buildings determined by the City's Historic Preservation Officer to be historically significant; or
 - (iv) Buildings determined eligible for listing on the National Register of Historic Places by the State Historic Preservation Officer.
 - (c) Requirements:
 - (i) Development using this community benefit option for on-site improvements shall maintain the architectural integrity of the building, as determined by the Historic Landmark Commission (HLC) whether or not the building is zoned H-Historic or HD-Local Historic District.
 - (ii) The HLC must review and approve modifications to a building before the City may grant a density bonus.
 - (iii) A project may be granted bonus area for on-site improvements for historic preservation only in cases where a substantial percentage of the external walls and internal structure remain intact at project completion.
 - (iv) Applicant must provide a description of rehabilitation that describes the existing condition of the building and the proposed work. The applicant must submit photographs showing the major character-defining features of the building prior to the start of work.
 - (v) Before the director may issue any type of Certificate of Occupancy, an applicant must submit documents verifying that the work has been completed as proposed. The documents must be submitted in a format similar to the Description of Rehabilitation portion of the United States Department of the Interior National Park Service Historic Preservation Certification Application.
 - (vi) If restoration cannot be completed as proposed, the owner must pay into the Historic Preservation Fund the applicable development bonus fee for the bonus area initially granted for this community benefit. The owner's payment will be based on the development bonus fee in effect at the time the owner pays the fee.
- (7) *Development Bonus Fee for Off-Site Historic Preservation Community Benefit.*
- (a) The project may achieve bonus area by paying a development bonus fee at the dollar per square foot amount set by ordinance based on the district in which the proposed development is located. The fee will be paid into the Historic Preservation Fund.
 - (b) Requirements:
 - (i) The City of Austin will administer the Historic Preservation Fund.
 - (ii) This option cannot be used if developer is proposing to demolish all or a substantial percentage of a building the Historic Preservation Officer deems historically significant.
- (8) *Green Building Community Benefit.*
- (a) An applicant may achieve bonus area by constructing a project to green building standards that exceed the Gatekeeper requirements. The amount of bonus area that may be achieved for constructing a project to green building standards is established by ordinance.
 - (b) Requirements:
 - (i) The applicant shall execute a restrictive covenant committing to achieve a specified rating under the Austin Energy Green Building (AEGB) program using the ratings in effect at the time the ratings application is submitted for the project or Leadership in Energy & Environmental Design (LEED) program using the most recently launched version of the LEED for New Construction rating at the time of the project's registration.
 - (ii) The applicant shall also provide the director with a copy of the project's signed Austin Energy Green Building Letter of Intent for projects seeking AEGB rating or a copy of the completed LEED registration for projects seeking LEED rating before the director may approve bonus area for a site.

- (iii) An applicant must submit an AEGB or LEED checklist indicating the measures the project intends to complete to meet the applicable green building requirement before the director may approve bonus area for a site.
- (iv) A project seeking an AEGB rating will be subject to at least one inspection during construction and an inspection at substantial completion. A project seeking LEED certification must submit the LEED design review results and an updated LEED checklist or scorecard indicating the project will be able to obtain LEED certification by substantial completion.
- (v) If the specified AEGB rating or LEED certification is not achieved within nine months from time of occupancy, an owner must pay into the Affordable Housing Trust Fund the applicable development bonus fee for the bonus area initially granted for this community benefit. The owner's payment will be based on the development bonus fee in effect when the owner pays.

(9) *Publicly Accessible On-Site Plaza Community Benefit.*

- (a) A project may achieve bonus area by providing a publicly accessible on-site plaza. The amount of bonus area that may be achieved by providing a publicly accessible on-site plaza is established by ordinance.
- (b) Requirements:
 - (i) If the required plaza is non-operational for more than 180 consecutive days or for 180 days in any 365 day period, the owner must pay into the Downtown Open Space Fund the applicable development bonus fee for the bonus area initially granted for this community benefit. The payment will be based on the development bonus fee in effect when the owner pays.

(10) *Off-Site Open Space Development Bonus Fee Community Benefit.*

- (a) The project may achieve bonus area by paying a development bonus fee for off-site open space at the dollar per square foot amount set by ordinance based on the district in which the proposed development is located. The fee will be paid into the Downtown Open Space Fund.
- (b) Requirements:
 - (i) City will administer the Downtown Open Space Fund.
 - (ii) The development bonus fee option is only available for open space beyond what is already required by City Code.
 - (iii) The applicant must deposit a nonrefundable cash payment with the City.

(11) *Green Roof Community Benefit.*

- (a) A project may achieve bonus area by providing green roofs. The amount of bonus area that may be achieved for the construction of green roofs is established by ordinance.
- (b) Requirements:
 - (i) Green Roofs must be built to the Vegetated ("Green") Roof Performance Standards in Appendix W of the Environmental Criteria Manual. The percent of vegetated roof cover is calculated as a portion of total roof area excluding mechanical equipment, photovoltaic panels, swimming pools, and skylights.
 - (ii) If the green roof fails to meet the Vegetated ("Green") Roof Performance Standards for more than 180 consecutive days or for 180 days in any 365 day period, the owner must pay into the Downtown Open Space Fund the applicable development bonus fee for the bonus area initially granted for this community benefit. The payment will be based on the development bonus fee in effect when the owner pays.
 - (iii) Green roof areas used to achieve bonus area through the Green Roof Community Benefit may not be used to achieve bonus area through the Publicly Accessible On-Site Plaza Community Benefit.

(12) *Other Community Benefits.*

- (a) An applicant may offer to provide other community benefits not described in (E)(1) - (11). The applicant must provide sufficient information about the other community benefits for the director to determine whether the other community benefits serve a public and municipal purpose considering the criteria listed below.
- (b) The director will consider the following to make a determination:
 - (i) if members of the general public will be able to enjoy the proposed other community benefit without paying for its access, use or enjoyment;
 - (ii) if the proposed other community benefit will connect to and be accessible from public right-of-way or other publicly-accessible space;
 - (iii) if the proposed other community benefit will provide a public amenity that is particularly lacking in the proposed location;
 - (iv) if the proposed other community benefit will impose a significant burden on public resources for maintenance, management, policing, or other reasons; and,
 - (v) any other information provided by the applicant that shows the other community benefit serves a public and municipal purpose and furthers the City's comprehensive planning goals.
- (c) If a proposed other community benefit provides a partial benefit to a project, it will not be disqualified; the director will allocate only the cost of the public portion of the benefit to the other community benefits.
- (d) If the director determines that the proposed benefit qualifies as a community benefit, the director shall:
 - (i) quantify the monetary cost for the proposed other community benefit by using standard industry sources as well as locally based data on development costs to quantify the monetary cost, without mark-up, for the proposed other community benefit; and,
 - (ii) determine the cost to be applied towards achieving the desired bonus area.

- (e) The amount determined by the director may be applied to achieve bonus area on the same basis as the development bonus fee applicable to the type and location of the project.
 - (f) The director's recommendation concerning the proposed other community benefit and the monetary value that is applied to achieve the bonus area shall be presented to the planning commission for recommendation and the city council for approval.
 - (g) If the applicant proposes to achieve bonus area by providing other community benefits, the value of the public portion of the proposed other community benefits must be equal to or greater than the total dollar amount the applicant would pay if the payment were based on the applicable development bonus fee required to earn that requested bonus area.
- (F) *Community Benefit Calculations for Mixed-Use Projects.* Mixed-use projects shall provide community benefits in proportion to the amount of floor area in the project that is devoted to different use categories.
- (G) *Affordability Requirements.* For purposes of this section, a unit is affordable for purchase or rental if, in addition to the other requirements of this section, the household is required to spend no more than 30 percent of its gross monthly income on mortgage or rental payments for the unit.
- (1) *Affordability requirements for owner-occupied units.*
 - (a) On-site for sale affordable housing units shall be reserved, sold and transferred to an income eligible buyer subject to a resale restricted, shared equity agreement approved by the director of Neighborhood Housing and Community Development, for not less than 99 years from the date a certificate of occupancy is issued.
 - (b) The units shall be made available for ownership and occupancy by households earning no more than 120 percent of the Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the director of Neighborhood Housing and Community Development.
 - (2) *Affordability requirements for rental units.*
 - (a) On-site rental affordability housing units shall be reserved as affordable for a minimum of 40 years following the issuance of the certificate of occupancy.
 - (b) The units shall be made available for rental by households earning no more than 80 percent of the annual median family income for the City of Austin metropolitan statistical area as determined by the director of Neighborhood Housing and Community Development.
 - (c) An applicant may not deny a prospective tenant affordable rental housing based solely on the prospective tenant's participation in the Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.
 - (3) *Rules.* The Neighborhood Housing and Community Development Office shall conduct compliance and monitoring of the affordability requirements of this ordinance. The director of Neighborhood Housing and Community Development shall establish compliance and monitoring rules and criteria for implementing the affordability requirements of this ordinance.
- (H) *Applicant's obligation.* Before the director may issue any type of Certificate of Occupancy, an applicant must fulfill all obligations including but not limited to the payment of all fees and execution of restrictive covenants in order to ensure that the applicant provides all required community benefits. All approvals must be obtained and evidence of the approvals must be provided to the director prior to site plan submittal.
- (I) *Director's approval.* Once an applicant meets the submission requirements of the downtown density bonus program and executes the necessary restrictive covenants to ensure that the applicant provides all required community benefits, the director will issue a written notice of approval that indicates the project's allowable floor-to-area ratio and height.
- (J) *Appeal.*
 - (1) An applicant may appeal to the city council the director's determination that the gatekeeper requirements have not been met.
 - (2) An applicant must appeal the determination within 30 days from the date of the director's denial.
 - (3) An appeal is subject to the procedures set forth in Section 25-2-282 (Land Use Commission Public Hearing and Recommendation) and Section 25-2-283 (City Council Zoning Hearing and Action) of the City Code.

Source: Ord. 20080131-132; Ord. 20130627-105; Ord. 20140227-054, Pts. 1, 3, 3-10-14; Ord. No. 20191031-037, Pt. 1, 11-11-19; Ord. No. 20230504-030, Pt. 1, 5-15-23; Ord. No. 20230504-031, Pt. 1, 5-15-23; Ord. No. 20231019-052, Pt. 4, 10-30-23.

§ 25-2-587 - REQUIREMENTS FOR CERTAIN USES IN A NEIGHBORHOOD COMMERCIAL (LR) DISTRICT.

- (A) This section applies in a neighborhood commercial (LR) district.
- (B) A personal improvement services use may not exceed 5,000 square feet of gross floor area.
- (C) This subsection applies to a general retail sales (general) use.
 - (1) The gross floor area may not exceed 5,000 square feet.
 - (2) Access to the site from a local street is prohibited.
- (D) This subsection applies to a restaurant (general) use.
 - (1) The gross indoor floor area may not exceed 4,000 square feet.
 - (2) A restaurant (general) use may operate only after 7:00 a.m. and before 11:00 p.m.
 - (3) An outdoor seating area may not:
 - (a) exceed 500 square feet of area; or

- (b) be located within 50 feet of property with a single-family use or property zoned as a townhouse and condominium residence (SF-6) or more restrictive district.
- (4) Outdoor entertainment as an accessory use is prohibited.
- (5) Outdoor amplified sound is prohibited.
- (6) A drive-through facility is prohibited.

Source: Ord. 20080131-135; Ord. 20090521-017; Ord. 20120614-055.

§ 25-2-588 - REQUIREMENTS FOR CERTAIN USES IN A LIMITED OFFICE (LO) DISTRICT.

- (A) This section applies in a limited office (LO) district.
- (B) A personal services use may not exceed 1,000 square feet of gross floor area.

Source: Ord. 20111110-107.

§ 25-2-589 - OFF-STREET ACCESSORY PARKING IN DOWNTOWN MIXED USE (DMU).

In the downtown mixed use (DMU) zoning district, commercial off-street parking is a permitted use when it constitutes less than 50 percent of the parking spaces in a parking structure.

Source: Ord. 20130411-061

Subpart B. - Downtown Design.

§ 25-2-591 - APPLICABILITY.

This subpart applies to property zoned central business (CBD) or downtown mixed use (DMU).

Source: Ord. 030612-93; Ord. 990225-70; Ord. 031211-11.

§ 25-2-592 - DRIVE-IN SERVICES.

- (A) A business that offers a drive-in service must provide a similar service for a pedestrian that does not require the pedestrian to stand or walk in a vehicle lane.
- (B) For a drive-in service, the total width of the curb cuts on a block face may not exceed 30 feet.

Source: Ord. 990225-70; Ord. 030612-93; Ord. 031211-11.

§ 25-2-593 - SITE PLAN AND CONSTRUCTION REQUIREMENTS.

- (A) A site plan may not be approved unless the development complies with this section.
- (B) A building must achieve at least a one star rating under the Austin Green Building program, as prescribed by a rule adopted in accordance with Chapter 1-2 (*Adoption of Rules*).
- (C) A surface parking facility must be at least partially and periodically obscured from the street by landscaping, a berm, a wall, decorative fencing, or another structure.
- (D) This subsection prescribes screening requirements for a parking structure.
 - (1) The headlights of automobiles in a parking structure may not be directly visible from an adjacent building or a building across a street, other than an alley, from the parking structure.
 - (2) Automobiles in a parking structure must be screened from public view.
 - (3) The building code requirements for an open parking garage supersede the requirements of this subsection to the extent of conflict.
- (E) This subsection prescribes additional screening requirements for all land uses except a major utility facilities use or a local utility services use.
 - (1) A trash receptacle, air conditioning or heating equipment, loading area, or external storage must be screened from public view.
 - (2) Equipment located on a roof must be screened from the view of a person standing on the farthest edge of an adjacent public street, other than an alley. The director of the Watershed Protection and Development Review Department may waive this requirement after determining that screening is not practical.

Source: Ord. 030612-93; Ord. 031211-11.

§ 25-2-594 - MAXIMUM SETBACK REQUIREMENT.

- (A) Except as provided in Subsection (B), a site plan may not be approved unless the development complies with this section.

(B) This section does not apply to a site plan for:

- (1) property zoned as a historic landmark (H) or historic area (HD) combining district;
- (2) property designated as a historic landmark by the state or federal government;
- (3) property located in a National Register Historic District established by the federal government;
- (4) remodeling of or addition to an existing structure;
- (5) restoration of a damaged structure within one year of the date of damage;
- (6) a change of use;
- (7) property located in the area bounded by Seventh Street from San Antonio Street to Shoal Creek, Shoal Creek from Seventh Street to Fifteenth Street, Fifteenth Street from Shoal Creek to West Avenue, West Avenue from Fifteenth Street to Martin Luther King, Jr. Boulevard, Martin Luther King, Jr. Boulevard from West Avenue to San Antonio Street, San Antonio Street from Martin Luther King, Jr. Boulevard to Eleventh Street, Eleventh Street from San Antonio Street to Guadalupe Street, Guadalupe Street from Eleventh Street to Tenth Street, Tenth Street from Guadalupe Street to San Antonio Street, and San Antonio Street from Tenth Street to Seventh Street; or
- (8) the following uses:
 - (a) carriage stable;
 - (b) family home;
 - (c) group home;
 - (d) local utility services;
 - (e) major utility facilities;
 - (f) outdoor entertainment;
 - (g) outdoor sports and recreation;
 - (h) park and recreation services;
 - (i) religious assembly;
 - (j) safety services;
 - (k) transitional housing; or
 - (l) transportation terminal.

(C) Except as provided in Subsection (D), for the first four stories of a building that are above grade:

- (1) the maximum front yard setback is ten feet; and
- (2) the maximum street side yard setback is ten feet.

(D) The maximum setbacks prescribed by Subsection (C) do not apply to the portion of a building adjacent to a plaza or protected tree.

Source: Ord. 030612-93; Ord. 031211-11; Ord. 041202-16.

Division 3. - Industrial Districts.

§ 25-2-601 - INDUSTRIAL PARK (IP), MAJOR INDUSTRY (MI), AND LIMITED INDUSTRIAL SERVICE (LI) DISTRICT REGULATIONS.

(A) This section applies in an industrial park (IP), major industry (MI), or limited industrial services (LI) district.

(B) The minimum interior yard setback and rear yard setback is:

- (1) 50 feet, if adjacent to property zoned as or used for a use permitted in an LA, RR, SF-1, SF-2, SF-3, SF-4, SF-5, or SF-6 district;
- (2) 25 feet, if adjacent to property zoned as or used for a use permitted in an MF-1, MF-2, MF-3, MF-4, MF-5, MF-6, or MH district;
- (3) 15 feet, if adjacent to property zoned as or used for a use permitted in an NO, LO, GO, CR, LR, or GR district; and
- (4) 10 feet, if adjacent to property zoned as or used for a use permitted in an L or less restrictive district.

(C) Within the Limited Industrial Service (LI) District, public secondary educational facilities are limited to the senior high school level.

Source: Section 13-2-675; Ord. 990225-70; Ord. 031211-11; Ord. No. 20160623-090, Pt. 3, 7-4-16.

§ 25-2-602 - RESEARCH AND DEVELOPMENT (R&D) DISTRICT USES.

Uses permitted in a research and development (R&D) district are established by the zoning ordinance establishing the district.

Source: Section 13-2-225; Ord. 990225-70; Ord. 031211-11.

§ 25-2-603 - RESEARCH AND DEVELOPMENT (R&D) DISTRICT REGULATIONS.

(A) This section applies in a research and development (R&D) district.

- (B) A site must be developed as a campus.
- (C) The minimum lot size is 5 acres.
- (D) The maximum lot size is 25 acres.
- (E) The maximum floor to area ratio is .25 to 1 in the following areas:
 - (1) the Barton Creek watershed, as defined in Ordinance No. 810430-C;
 - (2) the aquifer-related Williamson Creek watershed, as defined in Ordinance No. 801218-W;
 - (3) the Lake Austin watershed, as defined in Ordinance No. 840301-G;
 - (4) the Lake Austin watershed, as defined in Ordinance No. 840308-K; and
 - (5) the Northwest Area, as defined in Ordinance No. 841206-H.
- (F) The maximum height is 45 feet, except that the height of a building may exceed 45 feet by one foot for each additional two feet that the building is set back beyond 100 feet from the front and side lot lines and beyond 50 feet from the rear lot line, up to a maximum height of 90 feet.
- (G) For the portion of a site within 100 feet of property zoned as or used for a use permitted in an LA, RR, SF-1, SF-2, SF-3, SF-4, SF-5, or SF-6 district:
 - (1) the minimum street side yard setback is 100 feet;
 - (2) the minimum interior side yard setback is 100 feet; and
 - (3) the minimum rear yard setback is 50 feet.
- (H) For the portion of a site within 100 feet of property zoned as or used for a use permitted in an MF-1, MF-2, MF-3, MF-4, MF-5, MF-6, or MH district:
 - (1) the minimum street side yard setback is 25 feet;
 - (2) the minimum interior side yard setback is 25 feet; and
 - (3) the minimum rear yard setback is 25 feet.
- (I) For the portion of a site within 100 feet of property zoned as or used for a use permitted in an NO, LO, GO, LR, or GR district:
 - (1) the minimum interior side yard setback is 15 feet; and
 - (2) the minimum rear yard setback is 15 feet.
- (J) For the portion of a site within 100 feet of property zoned as or used for a use permitted in an L or less restrictive district, the minimum rear yard setback is 10 feet.
- (K) The maximum impervious cover is 50 percent on land with a gradient of 15 percent or less. Impervious cover is prohibited on land with a gradient greater than 15 percent.

Source: Section 13-2-676; Ord. 990225-70; Ord. 031211-11.

Division 4. - Special Purpose Districts.

§ 25-2-621 - AGRICULTURAL (AG) DISTRICT REGULATIONS.

- (A) This section applies in an agricultural (AG) district.
- (B) For a permitted use, the minimum front, side, and rear yard setbacks are 100 feet.
- (C) This subsection applies to a conditional use.
 - (1) The minimum lot area is one acre.
 - (2) The maximum lot area is 1.5 acres.
 - (3) The minimum lot width is 100 feet.
 - (4) Not more than one dwelling unit is permitted on each lot.
 - (5) One lot for each 10 acres of site area may be approved for a conditional use.
 - (6) The maximum distance from a rear lot line to the centerline of the nearest public road is 400 feet.
 - (7) The minimum distance between driveways that serve conditional uses on the same site and on the same side of the road is 100 feet.
 - (8) The maximum height is the lesser of three stories or 35 feet.
 - (9) The minimum front yard setback is 40 feet.
 - (10) The minimum street side yard setback is 25 feet.
 - (11) The minimum interior side yard setback is 10 feet.
 - (12) The minimum rear yard setback is 20 feet.
 - (13) The maximum building cover is the lesser of 10,000 square feet or 20 percent of the lot area.
 - (14) The maximum impervious cover is the lesser of 12,500 square feet or 25 percent of the lot area.

Source: Section 13-2-681; Ord. 990225-70; Ord. 031211-11.

§ 25-2-622 - AVIATION SERVICES (AV) DISTRICT USES.

In an aviation services (AV) district, the following are permitted uses if located on public property and conditional uses if located on private property:

- (1) aviation facilities;
- (2) commercial or industrial uses that are related to aviation and require direct access to an airport facility or aviation services, including assembly or sale of aircraft, air frames, air craft engines, aircraft parts or associated components, radios or navigational equipment, and similar products or services;
- (3) commercial or industrial uses that provide services to airport customers or aviation related uses, including passenger terminal facilities, air freight services, automobile service stations, automobile rental agencies, restaurants, lounges, convenience shopping, banking services, personal services, hotels and motels, and similar uses;
- (4) agricultural, recreational, or open space uses located within clear zones, approach areas, or lands reserved for future airport operations or related services;
- (5) communication service facilities; and
- (6) governmental, civic, public service, or public institutional uses, and related accessory uses.

Source: Section 13-2-226; Ord. 990225-70; Ord. 031211-11.

§ 25-2-623 - AVIATION SERVICES (AV) DISTRICT REGULATIONS.

- (A) For publicly owned land in an aviation services (AV) district, this title does not prescribe site development regulations.
- (B) For privately owned land in an AV district:
 - (1) site development regulations are established by the approval of a conditional use site plan; and
 - (2) approval of an aviation-related use may not be granted until the owner obtains an airport use operating agreement for the intended activity.

Source: Section 13-2-680; Ord. 990225-70; Ord. 031211-11.

§ 25-2-624 - PUBLIC (P) DISTRICT USES.

- (A) In a public (P) district, the following are permitted uses:
 - (1) governmental, civic, public service, and public institutional uses;
 - (2) residential uses associated with educational, military, medical, or similar public uses;
 - (3) commercial or industrial uses that are accessory to or in support of a principal public use on the same site;
 - (4) agricultural uses; and
 - (5) temporary uses.
- (B) A telecommunication tower use is a permitted or conditional use, as determined in accordance with [Section 25-2-839 \(Telecommunication Towers\)](#).

Source: Section 13-2-227; Ord. 990225-70; Ord. 000302-36; Ord. 031211-11.

§ 25-2-625 - PUBLIC (P) DISTRICT REGULATIONS.

- (A) This section applies in a public (P) district, except for a community events use.
- (B) Entities described in [Section 25-2-145 \(Public \(P\) District Designation\)](#) must comply with the requirements of this section.
- (C) For a residential use, the site development regulations of the most comparable residential zoning district apply.
- (D) Except as provided in Subsection (E), this subsection applies to a nonresidential use.
 - (1) For a site less than one acre, the site development regulations of an adjoining zoning district apply for a distance of 100 feet into the site. The minimum lot size requirement of an adjoining zoning district does not apply to a use by the City.
 - (2) For a site of one acre or more, the site development regulations are established by the approval of a conditional use site plan.
- (E) This subsection applies to a parks and recreation services (special) use.
 - (1) The minimum site area is 10 acres.
 - (2) Except for the requirement of Subsection (D)(1), the site development regulations are established by the approval of a conditional use site plan.
 - (3) Locations for the sale of beer or wine, if any, must be identified on the site plan.
 - (4) The Land Use Commission may not consider a site plan until it receives a recommendation from the Parks and Recreation Board.

Source: Section 13-2-682; Ord. 990225-70; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11.

Division 5. - Combining and Overlay Districts.

§ 25-2-641 - CAPITOL DOMINANCE (CD) COMBINING DISTRICT REGULATIONS.

- (A) This section applies in the Capitol dominance (CD) combining district.
- (B) The maximum height of a structure is the lesser of:
 - (1) the base district maximum height; or
 - (2) a height that coincides with the 653 foot elevation above sea level, plus 0.04366 feet of height for each foot horizontally that the measurement point is separated from the center of the Capitol dome.

Source: Section 13-2-716; Ord. 990225-70; Ord. 031211-11.

§ 25-2-642 - CAPITOL VIEW CORRIDOR (CVC) OVERLAY DISTRICT REGULATIONS.

- (A) In the Capitol view corridor (CVC) combining district, the maximum height permitted is the lesser of:
 - (1) the base district maximum height; or
 - (2) the maximum height provided in this section.
- (B) In a Capitol view corridor, a structure may not exceed the elevation of the plane delineating the corridor. The height limitation exceptions of Section 25-2-531 (Height Limitation Exceptions) do not apply to this subsection.

Source: Section 13-2-710; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 25-2-643 - CONGRESS AVENUE (CA), EAST SIXTH/PECAN STREET (PS), DOWNTOWN PARKS (DP), AND DOWNTOWN CREEKS (DC) COMBINING DISTRICT REGULATIONS.

- (A) In the Congress Avenue (CA), East Sixth/Pecan Street (PS), downtown parks (DP), and downtown creeks (DC) combining districts:
 - (1) glass used on the first floor of a structure must have a visible transmittance rating of 0.6 or higher; and
 - (2) reflective surface building materials must not produce glare.
- (B) This subsection applies to new development on Congress Avenue or East 6th Street, on streets adjacent to a downtown park or Town Lake, and along a downtown creek.
 - (1) Surface parking lots, curb cuts, and unscreened garage openings are prohibited.
 - (2) The Land Use Commission may waive the prohibition of this subsection after determining that:
 - (a) compliance with the prohibition is impractical;
 - (b) the proposed project will not unreasonably impair pedestrian or vehicular movement; and
 - (c) adequate precautions have been made for public safety, convenience, and the aesthetic values of the combining district.
- (C) This section applies to the PS overlay district.
 - (1) Except as otherwise provided in this subsection, a structure may not exceed a height of 45 feet.
 - (2) A structure located west of Brazos Street is subject to the height limit of the base zoning district.
 - (3) An exterior sign must comply with the standards adopted by the Landmark Commission for the Sixth Street Historic District.
 - (4) A structure may develop to a maximum height of 140 feet if:
 - (a) located on the 500 block or 600 block of East Sixth Street between Naches Street and Sabine Streets; and
 - (b) complying with the design standards established in Ordinance No. 20230720-160, as determined by the Historic Landmark Commission.
- (D) In the DP combining district:
 - (1) a structure may not exceed a height of 120 feet; and
 - (2) at least one entrance to a new development must face the park unless the new development is located diagonally across an intersection from the park.
- (E) In the DC combining district:
 - (1) a structure may not exceed a height of 60 feet; and
 - (2) storage, trash collection, loading, and associated facilities must be screened from view from a creek.
- (F) In the Congress Avenue (CA) combining district:
 - (1) On the west side of Congress Avenue within 60 feet of Congress Avenue:
 - (a) the minimum structure height is 30 feet; and
 - (b) the maximum structure height is 90 feet.
 - (2) On the east side of Congress Avenue within 40 feet of Congress Avenue:
 - (a) the minimum structure height is 30 feet; and
 - (b) the maximum structure height is 90 feet.

Source: Section 13-2-717; Ord. 990225-70; Ord. 010607-8; Ord. 030612-93; Ord. 031211-11; Ord. 20080618-097; Ord. No. 20141211-201, Pt. 1, 12-22-14; Ord. No. 20230720-160, Pt. 1, 7-31-23.

§ 25-2-644 - CONVENTION CENTER (CC) COMBINING DISTRICT REGULATIONS.

- (A) Commercial off-street parking is prohibited in the convention center (CC) combining district east of IH-35.
- (B) This subsection applies in the CC combining district to development for which an application for approval of commercial off-street parking is filed after November 18, 1990.
 - (1) A commercial off-street parking use must be contained entirely within a structure and be screened.
 - (2) A commercial off-site parking use must be separated at ground level from an adjacent street by an enclosed space designed for a pedestrian-oriented use described in Section 25-2-691 (Waterfront (WO) Overlay District Uses).
 - (3) For a site that is less than one city block in length on a side, the Land Use Commission may waive the requirement of this subsection after determining that:
 - (a) compliance with the regulation is physically impractical; or
 - (b) the proposed project is located in an area that is not pedestrian-oriented.

Source: Sections 13-2-230.1 and 13-2-718; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-2-645 - EAST AUSTIN (EA) OVERLAY DISTRICT USE RESTRICTIONS.

- (A) This section applies to a use in the East Austin (EA) overlay district.
- (B) A use in a community commercial (GR), general commercial services (CS), commercial -liquor sales (CS-1), or limited industrial service (LI) base district is a conditional use if, under Section 25-2-491 (Permitted, Conditional, and Prohibited Uses) of the City Code, the use is:
 - (1) permitted in the district; and
 - (2) not permitted in a neighborhood commercial (LR) base district.
- (C) A medical office (not exceeding 5,000 square feet of gross floor area) use is a conditional use in a GR, CS, CS-1, and LI base district.
- (D) A service station use is a conditional use in a GR, CS, CS-1, and LI base district.
- (E) A guidance services use and a communication service facilities use are conditional uses in all base districts.
- (F) A pawn shop services use is prohibited in a GR, CS, CS-1, and LI base district.

Source: Section 13-2-191; Ord. 990225-70; Ord. 990520-70; Ord. 990520-70; Ord. 031211-11.

§ 25-2-646 - RESERVED.

§ 25-2-647 - LAKE AUSTIN (LA) OVERLAY DISTRICT REGULATIONS.

Development within the Lake Austin (LA) overlay district must comply with the regulations applicable to the LA zoning district under Section 25-2-551 (Lake Austin (LA) District Regulations) and the minimum lot size, minimum lot width, and setbacks applicable to the LA zoning district under section 25-2-491 (Site Development Regulations).

Source: Ord. No. 20140626-114, Pt. 2, 7-7-14.

§ 25-2-648 - PLANNED DEVELOPMENT AREA (PDA) PERFORMANCE STANDARDS.

- (A) This section applies to a planned development area agreement or zoning district. The requirements of this section supersede conflicting provisions of a planned development area agreement or ordinance, if any. This section does not apply to a planned development area that does not contain an industrial use.
- (B) A planned area development may not produce a dangerous or objectionable element, as described in this section or a City administrative rule.
- (C) Dangerous or objectionable elements include dangerous, injurious, noxious, or objectionable noise, smoke, dust, odor, air pollution, heat, humidity, liquid or solid refuse or waste, light or glare, or other substance, condition, radiation, or element that adversely affects property or the use of property in the vicinity. This excludes resource recovery systems using solid waste.
- (D) A dangerous or objectionable element is measured in the manner prescribed by this subsection.
 - (1) Noise, vibration, light, glare, odor, or radiation is measured at the point on the source property line that has the highest readings, or at any other point where the existence of the elements may be more apparent. Noise levels are determined in accordance with Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, Environmental Protection Agency, 1974.
 - (2) Smoke or toxic or noxious matter is measured at the place of emission into the atmosphere.
 - (3) For open industrial operations described in Subsection (E)(6), dust concentration is measured at ground level or a habitable elevation, and either at the property line or beyond it, whichever results in the highest measurement.

- (E) A dangerous or objectionable element may not exceed the limits prescribed by this subsection.
- (1) Except for noise from a transportation facility or construction work, noise may not exceed 55 decibels LAN during daylight hours and 45 decibels LAN during night time hours.
 - (2) Earth borne vibrations may not exceed:
 - (a) the limits in Column I below; or
 - (b) if the point of measurement is a residential area boundary line or within 80 feet of a residential area boundary line that is located in a street right-of-way, the limits in Column II below.

| | Column I | Column II |
|-----------------------------|-----------------------|-----------------------|
| Frequency Cycles Per Second | Displacement (inches) | Displacement (inches) |
| 0 to 1 | .0020 | .0008 |
| 1 to 10 | .0010 | .0004 |
| 10 to 20 | .0008 | .0002 |
| 20 to 30 | .0005 | .0001 |
| 30 to 40 | .0004 | .0001 |
| 40 and over | .0003 .0001 | |

- (3) A light or direct welding flash may not exceed 0.4 foot candles across the source property line. Light from these sources must be screened from an adjoining property.
- (4) Smoke may not be:
 - (a) as dark or darker in shade as that designated as No. 0 on the Ringlemann Chart, as published by the United States Bureau of Mines; or
 - (b) of an opacity that obscures an observer's view to a degree equal to or greater than smoke described in Subsection (E)(4)(a).
- (5) An emission of particulates for each one acre of property in a planned development area may not exceed:
 - (a) for particulates that are 44 microns or smaller, one pound during any one hour; and
 - (b) for particulates that are larger than 44 microns, 0.05 pounds during any one hour.
- (6) Open industrial operations that involve dust-producing equipment, including sandblasting, paint spraying, gravel and concrete batching, and similar operations, may not produce dust in a concentration that exceeds one million particles for each cubic foot at the point of measurement.

(F) A planned development area must comply with the requirements for the storage, use, and manufacturing of explosives and hazardous materials in Chapter 6-2 (*Hazardous Materials*) and Chapter 25-12, Article 7 (*Uniform Fire Code*).

Source: Section 13-2-269; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. No. 20190523-042, Pt 1, 6-3-19.

§ 25-2-649 - PLANNED DEVELOPMENT AREA (PDA) APPROVED BEFORE JANUARY 1, 1985.

(A) A planned development area approved before January 1, 1985, is a PDA combining district and is subject to the regulations in effect on the date of approval.

(B) The director of the Neighborhood Planning and Zoning Department shall identify the area as a PDA combining district on the zoning map.

Source: Section 13-2-154; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-2-650 - CRIMINAL JUSTICE CENTER (CJC) OVERLAY DISTRICT REGULATIONS.

In the criminal justice center overlay district:

- (1) a bail bond services use, cocktail lounge use, or liquor sales use that would otherwise be a permitted use is a conditional use; and
- (2) a pawn shop services use is prohibited.

Source: Ord. 010426-48; Ord. 031211-11.

§ 25-2-651 - BARTON SPRINGS ZONE (BSZ) OVERLAY DISTRICT REGULATIONS.

- (A) Except as provided in Subsection (B), this section applies in the Barton Springs Zone (BSZ) overlay district.
- (B) This section does not apply to a retail use on property:
 - (1) subject to a settlement agreement adopted by council before December 6, 2003 that prescribes development regulations;
 - (2) zoned as a planned unit development before December 6, 2003; or
 - (3) subject to a site plan approved as a condition of zoning before December 6, 2003.
- (C) In this section, RETAIL USE means:
 - (1) agricultural sales and services use;
 - (2) art gallery use;
 - (3) art workshop use;
 - (4) automotive repair services use;
 - (5) automotive sales use;
 - (6) construction sales and services use;
 - (7) equipment sales use;
 - (8) food sales use;
 - (9) general retail services (convenience) use;
 - (10) general retail sales (general) use;
 - (11) liquor sales use;
 - (12) monument retail sales use;
 - (13) pawn shop services use;
 - (14) pet services use;
 - (15) plant nursery use;
 - (16) recreational equipment sales use;
 - (17) restaurant (drive-in, fast food) use;
 - (18) restaurant (general) use;
 - (19) restaurant (limited) use;
 - (20) service station use;
 - (21) special use historic use; or
 - (22) veterinary services use.
- (D) Except as provided in Subsections (E) and (F), a principal retail use and its accessory uses may not exceed 50,000 square feet of gross floor area.
- (E) Except as provided in Subsection (F), a principal food sales use and its accessory uses may not exceed 100,000 square feet of gross floor area.
- (F) A principal retail use that exceeded the limitations of Subsection (D) or (E) on December 16, 2003 may be changed to another retail use if the existing impervious cover and gross floor area are not increased.
- (G) Subsections (C)(2) and (3) of Section 25-2-947 (Nonconforming Use Regulation Groups) do not apply to a use that exceeds the limitations in Subsections (D) or (E) on the effective date of the ordinance.

Source: Ord. 031204-57; Ord. 031211-11; Ord. 040617-Z-1.

§ 25-2-652 - DENSITY BONUS 90 (DB90) COMBINING DISTRICT REGULATIONS.

- (A) This section establishes the applicable regulations for DB90 zoning.
- (B) This section governs over a conflicting provision of this title or other ordinance.
- (C) Pre-Requisites.
 - (1) To utilize the regulations described in Subsections (F) and (G), the site's zoning must include DB90 and an applicant must comply with Subsection (E).
 - (2) To preserve reserved dwelling units, an applicant must comply with Division 1 (*General Provisions*), Article 2 (*Density Bonus and Incentive Programs*) of Chapter 4-18 and, when applicable, Section 4-18-32(A)(2)—(5) (*Existing Multi-Family Structure*) before applying for a building permit or site plan that relies on the regulations described in Subsections (F) and (G).
 - (3) An applicant can request a waiver of the replacement requirement in accordance with Section 4-18-33 (*Waiver of Replacement Requirement*).
- (D) A DB90 combining district may be combined with the following base districts:
 - (1) Commercial Liquor Sales (CS-1);
 - (2) General Commercial Services (CS);
 - (3) Community Commercial (GR);

(4) Neighborhood Commercial (LR);

(5) General Office (GO); and

(6) Limited Office (LO).

(E) Affordability Requirements.

(1) Affordability Minimums - Ownership Units. If an applicant develops dwelling units for sale, this subdivision applies.

(a) An applicant must reserve a minimum of 12 percent of the residential units as affordable for ownership and occupancy by households earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the Housing Director.

(b) An applicant for a proposed owner-occupied housing development may elect to meet the affordability requirement without providing income-restricted units onsite by paying a fee in-lieu to the Housing Trust Fund. At a minimum the fee-in-lieu shall be equivalent to the required percentage of the total residential units, including the mix of bedrooms required, at the rate set in the fee schedule at the time of final site plan submission.

(2) Affordability Minimums - Rental Units. If an applicant develops dwelling units for lease, this subdivision applies. An applicant must reserve:

(a) a minimum of 12 percent of the residential units as affordable for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the Housing director; or

(b) a minimum of ten percent of the residential units as affordable for lease and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the Housing director.

(F) Development Standards and Mixed Use.

(1) In a DB90 combining district, the following uses are permitted:

(a) uses that are permitted in the base zoning district unless the use is restricted by a conditional overlay that applies to the property;

(b) residential uses; and

(c) in general office (GO) and limited office (LO) base zoning districts, the following additional uses are allowed:

(i) consumer convenience services;

(ii) food sales;

(iii) general retail sales (convenience or general); and

(iv) restaurant (limited or general) without drive-in service.

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

(3) Mix of Uses.

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

(b) Pedestrian-Oriented Commercial and Civic Spaces. At least 75 percent of the building frontage along the principal street and on the ground floor of the building must be designed for one or more commercial or civic uses and must comply with the dimensional requirements found in Section 4.3.3.C in Subchapter E (*Design Standards and Mixed Use*) of this chapter. A lobby serving a use other than a pedestrian-oriented commercial or civic space is not counted as a pedestrian-oriented commercial or civic place.

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

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

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

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

(e) The ordinance zoning or rezoning a site as DB90 may modify the requirements in Subdivision (3)(b) if the site abuts one of the following roadways defined in Article 5 (*Definitions*) of Subchapter E (*Design Standards and Mixed Use*).

(i) urban roadway;

(ii) suburban roadway;

(iii) highway; or

(iv) hill country.

(4) A building may exceed the maximum building height in the base zoning district by a maximum of 30 feet except that no building may exceed 90 feet in height.

(5) A site is not required to comply with the base zoning district's:

(a) minimum site area requirements (if applicable);

(b) maximum floor area ratio;

(c) maximum building coverage;

(d) minimum street side yard setback and interior yard setback; and

- (e) minimum front yard setback; provided, however, that if the right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.
- (6) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) in Subchapter E (*Design Standards and Mixed Use*) of this chapter apply to a site developed under this section.
- (G) Compatibility Requirements.
 - (1) A building is not required to comply with Article 10 (*Compatibility Standards*), Subchapter C.
 - (2) In this subsection, a triggering property:
 - (a) includes at least one dwelling unit but less than four dwelling units; and
 - (b) is zoned Urban Family Residence (SF-5) or more restrictive.
 - (3) Compatibility Buffer. A compatibility buffer is required along a site's property line that is shared with a triggering property.
 - (a) The minimum width of a compatibility buffer is 25 feet.
 - (b) A compatibility buffer must comply with [Section 25-8-700 \(Minimum Requirements for a Compatibility Buffer\)](#).
 - (4) Exterior lighting must be hooded or shielded so that the light source is not visible from the site's property line or alleyway that is shared with a triggering property.
 - (5) Mechanical equipment may not produce sound in excess of 70 decibels measured at the site's property line or alleyway that is shared with a triggering property.
 - (6) A concrete slab used for a refuse receptacle may not be placed within 15 feet of triggering property.
 - (7) Except for a multi-use trail, an on-site amenity that is available only to residents and occupants of the site and their guests may not be located within 25 feet of a triggering property.
 - (8) Screening Requirements. Except when visible from or through a pedestrian or bicycle access point, the following objects shall be screened and may not be visible at the site's property line or alleyway that is shared with a triggering property:
 - (a) vehicle lights from vehicles that use or are parked on a parking lot or in a parking structure located on the site;
 - (b) ground floor and rooftop mechanical equipment;
 - (c) outdoor storage;
 - (d) refuse receptacles and collection areas; or
 - (e) common areas for amenities, including outdoor decks, patios, or pools.
 - (9) The screening required in Subdivision (8) may not impede pedestrian or bicycle access points.
 - (10) Rooftop mechanical equipment may be screened by a parapet.

Source; [Ord. No. 20240229-073](#), Pt. 3, 3-11-24; [Ord. No. 20240829-158](#), Pt. 1, 9-9-24.

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

- (A) This section applies to a property with equitable transit-oriented development (ETOD) combining district zoning.
- (B) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is more restrictive.
- (C) An ETOD combining district may not be combined with any special purpose base districts or with any of the following zoning districts:
 - (1) Lake Austin residence (LA);
 - (2) rural residence (RR);
 - (3) single-family residence large lot (SF-1);
 - (4) single-family residence standard lot (SF-2);
 - (5) family residence (SF-3);
 - (6) single-family residence small lot (SF-4A);
 - (7) single-family residence condominium site (SF-4B);
 - (8) urban family residence (SF-5);
 - (9) townhouse and condominium residence (SF-6);
 - (10) mobile home residence (MH);
 - (11) planned development area (PDA);
 - (12) East Sixth/Pecan Street Overlay (PS); or
 - (13) University Neighborhood Overlay (UNO).
- (D) The uses included in Table (D) are prohibited uses on a property with equitable transit-oriented development (ETOD) combining district zoning:

TABLE D. PROHIBITED USES

| | |
|--|--------------------------------------|
| COMMERCIAL USES: | Recreational Equipment Sales |
| Agricultural Sale and Services | Research Assembly Services |
| Automotive Sales | Research Testing Services |
| Automotive Rentals | Research Warehousing Services |
| Automotive Repair Services | Scrap and Salvage |
| Building Maintenance Services | Service Station |
| Campground | Stables |
| Carriage Stable | Vehicle Storage |
| Convenience Storage | INDUSTRIAL USES: |
| Drop-off Recycling Collection Facility | Basic Industry |
| Electronic Prototype Assembly | General Warehousing and Distribution |
| Electronic Testing | Recycling Center |
| Equipment Repair Services | Resource Extraction |
| Equipment Sales | AGRICULTURAL USES: |
| Exterminating Services | Animal Production |
| Funeral Services | Crop Production |
| Marina | Indoor Crop Production |
| Recreational Equipment Maintenance & Storage | |

(E) Conditional Uses.

- (1) The uses included in Table (E) are conditional uses on property with equitable transit-oriented development (ETOD) combining district zoning if the use is permitted by the zoning that applies to the property.
- (2) If electric vehicle charging is permitted by the zoning that applies to the property, electric vehicle charging is a conditional use on a site that is not:
 - (a) an existing service station use; or
 - (b) a discontinued service station use, if a subsequent use on the site did not include a restaurant (general) use, a restaurant (limited) use, or a residential use.

TABLE E. CONDITIONAL USES

| | |
|--------------------------------|------------------------------|
| COMMERCIAL USES: | Off-Site Accessory Parking |
| Alternative Financial Services | Pawn Shop Services |
| Automotive Washing | Pedicab Storage and Dispatch |
| Bail Bond Services | Special Use Historic |
| Commercial Blood Plasma Center | INDUSTRIAL USES: |

| | |
|---------------------------------|--------------------------------------|
| Commercial Off-Street Parking | Custom Manufacturing |
| Communications Services | Light Manufacturing |
| Construction Sales and Services | Limited Warehousing and Distribution |
| Kennels | AGRICULTURAL USES: |
| Monument Retail Sales | Horticulture |

(Ord. No. 20240516-005, Pt. 3, 7-15-24)

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

- (A) This section applies to a property with density bonus ETOD (DBETOD) combining district zoning.
- (B) This section governs over a conflicting provision of this title or other ordinance.
- (C) Pre-Requisites.
 - (1) To utilize the regulations described in Subsections (G) and (H), the site's zoning must include density bonus ETOD (DBETOD) combining district zoning and applicant must comply with Subsections (E) and (F).
 - (2) To preserve reserved dwelling units and existing non-residential spaces, an applicant must comply with Article 2 (*Density Bonus and Incentive Programs*) of Chapter 4-18 before applying for a building permit or site plan that relies on the regulations described in Subsections (G) and (H).
- (D) Density bonus ETOD (DBETOD) combining district may only be combined with equitable transit-oriented development (ETOD) combining district.
- (E) Affordability Requirements - Dwelling Units.
 - (1) Affordability Minimums - Ownership Units. If an applicant develops dwelling units for sale, this subdivision applies.
 - (a) A development must provide a minimum of 12 percent of the residential units as affordable for ownership and occupancy by households earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the director of the Housing Department.
 - (b) An applicant for a proposed owner-occupied housing development may elect to meet the affordability requirement without providing income-restricted units onsite by paying a fee in-lieu to the Housing Trust Fund. At a minimum, the fee-in-lieu shall be equivalent to 125 percent of the required percentage of the total residential units, including the mix of bedrooms required. The fee-in-lieu shall be set by separate ordinance. The amount of fee-in-lieu due is determined using the fee schedule ordinance in effect at site plan submittal.
 - (2) Affordability Minimums - Rental Units. If an applicant develops dwelling units for lease, this subdivision applies.
 - (a) To achieve 60 feet or to utilize a development standard under DBETOD that is not height-related, a development must provide a minimum of 10 percent of the residential units as affordable for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the director of the Housing Department.
 - (b) To utilize 90 feet in height, a development must provide:
 - (i) a minimum of 12 percent of the residential units as affordable for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the director of the Housing Department; or
 - (ii) a minimum of 10 percent of the residential units as affordable for lease and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family.
 - (c) To utilize 120 feet in height, a development must provide:
 - (i) a minimum of 15 percent of the residential units as affordable for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the director of the Housing Department; or
 - (ii) a minimum of 12 percent of the residential units as affordable for lease and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family.
 - (3) Transit Supportive Infrastructure.
 - (a) In this subdivision, TRANSIT SUPPORTIVE INFRASTRUCTURE includes appurtenances, facilities, and amenities related to a transit system project as defined in Ordinance No. 20221115-048.
 - (b) If an applicant provides transit supportive infrastructure, the affordability requirement is reduced by two percent.
 - (c) It is presumed that the value of the transit supportive infrastructure equals at least two percent of the minimum affordability.
 - (i) The director of the Housing Department is authorized to reduce the affordability requirement by more than two percent if the director of the Housing Department and the Project Connect mobility officer agree that the value of the transit supportive infrastructure is greater than or equal to the value of the reduction.

- (ii) The director of the Housing Department may not reduce the affordability requirement to less than one residential unit or the equivalent of the fee-in-lieu for one ownership unit.
- (d) An applicant must submit a written request to the Project Connect mobility officer to provide transit supportive infrastructure.
- (e) If the applicant proposes transit supportive infrastructure that serves a community benefit, the Project Connect mobility officer must approve a request.
- (f) Before approving a request to provide transit supportive infrastructure, the Project Connect mobility officer must adopt rules under Chapter 1-2 (*Administrative Rules*) that establish when transit supportive infrastructure serves a community benefit.

(F) Existing Non-Residential Spaces.

- (1) In this subsection,
 - (a) CREATIVE SPACE means a use described in Chapter 25-2 (Zoning) that allows one or more of the following occupancies:
 - (i) art gallery;
 - (ii) art workshop;
 - (iii) performance venue; or
 - (iv) theater.
 - (b) EXISTING NON-RESIDENTIAL SPACE means a:
 - (i) adult care services use (general or limited) that has operated for a minimum of 12 continuous months;
 - (ii) child care services use (general or limited) that has operated for a minimum of 12 continuous months;
 - (iii) cocktail lounge use that has operated for a minimum of 10 continuous years;
 - (iv) creative space use that has operated for a minimum of three continuous years;
 - (v) food sales use that has operated for a minimum of 10 continuous years with a gross floor area of 20,000 square feet or less; or
 - (vi) small format use that has operated for a minimum of 10 continuous years with a gross floor area of 5,000 square feet or less.
 - (c) SMALL FORMAT USE means a use described in Chapter 25-2 (Zoning) that allows one or more of the following occupancies:
 - (i) general retail sales;
 - (ii) personal services;
 - (iii) restaurant (general or limited).
- (2) If a site includes an existing non-residential space, the proposed development must replace each existing non-residential space with a space that is comparable in size for a period of 5 years.
- (3) This subsection establishes an existing non-residential space subject to Division 2 (*Redevelopment Requirements*), Article 2 of City Code Chapter 4-18.
- (4) A non-conforming use is not discontinued or abandoned under Section 25-2-945 (Abandonment of Nonconforming Use) if the non-conforming use qualifies as an existing non-residential space and is required to be replaced under this subsection.

(G) Development Standards and Mixed Use.

- (1) The following uses are permitted on a property with density bonus ETOD (DBETOD) combining district zoning:
 - (a) uses permitted by the zoning that applies to the property;
 - (b) uses not prohibited by the equitable transit-oriented development (ETOD) combining district zoning; and
 - (c) residential uses.
- (2) A development must comply with Article 2 (*Site Development Standards*) and Article 3 (*Building Design Standards*) in Subchapter E (*Design Standards and Mixed Use*) except when those provisions conflict with this section.
- (3) Except as modified by this section, a site with a residential base zoning district shall follow development standards applicable to the site's residential base zoning district and the residential use.
- (4) Mix of Uses.
 - (a) This subdivision does not apply to a property with a residential base zoning district.
 - (b) In this subdivision, PRINCIPAL STREET has the same meaning as principal street in and is applied consistent with Article 5 (*Definitions*) of Subchapter E.
 - (c) Pedestrian-Oriented Commercial Spaces. When a site abuts a principal street, 75 percent of the building frontage along the principal street must contain one or more commercial or civic uses and must comply with the dimensional requirements found in Section 4.3.3.C in Subchapter E (*Design Standards and Mixed Use*).
 - (d) Limitation on Mix of Uses.
 - (i) The maximum number of floors that can include non-residential uses is two.
 - (ii) A cocktail lounge or performance venue may only be located on the first or second story of the building.
 - (iii) A residential use may not be located below a cocktail lounge or performance venue.

- (e) An on-site amenity is a residential use when provided solely for use by the occupant, or the occupant's guests.
 - (f) The ordinance zoning or rezoning a site as density bonus ETOD (DBETOD) combining district may modify the requirements in Subdivision (4)(c).
 - (5) Maximum Height.
 - (a) Subdistricts.
 - (i) In Subdistrict 1, a building may exceed the maximum building height in the base zoning district by 60 feet except that no building may exceed 120 feet in height;
 - (ii) In Subdistrict 2, a building may exceed the maximum building height in the base zoning district by 30 feet except that no building may exceed 90 feet in height;
 - (b) A building may exceed the maximum building height in the base zoning district but no building may exceed 60 feet if the minimum affordability requirements in Subsection (E)(2)(a) are met;
 - (c) A building may exceed the maximum building height in the base zoning district but no building may exceed 90 feet if the minimum affordability requirements in Subsection (E)(2)(b) are met; or
 - (d) A building may exceed the maximum building height in the base zoning district by 60 feet but no building may exceed 120 feet in height if the minimum affordability requirements in Subsection (E)(1) or Subsection (E)(2)(c) are met.
 - (6) A site is not required to comply with the base zoning district's:
 - (a) minimum site area requirements (if applicable);
 - (b) maximum floor area ratio;
 - (c) maximum building coverage;
 - (d) maximum number of stories;
 - (e) minimum street side yard setback and interior yard setback; and
 - (f) minimum front yard setback; provided, however, that if the right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.
 - (7) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) in Subchapter E apply to a site developed under this section.
 - (8) This subsection governs over a conflicting provision of this title or other ordinance unless the provision is less restrictive.
- (H) Compatibility Requirements.
- (1) A building is not required to comply with Article 10 (*Compatibility Standards*) in Subchapter C.
 - (2) In this subsection,
 - (a) TRIGGERING PROPERTY means a site:
 - (i) with at least one dwelling unit but less than four dwelling units; and
 - (ii) is zoned urban family residence (SF-5) district or more restrictive; and
 - (b) STRUCTURE includes a portion of a structure.
 - (3) Any structure that is located less than 50 feet from any part of a triggering property may not exceed 60 feet.
 - (4) Compatibility Buffer. A compatibility buffer is required along a site's property line that is shared with a triggering property.
 - (a) The minimum width of a compatibility buffer is 25 feet.
 - (b) A compatibility buffer must comply with Section 25-8-700 (Minimum Requirements for Compatibility Buffers).
 - (5) Exterior lighting must be hooded or shielded so that the light source is not visible from the site's property line or alleyway that is shared with a triggering property.
 - (6) Mechanical equipment may not produce sound in excess of 70 decibels measured at the site's property line or alleyway that is shared with a triggering property.
 - (7) A concrete slab used for a refuse receptacle may not be placed within 15 feet of triggering property.
 - (8) Except for a multi-use trail, an on-site amenity that is available only to residents and occupants of the site and their guests may not be located within 25 feet of a triggering property.
 - (9) Screening Requirements. Except when visible from or through a pedestrian or bicycle access point, the following objects shall be screened and may not be visible at the site's property line or alleyway that is shared with a triggering property:
 - (a) vehicle lights from vehicles that use or are parked on a parking lot or in a parking structure located on the site;
 - (b) ground floor and rooftop mechanical equipment;
 - (c) outdoor storage;
 - (d) refuse receptacles and collection areas; and
 - (e) common areas for amenities, including outdoor decks, patios, and pools.
 - (10) The screening required in Subdivision (H)(9) may not impede pedestrian or bicycle access points.

- (11) Rooftop mechanical and equipment may be screened by a parapet.
- (12) Except for Subdivision (H)(4), this subsection governs over a conflicting provision of this title or other ordinance unless the provision is less restrictive.

(Ord. No. 20240516-005, Pt. 5, 7-15-24)

§ 25-2-655 - DENSITY BONUS CREATIVE SPACES (DBCS) COMBINING DISTRICT REGULATIONS.

- (A) This section applies to a property with density bonus creative space (DBCS) combining district zoning.
- (B) This section governs over a conflicting provision of this title or other ordinance.
- (C) Pre-requisites.
 - (1) To utilize the supplemental standards and regulations described in Subsections (E) and (F), the site's zoning must include density bonus creative spaces (DBCS) combining district zoning and applicant must comply with Subsection (D).
 - (2) To reserve affordable creative spaces and to preserve existing non-residential spaces, an applicant must comply with Article 2 (*Density Bonus and Incentive Programs*) of Chapter 4-18 (*General Permitting Standards*) before applying for a building permit or site plan that relies on the regulations described in Subsections (E) and (F).
- (D) Existing Non-Residential Spaces.
 - (1) In this subsection,
 - (a) AFFORDABLE CREATIVE SPACE means the rent for the space is the lesser of 50 percent of the average retail space rent within the city or a fixed ratio of annual revenues.
 - (b) COCKTAIL LOUNGE means a cocktail lounge use described in [Chapter 25-2 \(Zoning\)](#) and established on or before October 31, 2024.
 - (c) CREATIVE SPACE means a use described in [Chapter 25-2 \(Zoning\)](#) that allows one or more of the following occupancies:
 - (i) art gallery;
 - (ii) art workshop;
 - (iii) cocktail lounge;
 - (iv) cultural services;
 - (v) performance venue;
 - (vi) personal improvement services; or
 - (vii) theater.
 - (d) EXISTING NON-RESIDENTIAL SPACE means a creative space use that has operated for a minimum of 12 continuous months.
 - (2) If a site includes an existing non-residential space, the proposed development must replace each existing non-residential space with a non-residential space that is comparable in size for a period of 10 years.
 - (3) Affordable Creative Spaces.
 - (a) At least 25 percent of the ground floor must be eligible to be leased to an operator of an affordable creative space.
 - (b) The director of the Economic Development Department determines the fixed ratio of annual revenues, which will be based on the annual revenues considered typical of and sustainable for the type of creative space.
 - (c) Rent for an affordable creative space tenant may not escalate more than 5 percent year-over-year.
 - (4) An applicant for a proposed development may elect to meet the affordability requirements in Subsection (E)(3) without providing affordable creative spaces by paying a fee-in-lieu to a fund managed by the Economic Development Department for the purpose of preserving existing creative spaces or creating affordable creative spaces. At a minimum, the fee-in-lieu shall be equivalent to 100 percent of the required percentage of affordable creative space. The fee-in-lieu shall be set by separate ordinance. The amount of fee-in-lieu due is determined using the fee schedule ordinance in effect at the time of site plan submittal.
 - (5) This subsection establishes an existing non-residential space subject to Division 2 (*Redevelopment Requirements*), Article 2 of Chapter 4-18 (*General Permitting Standards*).
 - (6) A non-conforming use is not discontinued or abandoned under [Section 25-2-945 \(Abandonment of Nonconforming Use\)](#) if the non-conforming use qualifies as an existing non-residential space and is required to be replaced under this subsection.
- (E) Development Standards and Mixed Use.
 - (1) The following uses are permitted on a property with density bonus creative spaces (DBCS) combining district zoning:
 - (a) uses permitted by the zoning ordinance that applies to the property; and
 - (b) creative spaces permitted in the ordinance designating the district.
 - (2) A development must comply with Article 2 (*Site Development Standards*) and Article 3 (*Building Design Standards*) of Subchapter E (*Design Standards and Mixed Use*) except when those provisions conflict with this section.
 - (3) Mix of Uses.
 - (a)

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

(b) Pedestrian-Oriented Creative Spaces. When a site abuts a principal street, 30 percent of the building frontage along the principal street and on the ground floor must be designed for creative spaces and must comply with the requirements of Section 4.3.3.C (*Pedestrian-Oriented Commercial Spaces*) of Subchapter E (*Design Standards and Mixed Use*).

(4) A building may exceed the maximum building height in the base zoning district by a maximum of 30 feet except that no building may exceed 90 feet in height.

(5) A site is not required to comply with the base zoning district's:

(a) minimum site area requirements (if applicable);

(b) maximum floor area ratio;

(c) maximum building coverage;

(d) maximum number of stories;

(e) minimum street side yard setback and interior yard setback; and

(f) minimum front yard setback; provided, however, that if the right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.

(6) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) of Subchapter E (*Design Standards and Mixed Use*) apply to a site developed under this section.

(7) A site developed under this section shall comply with the supplemental standards that are established in the ordinance that created the applicable density bonus creative spaces (DBCS) combining district.

(F) Compatibility Requirements.

(1) A building is not required to comply with Article 10 (*Compatibility Standards*) in Subchapter C (*Use and Development Regulations*).

(2) In this subsection,

(a) TRIGGERING PROPERTY means a site:

(i) with at least one dwelling unit but less than four dwelling units; and

(ii) is zoned urban family residence (SF-5) district or more restrictive; and

(b) STRUCTURE includes a portion of a structure.

(3) Compatibility Buffer. A compatibility buffer is required along a site's property line that is shared with a triggering property.

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

(b) A compatibility buffer must comply with [Section 25-8-700 \(Minimum Requirements for Compatibility Buffers\)](#).

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

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

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

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

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

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

(b) ground floor and rooftop mechanical equipment;

(c) outdoor storage;

(d) refuse receptacles and collection areas; and

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

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

(10) Rooftop mechanical equipment may be screened by a parapet.

Source: [Ord. No. 20241010-034](#), Pt. 4, 10-21-24.

Division 6. - Waterfront Overlay District Requirements for Town Lake Park.

§ 25-2-671 - TOWN LAKE PARK TERMS.

In Section 25-2-672 (Town Lake Park Regulations):

- (1) COMMUNITY PARK means a portion of Town Lake Park that is intended for city wide use and designed to accommodate large numbers of people involved in a variety of activities. The following areas in Town Lake Park are community parks:
 - (a) tracts S-1, S-2, S-3A, S-4, S-6, S-7, S-8, S-9, N-1, N-2, N-3, N-4, N-5A, N-6, N-7, N-8, N-9, N-10, N-11, N-15, N-16A, and N-17A on the park classification map;
 - (b) park land in the area bounded on the north by the Colorado River, on the west by Pleasant Valley Road, on the south by the proposed extension of Lakeshore Boulevard, and on the east by the crest of the bluff of Country Club Creek;
 - (c) park land in the area bounded on the north by Lake Austin Boulevard, on the south by Town Lake, on the east by the MoPac Freeway, and on the west by the extension of the western boundary of Eilers Park;
 - (d) the Holly Street Power Plant, when its current use ceases and it is dedicated as park land; and
 - (e) park land within 50 feet of the shoreline of Town Lake.
- (2) CULTURAL PARK means a portion of Town Lake Park that is intended for cultural facilities, including museums, botanical gardens, and performance areas. The following areas in Town Lake Park are cultural parks:
 - (a) tracts S-2D, S-3, S-4A, S-5, S-5A, S-5B, and S-5C on the park classification map;
 - (b) park land in the area bounded on the east by Dawson Road, on the west by Lamar Boulevard, on the south by Barton Springs Road, and on the north by Riverside Drive;
 - (c) park land in the area bounded on the north by Town Lake, on the south by Barton Springs Road, Barton Boulevard, and the westward extension of Linscomb Avenue, on the east by Lamar Boulevard, and on the west by Robert E. Lee Road and the hike and bike trail;
 - (d) park land north of the intersection of River Street and Bierce Street, known as the City of Austin Street and Bridge Yard; and
 - (e) the Seaholm Power Plant and the Green Water Treatment Plant, including the water intake structures, when the current uses cease and the plants are dedicated as park land.
- (3) NEIGHBORHOOD PARK means a portion of Town Lake Park that is small, informal, is less intensely used than the developed areas of Town Lake Park, and serves adjacent neighborhoods. The following areas in Town Lake Park are neighborhood parks:
 - (a) tracts S-2A, S-10, N-5, N-16, and N-17 on the Park Classification Map;
 - (b) park land in the area bounded on the north by Town Lake, on the west by East Bouldin Creek, on the east by Blunn Creek, and on the south by Riverside Drive; and
 - (c) park land in the area bounded on the north by the Colorado River, on the east by Montopolis Drive, on the south by the extension of Grove Boulevard, and on the west by the crest of the bluff of Country Club Creek.
- (4) PARK CLASSIFICATION MAP means the map that is on file with the Parks and Recreation Department and that is Exhibit "B" to Ordinance No. 890126-P.
- (5) NATURAL AREA means that portion of Town Lake Park that is preserved as a natural environment with limited human activity. The following areas in Town Lake Park are natural areas:
 - (a) tracts W-1, S-2B, S-2C, N-3A, and N-18 on the Park Classification Map;
 - (b) park land located between the Colorado River shoreline and the crest of the bluff north of the Colorado River, from Longhorn Dam to U.S. 183 (Montopolis Bridge); and
 - (c) park land northeast of Town Lake from Tom Miller Dam to the west boundary of Eilers Park and southwest of Town Lake from Tom Miller Dam to the Austin Nature Center.
- (6) TOWN LAKE PARK PLAN means the Town Lake Park Plan adopted by Ordinance No. 890126-P.
- (7) TOWN LAKE PARK means all the dedicated park land in the waterfront overlay zoning district.
- (8) URBAN WATERFRONT means that portion of Town Lake Park that is adjacent to high-density urban development. Tracts N-12, N-13, and N-14 on the park classification map are urban waterfront areas.

Source: Section 13-2-228.1; Ord. 990225-70; Ord. 031211-11.

§ 25-2-672 - TOWN LAKE PARK REGULATIONS.

- (A) Development of a natural area described in Section 25-2-671 (Town Lake Park Terms) is limited to:
 - (1) nature trails with interpretive signs and facilities;
 - (2) surface parking with pervious material;
 - (3) maintenance and improvement of environmental quality, including fencing and wildlife and vegetation management; and
 - (4) general park support and maintenance.
- (B) Development of a neighborhood park described in Section 25-2-671 (Town Lake Park Terms) is limited to:

- (1) walking, exercise, and bicycle trails;
 - (2) surface parking and access roads;
 - (3) picnic facilities;
 - (4) general neighborhood park uses, including playing fields, ball courts, swimming pools, and playscapes;
 - (5) concessions primarily serving an adjacent neighborhood, including food vending, bicycle rentals, and sports equipment rentals;
 - (6) cultural facilities primarily serving an adjacent neighborhood;
 - (7) maintenance and improvement of environmental quality, including stream bank stabilization, fencing, and wildlife and vegetation management; and
 - (8) general park support and maintenance.
- (C) Development of a community park described in Section 25-2-671 (Town Lake Park Terms) is limited to:
- (1) development permitted in a neighborhood park;
 - (2) municipal swimming pools and associated facilities;
 - (3) concessions designed to attract individuals from throughout the city, including boat rentals, food vending, dining facilities, special sports facilities, and special recreational facilities;
 - (4) surface parking and parking structures;
 - (5) performance and special events facilities;
 - (6) specialized facilities, including facilities that serve the handicapped, private nonprofit recreational facilities that serve the general public, and private park enhancement facilities;
 - (7) an internal park road system, with grade-separated intersections if required;
 - (8) athletic facilities, including multipurpose sports fields and exercise courses;
 - (9) maintenance and improvement of environmental quality, including stream bank stabilization, fencing, and wildlife and vegetation management; and
 - (10) general park support and maintenance.
- (D) Development of a cultural park described in Section 25-2-671 (Town Lake Park Terms) is limited to:
- (1) cultural facilities and special event and performance areas;
 - (2) parking structures and limited surface parking;
 - (3) concessions that are designed to attract people from throughout the city, that are mobile, temporary, or located in a building described in the Town Lake Park Plan, and that require a small amount of space, including pushcarts selling food or flowers, temporary vending stands for special events, and museum gift shops;
 - (4) walking, exercise, and bicycle paths;
 - (5) an internal park transportation system;
 - (6) maintenance and improvement of environmental quality, including stream bank stabilization, fencing, and wildlife and vegetation management; and
 - (7) general park support and maintenance.
- (E) Development of an urban waterfront described in Section 25-2-671 (Town Lake Park Terms) is limited to:
- (1) plazas for performances and special events;
 - (2) wide sidewalks for walking, exercising, and bicycle riding;
 - (3) concessions that are designed to attract people from throughout the city, are mobile, temporary, or located in a building described in the Town Lake Park Plan, and require a small amount of space, including pushcarts selling food or flowers, temporary vending stands for special events, and museum gift shops;
 - (4) rowing facilities, boathouses, and similar water-related activities;
 - (5) maintenance and improvement of environmental quality, including stream bank stabilization, fencing, and wildlife and vegetation management; and
 - (6) general park support and maintenance.
- (F) Development of an area of Town Lake Park not included in a natural area, neighborhood park, community park, cultural park, or urban waterfront described in Section 25-2-671 (Town Lake Park Terms) is limited to:
- (1) walking, exercise, and bicycle trails;
 - (2) picnic facilities;
 - (3) surface parking of pervious material and park access roads; and
 - (4) general park support and maintenance.
- (G) This section does not apply to a community events use.

Source: Section 13-2-228.1; Ord. 990225-70; Ord. 990902-57; Ord. 031211-11.

Division 7. - Waterfront Overlay District and Subdistrict Uses.

§ 25-2-691 - WATERFRONT OVERLAY (WO) DISTRICT USES.

- (A) This section applies to the waterfront overlay (WO) district, except for a community events use.
- (B) A residential use that is permitted in an MF-6 or more restrictive base district is also permitted in an NO or less restrictive base district.
- (C) A pedestrian-oriented use is a use that serves the public by providing goods or services and includes:
 - (1) art gallery;
 - (2) art workshop;
 - (3) cocktail lounge;
 - (4) consumer convenience services;
 - (5) cultural services;
 - (6) day care services (limited, general, or commercial);
 - (7) food sales;
 - (8) general retail sales (convenience or general);
 - (9) park and recreation services;
 - (10) residential uses;
 - (11) restaurant (limited or general) without drive-in service; and
 - (12) other uses as determined by the Land Use Commission.
- (D) Pedestrian oriented uses in an MF-1 or less restrictive base district:
 - (1) are permitted on the ground floor of a structure; and
 - (2) may be permitted by the Land Use Commission above the ground floor of a structure.
- (E) A determination by the Land Use Commission under Subsection (D)(1) may be appealed to the council. For the City Hall subdistrict, a determination by the Land Use Commission under Subsection (C)(11) may be appealed to council.

Source: Section 13-2-228; Ord. 990225-70; Ord. 990715-115; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11; Ord. 031211-41; Ord. 040617-Z-1.

§ 25-2-692 - WATERFRONT OVERLAY (WO) SUBDISTRICT USES.

- (A) This subsection applies to the University/Deep Eddy subdistrict.
 - (1) The following uses are prohibited:
 - (a) automotive rentals;
 - (b) automotive repair services;
 - (c) automotive sales;
 - (d) automotive washing;
 - (e) commercial off-street parking; and
 - (f) a use with a drive-in service.
 - (2) The following are conditional uses:
 - (a) hotel-motel;
 - (b) service station;
 - (c) local utility services.
- (B) In the North Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (C) This subsection applies to the Red Bluff subdistrict.
 - (1) The following uses are prohibited:
 - (a) light manufacturing;
 - (b) basic industry;
 - (c) stockyards;
 - (d) laundry services; and
 - (e) resource extraction.
 - (2) The following are conditional uses:

- (a) automotive rentals;
- (b) automotive repair services;
- (c) automotive sales;
- (d) automotive washing;
- (e) commercial off-street parking;
- (f) a use with a drive-in service; and
- (g) warehousing and distribution.

(D) This subsection applies to the East Riverside subdistrict.

(1) The following uses are prohibited:

- (a) automotive rentals;
- (b) automotive repair services;
- (c) automotive sales;
- (d) automotive washing;
- (e) basic industry;
- (f) commercial off-street parking;
- (g) a use with a drive-in service;
- (h) laundry services;
- (i) light manufacturing;
- (j) stockyards; and
- (k) warehousing and distribution.

(2) The following are conditional uses:

- (a) hotel-motel;
- (b) service station; and
- (c) local utility service.

(E) This subsection applies to the Travis Heights subdistrict.

(1) The following uses are prohibited:

- (a) automotive rentals;
- (b) automotive repair services;
- (c) automotive sales;
- (d) automotive washing;
- (e) basic industry;
- (f) commercial off-street parking;
- (g) laundry services;
- (h) light manufacturing;
- (i) stockyards; and
- (j) warehousing and distribution.

(2) The following are conditional uses:

- (a) hotel-motel;
- (b) service station; and
- (c) local utility service.

(F) In the South Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

(G) This subsection applies to the Auditorium Shores subdistrict, except for a community events use.

(1) Not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

(2) Use of the area between the primary setback line and the secondary setback line is limited to:

- (a) cultural services;

- (b) day care services;
 - (c) park and recreation services;
 - (d) food sales; and
 - (e) restaurant (limited) without drive-in service.
- (H) In the Butler Shores subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (I) Use of the Zilker Park subdistrict is limited to park-related structures.
- (J) In the City Hall subdistrict, at least 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement. This requirement does not apply to a building used by the City for a governmental function.
- (K) Cocktail lounge is a conditional use within the Rainey Street subdistrict.

Source: Section 13-2-229; Ord. 990225-70; Ord. 990715-115; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11; Ord. 031211-41; Ord. 20130228-076.

Division 8. - Waterfront Overlay District and Subdistrict Development Regulations.

Subpart A. - General Provisions.

§ 25-2-710 - GOALS AND POLICIES.

Decisions by the accountable official and city boards regarding implementation of this Division shall be guided at all stages by the goals and policies of the Town Lake Corridor Study, including but not limited to the following:

- (A) Ensure that zoning decisions in the Colorado River corridor achieve the highest degree of land use compatibility by:
 - 1. eliminating industrial uses from the confluence of Longhorn Dam;
 - 2. phasing out resource extraction;
 - 3. providing the public visual and physical access to the Colorado River.
- (B) Protect, enhance, and interpret natural values and environmentally sensitive areas of the Colorado River Corridor through:
 - 1. appropriate mitigation for new development affecting identified landforms; and
 - 2. maintenance of natural shorelines and bluffs along the waterfront, except where otherwise required by subdistrict regulations or for necessary stabilization.
- (C) Recognize the potential of the waterfront as an open space connector, form-shaper of urban development, and focal point for lively pedestrian-oriented mixed uses as defined by the subdistrict goals of the Town Lake Corridor Study.

Source: Ord. 20090611-074.

§ 25-2-711 - APPLICABILITY.

- (A) This division applies in the waterfront overlay (WO) combining district.
- (B) The requirements of this division do not apply to:
 - (1) a community events use; or
 - (2) the construction or reconstruction of existing or proposed development for which:
 - (a) a building permit was issued before July 18, 1986;
 - (b) a certificate of occupancy was issued before July 18, 1986;
 - (c) a site plan was approved before July 17, 1986, including a phased project or a special permit site plan;
 - (d) a site plan was filed with the City before July 17, 1986 as a condition of zoning, and the site plan was previously approved by the council or Town Lake Task Force; or
 - (e) building plans were filed with the City before July 17, 1986.
- (C) The requirements of this division supersede the other provisions of this title, to the extent of conflict.

Source: Sections 13-2-700 and 13-2-701; Ord. 990225-70; Ord. 990902-57; Ord. 031211-11.

§ 25-2-712 - DEFINITIONS.

In this part:

- (1)

BASEWALL means the vertical surface of a building beginning at the finished grade up to a level defined by a setback or an architectural treatment, including a cornice line or similar projection or demarcation, that visually separates the base of the building from the upper portion of the building.

- (2) BOARD means the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission.
- (3) PRIMARY SETBACK AREA means the area between a primary setback line and the centerline of an identified creek, the shoreline of Town Lake, the shoreline of the Colorado River, or the boundary of an identified street, as applicable.
- (4) PRIMARY SETBACK LINE means a line that is a prescribed distance from and parallel to the centerline of an identified creek, the shoreline of Town Lake, the shoreline of the Colorado River, or the boundary of an identified street, as applicable.
- (5) SECONDARY SETBACK AREA means the area between a primary setback line and a secondary setback line.
- (6) SECONDARY SETBACK LINE means a line that is a prescribed distance from and parallel to a primary setback line.
- (7) TOWN LAKE CORRIDOR STUDY means the planning document published by the City of Austin in 1985 and formally approved by City Council Resolution No. 851031-19.

Source: Section 13-2-1; Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074; Ord. No. 20141211-204, Pt. 25, 7-1-15.

§ 25-2-713 - VARIANCES.

- (A) An applicant may submit a request for a variance from the following requirements to the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission for review:
 - (1) Section 25-2-692 (Waterfront Overlay (WO) Subdistrict Uses);
 - (2) Section 25-2-721 (Waterfront Overlay (WO) Combining District Regulations); or
 - (3) Subpart C (*Subdistrict Regulations*), except that no variance may be granted from restrictions on maximum height.
- (B) The board may recommend approval of the variance after determining that:
 - (1) the proposed project and variance are consistent with the goals and policies of the Town Lake Corridor Study, including environmental protection, aesthetic enhancement, and traffic; and
 - (2) the variance is the minimum required by the peculiarities of the tract.
- (C) The following requirements apply if the board recommends approval of a variance under Subsection (B) of this section:
 - (1) The director shall forward the board's recommendation to the Land Use Commission, which shall consider the recommendation and the variance application at the next regularly scheduled meeting for which notice can be timely provided.
 - (2) The Land Use Commission shall grant or deny the variance based on the criteria in Subsection (B) of this section.
 - (3) An interested party may appeal the Land Use Commission's grant or denial of a variance to the council under the requirements of Chapter 25-1, Article 7, Division 1 (Appeals).
- (D) The following requirements apply if the Board recommends denial of a variance under Subsection (B) of this section:
 - (1) The applicant may appeal the Board's recommendation to the city council under the requirements of Chapter 25-1, Article 7, Division 1 (Appeals). The council shall consider the Board's recommendation and the variance application at the next regularly scheduled meeting for which notice can be timely provided.
 - (2) The council shall grant or deny the variance based on the criteria in Subsection (B) of this section.

Source: Section 13-2-704; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11; Ord. 20070607-096; Ord. 20090611-074; Ord. No. 20141211-204, Pt. 25, 7-1-15.

§ 25-2-714 - ADDITIONAL FLOOR AREA.

- (A) In the WO combining district, a structure may exceed the maximum floor area permitted in the base district as provided by this section.
 - (1) Additional floor area under Subsection (B) is limited to 60 percent of the base district maximum.
 - (2) Additional floor area under Subsection (C), (D), (E), (F), (G), (H), or (I) is limited to 20 percent of the base district maximum.
 - (3) Total additional floor area under this section is limited to 60 percent of the base district maximum.
- (B) For a structure in a neighborhood office (NO) or less restrictive base district, floor area for a residential use is permitted in addition to the maximum floor area otherwise permitted.
- (C) For a structure in a multifamily residence limited density (MF-1) or less restrictive base district, floor area for pedestrian-oriented uses is permitted in addition to the maximum floor area otherwise permitted, if the pedestrian-oriented uses are on the ground floor of the structure and have unimpeded public access from a public right-of-way or park land. The pedestrian-oriented uses required under Sections 25-2-692 (Waterfront Overlay (WO) Subdistrict Uses) and Subpart C (*Subdistrict Regulations*) are excluded from the additional floor area permitted under this subsection.
- (D) Except in the North Shore Central subdistrict:
 - (1) an additional one-half square foot of gross floor area is permitted for each one square foot of gross floor area of a parking structure that is above grade; and

- (2) an additional one square foot of gross floor area is permitted for each one square foot of a parking structure that is below grade.
- (E) Additional gross floor area is permitted for each existing Category A tree, as determined by the Watershed Protection and Development Review Department's tree evaluation system, that is either left undisturbed or transplanted under the supervision of the city arborist.
 - (1) A tree is considered undisturbed under this subsection if the area within a circle centered on the trunk with a circumference equal to the largest horizontal circumference of the tree's crown is undisturbed.
 - (2) A tree may be transplanted off-site if the Land Use Commission determines that the character of the site is preserved and approves the transplanting.
 - (3) The permitted additional gross floor area is calculated by multiplying the undisturbed area described in Subsection (E)(1) by the base district height limitation and dividing the product by 12.
- (F) Additional gross floor area is permitted for land or an easement dedicated to the City for public access to Town Lake or the Colorado River. The additional gross floor area is calculated by multiplying the square footage of the access area by the height limitation applicable to the property and dividing the product by 12.
- (G) Additional gross floor area is permitted for land that is restricted to create a side yard or restricted public access to Town Lake, the Colorado River, or a creek. The additional gross floor area is calculated by multiplying the square footage of the restricted area by the height limitation applicable to the property and dividing the product by 12.
- (H) An additional one square foot of gross floor area is permitted for each one square foot of area restricted to create a scenic vista of Town Lake, the Colorado River, or a creek.
 - (I) For a proposal to develop less than the maximum allowable impervious cover, an additional one square foot of gross floor area is permitted for each one square foot of impervious cover less than the allowable maximum.

Source: Section 13-2-703; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

§ 25-2-715 - REVIEW AND RECOMMENDATION OF THE SMALL AREA PLANNING JOINT COMMITTEE OF THE PLANNING COMMISSION AND THE ZONING AND PLATTING COMMISSION.

- (A) The Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission shall provide a recommendation to the Land Use Commission regarding each of the following approvals required for a proposed development within the Waterfront Overlay combining district:
 - (1) a site plan under Subsection 25-2-721(A) (Waterfront Overlay (WO) Combining District Regulations) or 25-5-142(1) (Land Use Commission Approval);
 - (2) a zoning or rezoning application under Section 25-2-282 (Land Use Commission Public Hearing and Recommendation);
 - (3) a proposed amendment to Title 25 that directly impacts the Waterfront Overlay combining district; and
 - (4) a proposed amendment to the comprehensive plan that directly impacts the Waterfront Overlay combining district.
- (B) The board shall consider a request for review and recommendation under Subsection (A) at the earliest meeting for which notice can be timely provided and shall base its recommendation on the goals and policies of the Town Lake Corridor Study.
- (C) Copies of administrative site plans submitted within the Waterfront Overlay shall be provided to the board to assist in maintaining a comprehensive understanding of all development activity affecting the waterfront. Review and recommendation under Subsection (A) is not required for administrative site plans.
- (D) The board shall review a request for a variance from regulations applicable to the Waterfront Overlay combining district as required under Section 25-2-713 (Variances).

Source: Ord. 20090611-074; Ord. No. 20141211-204, Pt. 25, 7-1-15.

Subpart B. - District Regulations; Special Regulations.

§ 25-2-721 - WATERFRONT OVERLAY (WO) COMBINING DISTRICT REGULATIONS.

- (A) This subsection provides requirements for review and approval of site plans.
 - (1) Approval of a site plan by the Land Use Commission is required if an applicant requests a waiver from a requirement of this part under Section 25-2-713 (Variances).
 - (2) Review of a site plan by the director of the Parks and Recreation Department is required before the site plan may be approved. The director of the Parks and Recreation Department shall determine:
 - (a) whether the site plan is compatible with adopted park design guidelines; and
 - (b) if significant historic, cultural, or archaeological sites are located on the property.
 - (3) The Land Use Commission shall request a recommendation from the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission before approving or denying a site plan within the Waterfront Overlay combining district and shall consider the recommendation provided by the board. If the board fails to make a recommendation as required under Section 25-2-715 (Review and Recommendation of the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission), the Land Use Commission may approve or deny the site plan without a recommendation.

(4) The Land Use Commission shall request a recommendation from the Environmental Board before approving or denying a site plan within the Waterfront Overlay combining district and shall consider the recommendation provided by the board. If the Environmental Board fails to make a recommendation, the Land Use Commission may approve or deny the site plan without a recommendation.

(B) In a primary setback area:

- (1) except as otherwise provided in this subsection, parking areas and structures are prohibited; and
- (2) park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions, are permitted if:
 - (a) the park facilities are located on public park land; and
 - (b) the impervious cover does not exceed 15 percent.

(C) In a secondary setback area:

- (1) fountains, patios, terraces, outdoor restaurants, and similar uses are permitted; and
- (2) impervious cover may not exceed 30 percent.

(D) This subsection provides requirements for parking areas.

- (1) Surface parking:
 - (a) must be placed along roadways, if practicable; and
 - (b) must be screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part.
- (2) A parking structure that is above grade:
 - (a) must be on a pedestrian scale and either architecturally integrated with the associated building or screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part; and
 - (b) if it is adjacent to Town Lake, the Colorado River, park land, or a creek named in this part, it must incorporate pedestrian oriented uses at ground level.
- (3) Setback requirements do not apply to a parking structure that is completely below grade.

(E) This subsection provides design standards for buildings.

- (1) Exterior mirrored glass and glare producing glass surface building materials are prohibited.
- (2) Except in the City Hall subdistrict, a distinctive building top is required for a building that exceeds a height of 45 feet. Distinctive building tops include cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes. To the extent required to comply with the requirements of Chapter 13-1, Article 4 (*Heliports and Helicopter Operations*), a flat roof is permitted.
- (3) Except in the City Hall subdistrict, a building basewall is required for a building that fronts on Town Lake, Shoal Creek, or Waller Creek, that adjoins public park land or Town Lake, or that is across a street from public park land. The basewall may not exceed a height of 45 feet.
- (4) A building façade may not extend horizontally in an unbroken line for more than 160 feet.

(F) Underground utility service is required, unless otherwise determined by the utility provider.

(G) Trash receptacles, air conditioning or heating equipment, utility meters, loading areas, and external storage must be screened from public view.

Source: Section 13-2-700; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11; Ord. 20090611-074; Ord. No. 20141211-204, Pt. 25, 7-1-15.

§ 25-2-722 - SPECIAL REGULATIONS FOR PUBLIC WORKS.

- (A) Development of public works in Town Lake Park, including utility construction, flood control channels, and bridge improvements, must be consistent with the Town Lake Park Plan.
- (B) The Watershed Protection and Development Review Department shall review an application for development of public works in Town Lake Park and shall work with the Parks and Recreation Department to implement applicable recommendations by the Comprehensive Watershed Ordinance Task Force that were approved by the council on May 22, 1986.
- (C) The Environmental Board shall review a project if the director determines that the project offers an opportunity for a major urban water quality retrofit. If Land Use Commission review is required, the Environmental Board shall forward its comments to the Land Use Commission.

Source: Section 13-2-700.1; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

§ 25-2-723 - SPECIAL REGULATIONS FOR PUBLIC RIGHTS-OF-WAY.

- (A) For a right-of-way described in Subsection (B), development of the right-of-way, including street, sidewalk, and drainage construction, must be compatible with the development of adjacent park land and consistent with the Town Lake Park Plan. Factors to be considered in determining consistency with the Town Lake Park Plan include park land access, road alignment, utility placement, sidewalk design, railing design, sign design and placement, landscaping, and stormwater filtration.
- (B) Subsection (A) applies to:
 - (1) public rights-of-way within or adjoining the boundaries of the WO combining district, including public rights-of-way for streets designated in the Transportation Plan;

- (2) Trinity Street, from Cesar Chavez Street to Fifth Street; and
- (3) Guadalupe Street and Lavaca Street, from Cesar Chavez Street to Fifth Street.
- (C) For a street described in Subsection (D), streetscape improvements that are consistent with the Town Lake Park Plan are required. A streetscape improvement is an improvement to a public right-of-way, and includes sidewalks, trees, light fixtures, signs, and furniture.
- (D) Subsection (C) applies to:
 - (1) Barton Springs Road, from Congress Avenue to MoPac Freeway;
 - (2) Cesar Chavez Street, from MoPac Freeway to IH-35;
 - (3) Congress Avenue, from Riverside Drive to First Street;
 - (4) Grove Boulevard, from Pleasant Valley Road to Montopolis Drive;
 - (5) Guadalupe Street, from Cesar Chavez Street to Fifth Street;
 - (6) Lakeshore Boulevard, from Riverside Drive to Montopolis Drive;
 - (7) Lamar Boulevard, from the Union Pacific railroad overpass to Barton Springs Road;
 - (8) Lavaca Street, from Cesar Chavez Street to Fifth Street;
 - (9) South First Street, from Town Lake to Barton Springs Road; and
 - (10) Trinity Street, from Cesar Chavez Street to Fifth Street.

Source: Section 13-2-700.2; Ord. 990225-70; Ord. 031211-11.

Subpart C - Subdistrict Regulations.

§ 25-2-731 - AUDITORIUM SHORES SUBDISTRICT REGULATIONS.

- (A) This section applies in the Auditorium Shores subdistrict of the WO combining district.
- (B) The primary setback line is located:
 - (1) 1,200 feet landward from the Town Lake shoreline for all properties located east of the Union Pacific Railroad; and
 - (2) for all property located west of the Union Pacific Railroad with frontage on Riverside Drive, the primary setback covers the entire property.
- (C) The secondary setback line is the northern boundary of public right-of-way of Barton Springs Road for all properties located east of the Union Pacific Railroad.
- (D) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.
 - (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.
- (E) The maximum gross floor area at ground level is:
 - (1) for a structure in the primary setback area, 2,000 square feet; and
 - (2) for a structure in the secondary setback area, 75,000 square feet.
- (F) The maximum height is:
 - (1) for structures located in the primary setback, the lower of 25 feet or the maximum height allowed in the base zoning district; and
 - (2) for structures located in the secondary setback, the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(l); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074; Ord. 20130425-103.

§ 25-2-732 - BALCONES ROCK CLIFF SUBDISTRICT REGULATIONS.

- (A) This section applies in the Balcones Rock Cliff subdistrict of the WO combining district.
- (B) The primary setback line is located:
 - (1) 75 feet landward from Town Lake shoreline; or
 - (2) 50 feet landward from the Town Lake shoreline, for a single-family lot platted before July 17, 1986 that is either zoned RR or at least 20,000 square feet in size.
- (C) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 30 percent.
- (D) For the exterior of a building visible from park land adjacent to Town Lake, natural building materials are required.
- (E) For the portion of a structure that is visible from the Town Lake shoreline, at least 75 percent of the structure at grade level must be screened with trees and shrubs native to the Balcones Cliff subdistrict and approved by the city arborist.
- (F) The maximum height is the lower of 35 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(o); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-733 - BUTLER SHORES SUBDISTRICT REGULATIONS.

- (A) This section applies in the Butler Shores subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 100 feet landward from the Town Lake shoreline;
 - (2) 35 feet south of the southern boundary of Toomey Road;
 - (3) 35 feet south of the southern boundary of Barton Springs Road;
 - (4) 35 feet north of the northern boundary of Barton Springs Road; and
 - (5) 100 feet from the Barton Creek centerline.
- (C) The secondary setback line is located 100 feet from the primary setback line of Town Lake.
- (D) Impervious cover is prohibited on land with a gradient that exceeds 25 percent.
- (E) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.
 - (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.
 - (3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.
- (F) For a structure on property adjacent to and oriented toward Barton Springs Road, a building basewall is required, with a maximum height of:
 - (1) 45 feet, if north of Barton Springs Road; or
 - (2) 35 feet, if south of Barton Springs Road.
- (G) That portion of a structure built above the basewall and oriented towards Barton Springs Road must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Barton Springs Road.
- (H) The maximum height is:
 - (1) for structures located north of Barton Springs Road, the lower of 96 feet or the maximum height allowed in the base zoning district; and
 - (2) for structures located south of Barton Springs Road, the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(m); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-734 - EAST RIVERSIDE SUBDISTRICT REGULATIONS.

- (A) This section applies in the East Riverside subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 50 percent.
- (D) The maximum height is the lower of 96 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(i); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-735 - FESTIVAL BEACH SUBDISTRICT REGULATIONS.

- (A) This section applies in the Festival Beach subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) The secondary setback line is located 50 feet landward from the primary setback line.
- (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is:
 - (1) 40 percent; or
 - (2) 70 percent, for a site that:
 - (a) contains congregate care and retail uses on 15 or more acres;
 - (b) is adjacent to 1.5 or more acres of parkland or publically accessible open space;
 - (c) includes, within the congregate care use, at least:
 - (i) 310 rental housing units that serve residents earning at or below 60% of area median family income;
 - (ii) 40 rental housing units that serve residents earning at or below 30% of area median family income; and
 - (iii) 100 rental housing units that serve residents which are either:
 - earning at or below 30% of the area median family income and receiving a rent subsidy; or

- earning at or below 50% of area median family income, without a rent subsidy, or with a rent subsidy that is required to be available under federal law to residents earning up to 50% of area median family income.

(d) contains the following enhanced water quality features:

- (i) water quality treatment utilizing green water quality controls sized at ½-inch or greater, based on assumed impervious cover of 68%;
- (ii) at least 30,000 square feet of porous pavement for pedestrian areas;
- (iii) at least 8,126 cubic feet of rainwater harvesting sufficient to capture 1.3 inches of runoff from 75,000 square feet of impervious cover; and
- (iv) onsite water quality ponds sufficient to treat a minimum of 6,200 cubic feet of off-site drainage.

(E) For purposes of Subsection (D)(2) of this section, the term "rent subsidy" means a project-based voucher issued by, or under the auspices of, an agency of the United States Government that provides a rental subsidy to the landlord for a particular rental housing unit in an amount equal to or exceeding the difference between 30% of the resident's income and the market rate for the residential housing unit.

(F) If an applicant elects to develop a site at greater than 40% impervious cover, as authorized under Subsection (D)(2) of this section, a restrictive covenant or other legal instrument approved by the director must be executed prior to site plan release in order to ensure that the conditions in Subsection (D)(2) (a)—(d) are binding on the site plan and enforceable by the City.

(G) The maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(e); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074; Ord. No. 20160623-101, Pt. 1, 7-4-16.

§ 25-2-736 - LAMAR SUBDISTRICT REGULATIONS.

(A) This section applies in the Lamar subdistrict of the WO combining district.

(B) The primary setback lines are located:

- (1) 100 feet landward from the Town Lake shoreline; and
- (2) 90 feet from the Johnson Creek centerline.

(C) The secondary setback line is located 100 feet landward from the primary setback line that is parallel to the Town Lake shoreline.

(D) For a structure located within 140 feet of the Johnson Creek centerline, the maximum height is the lower of 35 feet or the maximum height allowed in the base zoning district. For all other structures, the maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.

(E) Surface parking is prohibited, except for a parking area for buses, van pooling, the handicapped, or public access to park land.

(F) A garage access point or curb cut is prohibited if the pattern or alignment of the surrounding, existing sidewalks would be disrupted.

Source: Section 13-2-702(b); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-737 - MONTOPOLIS/RIVER TERRACE SUBDISTRICT REGULATIONS.

(A) This section applies in the Montopolis/Riverside Terrace subdistrict of the WO combining district.

(B) The primary setback line is located 150 feet landward from the 430 foot contour line along the Colorado River.

(C) The secondary setback line is located 100 feet landward from the primary setback line.

(D) The maximum height in the secondary setback is the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(g); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-738 - NORTH SHORE CENTRAL SUBDISTRICT REGULATIONS.

(A) This subsection applies in the North Shore Central subdistrict of the WO combining district.

(B) The primary setback lines are located:

- (1) 100 feet landward from the Town Lake shoreline;
- (2) 60 feet from the Shoal Creek centerline; and
- (3) 50 feet from the Waller Creek centerline.

(C) Surface parking is prohibited, except for a parking area for buses, van pooling, taxis, delivery services, commercial loading, public transportation, the handicapped, or public access to park land.

(D) The location of a garage access point or curb cut must minimize the disruption of pedestrian traffic on existing sidewalks.

(E) A structure must fit within an envelope delineated by a 70 degree angle starting at a line 45 feet above the property boundary line nearest Town Lake, Shoal Creek, or Waller Creek, with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Town Lake, Shoal Creek, or Waller Creek.

(F) This subsection applies to a nonresidential use in a building adjacent to Town Lake.

- (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.

- (2) Entry ways or architectural detailing is required to break the continuity of nontransparent basewalls.
- (3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.
- (G) A building may not be constructed within 80 feet of the existing east curb line of Congress Avenue south of First Street.

Source: Section 13-2-702(c); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-2-739 - RAINY STREET SUBDISTRICT REGULATIONS.

- (A) This section applies in the Rainey Street subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 150 feet landward from the Town Lake shoreline; and
 - (2) 50 feet from the Waller Creek centerline.
- (C) This subsection applies to property in the Rainey Street Subdistrict zoned central business district (CBD) after April 17, 2005.
 - (1) For a building located on Red River Street from Cesar Chavez Street to Driskill Street or River Street from I-35 to River Street's western terminus, the development must have sidewalks not less than ten feet wide along the street frontage.
 - (2) A use with a drive-in service is prohibited.
 - (3) Except as provided in Subsection (C)(4) below, for a residential or mixed-use building the maximum building height is forty (40) feet.
 - (4) An applicant may exceed the forty foot height limit and achieve a floor-to-area ratio of 8:1 if at least five percent of the square footage of dwelling units developed within that floor-to-area ratio of 8:1 is available to house persons whose household income is eighty percent or below the median family income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office.
 - (a) In meeting the five percent requirement, mixed-use projects shall provide on-site affordable housing in proportion to the amount of floor area in the project that is devoted to residential uses.
 - (b) The affordability period for housing units shall be forty years for rental housing and ninety-nine years for on-site for sale housing. The affordability period begins on the date a certificate of occupancy is issued.
 - (c) On-site affordable housing units offered for sale shall be reserved, sold, and transferred to an income eligible buyer subject to a resale restricted, shared equity agreement approved by the director of Neighborhood Housing and Community Development.
 - (d) An applicant may not deny a prospective tenant affordable rental housing based solely on the prospective tenant's participation in the Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.
 - (e) The bedroom count mix for the affordable units must be proportional to the overall bedroom count mix within an overall development.
 - (f) A unit is affordable for purchase or rental if, in addition to the other requirements of this section, the household is required to spend no more than 30 percent of its gross monthly income on mortgage or rental payments for the unit.
 - (5) Development in the Rainey Street Subdistrict may participate in the Downtown Density Bonus Program as provided below.
 - (a) In order to achieve bonus area exceeding the floor-to-area ratio of 8:1 in the Rainey Street Subdistrict, development must comply with the requirements of Section 25-2-586 (Downtown Density Bonus Program) of the City Code. The requirements of the Downtown Density Bonus Program apply only to that portion of development that exceeds a floor-to-area ratio of 8:1.
 - (b) The maximum height and maximum floor-to-area ratio that development in the Rainey Street Subdistrict may achieve by participating in the Downtown Density Bonus Program are shown on Figure 2 of Section 25-2-586 (Downtown Density Bonus Program) of the City Code.
 - (c) The Neighborhood Housing and Community Development Office will conduct compliance and monitoring of the affordability requirements of this ordinance. The director of Neighborhood Housing and Community Development shall establish compliance and monitoring rules and criteria for implementing the affordability requirements of this ordinance.

Source: Section 13-2-702(d); Ord. 990225-70; Ord. 031211-11; Ord. 20050407-063; Ord. 20130523-106; Ord. 20140227-054, Pt. 2, 3-10-14.

§ 25-2-740 - RED BLUFF SUBDISTRICT REGULATIONS.

- (A) This section applies in the Red Bluff subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 40 feet from the 450 foot contour line, from Pleasant Valley road to the extension of Shady Lane; and
 - (2) 40 feet from the 440 foot contour line from the extension of Shady Lane to US 183.
- (C) A secondary setback line is located 110 feet from the corresponding primary setback line.
- (D) For the exterior of a building adjacent to Town Lake, natural building materials are required on the exterior surface.
- (E) The maximum height within the secondary setback is the lower of 35 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(f); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-741 - SOUTH LAKESHORE SUBDISTRICT REGULATIONS.

- (A) This section applies in the South Lakeshore subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 65 feet landward from the Town Lake shoreline; and
 - (2) 50 feet south of Lakeshore Boulevard.
- (C) The maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(h); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-742 - SOUTH SHORE CENTRAL SUBDISTRICT REGULATIONS.

- (A) This section applies in the South Shore Central subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 150 feet landward from the Town Lake shoreline;
 - (2) 80 feet from the East Bouldin Creek centerline; and
 - (3) 35 feet north of the northern public right-of-way boundary of Riverside Drive.
- (C) The secondary setback lines are located:
 - (1) 50 feet landward from the primary setback line parallel to the Town Lake shoreline; and
 - (2) 130 feet from the primary setback line parallel to the East Bouldin Creek centerline.
- (D) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.
 - (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.
 - (3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.
- (E) For a structure property adjacent to and oriented toward Riverside Drive, a building basewall is required, with a maximum height of:
 - (1) 45 feet, if north of Riverside Drive; or
 - (2) 35 feet, if south of Riverside Drive.
- (F) That portion of a structure built above the basewall and oriented toward Riverside Drive must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Riverside Drive.
- (G) The maximum height is:
 - (1) for structures located between the primary and secondary setback lines, the lower of 35 feet or the maximum height allowed in the base zoning district;
 - (2) for structures located south of Riverside Drive between South Congress Avenue and East Bouldin Creek, the lower of 45 feet or the maximum height allowed in the base zoning district;
 - (3) for structures located within 100 feet of the right-of-way of South Congress Avenue or South First Street, the lower of 60 feet or the maximum height allowed in the base zoning district; and
 - (4) for structures located in all other areas of the subdistrict, the lower of 96 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(k); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-743 - TRAVIS HEIGHTS SUBDISTRICT REGULATIONS.

- (A) This section applies in the Travis Heights subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 100 feet landward from the Town Lake shoreline;
 - (2) 80 feet from the East Bouldin Creek centerline; and
 - (3) 80 feet from the Blunn Creek centerline.
- (C) Section 25-2-714 (Additional Floor Area) applies only to structures located between Bouldin and Blunn Creeks.
- (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 50 percent.
- (E) The maximum height is:
 - (1) for structures located between the shoreline of Lady Bird Lake and Riverside Drive, the lower of 45 feet or the maximum height allowed in the base zoning district; and

(2) for structures located elsewhere in the subdistrict, the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(j); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-744 - UNIVERSITY/DEEP EDDY SUBDISTRICT REGULATIONS.

(A) This section applies in the University/Deep Eddy subdistrict of the WO combining district.

(B) The primary setback lines are located:

- (1) 200 feet landward from the Town Lake shoreline, between Tom Miller Dam and Red Bud Trail; and
- (2) 300 feet landward from the Town Lake shoreline, between Red Bud Trail and MoPac Boulevard.

(C) The secondary setback lines are located:

- (1) 50 feet landward from the primary setback line, between Tom Miller Dam and Red Bud Trail; and
- (2) 100 feet landward from the primary setback line, between Red Bud Trail and MoPac Boulevard.

(D) For a primary setback area, a secondary setback area, or an area within 50 feet of a secondary setback line:

- (1) the maximum building height is 35 feet; and
- (2) the floor to area ratio may not be increased under Section 25-2-714 (Additional Floor Area).

(E) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 40 percent.

(F) The maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(a); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-745 - ZILKER PARK SUBDISTRICT REGULATIONS.

(A) This section applies in the Zilker Park subdistrict of the WO combining district.

(B) The primary setback line is located 100 feet landward from the Town Lake shoreline.

(C) The secondary setback line is located 700 feet landward from the primary setback line.

(D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 40 percent.

(E) (Reserved)

(F) The maximum height is the lower of 45 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(n); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-746 - CITY HALL SUBDISTRICT REGULATIONS.

(A) This section applies in the City Hall subdistrict of the WO combining district.

(B) The primary setback line is located 100 feet landward from the Town Lake shoreline.

(C) A surface parking area located at or above grade is prohibited, except for a parking area for buses, van pooling, taxis, delivery services, commercial loading, public transportation, the handicapped, or public access to park land.

(D) The location of a garage access point or curb cut must minimize the disruption of pedestrian traffic on existing sidewalks.

(E) A structure:

- (1) must fit within an envelope delineated by a 70 degree angle starting at a line 45 feet above the property boundary line nearest Town Lake, with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Town Lake; or
- (2) may not exceed a height of 100 feet.

(F) This subsection applies to a nonresidential use in a building adjacent to Town Lake.

(1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.

(2) Entry ways or architectural detailing is required to break the continuity of nontransparent basewalls.

(3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.

Source: Ord. 990715-115; Ord. 031211-11.

Division 9. - University Neighborhood Overlay District Requirements.

§ 25-2-751 - APPLICABILITY.

This division applies to property in the university neighborhood overlay (UNO) district if the property owner files a site plan and an election for the property to be governed by this division.

Source: Ord. 040902-58.

§ 25-2-752 - CONFLICT OF LAW.

For property governed by this division, this division supersedes the other provisions of this title to the extent of conflict.

Source: Ord. 040902-58.

§ 25-2-753 - DEFINITIONS; LOCAL USES DESCRIBED.

(A) In this division:

- (1) OCCUPANT SPACE means space in a building used for a use other than a parking facility or a mechanical facility.
- (2) STREET WALL AREA means the portion of an exterior wall of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level:
 - (a) to a maximum height of 65 feet; or
 - (b) for an accessory parking structure, to a maximum height of two stories.
- (B) In this division, a local use is a use that serves the public by providing goods or services in a manner readily accessible by pedestrians or the occupants of the structure in which the uses are located. Local uses include:
 - (1) administrative and business offices;
 - (2) art and craft studio;
 - (3) art gallery;
 - (4) art workshop;
 - (5) business and trade school;
 - (6) consumer convenience services;
 - (7) consumer repair services;
 - (8) counseling services;
 - (9) custom manufacturing;
 - (10) day care services (commercial, general, or limited);
 - (11) financial services;
 - (12) food preparation, in conjunction with food sales, general restaurant or limited restaurant accessory use;
 - (13) food sales;
 - (14) general retail sales (convenience or general);
 - (15) guidance services;
 - (16) indoor sports and recreation;
 - (17) medical offices (under 5,000 square feet);
 - (18) personal improvement services;
 - (19) personal services;
 - (20) pet services;
 - (21) printing and publishing services;
 - (22) professional office;
 - (23) religious assembly;
 - (24) restaurant (general or limited);
 - (25) theater; and
 - (26) a conditional use in the base zoning district that is approved by the land use commission.

(C) A local use may not include a drive-through facility.

Source: Ord. 040902-58; Ord. 20050519-Z001; Ord. 20080925-039.

§ 25-2-754 - USE REGULATIONS.

- (A) In a nonresidential zoning base district, residential uses are permitted.
- (B) In any base zoning district, a hotel-motel use, a multifamily use, or a group residential use is permitted.
- (C) This subsection applies to a multifamily residential use.
 - (1) Each building must achieve at least a one star rating under the Austin Green Building program.

- (2) All ground floor dwelling units must be:
- (a) adaptable for use by a person with a disability; and
 - (b) accessible by a person with a disability from the on-site parking and common facility, if any.
- (3) At least 10 percent of the dwelling units must be accessible for a person with a mobility impairment.
- (4) At least two percent of the dwelling units must be accessible for a person with a hearing or visual disability.
- (5) Each multistory building must be served by an elevator, unless:
- (a) at least 25 percent of the site's dwelling units are located on the ground floor; or
 - (b) for a site with fewer than 20 dwelling units, at least five percent of the site's dwelling units are located on the ground floor.
- (6) A parking space must be leased separately from a dwelling unit.
- (D) Local uses are permitted in any base district, subject to the limitations of this subsection.
- (1) In the outer west campus subdistrict, local uses are not permitted in a residential base district unless the property:
 - (a) has a permitted building height of 50 feet or greater; or
 - (b) is zoned historic and has a permitted building height of 65 feet or greater.
 - (2) Except as provided in Paragraph (3), up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross floor area of the local uses must be located at street level and accessible from a pedestrian path. In determining these percentages, a nonresidential use that is accessory to the principal residential use or located in a historic landmark is excluded from the gross floor area of the local uses.
 - (3) Up to 100 percent of the gross floor area of a structure may be used for local uses if the structure:
 - (a) is a historic landmark and is located entirely in a subdistrict having a permitted building height of 65 feet or greater;
 - (b) was constructed before September 13, 2004, contains less than 10,000 square feet of gross floor area, is less than 65 feet in height, and is located in the inner west campus or Guadalupe subdistricts; or
 - (c) is less than 65 feet in height and located on:
 - (i) Guadalupe Street between Martin Luther King, Jr. Blvd. and 29th Street;
 - (ii) Martin Luther King, Jr. Blvd. between Guadalupe Street and Rio Grande Street; or
 - (iii) 24th Street between Guadalupe Street and Rio Grande Street.
- (E) This subsection applies to commercial off-street parking.
- (1) Commercial off-street parking on a surface lot is prohibited.
 - (2) Commercial off-street parking in a structure is:
 - (a) permitted in any base zoning district in the Guadalupe, Dobie, or inner west campus subdistrict; and
 - (b) prohibited in the outer west campus subdistrict.
 - (3) The street level portion of a commercial off-street parking structure that is accessible from a pedestrian path must contain local uses for a depth of at least 18 feet. This requirement does not apply to a portion of the structure used for an entrance or exit.
- (F) A cocktail lounge is a conditional use if it is accessory to a hotel-motel use with at least 50 rooms.
- (G) On-site surface parking is prohibited, unless the director determines that:
- (1) the only building on the site has 6,000 or fewer square feet of gross floor area, and the building was constructed before September 13, 2004; and
 - (2) the parking area is screened from the street by an six foot tall solid wall.
- (H) This subsection prescribes requirements for the ground floor of a building, including a parking garage.
- (1) The ground floor must include occupant space along not less than 75 percent of the net length of street frontage. Net length of street frontage is calculated by determining the cumulative length of the building at ground level adjacent to each street other than an alley, and then deducting the cumulative length of driveways, exit stairs, elevators, and utility equipment space.
 - (2) For a site with frontage on more than one street, driveways, exit stairs and elevators must be located on a street that runs north and south, unless the director of the Neighborhood Planning and Zoning Department determines that those features cannot reasonably be located along that street because of topographical conditions.
 - (3) The ground floor of a building may not be more than five feet higher or lower than an adjacent public street sidewalk. This does not apply to the ground floor adjacent to an alley.
 - (4) The minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 10 feet.
 - (5) The minimum depth of occupant space is 18 feet, measured from the outside face of the front exterior wall to the outside face of the rear interior wall.
- (I) Off-site temporary construction staging is allowed within 500 feet of the construction site. The director may allow a staging area to be located more than 500 feet from the construction site if the director determines that a closer staging area is not reasonably available and that the location does not adversely affect public health or safety.

- (J) A hotel/motel use is treated as a local use under this division if it meets the following requirements:
- (1) The hotel-motel use must be located on property that:
 - (a) has frontage on Martin Luther King, Jr. Blvd. and is located between Pearl Street and Guadalupe Street; or
 - (b) has frontage on Guadalupe Street and is located between 22nd Street and Martin Luther King, Jr. Blvd.
 - (2) The maximum height must be no greater than 85 feet, unless a greater height is allowed under Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, and Height Limits*) of this chapter.
 - (3) If a new hotel-motel use includes, shares, or incorporates adjacent existing property, then both the new hotel-motel use and the adjacent property must be:
 - (a) included in a single site plan; and
 - (b) compliant with the streetscape requirements in Section 25-2-760 (Streetscape Improvements).
 - (4) The hotel-motel use must comply with the affordability requirements for multi-family housing under Section 25-2-765 (Affordable Housing), with each square foot of net rentable floor area counted towards the fee provided for under Subsection (B) of that section.
- (K) A hotel/motel use may associated condominium residential, multifamily residential, retirement housing (small site), or retirement housing (large site) uses.
- (L) Existing structures constructed under the provisions of this division may convert non-accessible parking spaces to:
- (1) a multi-family residential use;
 - (2) a group residential use;
 - (3) local uses located above or adjacent to the street wall area;
 - (4) an art gallery use and an art workshop use are limited to 1,500 square feet of floor area; and
 - (5) an indoor crop production use or convenience storage use not located in or above a street wall area.

Source: Ord. 040902-58; Ord. 20050519-Z001; Ord. 20080925-039; Ord. 20121108-090; Ord. No. 20191114-067, Pts. 1, 2, 11-25-19.

§ 25-2-755 - MINIMUM LOT AREA.

The minimum lot area is 2,500 square feet.

Source: Ord. 040902-58.

§ 25-2-756 - HEIGHT.

- (A) Except as provided in Subsection (B), maximum heights for structures are prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, Height Limits, and Additional Height and Affordability*).
- (B) This subsection applies in the outer west campus subdistrict, Guadalupe subdistrict, and inner west campus subdistrict.
- (1) Except as provided in Paragraph (2), a structure with a multi-family residential use or group residential use may exceed by 25 feet in the outer west campus subdistrict or the Guadalupe subdistrict the maximum height prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, Height Limits, and Additional Height and Affordability*) if the structure is located in an area with a maximum height of at least 50 feet; or
 - (2) A structure with a multi-family residential use or group residential use may exceed by 125 feet in the inner west campus subdistrict the maximum height prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, Height Limits, and Additional Height and Affordability*) if the multi-family residential use or group residential use, for a period of not less than 40 years from the date a certificate of occupancy is issued, sets aside at least:
 - (a) 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 60 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office;
 - (b) 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office; and
 - (c) The applicant:
 1. Pays into the University Neighborhood District Housing Trust Fund a fee of \$0.50 for each square foot of net rentable floor area in the multi-family residential use or group residential use development; or,
 2. Provides an additional 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 50 percent of the median income in the Austin statistical metropolitan area as determined by the director of the Neighborhood Housing and Community Development Office.
 - (3) A building on a lot in the outer west campus subdistrict that has a common side lot line with a historic property may not exceed by more than 20 feet the maximum building height of the base district in which the historic property is located.

- (4) The fee in Subsection (b)(2)(c) above will be adjusted annually in accordance with the Consumer Price Index all Urban Consumers, US City Average, All Items (1982-84=100), as published by the Bureau of Labor Statistics of the United States Department of Labor or in accordance with any other similar, applicable standard as defined by the director of the Neighborhood Housing and Community Development Office. The city manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2014 and report the new fee amounts to the city council.

Source: Ord. 040902-58; Ord. 20080925-039; Ord. 20140213-056, Pt. 1, 2-25-14; Ord. No. 20191114-067, Pt. 3, 11-25-19.

§ 25-2-757 - SETBACKS; COMPATIBILITY.

- (A) There are no minimum front yard or street side yard setbacks, except the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street.
- (B) The maximum front yard setback and the maximum street side yard setback are 10 feet, except:
 - (1) the maximum setbacks are 15 feet along 24th Street or along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street;
 - (2) the maximum setbacks are 45 feet for a public plaza or private common open space;
 - (3) there are no maximum setbacks for a pedestrian entry court or an outdoor café;
 - (4) the director of the Watershed Protection and Development Review Department may modify a maximum setback if the director determines that the modification is required to protect a historic structure or a tree designated as significant by the city arborist; and
 - (5) as otherwise provided in Subsection (E).
- (C) There is no minimum or maximum interior side yard setback.
- (D) There is no minimum or maximum rear yard setback.
- (E) A building must be at least 12 feet from the front face of the curb of the adjacent street and at least 30 feet from the centerline of the adjacent street.
- (F) This subsection applies to the portion of a site that is subject to compatibility standards, as described in Section 25-2-763(A)(1) (Certain Regulations Inapplicable or Superseded) and Article 10 (*Compatibility Standards*). A building or a solid masonry wall that is at least six feet high is required between a public or common open space and the property that triggers the compatibility standards.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-758 - BUILDING WALL HEIGHT, STEPBACKS, AND ENVELOPE.

- (A) An exterior building wall that faces a street must be at least 24 feet high.
- (B) Except as provided in Subsection (C):
 - (1) if an exterior wall of a building is adjacent to a street other than an alley, at a height of 65 feet, the upper portion of the wall must be set back from the property line by a distance of at least 12 feet; and
- (C) A parapet may not extend more than five feet above the 65 foot stepback height described in Subsection (B) or more than five feet above the total building height.
- (D) Instead of complying with Subsections (A) and (B), a hotel/motel use in the outer west campus subdistrict must comply with the requirements of this subsection.
 - (1) On property fronting Martin Luther King, Jr. Blvd., all buildings must fit within an envelope delineated by a 45 degree angle starting at a height of 60 feet above the grade of the property line adjacent to Martin Luther King, Jr. Blvd. and extending to a maximum height of 85 feet.
 - (2) If the property abuts a historic property as defined in Section 25-2-756(B)(3), the property must have open space measuring at least 50 feet deep for at least 50 feet along the street frontage beginning at the common boundary with the historic property. The open space shall contain no buildings, but may contain paving, parking, fountains, fences, patios, terraces, canopies, trellises, and landscaping.
 - (3) If parking is provided on the site, 75 percent of the spaces must be below grade.

Source: Ord. 040902-58; Ord. 20080925-039; Ord. No. 20191114-067, Pt. 4, 11-25-19.

§ 25-2-759 - STREET WALL AREA OCCUPANT SPACE.

- (A) At least 42 percent of the street wall area of a building must contain occupant space.
- (B) If a building has street wall areas on more than one street, at least 70 percent of the required occupant space must be on a street that runs east and west.
- (C) This section does not apply to a commercial off-street parking structure.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-760 - STREETSCAPE IMPROVEMENTS.

- (A) A site owner shall install a sidewalk not less than 12 feet wide along each street frontage adjacent to the site.
- (B) Sidewalks must be level with the top of the curb of the adjacent street, except to the minimum degree necessary to provide for drainage.

- (C) A site owner shall plant and maintain trees along an adjacent street right-of-way.
 - (1) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity.
 - (2) A tree must be in scale with the adjacent building.
 - (3) A tree planted in a sidewalk area must have a tree grating.
- (D) A site owner shall provide pedestrian-scale lighting and street furnishings along an adjacent street right-of-way.
- (E) The director of the Neighborhood Planning and Zoning Department shall adopt rules prescribing the requirements for tree planting and maintenance and the provision of pedestrian-scale lighting and street furnishings.
- (F) The director of the Watershed Protection and Development Review Department may require fiscal security to ensure compliance with this section.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-761 - PLACEMENT OF EQUIPMENT AND TRASH RECEPACLES.

- (A) Utility equipment, mechanical equipment, and large trash receptacles:
 - (1) are prohibited in the area between a building and a street; and
 - (2) must not be visible from a street.
- (B) This subsection applies to a site with frontage on an alley 20 feet or more wide.
 - (1) A transformer room or utility vault must be adjacent to and accessible from the alley.
 - (2) A pump room, sprinkler room, or other utility or mechanical room must be adjacent to and accessible from the alley unless the Fire Chief determines that placing the room in another location is required because of a fire safety issue.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-762 - SITE ACCESS.

- (A) Vehicular access to a site from a public street that runs east and west is limited to one curb cut for each 140 feet of street frontage.
- (B) Vehicular access to a site from a public street that runs north and south is limited to two curb cuts.
- (C) Vehicular access to a corner lot must be from a public street or alley that runs north and south.
- (D) A site with access to an alley must use the alley or a parking structure for service and delivery access.
- (E) A site that does not have access to an alley must provide a service and delivery area that is at least 30 feet deep, measured from the front setback line or side setback line, as applicable.
- (F) A driveway turn radius may not exceed 15 feet unless the Fire Chief determines that a larger radius is required because of a fire safety issue.
- (G) The director of the Watershed Protection and Development Review Department may waive or modify a requirement of this section if the director determines that the waiver or modification is necessary for adequate traffic circulation or public safety.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-763 - CERTAIN REGULATIONS INAPPLICABLE OR SUPERSEDED.

- (A) The following provisions of this subchapter do not apply:
 - (1) maximum floor-to-area ratios;
 - (2) maximum building coverage percentages;
 - (3) Article 9 (*Landscaping*); and
 - (4) Article 10 (*Compatibility Standards*), if the property is at least 75 feet from the boundary of the university neighborhood overlay district.
- (B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is:
 - (1) 100 percent in the inner west campus and Guadalupe subdistricts;
 - (2) the greater of 90 percent or the percentage permitted in the base zoning district in the outer west campus subdistrict; and
 - (3) the greater of 85 percent or the percentage permitted in the base zoning district in the Dobie subdistrict.
- (C) For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply.
- (D) Special regulations governing signs in university neighborhood overlay district are in Section 25-10-133 (University Neighborhood Overlay Zoning District Signs).

Source: Ord. 040902-58; Ord. 20070726-132.

§ 25-2-764 - DESIGN GUIDELINES.

- (A) A site plan must comply with the design guidelines prescribed by administrative rule. An applicant shall file with the site plan drawings of all building elevations and streetscapes that demonstrates substantial compliance with the design guidelines.

- (B) The director of the Neighborhood Planning and Zoning Department shall determine whether a site plan substantially complies with the design guidelines.
- (C) The director of the Neighborhood Planning and Zoning Department may waive a provision of the design guidelines if the director determines that the provision is unreasonable or impractical as applied to the site plan and that, with the waiver, the site plan will still substantially comply with the design guidelines. A waiver under this subsection must be the minimum departure from the provision necessary to avoid an unreasonable or impractical result.
- (D) An interested party may appeal to the land use commission:
 - (1) a determination by the director of the Neighborhood Planning and Zoning Department that a site plan substantially complies with the design guidelines; or
 - (2) a decision by the director of the Neighborhood Planning and Zoning Department granting or denying a waiver under Subsection (C).

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-765 - AFFORDABLE HOUSING.

- (A) A multi-family residential use or a group residential use established after February 24, 2014 must, for a period of not less than 40 years from the date a certificate of occupancy is issued, set aside at least:
 - (1) 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 60 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office; and
 - (2) except as provided in Subsection (B), an additional 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office.
- (B) The University Neighborhood District Housing Trust Fund is established. Instead of complying with Paragraph (A)(2), a person may pay into the fund a fee of \$1.00 for each square foot of net rentable floor area in the multi-family residential use or group residential use development and the fee will be adjusted annually in accordance with the Consumer Price Index all Urban Consumers, US City Average, All Items (1982-84=100), as published by the Bureau of Labor Statistics of the United States Department of Labor or in accordance with any other similar, applicable standard as defined by the director of the Neighborhood Housing and Community Development Office. The city manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2014 and report the new fee amounts to the city council.
- (C) The director of the Neighborhood Housing and Community Development Office may allocate money from the University Neighborhood District Housing Trust Fund for housing development in the university neighborhood overlay district that provides at least 30 percent of its dwelling units or bedrooms to persons whose household income is at or below 50 percent of the median income in the statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office, for a period of not less than 40 years from the date a certificate of occupancy is issued. Projects qualifying for the University Neighborhood Overlay Affordable Trust Funds shall receive a 100 percent fee waiver as set forth in the S.M.A.R.T. Housing Policy.
- (D) Rents will be established annually by the director of Neighborhood Housing and Community Development Office as follows:
 - (1) Rents for single occupancy rental units for households who are at or below 60 percent of the median family income may not exceed the Low HOME Rent Limit for one bedroom as established annually by the Texas Department of Housing and Community Affairs.
 - (2) Rents for single occupancy rental units for households who are at or below 50 percent median family income households may not exceed the 40 percent Median Family Income HOME Rent Limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs.
 - (3) For existing UNO developments that opt in to leasing by the bedroom for the remainder of their commitment:
 - (a) rents for single occupancy rental units for households who are at or below 60 percent of the median family income may not exceed the high HOME rent limit for a one bedroom as established annually by the Texas Department of Housing and Community Affairs; and
 - (b) rents for single occupancy rental units for households who are at or below 50 percent of the median family income may not exceed the 40 percent MFI HOME rent limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs.
 - (c) The director may adopt administrative rules necessary to enforce these provisions.
- (E) For a hotel/motel use that has an associated condominium residential use, multifamily residential use, group residential use, retirement housing (small site) use, or retirement housing (large site) use, instead of complying with Subsection (A) a person may pay into the University Neighborhood Housing Trust Fund a fee of \$2.00 for each square foot of the combined net square footage of the residential units and the hotel/motel units, if:
 - (1) the number of residential units associated with a hotel/motel use does not exceed 40% of the number of hotel/motel units; and
 - (2) the net square footage of the residential units does not exceed 45% of the net square footage of hotel/motel units.

Source: Ord. 040902-58; Ord. 20080925-039; Ord. 20140213-056, Pt. 2, 2-25-14.

Division 10. - Transit Oriented Development District Regulations.

Subpart A. - General Provisions.

§ 25-2-766.01 - CONFLICTS; NONAPPLICABILITY.

- (A) This division supersedes other requirements of [Title 25 \(Land Development\)](#) to the extent of conflict.
- (B) This division does not apply to property governed by a development plan approved by a special board of review, as prescribed by Natural Resources Code Sections 31.161 through 31.167.

Source: Ord. 20050519-008.

§ 25-2-766.02 - TRANSIT ORIENTED DEVELOPMENT DISTRICT CLASSIFICATIONS DESCRIBED.

- (A) A transit oriented development (TOD) district is classified according to its location, as described below.
- (B) A neighborhood center TOD district is located at the commercial center of a neighborhood. The average density is approximately 15 to 25 dwelling units for each acre. Typical building height is one to six stories. Uses include small lot single-family residential use, single-family residential use with an accessory dwelling unit, townhouse residential use, low-rise condominium residential use and multifamily residential use, neighborhood retail and office uses, and mixed-use buildings.
- (C) A town center TOD district is located at a major commercial, employment, or civic center. The average density is approximately 25 to 50 dwelling units for each acre. Typical building height is two to eight stories. Uses include townhouse residential use, low- and mid-rise condominium residential use and multifamily residential use, retail and office uses, and mixed-use buildings.
- (D) A regional center TOD district is located at the juncture of regional transportation lines or at a major commuter or employment center. The average density is more than 50 dwelling units for each acre. Typical building height is three to ten stories. Uses include mid-rise condominium residential use and multifamily residential use, major retail and office uses, and mixed-use buildings.
- (E) A downtown TOD district is located in a highly urbanized area. The average density is more than 75 dwelling units for each acre. Typical building height is six stories or more. Uses include mid- and high-rise condominium residential use and multifamily residential use, large retail and office uses, and mixed use buildings.

Source: Ord. 20050519-008.

§ 25-2-766.03 - TRANSIT ORIENTED DEVELOPMENT DISTRICT ZONES DESCRIBED.

- (A) A transit oriented development (TOD) district may be divided into zones of varying development intensity, as described in this section.
- (B) A gateway zone is the area immediately surrounding the station platform, where passengers enter or exit transit vehicles. Typically, this area includes land that is about 300 to 500 feet from the edge of the station platform. This zone has a high level of transit integration, including streetscapes that connect the station platform with the surrounding buildings, and buildings that are oriented toward the station platform and provide ground floor pedestrian-oriented uses and employment or residential uses in the upper floors. A gateway zone has the highest density and building height in a TOD district.
- (C) A midway zone is the area between a gateway zone and a transition zone, beginning at the outer boundary of the gateway zone and ending approximately 1,000 to 1,500 feet from the edge of the station platform. This zone is predominately residential, but it may also contain retail and office uses. The zone includes a variety of building types. A midway zone has density and building height that are lower than a gateway zone but higher than a transition zone.
- (D) A transition zone is the area at the periphery of the TOD district. Development intensity is compatible with the existing or anticipated future development adjacent to the TOD district. A transition zone has the lowest density and building height in a TOD district.

Source: Ord. 20050519-008.

§ 25-2-766.04 - TRANSIT ORIENTED DEVELOPMENT DISTRICTS ESTABLISHED AND CLASSIFIED.

- (A) Transit oriented development (TOD) districts are established and classified as follows:
 - (1) The Convention Center TOD district is established as a downtown TOD district.
 - (2) The Plaza Saltillo TOD district is established as a neighborhood center TOD district.
 - (3) The Martin Luther King, Jr. Blvd. TOD district is established as a neighborhood center TOD district.
 - (4) The Lamar Blvd./Justin Lane TOD district is established as a neighborhood center TOD district.
 - (5) The Northwest Park and Ride TOD district is established as a town center TOD district.
 - (6) The North IH-35 Park and Ride TOD district is established as a town center TOD district.
 - (7) The Oak Hill TOD district is established as a town center TOD district.
 - (8) The Highland Mall TOD district is established as a town center TOD district.
 - (9) The South IH-35 Park and Ride TOD district is established as a town center TOD district.

- (B) The initial boundaries and zones of each TOD district are described in Appendix D (*Transit Oriented District Boundaries And Zones*). The final boundaries and zones of a TOD district are established by the ordinance adopting the station area plan, as provided in [Section 25-2-766.22 \(Adoption Of Station Area Plan\)](#). The official maps of the districts are on file with the director, who shall resolve uncertainty regarding the boundary of a district.
- (C) Council may establish additional TOD districts by amending Subsection (A) and Appendix D (*Transit Oriented District Boundaries And Zones*).

Source: Ord. 20050519-008; Ord. 20060309-057; Ord. 20061005-052; Ord. 20071108-120.

§ 25-2-766.05 - TRANSITION FROM OVERLAY DISTRICT TO BASE DISTRICT.

- (A) Until council approves a station area plan in accordance with Subpart C (*Station Area Plan*):
- (1) a transit oriented development (TOD) district functions as an overlay district; and
 - (2) property within the TOD district:
 - (a) is subject to Subpart B (*Initial District Regulations*); and
 - (b) retains its base district zoning.
- (B) The approval by council of a station area plan in accordance with Subpart C (*Station Area Plan*) is a rezoning of the property as a TOD base district. After the rezoning, Subpart B (*Initial District Regulations*) does not apply.

Source: Ord. 20050519-008.

Subpart B. - Initial District Regulations.

§ 25-2-766.11 - APPLICABILITY.

This subpart applies in a transit oriented development (TOD) district until council adopts a station area plan.

Source: Ord. 20050519-008.

§ 25-2-766.12 - USE REGULATIONS.

- (A) In a TOD district, the following uses are prohibited:

- (1) automotive sales;
- (2) automotive washing;
- (3) basic industry;
- (4) convenience storage;
- (5) equipment repair services;
- (6) equipment sales;
- (7) recycling center;
- (8) scrap and salvage services; and
- (9) vehicle storage.

- (B) In a gateway zone, the following uses are prohibited:

- (1) single-family residential;
- (2) single-family attached residential;
- (3) small lot single-family residential;
- (4) duplex residential;
- (5) two-family residential;
- (6) secondary apartment;
- (7) urban home; and
- (8) cottage.

- (C) In a midway zone, the following uses are prohibited:

- (1) single-family residential;
- (2) single-family attached residential;
- (3) duplex residential; and
- (4) two-family residential.

- (D) A use with a drive-in service is prohibited.

- (E) A transportation terminal use is a permitted use if:

- (1) it is operated by a governmental entity; and
- (2) the director determines that the transportation terminal:
 - (a) uses urban design to enhance the community identity of the station area and to make it an attractive, safe, convenient, and interesting place;
 - (b) creates convenient connections to and within the station area to promote pedestrian and bicycling activity;
 - (c) enhances the existing transportation network to promote access to transit and other destinations within the station area;
 - (d) manages the amount and location of parking so that it does not dominate the station area or create an unattractive environment or unsafe situation; and
 - (e) makes the station area a unique place.
- (F) An automotive repair services use, automotive rentals use, or commercial off-street parking use that would otherwise be a permitted use is a conditional use.
- (G) A residential use is permitted above the first floor of a commercial building.

Source: Ord. 20050519-008; Ord. 20071108-120.

§ 25-2-766.13 - SITE DEVELOPMENT REGULATIONS.

- (A) This section applies to:
 - (1) a new building; or
 - (2) an addition to a building, if the addition:
 - (a) exceeds 5,000 square feet of gross floor area; or
 - (b) increases the gross floor area on the site by more than 50 percent.
- (B) The maximum front yard and street side yard setbacks are 15 feet, except the director of the Neighborhood Planning and Zoning Department may modify a maximum setback if the director determines that:
 - (1) the modification is required to protect a historic structure or a tree designated as significant by the city arborist; or
 - (2) the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment and that complies with the TOD district principles and best practices established by administrative rule.
- (C) The minimum front yard and street side yard setbacks are the lesser of:
 - (1) 10 feet; or
 - (2) the setbacks prescribed by Section 25-2-492 (Site Development Regulations).
- (D) This subsection applies in a gateway zone.
 - (1) Building entrances are required:
 - (a) on the principal street; and
 - (b) on a street with transit service, if any.
 - (2) This paragraph applies to a building that is constructed along a front yard or street side yard setback line.
 - (a) For a depth of at least 20 feet, the minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 15 feet.
 - (b) This requirement does not apply if the building is subject to Article 10 (*Compatibility Standards*) or if the director of the Neighborhood Planning and Zoning Department determines that the requirement is impractical because of site constraints.
 - (c) The director of the Neighborhood Planning and Zoning Department may modify this requirement if the director determines that the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment and that complies with the TOD district principles and best practices established by administrative rule.
 - (3) This paragraph applies to a commercial or mixed-use building.
 - (a) For a ground level wall that faces a public street, at least 50 percent of the wall area that is between two and ten feet above grade must be constructed of glass with a visible transmittance rating of 0.6 or higher.
 - (b) The director of the Neighborhood Planning and Zoning Department may modify this requirement if the director determines that the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment and that complies with the TOD district principles and best practices established by administrative rule.

Source: Ord. 20050519-008; Ord. 20061005-052; Ord. 20061116-015; Ord. 20061214-080.

§ 25-2-766.14 - PARKING REGULATIONS.

- (A) For a building with a front yard setback of 15 feet or less, parking is prohibited in the area between the front lot line and the building. The director of the Neighborhood Planning and Zoning Department may modify this requirement if the director determines that:
 - (1) the modification is required to protect a historic structure or a tree designated as significant by the city arborist; or

- (2) the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment and that complies with the TOD district principles and best practices established by administrative rule.
- (B) For a rear parking lot on a site larger than three acres, the parking lot must be designed to permit future driveway and sidewalk connections with adjacent non-residential property. The director may waive this requirement if the director determines:
 - (1) the connections are impractical because of site constraints;
 - (2) the connections are inappropriate because of traffic safety issues; or
 - (3) the site's land use is incompatible with the land use of the adjacent property.

Source: Ord. 20050519-008; Ord. 20061005-052; Ord. 20061116-015; Ord. 20061214-080; Ord. No. 20231102-028, Pt. 10, 11-13-23.

Subpart C. - Station Area Plan.

§ 25-2-766.21 - PREPARATION OF STATION AREA PLAN.

- (A) The director shall prepare a station area plan for each transit oriented development (TOD) district. Capital Metropolitan Transportation Authority, Austin San Antonio Inter-municipal Commuter Rail District, the neighborhood plan contact team, if any, neighborhood organizations, business-owners and property owners, and other affected persons may participate in the preparation of a station area plan.
- (B) The director may recommend that council modify the initial boundaries of a TOD district and may prepare a station area plan with the proposed boundary modification. In that event, the director must allow the persons affected by the proposed boundary modification to participate in the preparation of the plan.
- (C) A station area plan must be included in an adopted neighborhood plan, if any. An amendment to an adopted neighborhood plan to include a station area plan must be reviewed and approved in accordance with the neighborhood plan amendment process established by council, except that the director may propose and the council may enact an amendment to an adopted neighborhood plan to include a station area plan at any time.
- (D) This subsection applies in the Plaza Saltillo TOD district. A station area plan may not include a gateway zone or create a midway zone outside the approximately 11 acres included in the Saltillo District Redevelopment Master Plan.

Source: Ord. 20050519-008; Ord. 20071108-120.

§ 25-2-766.22 - ADOPTION OF STATION AREA PLAN.

- (A) Council by zoning ordinance may adopt a station area plan for a transit oriented development (TOD) district.
- (B) The council may modify the initial boundaries of a TOD district in the ordinance adopting the station area plan.
- (C) A station area plan:
 - (1) establishes the permitted and conditional uses;
 - (2) prescribes site development regulations, including maximum and minimum development parameters;
 - (3) prescribes requirements for street, streetscape, and other public area improvements;
 - (4) may modify or waive an identified requirement of this title;
 - (5) may establish standards for administrative modification of the station area plan;
 - (6) may change the location of or omit a gateway, midway, or transition zone depicted on Appendix D (*Transit Oriented District Boundaries and Zones*);
 - (7) outside a community preservation and revitalization zone, shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving a goal of:
 - (a) at least 25 percent of new housing in each TOD to serve households at the following income levels: home ownership opportunities for households at or below 80 percent of median family income and rental housing opportunities for households at or below 60 percent of median family income;
 - (b) for home ownership residential units, a goal of providing 10 percent of the units to households with an income of not more than 70 to 80 percent of median family income, 10 percent of the units to households with an income of not more than 60 to 70 percent of median family income, and five percent of the units to households with an income of not more than 60 percent of median family income; or
 - (c) for rental residential units, a goal of providing 10 percent of the units to households with an income of not more than 40 to 60 percent of median family income, 10 percent of the units to households with an income of not more than 30 to 40 percent of median family income, and five percent of the units to households with an income of not more than 30 percent of median family income;
 - (8) in a community preservation and revitalization zone established by council, shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving an affordable housing goal of providing at least 25 percent of new housing to households at the following income levels:
 - (a) home ownership residential units to households with an income of not more than 60 percent of median family income for the Austin area; and
 - (b)

for rental residential units, a goal of providing 10 percent of the units to households with an income of not more than 40 to 50 percent of median family income, 10 percent of the units to households with an income of not more than 30 to 40 percent of median family income, and five percent of the units to households with an income of not more than 30 percent of median family income;

- (9) shall include an analysis of the need for public parking; and
- (10) may include consideration of public and civic art in or near transit stations.

Source: Ord. 20050519-008; Ord. 20071108-120; Ord. 20090212-070.

§ 25-2-766.23 - AMENDMENTS TO STATION AREA PLAN.

- (A) Council may, by zoning ordinance, amend a station area plan at any time.
- (B) Amendments to a station area plan may be proposed by land owners at any time.
- (C) For a station area plan that is within an adopted neighborhood plan area, an amendment to the station area plan must be reviewed and approved in accordance with the neighborhood plan amendment process established by council.
- (D) The director may not accept an application to amend a station area plan until one year after adoption of the plan. After that date, the director may accept an application to amend the plan relating to an individual property at any time.

Source: Ord. 20050519-008; Ord. No. 20231214-078, Pt. 1, 12-25-23.

Division 11. - North Burnet/Gateway District Regulations.

§ 25-2-767.01 - APPLICABILITY.

This division applies in the North Burnet/Gateway (NBG) district.

Source: Ord. 20071101-052; Ord. 20090312-035.

§ 25-2-767.02 - REGULATING PLAN.

- (A) Council by ordinance shall adopt and may at any time amend a regulating plan for the NBG district that:
 - (1) establishes the permitted and conditional uses;
 - (2) prescribes site development regulations, including maximum and minimum development parameters;
 - (3) prescribes requirements for street, streetscape, and other public area improvements; and
 - (4) establishes other appropriate regulations or modifies or waives a requirement of this title.
- (B) For property governed by this division, this division and a regulating plan adopted under this section supersedes the other provisions of this title to the extent of conflict.
- (C) The site development standards in Section 4.2 (*General Development Standards*) of the Regulating Plan are the only parts of the regulating plan that are requirements of Chapter 25-2 (Zoning) of the City Code for purposes of Section 25-2-472 (Board of Adjustment Variance Authority) of the City Code.
- (D) Except for amendments to Figure 1-2 (NBG Zoning District Subdistrict Map), amendments to the regulating plan are subject to the procedures prescribed by Section 25-1-502 (Amendment; Review) for amendments to Title 25 and not the procedures prescribed by Chapter 25-2, Subpart B (Zoning Procedures).
- (E) Amendments to Figure 1-2 (NBG Zoning District Subdistrict Map) of the regulating plan are subject to the procedures prescribed by Chapter 25-2, Subchapter B (Zoning Procedures). Approved amendments to Figure 1-2 will also be reflected as necessary in Figure 4-3 (Maximum Floor-to Area-Ratio (FAR) with Development Bonus) and Figure 4-5 (Maximum Height with Development Bonus) of the regulating plan.

Source: Ord. 20071101-052; Ord. 20090312-035; Ord. 20130425-102.

Division 12. - East Riverside Corridor District Requirements.

§ 25-2-768.01 - APPLICABILITY.

This division applies in the East Riverside Corridor (ERC) district.

Source: Ord. 20130509-039.

§ 25-2-768.02 - REGULATING PLAN.

- (A) Council by ordinance shall adopt and may at any time amend a regulating plan for the ERC district that:
 - (1) establishes the permitted and conditional uses;

- (2) prescribes site development regulations, including maximum and minimum development parameters;
 - (3) prescribes requirements for street, streetscape, and other public area improvements; and
 - (4) establishes other appropriate regulations or modifies or waives a requirement of this title.
- (B) For property governed by this division, this division and a regulating plan adopted under this section supersedes the other provisions of this title to the extent of conflict.
- (C) The site development standards in Article 4.2 (*General Development Standards*) of the Regulating Plan are the only parts of the regulating plan that are requirements of Chapter 25-2 (Zoning) of the City Code for purposes of Section 25-2-472 (Board of Adjustment Variance Authority) of the City Code.
- (D) Except for amendments to Figure 1-2 (East Riverside Corridor Subdistrict Map), amendments to the regulating plan are subject to the procedures prescribed by Section 25-1-502 (Amendment: Review) for amendments to Title 25 and not the procedures prescribed by Chapter 25-2, Subpart B (Zoning Procedures).
- (E) Amendments to Figure 1-2 (East Riverside Corridor Subdistrict Map) of the regulating plan are subject to the procedures prescribed by Chapter 25-2, Subpart B (Zoning Procedures). Approved amendments to Figure 1-2 will also be reflected as necessary in Figure 1-7 (East Riverside Corridor Height Map) and Figure 1-8 (East Riverside Corridor Development Bonus Height Map) of the regulating plan.
- (F) The following process is applicable to amendments to Figure 1-1 (East Riverside Corridor Zoning Map), Figure 1-2 (East Riverside Corridor Subdistrict Map), Figure 1-6 (East Riverside Corridor Hub Map), Figure 1-7 (East Riverside Corridor Height Map), or Figure 1-8 (East Riverside Corridor Development Bonus Height Map) regarding an individual property.
- (1) The director shall provide notice of the filing of an application for amendment under Section 25-1-133 (Notice of Applications and Administrative Decisions).
 - (2) The director shall conduct a community meeting on a proposed amendment prior to the date upon which the Planning Commission is scheduled to consider the amendment. The director shall give notice of the meeting under Section 25-1-132(A) (Notice of Public Hearing).
 - (3) Before the date on which the Planning Commission is scheduled to consider a proposed amendment, the Neighborhood Plan Contact Team may submit a letter to the director stating its recommendation on the proposed amendment. The director shall provide a letter to the Planning Commission and to council prior to action on the proposed amendment.
 - (4) Before the date on which the Planning Commission is scheduled to consider a proposed amendment, the Neighborhood Plan Contact Team may submit a letter to the director stating its recommendation on the proposed amendment. The director shall provide a letter to the Planning Commission and to council prior to action on the proposed amendment.
 - (5) For a hearing before council, the director shall give notice under Section 25-1-132(B) (Notice of Public Hearing).
 - (6) The applicant is responsible for the cost of the notice.

Source: Ord. 20130509-039; Ord. No. 20151015-086, Pt. 1, 10-26-15.

Division 13. - Reserved

Footnotes:

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Editor's note— Ord. No. 20240229-070, Pt. 1, effective March 11, 2024, repealed §§ 25-2-769.01—25-2-769.06, which pertained to Corridor Overlay and derived from Ord. No. 20221201-056, Pt. 3, 12-12-22; Ord. No. 20230608-088, Pts. 1, 2, 6-19-23.

ARTICLE 4. - ADDITIONAL REQUIREMENTS FOR CERTAIN USES.

Division 1. - Residential Uses.

Subpart A. - Requirements for Specific Uses.

§ 25-2-770 - CONSERVATION SINGLE FAMILY RESIDENTIAL USE.

- (A) The conservation single family residential use is permitted only:
 - (1) on properties zoned single family residence large lot (SF-1); and
 - (2) within the drinking water protection zone.
- (B) For a conservation single family residential use, the base zoning district regulations are superseded by the requirements of this section.
- (C) Properties used for conservation single family residential use must be subdivided to create:
 - (1) two or more residential lots, not to exceed the number of lots that would otherwise be allowed on the property under SF-1 zoning, of no less than 3,600 square feet and no more than 5,750 square feet in area;
 - (2) a conservation lot consisting of the remainder of the property.
- (D) The following site development standards apply to the residential lots used for conservation single family residential use:

- (1) minimum district size of 20,000 square feet.
- (2) minimum residential lot size of 3,600 square feet.
- (3) maximum residential lot size of 5,750 square feet.
- (4) minimum lot width of 50 feet.
- (5) joint access driveways may be permitted as specified in Chapter 25-5, Article 5.
- (6) impervious cover maximum of 60% for each residential lot.
- (7) all other site standards as specified for single family residence large lot (SF-1) zoning.
- (E) A conservation lot must be jointly owned and maintained by the owners of the individual residential lots and preserved as undisturbed open space by means of a binding legal agreement, such as a conservation easement, approved by the City of Austin and a plat note approved by the City of Austin and added at the time of subdivision.
- (F) The total impervious cover for the property may not exceed maximum allowable impervious cover by watershed as specified in Chapter 25-8, including, but not limited to, Chapter 25-8, Article 12 (*Save Our Springs Initiative*).
- (G) Impervious cover shall be allocated among the individual lots within the property at the time of subdivision.

Source: Ord. 20130425-107.

§ 25-2-771 - SINGLE-FAMILY RESIDENTIAL USE IN A MULTIFAMILY DISTRICT.

A single-family residential use in a multi-family district must comply with the site development regulations for a family residence (SF-3) district prescribed by Section 25-2-492 (*Site Development Regulations*).

Source: Ord. 041118-57.

§ 25-2-772 - SINGLE-FAMILY ATTACHED RESIDENTIAL USE.

- (A) For a single-family attached residential use, the base zoning district regulations are superseded by the requirements of this section.
- (B) For a single-family residential use:
 - (1) minimum site area is 7,000 square feet;
 - (2) minimum lot area is 3,000 square feet; and
 - (3) minimum lot width, for a distance of 25 feet measured from the front property line, is:
 - (a) 25 feet; or
 - (b) on a cul-de-sac or curved street, 20 feet.
- (C) A lot may not contain more than one dwelling unit.
- (D) A site must contain two attached dwelling units.
- (E) Building coverage may not exceed 40 percent of the site.
- (F) Impervious cover may not exceed 45 percent of the site.
- (G) For a dwelling unit with fewer than six bedrooms, not more than two parking spaces may be located in the front yard.
- (H) For a dwelling unit with six or more bedrooms, not more than four parking spaces may be located in the front yard.
- (I) A fence is prohibited along the common lot line between attached single-family residential units for a distance of 25 feet measured from the front lot line.
- (J) A single-family attached residential use is prohibited on property that is subject to a deed restriction that limits use of the property to single-family detached dwellings or that requires a minimum lot size that is larger than the minimum lot size required by this section.

Source: Section 13-2-253; Ord. 990225-70; Ord. 031211-11; Ord. No. 20231102-028, Pt. 11, 11-13-23.

§ 25-2-773 - DUPLEX, TWO-UNIT, AND THREE-UNIT RESIDENTIAL USES.

- (A) To the extent of conflict, this section supersedes the base zoning district regulations.
- (B) For a duplex, two-unit, and three-unit residential use:
 - (1) minimum lot area is 5,750 square feet;
 - (2) minimum front yard setback is 15 feet;
 - (3) minimum rear yard setback is:
 - (a) the base zoning district minimum rear yard setback; or
 - (b) five feet when the lot is adjacent to:
 - (i) an alley; or
 - (ii) another lot with a use that is permitted in a multifamily base zoning district or less restrictive base zoning district;
 - (4) minimum street-side yard setback for a lot located on a corner and:

- (a) on a Level 1 street is the greater of five feet from the property line or 10 feet from curb, or in the absence of curbs, from the edge of the pavement; or
 - (b) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line;
 - (5) minimum number of street-facing entrances is one;
 - (6) maximum building coverage is 40 percent; and
 - (7) maximum impervious cover is 45 percent.
- (C) Design Standards Applicable to Duplex, Two-Unit, and Three-Unit Residential Use.
- (1) Porches.
 - (a) A porch that is open on three sides may project into the front yard and include a roof.
 - (b) A porch that projects into the front yard must be at least 15 feet from the front lot line.
 - (c) A porch roof or overhang must be at least 13 feet from the front lot line.
 - (2) Impervious Cover and Parking Placement.
 - (a) Impervious cover in a front yard may not exceed 40 percent.
 - (b) The director may waive front yard impervious cover limitations if the director determines backing a motor vehicle onto the adjacent roadway is unsafe and that a circular driveway or turnaround in the front yard is required.
 - (c) Not more than four parking spaces may be located in the front street yard, or for a corner lot, not more than four parking spaces may be located in the front street yard and side street yard combined.
 - (3) Garage Placement.
 - (a) In this subdivision,
 - (i) BUILDING FAÇADE means the front-facing exterior wall or walls of the first floor of the residential structure closest to the primary street, and the term excludes the building facade of the portion of that structure designed or used as a parking structure. Projections from front-facing exterior walls, including but not limited to eaves, chimneys, porches, stoops, box or bay windows, and other similar features as determined by the building official, are not considered part of the building facade.
 - (ii) PARKING STRUCTURE means an attached or detached garage or carport.
 - (b) A parking structure may not be closer to the front lot line than the front-most exterior wall of the first floor of the building facade.
 - (c) If a parking structure with an entrance that faces a front yard abutting public right-of-way is less than 20 feet behind the building facade, the width of the parking structure may not exceed the width of the building facade as measured parallel to the front lot line.
- (D) Reserved.
- (E) This subsection applies to the area established in Subsection 1.2.1 of Chapter 252, Subchapter F (*Residential Design and Compatibility Standards*).
- (1) In this subsection,
 - (a) EXISTING DWELLING UNIT means a dwelling unit that is:
 - (i) legally permitted and occupied before December 7, 2023; or
 - (ii) described in an application for a residential permit that was submitted on or before December 7, 2023.
 - (b) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls, except as provided in this subsection.
 - (2) Gross Floor Area Exclusions.
 - (a) For a property that includes an existing dwelling unit that was constructed on or before December 31, 1960, the property owner may exclude the preserved square footage from the gross floor area if the requirements in Subsection (F) are met.
 - (b) For a property that includes an existing dwelling unit that was constructed on or after January 1, 1961, and is at least 20 years old, the property owner may exclude the preserved square footage from the gross floor area if the requirements in Subsection (F) are met.
 - (3) Floor-to-area ratio for a duplex or two-unit residential use.
 - (a) The maximum floor-to-area ratio for the site is the greater of 0.55 or 3,200 square feet.
 - (b) Except for an existing dwelling unit, a dwelling unit may not exceed the greater of 0.4 or 2,300 square feet.
 - (4) Floor-to-area ratio for three-unit residential use.
 - (a) The maximum floor-to-area ratio for the site is the greater of 0.65 or 4,350 square feet.
 - (b) Except for an existing dwelling unit, a dwelling unit may not exceed the greater of 0.4 or 2,300 square feet.
 - (c) Except for two existing dwelling units.
 - (i) two dwelling units may not exceed the greater of 0.55 or 3,200 square feet if an existing unit on the site is not preserved; or
 - (ii) two dwelling units may not exceed the greater of 0.65 or 4,350 square feet if an existing unit on the site is preserved under Subsection (F).
- (F)

Preserving Existing Dwelling Units. This subsection applies to an applicant who chooses to preserve an existing dwelling unit and wants the preserved square footage excluded from gross floor area as described in Subsection (E).

- (1) General.
 - (a) In order to exclude the preserved square footage from the gross floor area, an applicant must comply with the requirements in this subsection and the rules adopted by the building official.
 - (b) An applicant must submit a request on a form approved by the building official and include all of the information required by the building official.
 - (c) The building official may adopt requirements for administering and enforcing this subsection. Because this program includes preserving existing dwelling units, the building official's requirements should incorporate the historic preservation officer's feedback as needed.
- (2) If the existing dwelling unit was constructed on or before December 31, 1960, the following applies:
 - (a) The property owner must preserve at least 50 percent of the existing dwelling unit and 100 percent of the street-facing façade.
 - (b) The property owner must limit alterations and remodels to the existing dwelling unit as described in this paragraph.
 - (i) For a structure with a side-gabled, cross-gabled, hipped, or pyramidal roof form, the property owner must limit remodeling and alterations to the area behind the existing dwelling unit's roof ridgeline or peak.
 - (ii) For a structure with a front-gabled, shed roof or flat roof form, the property owner must limit remodeling and alterations to the lesser of 15 feet from the front façade of the existing dwelling unit or one-half of the width of the front wall of the existing dwelling unit.
 - (c) If the development requires a 15-foot clearance on the side of the existing dwelling unit to build other allowable dwelling units, an existing or converted carport or garage may be altered or removed to provide the clearance.
 - (d) If the property is designated as a historic landmark or located within a historic district, the Historic Design Standards or applicable design standards apply and control over this subsection.
- (3) If the existing dwelling unit was constructed on or after January 1, 1961, and is at least 20 years old, the property owner must preserve at least 50 percent of the existing dwelling unit.

Source: Section 13-2-254; Ord. 990225-70; Ord. 000309-39; Ord. 030605-49; Ord. 031120-44; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; Ord. No. 20231102-028, Pt. 12, 11-13-23; Ord. No. 20231207-001, Pt. 8, 12-18-23; Ord. No. 20250227-039, Pt. 2, 10-1-25; Ord. No. 20250424-073, Pt. 1, 5-5-25.

§ 25-2-774 - RESERVED.

Editor's note— Ord. No. 20231207-001, Pt. 9, effective December 18, 2023, repealed § 25-2-774, which pertained to Two-Family Residential Use and derived from Section 13-2-255; Ord. 990225-70; Ord. 000511-108; Ord. 000831-65; Ord. 031211-11; Ord. 041118-59; Ord. No. 20151119-080, Pt. 1, 11-30-15.

§ 25-2-775 - TOWNHOUSES.

- (A) Not more than one townhouse is permitted on a townhouse lot.
- (B) The minimum lot width for a townhouse is 20 feet.
- (C) At least 3,600 square feet of site area is required for each townhouse.
- (D) At least two connected townhouses are required on a townhouse site.
- (E) A townhouse lot must include a private yard that complies with the zoning district open space requirement. A wall or solid fence, not less than five feet in height, is required along a side lot line that adjoins a required private yard.
- (F) The width of a driveway that serves only one townhouse and that is located in the front yard of the townhouse lot may not exceed 50 percent of the lot width.
- (G) A driveway that serves more than one townhouse may include not more than 50 percent of the combined area of the required street yards of the townhouses served by the driveway. The driveway may have not more than two points of vehicular access to a public street.
- (H) This subsection applies in an SF-5 district.
 - (1) A townhouse group with access to a local residential street:
 - (a) must be located at least 100 feet from other townhouse groups with access to a local residential street; and
 - (b) may include not more than six townhouses.
 - (2) A townhouse group with access to a street other than a local residential street:
 - (a) must be located at least 300 feet from other townhouse groups with access to a street other than a local residential street; and
 - (b) may include not more than ten townhouses.

Source: Section 13-2-256; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-2-776 - CONDOMINIUM RESIDENTIAL USE.

- (A) For a condominium residential use in a SF-5, SF-6, or multi-family district, the base zoning district regulations are superseded by the requirements of this section.
- (B) The minimum site area for a condominium residential use is 14,000 square feet.
- (C) At least 3,500 square feet of site area is required for each condominium.
- (D) This subsection applies in an SF-5 district.
 - (1) A condominium site must be at least 300 feet from other condominium sites in an SF-5 district.
 - (2) A condominium use is prohibited on a site with access only to a local residential street.
 - (3) A condominium site may include not more than ten condominium units.
 - (4) A parking space may not be located in a required front street yard, except for a parking space in a driveway.
- (E) This subsection applies in an SF-6 district.
 - (1) The building official may not issue a certificate of occupancy until the owner of the property has complied with state requirements concerning condominiums. A note regarding this requirement must be included on the site plan.
 - (2) A parking space may not be located in a required front street yard, except for a parking space in a driveway.
- (F) A condominium use with 10 or more dwelling units in a building constructed after the effective date of this ordinance must comply with the open space requirements in Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and Pedestrian Amenities*) except as provided by this subsection.
 - (1) Compliance with the open space requirements in Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and Pedestrian Amenities*) is not required if the development is:
 - (a) located in:
 - (i) the University Neighborhood Overlay and the applicant elects to comply with Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District) of this chapter; or
 - (ii) the central business district (CBD); or
 - (iii) the downtown mixed use (DMU) district; or
 - (b) certified under a local, state, or federal affordable housing program and located within $\frac{1}{4}$ mile safe pedestrian travel distance of an existing and developed public park or multi-use trail, measured from the boundary of the site to the nearest public entrance of the park or multi-use trail.
 - (2) In evaluating safe pedestrian travel distances under Paragraph (1)(b), consideration shall be given to factors affecting the suitability of the area for pedestrian travel, including physical or topographic barriers, traffic volumes, pedestrian crosswalks, and accessible routes compliant with the Americans with Disabilities Act.
- (G) A condominium use with less than 10 dwelling units must provide private personal open space in accordance with the requirements of this subsection.
 - (1) The open space must be a minimum of five percent of the gross site area of the property.
 - (2) An area of private personal open space at ground level must contain at least 100 square feet and may not be less than ten feet across in each direction.
 - (3) An area of private personal open space above ground level must contain at least 50 square feet and may not be less than five feet across in each direction.
 - (4) The requirements of this subsection do not apply to a condominium use located within development that meets the requirements in Subsection (F)(1) of this section.

Source: Section 13-2-257; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. 20111215-096.

§ 25-2-777 - RETIREMENT HOUSING USE.

- (A) This subsection applies to a retirement housing use.
- (B) The following are required for a retirement housing use:
 - (1) doors wide enough to accommodate wheelchairs in the areas normally open to residents;
 - (2) ramps or elevators wherever steps are located in all areas normally open to residents;
 - (3) structurally mounted grab bars around showers, tubs, and toilets;
 - (4) emergency signal facilities located three to four feet above floor level in individual units and designed to register a signal that is continuously monitored at the property, a fire station, or a location that provides public emergency services;
 - (5) electrical outlets located at least 24 inches above floor level;
 - (6) cooking facilities without open flames;
 - (7) nonskid floors or low pile carpeting in all areas normally open to residents;
 - (8) lever handles on doors and plumbing fixtures;
 - (9) windows placed that allow occupants views of the outside while seated; and

- (10) anti-scalding devices on showers, bathtubs, and sinks.
- (C) A retirement housing (small site) use in an SF-3 district must be at least 300 feet from other retirement housing (small site) uses. The distance is measured from lot line to lot line.
- (D) The owner of a retirement housing use shall register the use with the Austin Housing Authority and other local agencies that provide housing assistance to elderly or physically handicapped persons.

Source: Sections 13-2-259; Ord. 990225-70; Ord. 990520-38; Ord. 031211-11.

§ 25-2-778 - FRONT YARD SETBACK FOR CERTAIN RESIDENTIAL USES.

- (A) This section applies to a single-family residential use.
- (B) The minimum front yard setback is the lesser of:
 - (1) the setback prescribed by [Section 25-2-492 \(Site Development Regulations\)](#); or
 - (2) the setback prescribed by Subsection (D) or (E).
- (C) In making a determination under Subsection (D) or (E), only a side lot with a single-family residential use is considered.
- (D) This subsection applies to an interior lot.
 - (1) If the lots on both sides of an interior lot are legally developed, the minimum front yard setback of the interior lot is equal to the average of the setbacks of the principal structures on the side lots.
 - (2) If only one lot on a side of an interior lot is legally developed, the minimum front yard setback of the interior lot is equal to the setback of the principal structure on the side lot.
- (E) This subsection applies to a corner lot.
 - (1) If the lot on the side of the corner lot is legally developed, the minimum front yard setback of the corner lot is equal to the setback of the principal structure on the side lot.
 - (2) If the lot on the side of the corner lot is vacant, the minimum front yard setback of the corner lot is equal to the average setbacks of the principal structures on the other lots in the block on the same side of the street.

Source: Ord. 030925-64; Ord. 031211-11; [Ord. No. 20231207-001](#), Pt. 17, 12-18-23.

§ 25-2-779 - SMALL LOT SINGLE-FAMILY RESIDENTIAL USE.

- (A) This section applies to a small lot single-family residential use.
- (B) This section supersedes the base zoning district regulations to the extent of conflict.
- (C) Only one dwelling unit is permitted on a lot.
- (D) This subsection applies to small lot single-family residential use on a property zoned single-family residence small lot (SF-4A) district or less restrictive.
 - (1) The minimum lot size is:
 - (a) 3,600 square feet; or
 - (b) for a corner lot, 4,500 square feet.
 - (2) A lot that fronts on a cul-de-sac must have:
 - (a) a chord width of not less than 33 feet at the front lot line;
 - (b) a width of not less than 40 feet at the front yard setback line; and
 - (c) a width of not less than 40 feet at all points 50 feet or more behind the front lot line.
 - (3) The maximum height for a structure is 35 feet.
 - (4) The minimum front yard setback is 15 feet.
 - (5) The minimum street side yard setback is 10 feet.
 - (6) The minimum interior side yard setback is three and one-half feet, except:
 - (a) an interior side yard setback is not required if the interior side yard is adjacent to property zoned single-family residence small lot (SF-4A) district; and
 - (b) the combined width of the interior side yards of a lot may not be less than seven feet.
 - (7) The minimum rear yard setback is five feet, excluding easements.
 - (8) The minimum setback between a rear access easement and a building or fence is 10 feet.
 - (9) The maximum building coverage is 55 percent.
 - (10) The maximum impervious cover is 65 percent.
 - (11) A small lot single-family residential use must comply with the requirements of [Section 25-4-232 \(Small Lot Subdivisions\)](#).
- (E) Subsections (F) through (M) apply to small lot single-family residential use on property zoned family residence (SF-3) district or more restrictive.

(F) Lot Standards.

- (1) A lot must be at least 1,800 square feet but less than 5,750 square feet.
- (2) Lot Width.
 - (a) Except for a flag lot, a lot must be at least 15 feet wide.
 - (b) Except for the portion of a flag lot that provides street access, a flag lot must be at least 20 feet wide.
- (3) A flag lot must comply with Section 25-4-177 (Flag Lots).
- (4) Except as provided in Subdivisions (5) and (6), the following setbacks apply:
 - (a) The minimum street side yard setback:
 - (i) on a Level 1 street is the greater of five feet from the property line or 10 feet from curb, or in the absence of curbs, from the edge of the pavement; or
 - (ii) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line.
 - (b) The minimum side yard setback is:
 - (i) five feet;
 - (ii) zero feet if adjacent to the portion of a flag lot that provides street access; or
 - (iii) zero feet for a side lot line that is shared with a lot that was subdivided to less than 5,750 square feet and was approved on or after August 16, 2024.
 - (c) The minimum front yard setback is:
 - (i) 10 feet; or
 - (ii) five feet if the lot is a flag lot;
 - (iii) zero feet if the lot is a flag lot and the front lot line is shared with a lot that is shared with a lot that was subdivided to less than 5,750 square feet on or after August 16, 2024.
 - (d) The minimum rear yard setback is:
 - (i) five feet; or
 - (ii) zero feet for a rear lot line that is shared with a lot that was subdivided to less than 5,750 square on or after August 16, 2024.

(5) Except for a street side yard setback, when an attached dwelling unit abuts a property line, the minimum setback for that property line is zero.

(6) Projections into Required Yards.

- (a) A windowsill, belt course, cornice, flue, chimney, eave, awning, box window, or cantilevered bay window may project two feet into a required yard. The two-foot limitation does not apply to a feature required for a passive energy design.
- (b) A one-story uncovered porch, stoop, or steps may project three feet into a required yard.

(G) Building cover limits do not apply to a property zoned family residence (SF-3) district or more restrictive.

(H) Impervious Cover.

(1) The maximum impervious cover is the maximum allowed in the base zoning district regulations.

(2) Except for a flag lot, the maximum front yard impervious cover for driveways and parking areas is 50 percent.

(I) Subchapter F (*Residential Design and Compatibility Standards*) does not apply to a property zoned family residence (SF-3) district or more restrictive except as provided in Subsection (J).

(J) Gross Floor Area.

- (1) This subsection applies to a property located within the area described in Subsection 1.2.1 of Subchapter F (*Residential Design and Compatibility Standards*).
- (2) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls, except as provided in this subsection.
- (3) The gross floor area may not exceed the greater of 1,650 square feet or a floor-to-area ratio of 0.55.
- (4) The maximum unit size is 2,300 square feet.

(K) Design Standards.

- (1) This subsection does not apply to a flag lot.
- (2) The minimum number of street-facing entrances is one.
- (3) Garage Placement

- (a) In this subsection,
 - (i) BUILDING FAÇADE means the front-facing exterior wall or walls of the first floor of the residential structure closest to the primary street, and the term excludes the building facade of the portion of that structure designed or used as a parking structure. Projections from front-facing exterior walls, including but not limited to eaves, chimneys, porches, stoops, box or bay windows, and other similar features as determined by

the building official, are not considered part of the building facade.

- (ii) PARKING STRUCTURE means an attached or detached garage or carport.
- (b) A parking structure may not be closer to the front lot line than the front-most exterior wall of the first floor of the building facade.
- (c) If a parking structure with an entrance that faces a front-yard abutting public right-of-way is less than 5 feet behind the building facade, the width of the parking structure may not exceed the width of the building facade as measured parallel to the front lot line.

(L) Access Requirements for Driveways.

- (1) For lot widths less than 20 feet, the site may only take vehicular access off an improved alley or from a side street.
- (2) For lot widths 20 feet or greater but less than 30 feet, the site may only take vehicular access off of an improved alley, from a side street, or through a joint-use driveway with adjoining lots.
- (3) For lot widths of 30 feet or greater, the site may take vehicular access off of an improved alley, through a joint-use driveway with adjoining lots, or by individual driveway.

(M) Reserved.

Source: Ord. 041118-57; Ord. No. 20240516-006, Pt. 5, 5-27-24; Ord. No. 20250227-039, Pt. 2, 10-1-25.

§ 25-2-780 - MULTIFAMILY RESIDENTIAL USE.

(A) A multifamily use with 10 or more dwelling units in a building constructed after the effective date of this ordinance must comply with the open space requirements of Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and Pedestrian Amenities*) except as provided by this subsection.

(1) Compliance with the open space requirements in Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and Pedestrian Amenities*) is not required if the development is:

- (a) located in:
 - (i) the University Neighborhood Overlay and the applicant elects to comply with Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District) of this chapter; or
 - (ii) the central business district (CBD); or
 - (iii) the downtown mixed use (DMU) district; or

(b) certified under a local, state, or federal affordable housing program and located within $\frac{1}{4}$ mile safe pedestrian travel distance of an existing and developed public park or multi-use trail, measured from the boundary of the site to the nearest public entrance of the park or multi-use trail.

(2) In evaluating safe pedestrian travel distances under Paragraph (1)(b), consideration shall be given to factors affecting the suitability of the area for pedestrian travel, including physical or topographic barriers, traffic volumes, pedestrian crosswalks, and accessible routes compliant with the Americans with Disabilities Act.

(B) A multifamily use with less than 10 dwelling units must provide private personal open space in accordance with the requirements of this subsection.

- (1) The open space must be a minimum of five percent of the gross site area of the property.
- (2) An area of private personal open space at ground level must contain at least 100 square feet and may not be less than 10 feet across in each direction.
- (3) An area of private personal open space above ground level must contain at least 50 square feet and may not be less than five feet across in each direction.
- (4) The requirements of this subsection do not apply to a multifamily use located within a development that meets the requirements in Subsection (A)(1) of this section.

(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) 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.
 - (a) For owner-occupied units, ten percent of the units 500 square feet or less, or three bedroom units, shall be reserved as affordable for ownership and occupancy by households earning no more than 80 percent of the current Annual Median Family Income for the City of Austin Metropolitan Statistical Area, for not less than 99 years from the date the first certificate of occupancy is issued for ownership and occupancy.
 - (b) For rental units, ten percent of the units 500 square feet or less, or three bedroom units, shall be reserved as affordable for occupancy by households earning no more than 50 percent of the current Annual Median Family Income for the City of Austin Metropolitan Statistical Area, for not less than 40 years from the date the first certificate of occupancy is issued.
- (4) Notwithstanding the requirements stated in Subsection (C)(3), at least one unit must be reserved as affordable.

Source: Ord. 20111215-096; Ord. 20111215-096; Ord. No. 20141211-228, Pt. 1, 12-22-14; Ord. No. 20231102-028, Pt. 13, 11-13-23.

Subpart B. - Requirements for a Bed and Breakfast Use.

§ 25-2-781 - BED AND BREAKFAST RESIDENTIAL USE STRUCTURES CLASSIFIED.

- (A) A residential structure may be used as a bed and breakfast residential use only if it qualifies as a Group 1 or Group 2 bed and breakfast residential use structure.
- (B) Except as provided in Subsection (D), a Group 1 bed and breakfast residential use structure is a structure that contains not more than:
 - (1) five rental units if the building in which the bed and breakfast residential use is located is more than 50 years old; or
 - (2) three rental units if the building in which the bed and breakfast residential use is located is 50 years old or less.
- (C) Except as provided in Subsection (D), a Group 2 bed and breakfast residential use structure is a structure that contains not more than:
 - (1) 10 rental units if the building in which the bed and breakfast residential use is located is more than 50 years old; or
 - (2) five rental units if the building in which the bed and breakfast residential use is located is 50 years old or less.
- (D) For an establishment that operated as a lodging house residential use on or before October 1, 1994:
 - (1) a Group 1 bed and breakfast residential use structure is a structure that contains not more than five rental units; and
 - (2) a Group 2 bed and breakfast residential use structure is a structure that contains not more than 10 rental units.

Source: Ord. 990520-38; Ord. 031211-11.

§ 25-2-782 - GENERAL REQUIREMENTS FOR A BED AND BREAKFAST RESIDENTIAL USE.

- (A) A person may own only one bed and breakfast residential use facility.
- (B) The owner must reside in the bed and breakfast residential use structure or in another residential structure on the lot on which the structure is located.
- (C) The owner of a bed and breakfast residential use structure must own the land on which the structure is located.
- (D) The owner must obtain a license to operate a bed and breakfast residential use structure. The license must be renewed annually.
- (E) The owner of a bed and breakfast residential use may employ one or more persons who do not permanently reside on the lot on which the use is located to assist in the operation of the bed and breakfast residential use if the total hours worked by the employees does not cumulatively total more than 40 hours per week.
- (F) Meal service is prohibited, except for breakfast service to an overnight guest.
- (G) A register of guests must be maintained.
- (H) A person may not structurally alter the exterior of a Group 1 residential use structure to change the existing residential character of the structure.
- (I) A bed and breakfast residential use must be more than 1,000 feet from an existing bed and breakfast residential use. A City council-adopted neighborhood plan that permits spacing of 1,000 feet or less supersedes this subsection.
- (J) A Group 1 bed and breakfast residential use must be located in the principal residential structure on the lot.
- (K) Each bed and breakfast residential use structure of a Group 2 bed and breakfast residential use facility must comply with this section and other applicable Code requirements.

Source: Ord. 990520-38; Ord. 031211-11.

§ 25-2-783 - NUMBER OF ROOMS.

- (A) A bed and breakfast residential use structure may contain:
 - (1) one room for each 500 square feet of gross floor area within the structure if the owner resides in the structure; and
 - (2) one room for each 700 square feet of gross floor area within the structure if the owner resides in another residential structure on the lot.
- (B) In this section, gross floor area does not include rooms occupied exclusively by the owner.

Source: Ord. 990520-38; Ord. 031211-11.

§ 25-2-784 - PARKING REQUIREMENTS.

- (A) Pervious pavers may be used as driveway and parking surface materials within the property boundaries.
- (B) Not more than 25 percent of the parking surface may be constructed of gravel.
- (C) A guest parking space is not permitted in the front yard of a bed and breakfast residential use structure.

Source: Ord. 990520-38; Ord. 031120-44; Ord. 031211-11.

§ 25-2-785 - CERTAIN ADVERTISING PROHIBITED.

Advertising the street address of a bed and breakfast residential use through signs, billboards, television, radio, or newspapers is prohibited.

Source: Ord. 990520-38; Ord. 031211-11.

§ 25-2-786 - RENTAL OF A BED AND BREAKFAST RESIDENTIAL USE FACILITY FOR GATHERINGS.

- (A) The use of a bed and breakfast residential use facility as a rented site for a gathering, including a wedding, is a conditional use.
- (B) A conditional use permit may be approved only if:
 - (1) the bed and breakfast residential use structure is located in a multifamily residence (limited density) or less restrictive base district; and
 - (2) a certificate of occupancy has been issued that authorizes the use of the site for a gathering.
- (C) The maximum number of attendees at a gathering held under this section equals four times the total of the number of parking spaces for rental units plus the number of spaces on the property that are not required for other uses on the property.
- (D) Amplified live outdoor music is prohibited at a gathering.
- (E) A gathering must end at 9:00 p.m. on Sunday through Thursday and at 10:30 p.m. on Friday and Saturday.
- (F) The Land Use Commission may not approve an increase of the maximum number of attendees, authorize amplified live outdoor music, or extend the hours of operation through the conditional use process.
- (G) The Land Use Commission may reduce the hours of operation.

Source: Ord. 990520-38; Ord. 010607-8; Ord. 031211-11.

§ 25-2-787 - WAIVERS.

- (A) The owner of an establishment that operated as a lodging house residential use on or before October 1, 1994, may submit to the director an application for a waiver of the requirements prescribed in Section 25-2-782(A), (B), (C), (E), (H), (I), and (J) (General Requirements), Section 25-2-783 (Number of Rooms), and Section 25-2-784 (Parking Requirements).
- (B) The director shall give notice of a waiver application under Section 25-1-133(A) (Notice of Application and Administrative Decisions).
- (C) Except as provided in Subsection (D), a waiver application shall be considered by the director. The director shall grant a waiver application if the director determines that the waiver will not harm the surrounding area. An applicant may appeal the denial of an application by the director to the Land Use Commission.
- (D) If an interested party files a protest of a waiver application, the application shall be considered by the Land Use Commission.
- (E) The Land Use Commission shall review a waiver application filed under this section in accordance with the conditional use process described in Chapter 25-5, Article 3 (Land Use Commission Approved Site Plans).

Source: Ord. 990520-38; Ord. 010607-8; Ord. 031211-11.

Subpart C. - Reserved.

Footnotes:

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Editor's note—Ord. No. 20250227-039, Pt. 1, effective October 1, 2025, repealed §§ 25-2-788—25-2-799, which pertained to requirements for short-term rental uses and derived from Ord. 20120802-122; Ord. 20130926-144; Ord. No. 20151119-080, Pts. 4—7, 11-30-15; Ord. No. 20151217-098, Pt 1, 12-28-15; Ord. No. 20160223-A.1, Pts. 1, 2, 3-5-16; Ord. No. 20231207-001, Pts. 10, 11, 12-18-23.

Division 2. - Commercial Uses.

§ 25-2-801 - ADULT-ORIENTED BUSINESSES.

- (A) In this title:
 - (1) ADULT ARCADE means a movie arcade, game arcade, or other business that primarily offers still or motion pictures or games that emphasize specified sexual activities or specified anatomical areas.
 - (2) ADULT BOOKSTORE means a business:
 - (a) that primarily offers books, magazines, films or videotapes, periodicals, or other printed or pictorial materials that emphasize specified sexual activities or specified anatomical areas; and
 - (b) in which at least 35 percent of the gross floor area is devoted to offering merchandise described in Subsection (A)(2)(a).
 - (3) ADULT CABARET means a business that primarily offers live entertainment that emphasizes specified sexual activities or specified anatomical areas.
 - (4) ADULT LOUNGE means an adult cabaret that serves alcoholic beverages.
 - (5)

ADULT NOVELTY SHOP means a business that primarily sells products that emphasize specified sexual activities or specified anatomical areas, and in which at least 35 percent of the gross floor area is devoted to the sale of those products.

- (6) ADULT-ORIENTED BUSINESS means an adult arcade, adult bookstore, adult cabaret, adult lounge, adult novelty shop, adult service business, or adult theater.
- (7) ADULT SERVICE BUSINESS means an adult encounter parlor, adult retreat, nude modeling studio, or a commercial enterprise that holds itself out to be primarily in the business of offering a service that is distinguished or characterized by an emphasis on depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- (8) ADULT THEATER means a business that primarily exhibits motion pictures that emphasize specified sexual activities or specified anatomical areas.
- (9) SPECIFIED SEXUAL ACTIVITIES means:
 - (a) human genitals in a state of sexual stimulation or arousal;
 - (b) acts of human masturbation, sexual intercourse, or sodomy; or
 - (c) erotic touching of human genitals, the pubic region, the buttock, or the female breast.
- (10) SPECIFIED ANATOMICAL AREAS means:
 - (a) less than completely and opaquely covered:
 - (i) human genitals or pubic region;
 - (ii) buttock;
 - (iii) female breast below a point immediately above the top of the areola; or
 - (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (B) On-premises advertisements, displays, or other promotional materials for an adult-oriented business that emphasize specified sexual activities or specified anatomical areas must not be visible from public or semi-public places outside the business.
- (C) Except as provided in Subsection (E), an adult-oriented business other than an adult lounge is a permitted use in a CS, CS-1, or CH zoning district and is a conditional use in a CBD or DMU zoning district.
- (D) Except as provided in Subsection (E), an adult lounge is a conditional use in a CBD, DMU, CS-1, or CH zoning district.
- (E) An adult-oriented business may not be located on a lot:
 - (1) that is within 1,000 feet of a lot on which another adult-oriented business is located;
 - (2) that is within 1,000 feet of a lot on which a school, church, public park or playground, licensed day-care center, museum, or library is located; or
 - (3) where 50 percent or more of the lots within a 1,000 foot radius are zoned or used for a residential use.
- (F) A radius or distance described in Subsection (E) is measured from the midpoint of a line joining the two most distant points on the boundaries of the lot.
- (G) For purposes of this section, "museum" means a building or site devoted to the acquisition, conservation, study, exhibition, or educational interpretation of objects having scientific, historic, or artistic value.

Source: Section 13-2-265; Ord. 990225-70; Ord. 031211-11; Ord. No. 20150416-029, Pt. 1, 4-27-15.

§ 25-2-802 - ART GALLERY AND ART WORKSHOP USES.

- (A) For an art gallery use in a general office (GO) or more restrictive district, the sale of art supplies, equipment, or accessories is prohibited.
- (B) This subsection applies to an art workshop use in a community commercial (GR) or more restrictive district.
 - (1) The use may not:
 - (a) exceed 5,000 square feet of gross floor area; or
 - (b) produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste runoff.
 - (2) The following are prohibited:
 - (a) the outdoor storage of materials; and
 - (b) the use of welding equipment, fiberglass, or epoxy.

Source: Ord. 040617-Z-1.

§ 25-2-803 - COMMERCIAL BLOOD PLASMA CENTER CONDITIONAL USE REQUIREMENTS.

A commercial blood plasma center is a conditional use if the use is within:

- (1) one-half mile of another commercial blood plasma center; or
- (2) 540 feet of a lot zoned or used for a residence, church, public or private school, public park or playground, or day-care facility.

Source: Sections 13-2-233 and 13-2-333; Ord. 990225-70; Ord. 031211-11.

§ 25-2-804 - COMMUNICATION SERVICE FACILITIES.

- (A) For a communication service facilities use, the base zoning district regulations are superseded by the requirements of this section.
- (B) Base zoning district requirements for lot size, lot width, floor area ratio, and building coverage do not apply.
- (C) The minimum side yard width is the lesser of:
 - (1) five feet; or
 - (2) the width required by the site development regulations for the base district.
- (D) At least 50 percent of the yard areas must be landscaped, and one tree at least six feet in initial height is required in the front yard. The following landscaping requirements do not apply:
 - (1) Subsection 25-2-983(B) (Final Inspection);
 - (2) Subsections 25-2-1001(C) and (D) (Procedures);
 - (3) Subsections 25-2-1003(B) and (C) (General Requirements);
 - (4) Subsections 25-2-1005(C), (D), (E), and (F) (Trees);
 - (5) Subsection 25-2-1006(A) (Visual Screening);
 - (6) Section 25-2-1007 (Parking Lots); and
 - (7) Section 25-2-1008 (Irrigation Requirements).
- (E) Impervious cover may not exceed the greater of the maximum percentage permitted by the applicable site development regulations for the base zoning district; or
 - (1) for a site less than 2,500 square feet in size, 95 percent;
 - (2) for a site at least 2,500 and not more than 3,600 square feet in size, 85 percent;
 - (3) for a site at least 3,600 and not more than 5,000 square feet in size, 50 percent; or
 - (4) for a site more than 5,000 square feet in size, 45 percent.
- (F) A structure may not exceed 12 feet in height and must be set back at least 25 feet from a front or side street if the structure is located:
 - (1) in an SF-6 or more restrictive zoning district; or
 - (2) across a street from or adjacent to property that is zoned or used for a use permitted in an SF-5 or more restrictive zoning district,
- (G) A structure's location must not create a visual obstruction to traffic.

Source: Section 13-2-268; Ord. 990225-70; Ord. 031211-11.

§ 25-2-805 - DROP-OFF RECYCLING COLLECTION FACILITIES.

- (A) A drop-off recycling collection facility must comply with the requirements of this subsection.
 - (1) A facility must be located in an enclosed structure or enclosable trailer, or be screened on three sides by a solid fence or wall not less than six feet high. This requirement does not apply to a single-feed reverse vending machine.
 - (2) A facility must be at least 100 feet from an adjoining property that is zoned or used for SF-5 or more restrictive use.
 - (3) A sign that is visible to the public identifying the facility operator, its telephone number, its hours of operation, and the City of Austin Recycling Hotline telephone number is required.
 - (4) A facility operator shall exchange a trailer that contains a facility for another trailer when the facility reaches its capacity. The operator shall place a replacement trailer in the exact location of the trailer it replaced, unless the trailer is in the fenced boundaries of a drop-off recycling collection facility site.
 - (5) Storage containers that are marked to identify the materials to be deposited are required. Coverable containers for paper and plastic products are required for an unenclosed facility. A sign near the containers stating materials may only be deposited between the hours of 7:00 a.m. and 10:00 p.m. is required.
 - (6) Storage and unloading areas must be paved.
 - (7) The facility operator shall remove all deposited materials from the facility:
 - (a) at least once a week; or
 - (b) when the containers for a material are full.
 - (8) A facility operator may not remove deposited materials between the hours of 8:00 p.m. and 8:00 a.m.
 - (9) A facility operator shall keep the facility free of refuse and putrescible materials.
 - (10) A facility operator may not use power driven processing equipment at an unenclosed facility. This limitation does not apply to a bulk or single-feed reverse vending machine.
 - (11) A facility that shares a site with another use may not be designed or operated to interfere with the off-street parking, shared parking, traffic circulation, or access required by the other use.
- (B) The operator may seek a waiver of a requirement of Subsection (A) from the council. The waiver request must demonstrate that:

- (1) compliance with the requirement is an undue hardship on the applicant;
- (2) waiver of the requirement will not adversely affect surrounding properties; and
- (3) the facility substantially complies with requirements of this section.

Source: Sections 13-2-224 and 13-2-271; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. 050127-64.

§ 25-2-806 - PLANT NURSERIES.

- (A) This section applies to a plant nursery use.
- (B) In a neighborhood commercial (LR) district, the site area may not exceed one acre.
- (C) Storage areas for herbicides, pesticides, or fertilizers, if any, must be shown on the site plan.
- (D) This subsection applies to products that are required by the Environmental Protection Agency to be labeled "combustible", "corrosive", "danger", "flammable", "highly flammable", "poison", or "warning".
 - (1) Storage or display of a product is required to be:
 - (a) in an enclosed building; and
 - (b) for a site larger than one acre, separated from property used or zoned for a residential use by at least 75 feet plus 20 feet for each acre of site area over one acre.
 - (2) Total storage and display area:
 - (a) is limited to 100 square feet for each acre, or portion of an acre, of site area; and
 - (b) may not exceed 1,000 square feet.
- (E) A bulk storage area for soil, compost, or a similar product outside of an enclosed building:
 - (1) may not exceed 10 percent of the site area;
 - (2) must be at least 25 feet from property used or zoned for a residential use;
 - (3) must be screened from view from adjacent property used or zoned for a residential use; and
 - (4) may not cause noxious odors that are detectable from adjacent property used or zoned for a residential use.

Source: Section 13-2-274; Ord. 990225-70; Ord. 031211-11.

§ 25-2-807 - SPECIAL USE IN HISTORIC DISTRICT.

- (A) This section applies to a site if:
 - (1) the structure and land are zoned as a historic landmark (H) or historic area (HD) combining district;
 - (2) the property is owned and operated by a non-profit entity;
 - (3) the property is directly accessible from a street with at least 40 feet of paving;
 - (4) the site has at least one acre of contiguous land area;
 - (5) at least 80 percent of the parking is on site;
 - (6) a single commercial use does not occupy more than 25 percent of the gross floor area;
 - (7) civic uses occupy at least 50 percent of the gross floor area; and
 - (8) the property owner does not discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, age, or physical disability in leasing the property.
- (B) If not otherwise permitted in the base district, the following are conditional uses on a site described in Subsection (A):
 - (1) administrative and business offices;
 - (2) general retail sales (convenience);
 - (3) indoor entertainment;
 - (4) restaurant (limited) without drive-in service; and
 - (5) cultural services.

Source: Sections 13-2-1 and 13-2-234; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. 031211-41; Ord. 041202-16; Ord. No. 20231102-028, Pt. 14, 11-13-23.

§ 25-2-808 - RESTAURANTS AND COCKTAIL LOUNGES.

- (A) A restaurant (general) use must comply with the requirements of this subsection.
 - (1) The restaurant must contain kitchen facilities that are adequate for the preparation of the food to be sold. The adequacy of the kitchen facilities is based on the seating capacity of the restaurant and the type of menu offered.
 - (2) The menu must provide a variety of entrees, a list of all food items for sale, and the price of each item.
- (B) A restaurant (general) use that serves alcoholic beverages must comply with the requirements of this subsection.

- (1) At least 51 percent of the gross income of a restaurant must be derived from the sale of prepared food.
 - (2) An area within a restaurant devoted to the preparation, sale, and consumption of alcoholic beverages may not be operated or advertised under a name different from the restaurant. An outside sign, separate identification, or advertising for the area within the restaurant devoted to the preparation, sale, and consumption of alcoholic beverages must be incidental to and in conjunction with the restaurant use.
 - (3) Live entertainment is permitted if the amplified sound does not exceed 70 decibels, measured at the property line of the licensed premises. In this paragraph, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.
 - (4) The building official may order a verified audit that includes documents submitted to taxing authorities. A person's failure to timely produce requested documents is *prima facie* evidence of a violation of this chapter.
- (C) A restaurant that requires a late-hours permit from the Texas Alcoholic Beverage Commission is a conditional use if:
- (1) Article 10 (*Compatibility Standards*) applies to the restaurant; and
 - (2) Article 10 (*Compatibility Standards*) is not waived in accordance with Article 10, Division 3 (*Waivers*).
- (D) For a cocktail lounge or a restaurant with a late-hours permit:
- (1) all parking must be shown on the site plan that is required for a conditional use permit or compatibility standards waiver; and
 - (2) compliance with the parking area setback described in Section 25-5-146 (Conditions of Approval) is required.

Source: Section 13-2-263; Ord. 990225-70; Ord. 031211-11.

§ 25-2-809 - RESTAURANT (LIMITED) USE.

- (A) In a neighborhood commercial (LR) district, a restaurant (limited) use is:
 - (1) a conditional use if it has drive-in service; and
 - (2) prohibited if it exceeds 3,000 square feet of gross floor area, and the site abuts property:
 - (a) zoned as an urban family residence (SF-5) or more restrictive district; or
 - (b) on which a use permitted in a SF-5 or more restrictive district is located.
- (B) in a general office (GO), commercial recreation (CR), or neighborhood commercial (LR) district, the outdoor seating area, if any, for a restaurant (limited) use may not exceed 50 percent of the indoor seating area. Seating area is measured in square feet.

Source: Ord. 031211-41.

§ 25-2-810 - PRINTING AND PUBLISHING USE.

- (A) This section applies to a printing and publishing use in a community commercial (GR) or more restrictive district.
- (B) The use may not:
 - (1) exceed 5,000 square feet of gross floor area; or
 - (2) produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste runoff.
- (C) The following are prohibited:
 - (1) the outdoor storage of materials; and
 - (2) the wholesale distribution of goods.
- (D) The use is limited to printing equipment typically used in a business office.

Source: Ord. 040617-Z-1.

§ 25-2-811 - ELECTRONIC TESTING USE.

- (A) This section applies to an electronic testing use.
- (B) In this section, the terms "hazardous waste" and "conditionally exempt small quantity generator" have meanings assigned to them by Texas Administrative Code Title 30, Chapter 335.
- (C) An activity that generates hazardous waste is prohibited, unless the waste is generated by a conditionally exempt small quantity generator.
- (D) An electronic testing use must comply with the requirements for a planned development area prescribed by Section 25-2-648 (Planned Development Area Performance Standards).
- (E) An electronic testing use is a conditional use in DMU and CBD base zoning districts, unless the following requirements are met, in which case electronic testing is permitted:
 - (1) the building in which the electronic testing use is located is a single-tenant building, but not including any pedestrian-oriented uses on the ground floor;
 - (2) the building in which the electronic testing use is located is less than 90 feet in height;
 - (3) the building in which the electronic testing use is located does not contain residential uses; and,
 - (4) the proposed electronic testing use does not require Group H occupancy, per Chapter 25-12 Article 1 (*Building Code*).

Source: Ord. 020627-Z34; Ord. 20110804-008; 20130620-092.

§ 25-2-812 - MOBILE FOOD ESTABLISHMENTS.

(A) In this section:

- (1) PERMIT HOLDER means the person to whom the health authority issues a permit for a mobile food establishment permit required by Chapter 10-3 (*Food and Food Handlers*) of the City Code.
- (2) MOBILE FOOD ESTABLISHMENT has the meaning established in Title 25, Part 1, Section 229.162 (*Definitions*) of the Texas Administrative Code and Section 10-3-1 (*Definitions*) of the City Code.
- (3) SOUND EQUIPMENT has the meaning established in Section 9-2-1 (*Definitions*) of the City Code.

(B) A mobile food establishment is not permitted on private property except as provided in this section.

(C) A mobile food establishment:

- (1) must be licensed by the health authority;
- (2) is permitted in all commercial and industrial zoning districts, except in a neighborhood office (NO), limited office (LO), or general office (GO) zoning district;
- (3) may not be located within 50 feet of a lot with a building that contains both a residential and commercial use;
- (4) may not operate between the hours of 3:00 a.m. and 6:00 a.m.; and
- (5) may not be located within 20 feet of a restaurant (general) or restaurant (limited) use.

(D) The noise level of mechanical equipment or outside sound equipment used in association with a mobile food establishment may not exceed 70 decibels when measured at the property line that is across the street from or abutting a residential use.

(E) A drive-in service is not permitted.

(F) Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.

(G) A mobile food establishment is limited to signs attached to the exterior of the mobile food establishment. The signs:

- (1) must be secured and mounted flat against the mobile food establishment; and
- (2) may not project more than six inches from the exterior of the mobile food establishment.

(H) During business hours, the permit holder shall provide a trash receptacle for use by customers.

(I) The permit holder shall keep the area around the mobile food establishment clear of litter and debris at all times.

(J) A permanent water or wastewater connection is prohibited.

(K) Electrical service may be provided only by:

- (1) temporary service or other connection provided by an electric utility; or
- (2) an onboard generator.

(L) A request that the city council require a mobile food establishment in a neighborhood association area to comply with the additional distance requirements set forth in Subsection (N) may be made in accordance with this subsection.

(1) The following persons may submit an application to the director requesting that the city council require mobile food establishments in a neighborhood association area to comply with Subsection (N):

- (a) for an area with an adopted neighborhood plan:
 - (i) the chair of the official planning area contact team; or
 - (ii) an officer of a neighborhood association if there is no official planning area contact team; or
- (b) for an area without an adopted neighborhood plan, an officer of a neighborhood association.

(2) The director shall accept an application made under this subsection during February of each year. The council shall consider the applications annually.

(3) Notice in English and Spanish of a public hearing on the application by the council is required. The City is responsible for the cost of the notice. The director shall give notice not later than the 16th day before the date of the public hearing by:

- (a) publishing notice in a newspaper of general circulation; and
- (b) mailing notice to:
 - (i) each mobile food establishment licensed by the health authority; and
 - (ii) each registered neighborhood association.

(4) The director shall maintain a map that depicts the areas to which Subsection (O) applies.

(5) A neighborhood association must be registered with the Public Information Office of the City.

(M) The requirements of Subsection (N) may be added to an ordinance zoning or rezoning property as a neighborhood plan combining district in accordance with Section 25-2-1406 (Ordinance Requirements).

(N) The subsection establishes additional distance requirements that may be applied under Subsections (L) or (M).

- (1) A mobile food establishment may not be less than 50 feet from property:
 - (a) in a SF-5 or more restrictive district; or
 - (b) on which a residential use permitted in a SF-5 or more restrictive district is located.
 - (2) A mobile food establishment may operate between 6:00 a.m. and 10:00 p.m. if the mobile food establishment is more than 50 feet and not more than 300 feet from a property:
 - (a) in a SF-5 or more restrictive district; or
 - (b) on which a residential use permitted in a SF-5 or more restrictive district is located.
 - (3) A mobile food establishment may operate between 6:00 a.m. and 3:00 a.m. if the mobile food establishment is more than 300 feet from a property:
 - (a) in a SF-5 or more restrictive district; or
 - (b) on which a residential use permitted in a SF-5 or more restrictive district is located.
- (O) A mobile food establishment must comply with Subsection (N) not later than the 60th day after the effective date of an ordinance adopted under Subsection (L) or (M).
- (P) This subsection applies to a mobile food establishment that is located on the same site as a restaurant (limited) or restaurant (general) use and serves food provided by the restaurant (limited) or restaurant (general) use. The mobile food establishment:
- (1) may only operate between the hours of 6:00 a.m. and 10:00 p.m. if the mobile food establishment is located 300 feet or less from property in a SF-5 or more restrictive district or on which a residential use permitted in a SF-5 or more restrictive district is located; and
 - (2) must comply only with Subsections (D), (F), (G), (H), and (I).
- (Q) This ordinance does not apply to a mobile food establishment that is located on private property for three hours or less between the hours of 6:00 a.m. and 10:00 p.m.
- (R) A site plan, site plan exemption, or temporary use permit is not required for the operation of a mobile food establishment.
- (S) The permit holder shall comply with the section. A violation of this section is a Class C misdemeanor.

Source: Ord. 20060928-020; Ord. 20080131-134; Ord. 20110623-135; Ord. 20110804-008.

§ 25-2-813 - DRIVE-THROUGH FACILITY.

A business that has a drive-through facility but does not have walk-in service must provide safe and convenient access for pedestrians to the drive-through facility.

Source: Ord. 20060831-068; Ord. 20110804-008.

§ 25-2-814 - SERVICE STATION USE.

A service station use:

- (1) must be screened from the street by a building or a landscape buffer that includes shade trees;
- (2) may not have more than 16 fuel dispensers; and
- (3) may not have more than eight vehicle queue lanes.

Source: Ord. 20060831-068; Ord. 20110804-008.

§ 25-2-815 - LARGE RETAIL USES.

- (A) In this section, LARGE RETAIL USE means one of the following principal uses, including its accessory uses, with 100,000 square feet or more of gross floor area:
- (1) agricultural sales and services use;
 - (2) art gallery use;
 - (3) art workshop use;
 - (4) automotive repair services use;
 - (5) automotive sales use;
 - (6) construction sales and services use;
 - (7) equipment sales use;
 - (8) food sales use;
 - (9) general retail services (convenience) use;
 - (10) general retail sales (general) use;
 - (11) liquor sales use;
 - (12) monument retail sales use;

- (13) pawn shop services use;
- (14) personal improvement services;
- (15) pet services use;
- (16) plant nursery use;
- (17) recreational equipment sales use;
- (18) restaurant (general) use;
- (19) restaurant (limited) use;
- (20) service station use;
- (21) special use historic use; or
- (22) veterinary services use.

(B) A large retail use is a conditional use.

Source: Ord. 20070215-072; Ord. 20110804-008.

§ 25-2-816 - ALTERNATIVE FINANCIAL SERVICES BUSINESSES.

- (A) This section applies to an alternative financial services business use.
- (B) A use may not be located on a site that is:
 - (1) within 1,000 feet of a site that contains another alternative financial services business use;
 - (2) within 200 feet of a property in a base, combining or overlay district in which a residential use is allowed or in which a residential use is located;
 - (3) within 500 feet of the rights-of-way of Interstate Highway 35, U.S. Highway 183, U.S. Highway 290, Texas State Highway Loop 360, Texas State Highway Loop 1, Texas State Highway 130, or Texas State Highway 45; or
 - (4) within the waterfront overlay district, the university neighborhood overlay district, or the area bounded by Interstate Highway 35, Airport Boulevard, and Town Lake.
- (C) A use may be located only within a freestanding structure and may not be co-located in the same structure with other uses.

Source: Ord. 20120426-139.

§ 25-2-817 - ELECTRONIC PROTOTYPE ASSEMBLY USE.

- (A) An electronic prototype assembly use is a conditional use in DMU and CBD base zoning districts, unless the following requirements are met, in which case electronic prototype assembly is permitted:
 - (1) the building in which the electronic prototype assembly use is located is a single-tenant building and does not include any pedestrian-oriented uses on the ground floor;
 - (2) the building in which the electronic prototype assembly use is located is less than 90 feet in height;
 - (3) the building in which the electronic prototype assembly use is located does not contain residential uses; and,
 - (4) the proposed electronic prototype assembly use does not require Group H occupancy, per Chapter 25-12 Article 1 (*Building Code*).

Source: Ord. 20130620-092.

§ 25-2-818 - MOBILE RETAIL ESTABLISHMENTS.

- (A) Definitions. In this section:
 - (1) MOBILE RETAIL ESTABLISHMENT means a retail establishment that sells non-food items and services to an end user consumer from a movable vehicle or trailer that routinely changes locations.
 - (2) OPERATOR means a person who operates a mobile retail establishment.
 - (3) RIGHT-OF-WAY means a public roadway and property dedicated or reserved for public pedestrian or vehicular travel.
 - (4) SOUND EQUIPMENT has the meaning established in Section 9-2-1 (*Definitions*) of the City Code.
- (B) Applicability. This section does not apply to a mobile food establishment defined in Section 25-2-812 (Mobile Food Establishments) of the City Code or to a mobile retail establishment that is located on private property for three hours or less between the hours of 6 a.m. and 11 p.m.
- (C) Time Limit. A mobile retail establishment may not remain at the same location for more than 180 consecutive days.
- (D) Required Approvals.
 - (1) A person may not operate a mobile retail establishment until the director of the Planning and Development Review Department approves the establishment.
 - (2) The director of the Planning and Development Review Department shall approve an establishment if all of the following is provided by the operator:
 - (a) the name and address of the mobile retail establishment owner;

- (b) proof of motor vehicle or trailer registration;
 - (c) a description of the items that the mobile retail establishment sells;
 - (d) proof of sales tax and use permit;
 - (e) proof of Texas Department of Licensing and Regulation license(s), if applicable for Personal Services use;
 - (f) an itinerary of the locations where sales occur;
 - (g) if at one location more than two hours, a written agreement from a business within 150 feet of the location to allow employees of the mobile retail establishment to use flushable restrooms or other facilities approved by the health authority during hours of operation;
 - (h) a fee, as established by separate ordinance; and
 - (i) any other information reasonably required by the director of the Planning and Development Review Department to enforce this section.
- (3) A site plan, site plan exemption, or temporary use permit is not required for the operation of a mobile food establishment.
- (E) Items and Services to be Sold. An operator may only sell non-food retail items or services. Mobile retail establishments may only sell items or services permitted under a general retail sales (convenience) use, pet services use, and personal services use. All sales items and supplies must be stored within the mobile unit.
- (F) Zoning. A mobile retail establishment shall comply with the regulations in this section.
- (1) A mobile retail establishment is permitted in all commercial and industrial zoning districts except in a neighborhood office (NO), limited office (LO), or general office (GO) zoning district.
 - (2) Unless located in a central business district (CBD) zoning district, a mobile retail establishment may not be located less than fifty feet from a lot with a building that contains both a residential and commercial use.
 - (3) A mobile retail establishment may not be less than fifty feet from property:
 - (a) in an SF-5 or more restrictive district; or
 - (b) on which a residential use permitted in an SF-5 or more restrictive district is located.
 - (4) A person may not operate a mobile retail establishment between the hours of 11:00 p.m. and 6:00 a.m.
 - (5) A mobile retail establishment may not be located less than twenty feet from a general retail sales (convenience) use, general retail sales (general) use, pet services use, or personal services use.
 - (6) A drive-in service is not permitted.
 - (7) Exterior lighting must be hooded or shielded so that the light source is 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.
- (G) Noise Level. The noise level of mechanical equipment or outside sound equipment used in association with a mobile retail establishment may not exceed seventy decibels when measured at the property line that is across the street from or abutting a residential use.
- (H) Signs. A mobile retail establishment is limited to signs attached to the exterior of the mobile retail establishment. The signs:
- (1) must be secured and mounted flat against the mobile retail establishment;
 - (2) may not project more than six inches from the exterior of the mobile retail establishment;
 - (3) may not use a flashing light source; and
 - (4) may not use an LED message board.
- (I) Debris and Litter. During business hours a mobile retail establishment shall provide a trash receptacle for use by customers. The mobile retail establishment shall also keep the area around the mobile retail establishment clear of litter and debris at all times.
- (J) Utilities. A permanent water or wastewater connection is prohibited. Electrical service may be provided only by a temporary service or other connection provided by an electric utility or by an onboard generator.
- (K) Waste and Disposal. An operator must dispose of all waste generated by the mobile retail establishment in accordance with City Code regulations.
- (L) Mobility. An operator must demonstrate that the vehicle or trailer is readily moveable if requested by the directors of the Planning and Development Review Department or the Code Compliance Department.
- (M) Operations. An operator may not place sales items, equipment, or supplies that are part of its operations outside of the permitted unit and must conduct all of its operational activities within the mobile retail establishment.
- (N) Bad Actor.
- (1) The director may revoke an approved application granted under this section if an operator provides false information on an application or commits repeated violations of applicable law.
 - (2) In determining whether to revoke an approved application, the director shall consider the frequency of any repeated violations, whether a violation was committed intentionally or knowingly, and any other information relevant to the degree to which an operator has endangered the public health, safety, or welfare.

- (3) An operator may appeal the director's decision to revoke an approved application to the Planning Commission.
 - (4) An operator must file an appeal under this section with the director no later than the 20th day following the date of the director's decision. The appeal must be on a form approved by the director.
 - (5) After notice and public hearing, the Planning Commission shall either uphold or overturn the decision of the director. In making its decision, the Planning Commission shall consider the criteria contained within this Subsection (N). The Planning Commission's decision shall be final on this matter.
- (O) Compliance Required; Offense. An operator shall comply with this section. A violation of this section is a Class C misdemeanor.

Source: [Ord. No. 20140626-145, Pt. 1, 7-7-14](#); [Ord. No. 20231102-028](#), Pt. 15, 11-13-23.

§ 25-2-819 - PERFORMANCE VENUES.

- (A) The purpose of the performance venue is to enhance the development and preservation of venues that support art, music, and culture; and contribute to the City's status as the Live Music Capital of the World.
- (B) Production Space.
 - (1) A performance venue must allocate a minimum of 50 percent of the gross floor area for production and programming space.
 - (2) Production and programming space includes stages, green rooms, box offices and ticketing booths, audience areas, and equipment dedicated to producing plays, motion pictures, or other performances.
- (C) Sale of Alcoholic Beverages.
 - (1) A performance venue with a late-hours permit from the Texas Alcoholic Beverage Commission (TABC) is subject to Article 10 (*Compatibility Standards*) unless the venue is eligible for a waiver under Article 10, Division 3 (*Waivers*).
 - (2) For a performance venue with a late-hours permit:
 - (a) an applicant must show all of the proposed parking on a site plan that is required for a conditional use or compatibility standards waiver; and
 - (b) the site is subject to the parking area setback described in [Section 25-5-146 \(Conditions of Approval\)](#).
 - (3) During the Conditional Use Permitting Process, the Land Use Commission may:
 - (a) reduce the amount of gross floor area that can be dedicated as audience space if the Land Use Commission determines that the surrounding uses support a reduced amount of gross floor area; and
 - (b) allow an outdoor entertainment area.
 - (4) The Land Use Commission shall identify the basis for its determination that surrounding uses support a reduced amount of gross floor area.

Source: [Ord. No. 20230914-097](#), Pt. 3, 9-25-23.

§ 25-2-820 - ELECTRIC VEHICLE CHARGING USE.

- (A) This section applies to electric vehicle charging as a principal use.
- (B) This section does not apply to electric vehicle charging as an accessory use.
- (C) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is more restrictive.
- (D) In this section:
 - (1) a roadway description has the meaning assigned in Article 5 (*Definitions*) of Subchapter E; and
 - (2) distance is measured from lot line to lot line.
- (E) Electric vehicle charging stations may be located one level below ground and above.
- (F) Electric vehicle charging use is a permitted use on a site with a commercial or industrial base zoning district and:
 - (1) an existing service station use; or
 - (2) a discontinued service station use, if a subsequent use on the site did not include a restaurant (general) use, a restaurant (limited) use, or a residential use.
- (G) Subject to the requirements of Subsections (H), (I), and (J), electric vehicle charging use is a permitted or conditional use on a site zoned:
 - (1) general commercial services (CS);
 - (2) commercial liquor sales (CS-1);
 - (3) commercial highway (CH);
 - (4) industrial park (IP);
 - (5) major industry (MI);
 - (6) limited industrial services (LI); or
 - (7) research and development (R&D).
- (H) Electric vehicle charging use is a permitted use if:
 - (1) the site is:

- (a) zoned with a base zoning district described in Subsection (G);
- (b) located at least 1,000 feet from another lot with electric vehicle charging use as its principal use;
- (c) 25,000 square feet or less; and
- (2) the site front-faces or side-faces one of the following roadways:
 - (a) a core transit corridor;
 - (b) a future core transit corridor; or
 - (c) an urban roadway.
- (I) Electric vehicle charging use is a permitted use if the site:
 - (1) is zoned with a base zoning district described in Subsection (G); and
 - (2) front-faces or side-faces one of the following roadways:
 - (a) a suburban roadway;
 - (b) a highway;
 - (c) a hill country roadway; or
 - (d) an internal circulation route.
- (J) Electric vehicle charging use is a conditional use if the site:
 - (1) is zoned with a base zoning district described in Subsection (G); and
 - (2) front-faces or side-faces a roadway type adopted in Chapter 25-2 (Zoning) other than a roadway described in Subdivision (I)(2); or
 - (3) is located within 1,000 feet of a highway cap or stitch.

Source: Ord. No. 20240516-007, Pt. 2, 5-27-24.

Division 3. - Civic Uses.

§ 25-2-831 - COLLEGE OR UNIVERSITY.

- (A) This section applies to a college and university facilities use.
- (B) A site must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet.
- (C) If more than one dwelling unit is located on the site, the dwelling units must comply with the requirements of this title that are applicable to residential uses.

Source: Section 13-2-264; Ord. 990225-70; Ord. 031211-11; Ord. No. 20231102-028, Pt. 16, 11-13-23.

§ 25-2-832 - PRIVATE SCHOOLS.

This section applies to a public or private primary or secondary school.

- (1) A site must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet.
- (2) If more than one dwelling unit is located on the site, the dwelling units must comply with the requirements of this title that are applicable to residential uses.

Source: Section 13-2-261; Ord. 990225-70; Ord. 031211-11.

§ 25-2-833 - EDUCATIONAL FACILITY DEVELOPMENT STANDARDS.

- (A) Except as provided in Section 25-2-835 (School District Development Agreements), this section applies to development of a public primary or secondary educational facility.
- (B) This subsection specifies the minimum setback required from a public primary or secondary educational facility and an adjoining residential, intensive recreational, or activity center use.
 - (1) Within the boundaries of the Austin Independent School District, a public primary or secondary educational facility must be constructed within the setbacks required under the applicable regulations of this chapter.
 - (2) Outside the boundaries of the Austin Independent School District, a public primary or secondary educational facility may not be constructed closer than 25 feet from an adjoining residential use.
- (C) This subsection specifies maximum height of a public primary or secondary educational facility.
 - (1) Within the boundaries of the Austin Independent School District, the height of a public primary or secondary educational facility may not exceed the lesser of:

- (a) 60 feet;
 - (b) 30 feet, if the facility is located within 50 feet of a single-family residential base district or a single-family use; or
 - (c) 40 feet, if the facility is located within 100 feet of a single-family residential district or a single-family use.
- (2) Outside the boundaries of the Austin Independent School District, the height of a public primary or secondary educational facility may not exceed the lesser of:
- (a) two stories or 30 feet, if the facility is located within 50 feet of a single-family residential base district or single-family use; or
 - (b) three stories or 40 feet, if the facility is located within 100 feet of a single family residential base district or single family use.
- (D) A public primary or secondary educational facility:
- (1) is exempt from requirements of this chapter limiting floor-to-area ratio;
 - (2) is subject to Chapter 25-2, Subchapter C, Article 10 (*Compatibility*) within the boundaries of the Austin Independent School District, except that no opaque fencing or screening around any building or shielding for security lighting is required; and
 - (3) is exempt from Chapter 25-2, Subchapter C, Article 10 (*Compatibility*) outside the boundaries of the Austin Independent School District, but must comply the standards specified under this subsection.
 - (a) An intensive recreational use associated with a public primary or secondary educational facility, excluding a multi-use trail and including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property:
 - (i) in an SF-5 or more restrictive zoning district; or
 - (ii) on which a use permitted in an SF-5 or more restrictive zoning district is located.
 - (b) Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property:
 - (i) in an urban family residence (SF-5) or more restrictive zoning district; or
 - (ii) on which a use permitted in an SF-5 or more restrictive zoning district is located.

Source: Ord. No. 20160623-090, Pt. 4, 7-4-16.

Editor's note— Ord. No. 20160623-090, Pt. 4, effective July 4, 2016, repealed the former § 25-2-833, and enacted a new § 25-2-833 as set out herein. The former § 25-2-833 pertained to public school facility standards. See References to Ordinances and Code Comparative Table for complete history.

§ 25-2-834 - FEE WAIVER FOR EDUCATIONAL FACILITIES.

Fees associated with review of a site plan or building permit application required for a public primary or secondary educational facility are waived.

Source: Ord. No. 20160623-090, Pt. 4, 7-4-16.

Editor's note— Ord. No. 20160623-090, Pt. 4, effective July 4, 2016, repealed the former § 25-2-834, and enacted a new § 25-2-834 as set out herein. The former § 25-2-834 pertained to public school facility waiver. See References to Ordinances and Code Comparative Table for complete history.

§ 25-2-835 - SCHOOL DISTRICT DEVELOPMENT AGREEMENTS.

Development of an independent school district educational facility site may be governed by an agreement authorized by Section 212.902 of the Local Government Code. If the City and an independent school district have executed an agreement, the terms of that agreement supersede the requirements of this title and the criteria manuals to the extent of conflict.

Source: Section 13-2-620; Ord. 990225-70; Ord. 031211-11.

§ 25-2-836 - CLUB OR LODGE IN RESIDENTIAL DISTRICT.

- (A) A club or lodge use that is located in a residential zoning district must comply with the requirements of this section.
- (B) Vehicular access from a dedicated street with a right-of-way at least 60 feet wide for the length of the adjacent block face is required.
- (C) The club or lodge must be operated as a nonprofit organization.
- (D) Service of food and beverages, including alcoholic beverages, must be limited to service that is incidental to the primary activity of the facility.

Source: Section 13-2-266; Ord. 990225-70; Ord. 031211-11.

§ 25-2-837 - COMMUNITY RECREATION.

- (A) A community recreation use must comply with the requirements of this section.
- (B) Vehicular access from a dedicated street with a right-of-way at least 60 feet wide for the length of the adjacent block face is required.
- (C) A community recreation use must be operated as a nonprofit organization.
- (D) Service of food and beverages must be limited to service that is incidental to the primary activity of the facility. Service of alcoholic beverages is prohibited if the majority of the participants in the primary activity are 18 years of age or younger.

- (E) If a community recreation use is a conditional use, baseball, softball and football fields and other similar outdoor athletic fields must be at least 300 feet from an SF-5 or more restrictive zoning district.

Source: Section 13-2-267; Ord. 990225-70; Ord. 031211-11.

§ 25-2-838 - EMPLOYEE RECREATION USE.

An employee recreation use must be located on property reserved by a business for future expansion.

Source: Section 13-2-232; Ord. 990225-70; Ord. 031211-11.

§ 25-2-839 - TELECOMMUNICATION TOWERS.

(A) A tower used by a public agency exclusively for police, fire, emergency medical services, 911 or other public emergency communications is exempt from the requirements of this section and Section 25-2-840 (Special Requirements For Telecommunication Towers).

(B) A telecommunication tower may exceed the height restrictions of the base zoning district and the compatibility standards in Article 10 (*Compatibility Standards*).

(C) A telecommunication tower must be constructed in accordance with the most recent American National Standard Institute structural standards for steel antenna towers.

(D) Notwithstanding the requirements of Subsections (E), (F), and (G), a telecommunication tower that complies with the requirements of this subsection is permitted in any zoning district.

(1) The tower must be a replacement for a functioning:

- (a) utility pole or light standard within a utility easement or public right of way;
- (b) recreation facility light pole; or
- (c) telecommunication tower.

(2) The tower, including antenna array, may not exceed the height of:

- (a) the original utility pole, light standard, or recreation facility pole by more than 10 feet; or
- (b) the original telecommunication tower and antenna array.

(3) The tower may not obstruct a public sidewalk, public alley, or other public right of way.

(4) The tower must be similar in appearance and function to the pole, standard, or tower that it replaces, except for the antennae.

(E) A telecommunication tower described in Subsection (F) or (G) must comply with the requirements of this subsection.

(1) The tower may not be located:

- (a) on or within 300 feet of property that is zoned as a historic landmark (H) or historic area (HD) combining district or included in a National Register District;
- (b) within 50 feet of a day care services (commercial) use; or
- (c) within 50 feet of a dwelling unit.

(2) The tower must be of monopole construction and designed to accommodate at least two antenna array.

(3) The antenna array may not exceed tower height by more than 10 feet.

(4) Guys and guy anchors must be at least 20 feet from adjoining property.

(5) The tower must be:

- (a) enclosed by security fencing; and
- (b) screened from street view by landscaping at least six feet high.

(6) The tower must be identified by a sign visible from outside the screening. The sign must state in letters at least two inches high the name and telephone number of the tower manager and the Federal Communications Commission license number.

(F) A telecommunication tower that complies with the requirements of this subsection is a permitted use in an SF-6 or less restrictive district, except for an MH district.

(1) The tower must be at least 200 feet from an MH district or use or an SF-5 or more restrictive district or use.

(2) The tower, excluding antenna array, may not exceed the following height:

- (a) 75 feet, for a tower less than 250 feet from an MH district or use or SF-5 or more restrictive district or use;
- (b) 100 feet, for a tower at least 250, but less than 540, feet from an MH district or use or an SF-5 or more restrictive district or use; or
- (c) 120 feet, for a tower 540 feet or more from an MH district or use or an SF-5 or more restrictive district or use.

(3) The director may waive a requirement of this subsection for a minimum separation distance between a tower and an MH use or an SF-5 or more restrictive use if the director determines that:

- (a) the tower will be located in a GO or less restrictive district;

- (b) not more than two uses that are MH uses or SF-5 or more restrictive uses are less than the prescribed separation distance from the tower base;
 - (c) the MH uses or SF-5 or more restrictive uses that are less than the prescribed separation distance from the tower base, if any, are located in SF-6 or less restrictive zoning districts; and
 - (d) the proposed tower location will not negatively affect a residential neighborhood.
- (G) A telecommunications tower that is not a permitted use under Subsection (F) is a conditional use in an SF-6 or less restrictive district, except for an MH district, if the tower complies with the requirements of this subsection.
- (1) The tower must be at least 75 feet from an MH district or use or an SF-5 or more restrictive district or use.
 - (2) The tower, excluding antenna array, may not exceed the following height:
 - (a) 75 feet for a tower less than 100 feet from an MH district or use or an SF-5 or more restrictive district or use;
 - (b) 100 feet, for a tower at least 100, but less than 200, feet from an MH district or use or an SF-5 or more restrictive district or use;
 - (c) 120 feet, for a tower at least 200, but less than 300, feet from an MH district or use or an SF-5 or more restrictive district or use; or
 - (d) a height set by the Land Use Commission, for a tower 300 feet or more from an MH district or use or SF-5 or more restrictive district or use.
 - (3) The Land Use Commission may waive a requirement of this subsection for a minimum separation distance between a tower and an MH use or an SF-5 or more restrictive use if the Land Use Commission determines that:
 - (a) the tower will be located in a GO or less restrictive district;
 - (b) not more than two uses that are MH uses or SF-5 or more restrictive uses are less than the prescribed separation distance from the tower base;
 - (c) the MH uses or SF-5 or more restrictive uses that are less than the prescribed separation distance from the tower base, if any, are located in SF-6 or less restrictive zoning districts; and
 - (d) the proposed tower location will not negatively affect a residential neighborhood.
- (H) The distance from a tower to a zoning district or use is measured:
- (1) along a straight line from the center of the tower base to the nearest property line of the zoning district or use; or
 - (2) for a distance prescribed by Paragraph (E)(1)(c), along a straight line from the center of the tower base to the nearest exterior wall of the dwelling unit.
- (I) In this section, a reference to an MH district or use or SF-5 or more restrictive zoning district or use does not include property that is:
- (1) vacant and unplatte;
 - (2) used for a public or private primary or secondary educational facility;
 - (3) used for a college or university educational facility;
 - (4) owned by the United States, the State of Texas, a county, or the City, and not used for an MH or SF-5 or more restrictive residential use;
 - (5) used primarily for religious assembly;
 - (6) used for a cemetery;
 - (7) used for a non-residential, nonconforming use; or
 - (8) determined by the director to be used in a manner similar to the uses described in this subsection.

Source: Sections 13-2-235 and 13-2-273; Ord. 990225-70; Ord. 000302-36; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16.

§ 25-2-840 - SPECIAL REQUIREMENTS FOR TELECOMMUNICATION TOWERS.

- (A) An application to construct a telecommunication tower described in [Section 25-2-839\(F\)](#) or (G) (*Telecommunication Towers*) must be accompanied by an affidavit that includes:
 - (1) a description of the search area for the tower location;
 - (2) the elevation required for the antenna array; and
 - (3) the reasons that the antenna array cannot be located on an existing tower or other structure.
- (B) An applicant who prepares an affidavit required by Subsection (A) shall record the name and address of each person the applicant contacts in attempting to locate the antenna array on an existing tower or other structure. If requested by the city manager, the applicant shall disclose to the city manager the recorded information.
- (C) This subsection applies if a telecommunication tower described in [Section 25-2-839\(F\)](#) or (G) (*Telecommunication Towers*) ceases to be used for wireless communications.
 - (1) The tower owner and the property owner shall notify the director that the tower is not being used for wireless communications within 30 days of the cessation of use.
 - (2) If the tower is not used for wireless communications for a continuous one year period, the tower owner and the property owner shall remove the tower. The tower owner and the property owner shall finish the tower removal within 18 months of the date that wireless communications cease.
- (D) The director shall maintain a map of all telecommunication towers located within the planning jurisdiction.

Source: Ord. 000302-36; Ord. 031204-53; Ord. 031211-11.

§ 25-2-841 - RESERVED.

Editor's note—Ord. No. 20231207-001, Pt. 12, effective December 18, 2023, repealed § 25-2-841, which pertained to group and family homes and derived from Sections 13-2-232 and 13-2-262; Ord. 990225-70; Ord. 031211-11.

§ 25-2-842 - COMMUNITY EVENTS USE.

- (A) This section applies to a community events use.
- (B) A community events use is permitted only on:
 - (1) City-owned land located within the area bounded on the north by the southern right-of-way of Riverside Drive, on the east by the western right-of-way of South First Street, on the south by the northern right-of-way of Barton Springs Road, and on the west by a line 1,500 feet west of and parallel to the western right-of-way of South First Street; and
 - (2) City-owned land located with the area bounded on the north by a line 650 feet north of and parallel to the northern right-of-way of Toomey Road, on the east by the western right-of-way of South Lamar Boulevard, on the south by northern right-of-way of Toomey Road, and on the west by a line 700 feet west of and parallel to the western right-of-way of South Lamar Boulevard.
- (C) Council approval is required for a site plan for a community events use. Approval of a site plan:
 - (1) establishes the site development regulations; and
 - (2) waives regulations that are inconsistent with the site plan, if any.
- (D) A public hearing is required for each site plan considered under this section. The director shall give notice of the public hearing in accordance with Section 25-1-132(C) (*Notice of Public Hearing*).

Source: Ord. 990902-57; Ord. 031211-11; Ord. 20130228-078.

Division 4. - Other Uses.

§ 25-2-861 - FACILITIES FOR HELICOPTERS AND OTHER NONFIXED WING AIRCRAFT.

- (A) The following are conditional uses in all commercial, industrial, and special purpose base districts:
 - (1) a heli-facility or heliport, as defined in Chapter 13-1, Article 4 (*Heliports and Helicopter Operations*); and
 - (2) except as provided in Subsection (B), a landing field for hot air balloons or nonfixed-wing aircraft.
- (B) An advertising or promotional event involving the use of a hot air balloon is a permitted use in all commercial, industrial, and special purpose base districts. The approval of the building official, the director, and the director of Aviation is required for the event.

Source: Section 13-2-270; Ord. 990225-70; Ord. 031211-11; Ord. 20130620-088.

§ 25-2-862 - RECYCLING CENTER.

- (A) This section applies to a recycling center.
- (B) A recycling center site must have at least 150 feet of frontage on a public street.
- (C) An outdoor unloading area for recyclable materials must be at least 50 feet from a more restrictive zoning district. This requirement does not apply to a portion of a site that abuts a railroad right-of-way.
- (D) The portion of a site used for truck maneuvering or the storage, bailing, processing, or other handling of recyclable material must be enclosed by a solid fence or wall with a nonglare finish not less than eight feet in height. This requirement does not apply to a portion of a site that abuts a railroad right-of-way.
- (E) A loading or unloading area or a truck maneuvering area must be paved.
- (F) A facility operator shall keep the facility free of refuse and putrescible materials.
- (G) A facility operator may not use chemical or heating processes on the recyclable materials.

Source: Section 13-2-272; Ord. 990225-70; Ord. 031211-11.

§ 25-2-863 - URBAN FARMS.

- (A) This section applies to an urban farm use.
- (B) An urban farm is allowed within the critical water quality zone if it meets the requirements in 25-8-261(B)(4) (*Critical Water Quality Zone Development*) for sustainable urban agriculture or a community garden.
- (C) A site area for an urban farm shall not be less than one acre and not more than five acres.
- (D)

The number of dwelling units allowed on a site may not exceed the number of dwelling units allowed under the base zoning district regulations. Notwithstanding the foregoing, not more than two units are allowed on the site. Animal raising in accordance with Section 25-2-863(F) is not allowed without a dwelling on the site. Accessory structures are permitted without a dwelling.

- (E) Raising livestock is prohibited notwithstanding Chapter 3-2 of the City Code.
- (F) For properties not zoned residential, raising, slaughtering, processing and composting of fowl, rabbits, and aquatic foods using an aquaponic system is permitted in accordance with Chapter 3-2 (*Restrictions on Animals*) of the City Code. One animal (either fowl or rabbit) may be processed per 1/10th of an acre per week. Composting, slaughtering or processing of animals must take place at least 50 feet from the nearest residential structure other than the structure associated with the use. Slaughtering and processing animals must take place out of public view.
For properties zoned residential, raising of fowl, rabbits, and aquatic foods using an aquaponic system is permitted in accordance with Chapter 3-2 (*Restrictions on Animals*) of the City Code. Slaughtering and processing of aquatics foods is permitted. Slaughtering, processing of fowl and rabbits is prohibited. Composting of animal parts is prohibited in residential zoning districts.
- (G) Water conservation practices must be followed, at minimum in accordance with Chapter 6-4 (*Water Conservation*) of the City Code.
- (H) The use of synthetic inputs is prohibited. An Integrated Pest Management Plan, developed in accordance with the Environmental Criteria Manual and approved by the Watershed Protection Department, must be followed.
- (I) Agricultural and value-added agricultural products raised by the farmer or produced within the State of Texas may be sold from the site or distributed off-site to buyers. Agricultural products and value-added agricultural products produced off-site by someone other than the farmer cannot exceed 20% of the retail space by area.
- (J) Employees are permitted. The maximum number of full-time, non-seasonal employees is two for each full acre, plus two for the remaining portion of an acre, if any. This does not include the property owner.
- (K) The residential character of the lot and dwelling must be maintained.
- (L) For an urban farm use, a sign is permitted in accordance with Chapter 25-10-155 (Urban Farm Sign).
- (M) Agricultural education activities as referenced in Chapter 25-2-7 (Agricultural Uses Described) do not require a temporary use permit.

Source: Ord. 000406-86; Ord. 031211-11; Ord. 20110210-018; Ord. 20131121-105, Pt. 3, 3-21-14.

§ 25-2-864 - MARKET GARDENS.

- (A) This section applies to a market garden use.
- (B) A market garden is allowed within the critical water quality zone if it meets the requirements in 25-8-261 (Critical Water Quality Zone Development) for sustainable urban agriculture or a community garden.
- (C) A site area for a market garden shall not be more than one acre.
- (D) A dwelling unit must be located on the site.
- (E) The number of dwellings units on a site may not exceed the number of dwelling units allowed under the base zoning district regulations. A market garden is a permitted use in all base zoning districts.
- (F) Raising of fowl, rabbits, and aquatic foods using aquaponic systems is permitted in accordance with Chapter 3-2 (*Restrictions on Animals*) of the City Code. On-site slaughtering, processing or composting of animals is not permitted.
- (G) The use of synthetic inputs is prohibited. An Integrated Pest Management Plan, developed in accordance with the Environmental Criteria Manual and approved by the director, must be followed.
- (H) Water conservation practices must be followed, at minimum in accordance with Chapter 6-4 (*Water Conservation*) of the City Code.
- (I) Agricultural products produced on-site may be sold from the site or distributed off-site to buyers. On-site farm stands are not permitted. Sales must be conducted out of sight of the general public on the property. No more than three customer-related trips per day are permitted.
- (J) Employees are permitted. The maximum number of full-time employees is one. This does not include the property owner.
- (K) The residential character of the lot and dwelling must be maintained.
- (L) For a market garden use, a sign is permitted in accordance with Chapter 25-10-155 (Urban Farm Sign).
- (M) Agricultural education activities do not require a temporary use permit.

Source: Ord. 20131121-105, Pt. 4, 3-21-14.

§ 25-2-865 - LIGHT MANUFACTURING USE.

- (A) This section applies to the following uses and zoning districts, where the principal use of the property is a brewery:
 - (1) light manufacturing use with industrial park (IP) zoning district;
 - (2) light manufacturing use with major industry (MI) zoning district;
 - (3) light manufacturing use with limited industrial service (LI) zoning district;
 - (4) light manufacturing use with North Burnet/Gateway (NBG) zoning district; or

- (5) limited warehousing and distribution use within North Burnet/Gateway (NBG) zoning district.
- (B) The sale of beer or ale produced on-site for on-site consumption:
- (1) is a permitted use, if the brewery is at least 540 feet from any single family residential use, as measured from lot line to lot line;
 - (2) is a conditional use, if the brewery is less than 540 feet from any single family residential use, as measured from lot line to lot line; and
 - (3) except as provided in Subsections (C), (D), and (E) of this section, shall not exceed 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less.
- (C) Beer and ale sold on-site may be consumed during a brewery tour in an area exceeding 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less.
- (D) Beer and ale sold on-site may be consumed in an area exceeding 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less, if the brewery is located in Airport Overlay zones AO-1, AO-2 or AO-3.
- (E) During the Conditional Use Permitting Process the Council on appeal or Planning Commission may increase the square footage allowed under Subsection B(3).

Source: [Ord. 20140417-082, Pt. 1, 4-28-14](#); [Ord. No. 20231102-028](#), Pt. 17, 11-13-23.

ARTICLE 5. - ACCESSORY USES.

§ 25-2-891 - ACCESSORY USES GENERALLY.

An accessory use is a use that:

- (1) is incidental to and customarily associated with a principal use;
- (2) unless otherwise provided, is located on the same site as the principal use; and
- (3) may include parking for the principal use.

Source: Section 13-2-1; Ord. 990225-70; Ord. 031211-11.

§ 25-2-892 - APPLICABLE REGULATIONS.

The regulations applicable to a principal use apply to an accessory use, except as otherwise provided in this division.

Source: Section 13-2-301; Ord. 990225-70; Ord. 031211-11.

§ 25-2-893 - ACCESSORY USES FOR A PRINCIPAL RESIDENTIAL USE.

- (A) For a principal residential use, this section prescribes the requirements for an accessory use.
- (B) This subsection provides for vehicle storage as an accessory use.
- (1) Not more than one motor vehicle for each licensed driver residing on the premises may be stored on the premises.
 - (2) Notwithstanding the limitation of Subsection (B)(1), a private garage for the storage of not more than four motor vehicles is permitted.
 - (3) Except for an antique vehicle or recreational vehicle, a motor vehicle with a capacity of one ton or greater is prohibited.
 - (4) Not more than one commercial vehicle may be stored on the premises.
 - (5) Except as provided in Subsection (B)(6), an inoperable motor vehicle may not be stored on an adjacent public right-of-way. A motor vehicle is inoperable if, for more than 72 hours, the vehicle:
 - (a) does not have license plates or has license plates that have been expired for more than 90 days;
 - (b) does not have a motor vehicle safety inspection sticker or has a motor vehicle inspection safety sticker that has been expired for more than 90 days; or
 - (c) cannot be started or legally operated in a public right-of-way.
 - (6) The prohibition of Subsection (B)(5) does not apply to:
 - (a) an antique or recreational vehicle stored at an owner's residence; or
 - (b) a vehicle under repair for less than 60 days, if not more than one other vehicle is also under repair.
 - (7) Up to two vehicles that are either antique or recreational vehicles may be stored on the premises, if the storage area is not a health hazard and is either in an enclosed building or screened from public view with a solid wood or masonry fence at least six feet high.
- (C) The following are permitted as accessory uses:
- (1) recreational activities and recreational facilities for use by residents;
 - (2) religious study meetings;
 - (3) playhouses, patios, cabanas, porches, gazebos, and household storage buildings;

- (4) radio and television receiving antenna and dish-type satellite receivers;
 - (5) solar collectors;
 - (6) home occupations that comply with Section 25-2-900 (Home Occupations);
 - (7) on-site sales as authorized by Section 25-2-902 (Residential Tours) or Section 25-2-903 (Garage Sales);
 - (8) the keeping of dogs, cats, and similar small animals as household pets; and
 - (9) child care services (limited) use.
- (D) A residential convenience service is permitted if the principal use is a multifamily use or a mobile home park use. A residential convenience service is a commercial use that is operated as an integral part of the principal use, is not identifiable from outside the site, and is intended to be patronized solely by the residents of the principal use.
- (E) A dock is permitted as an accessory use if the requirements of this subsection are met.
- (1) A dock may be located off-site.
 - (2) A dock may not include habitable space or living quarters or other elements not necessary to the function of a dock, such as space conditioning, sinks, toilets, or wastewater or potable water lines or connections.
 - (3) A dock may include only the following as appurtenances and means of access:
 - (a) a storage closet that meets the requirements of Subsection (A);
 - (b) a roof;
 - (c) a second floor;
 - (d) marine lockers;
 - (e) railings;
 - (f) a non-potable water pump and hose bib;
 - (g) electrical connections;
 - (h) lighting and fans;
 - (i) non-mechanized access, including a staircase, pedestrian bridge, gangway, and gates;
 - (j) non-mechanized recreational equipment, such as slides or swings; and
 - (k) accessories or slips that may accommodate the mooring or storage of boats in compliance with the requirements of Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses).
 - (4) Only one dock is permitted for a principal residential use, even if the use is located on more than one lot.
- (F) A use other than one described in this section is permitted as an accessory use if the director determines that the use is necessary, customary, appropriate, incidental, and subordinate to a principal use.
- (G) An accessory use may generate not more than ten guest vehicles trips a day or 30 guest vehicles trips a week.

Source: Sections 13-2-1 and 13-2-302; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20110922-087; Ord. No. 20140626-113, Pt. 3, 7-7-14; Ord. No. 20231019-052, Pt. 5, 10-30-23; Ord. No. 20231207-001, Pts. 13, 14, 12-18-23.

§ 25-2-894 - ACCESSORY USES FOR A PRINCIPAL COMMERCIAL USE.

- (A) For a principal commercial use, this section prescribes the requirements for an accessory use.
- (B) A commercial or industrial use that is otherwise prohibited in the zoning district is permitted as an accessory use if the use:
 - (1) is operated primarily for the convenience of employees, clients, or customers of the principal use;
 - (2) occupies less than 10 percent of the total floor area of the use;
 - (3) is an integral part of the principal use; and
 - (4) for an industrial use, is not located in an NO, LO or LR zoning district or within 100 feet of a residential zoning district.
- (C) A parking facility is permitted as an accessory use.
- (D) One dwelling unit is permitted as an accessory use if not more than 50 percent of the building is used for the dwelling unit. An occupant is not required to be engaged in the principal use.
- (E) A child care service (limited) use is permitted as an accessory use if the child care services (limited) use is operated primarily for the convenience of employees, clients, or customers of the principal use.

Source: Section 13-2-303; Ord. 990225-70; Ord. 031211-11; Ord. No. 20231019-052, Pt 6, 10-30-23.

§ 25-2-895 - ACCESSORY USES FOR A COMMERCIAL RECREATION DISTRICT.

- (A) The provisions of this section supersede the requirements of Section 25-2-894 (Accessory Uses for a Principal Commercial Use) to the extent of conflict.
- (B) The following are permitted as accessory uses in a commercial recreation zoning district:

- (1) food sales;
- (2) general retail sales (convenience);
- (3) personal improvement services;
- (4) restaurant (limited) without drive-in service;
- (5) day care services (general);
- (6) day care services (limited); and
- (7) safety services.

(C) An accessory use described in Subsection (B) may occupy not more than 50 percent of the site area or of the gross floor area of the structures on the site.

Source: Section 13-2-304; Ord. 990225-70; Ord. 031211-11; Ord. 031211-41.

§ 25-2-896 - ACCESSORY USES FOR A PRINCIPAL INDUSTRIAL USE.

- (A) For a principal industrial use, this section prescribes the requirements for an accessory use.
- (B) A commercial use that is otherwise prohibited in the zoning district is permitted as an accessory use if the use:
 - (1) is operated primarily for the convenience of employees, clients, or customers of the principal use;
 - (2) occupies less than 25 percent of the total floor area of the use;
 - (3) is an integral part of the principal use.
- (C) A parking facility is permitted as an accessory use.
- (D) A major utility facility is permitted as an accessory use if the facility is operated as an integral part of the principal use, and the facility is not a public utility under the Texas Public Utility Regulatory Act.
- (E) For a warehouse use, a dwelling unit is permitted as an accessory use if the dwelling unit is occupied by a person engaged in security, leasing, or management for the principal use, and not more than 25 percent of the building is used for the dwelling unit.

Source: Section 13-2-305; Ord. 990225-70; Ord. 031211-11.

§ 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, news stands, 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);
- (6) a child care services (limited) use; and
- (7) a columbarium that:
 - (a) is affiliated with a religious assembly use;
 - (b) occupies not more than 10 percent of the site area or 10,000 square feet, whichever is less;
 - (c) is oriented to the interior to the site; and
 - (d) is not visible from public rights-of-way.

Source: Section 13-2-306; Ord. 990225-70; Ord. 031211-11; Ord. No. 20231019-052, Pt. 7, 10-30-23; Ord. No. 20231102-028, Pt. 18, 11-13-23.

§ 25-2-898 - ACCESSORY USE FOR A PRINCIPAL AGRICULTURAL USE.

For a principal agricultural use, accessory uses that are necessarily and customarily associated with the purpose and function of the agricultural use are permitted.

Source: Section 13-2-307; Ord. 990225-70; Ord. 031211-11.

§ 25-2-899 - FENCES AS ACCESSORY USES.

- (A) Except as otherwise provided in this chapter, a fence:
 - (1) is permitted as an accessory use in any zoning district; and
 - (2) must comply with the requirements of this section.
- (B)

In this section:

- (1) an ornamental fence is a fence with an open design that has a ratio of solid material to open space of not more than one to four; and
- (2) a solid fence is a fence other than an ornamental fence.
- (C) The height restrictions of this section do not apply to an ornamental fence.
- (D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed a height of six feet measured from the natural grade up.
- (E) If there is a change in grade of at least one foot measured along any run of a solid fence along a property line, then the portion of the fence where the grade change occurs may be constructed to a maximum height of seven feet.
- (F) A solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files a written consent to the construction of the fence with the building official, and:
 - (1) there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties; or
 - (2) a structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation, including a swimming pool.
- (G) A solid fence may be constructed to a maximum of eight feet in height if the fence is located on or within the building setback lines.
- (H) A solid fence may be constructed to a height of eight feet if the fence is located between a residential use and:
 - (1) property zoned as a commercial or industrial base district;
 - (2) property used for a commercial or industrial use; or
 - (3) an alley that separates a residential use and:
 - (a) property zoned as a commercial or industrial base district; or
 - (b) property used for a commercial or industrial use.
- (I) Except as provided in Paragraph (1), a fence shall be constructed in accordance with this subsection.
 - (1) This subsection does not apply to a fence that:
 - (a) was constructed before July 31, 2023; or
 - (b) is more than six feet in height and located on a property with a non-residential use.
 - (2) When more than 50 percent of the total linear distance of an existing fence is replaced, the entire fence must comply with this subsection.
 - (3) For new or replacement fences that follow historic design standards, this subsection will control if there is a conflict with the historic design standards.
 - (4) A fence may not include:
 - (a) spiked pickets, spiked bars, or other spiked decorative elements above the top horizontal backer rail;
 - (b) vertical pickets above the top horizontal backer rail if the vertical pickets are separated by more than two inches and less than nine inches;
 - (c) razor-like wire; or
 - (d) barbed wire unless the fence is enclosing an airport or other landing area for aircraft and the use of barbed wire is required by Federal Aviation Administration regulation.
 - (5) A fence that creates a substantial risk of entrapment or impalement is prohibited.
 - (6) A solid chain link fence shall use knuckle selvage.
- (J) A fence used as a swimming pool barrier shall comply with [Chapter 25-12](#), Article 14 (*Swimming Pool and Spa Code*).

Source: Section 13-2-308; Ord. 990225-70; Ord. 031211-11; Ord. 050127-64; [Ord. No. 20141120-181](#), Pt. 1, 12-1-14; [Ord. No. 20230720-156](#), Pt. 2, 7-31-23.

§ 25-2-900 - HOME OCCUPATIONS.

- (A) A home occupation is a commercial use that is accessory to a residential use. A home occupation must comply with the requirements of this section.
- (B) A home occupation must be conducted entirely within the dwelling unit or an accessory structure.
- (C) Participation in Home Occupation.
 - (1) Except as otherwise provided in this subsection, participation in a home occupation is limited to occupants of the dwelling unit.
 - (2) A person who does not reside on-site may participate in a home occupation if the home occupation is:
 - (a) a medical, professional, administrative, or business office;
 - (b) an art workshop or gallery;
 - (c) a music, dance, or photography studio; or
 - (d) handicraft or hobby instruction.
- (D) The residential character of the lot and dwelling must be maintained. A home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited. This prohibition does not apply to modifications to comply with accessibility requirements.

- (E) A home occupation may not generate more than three vehicle trips each day of customer-related vehicular traffic.
- (F) Except for materials and equipment used in an art workshop, equipment or materials associated with the home occupation must not be visible from locations off the premises.
- (G) A home occupation may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside the dwelling unit or accessory structure.
- (H) Parking a commercial vehicle on the premises or on a street adjacent to residentially zoned property is prohibited.
- (I) Advertising a home occupation by a sign on the premises is prohibited, except as provided under Section 25-10-156 (Home Occupation Signs). Advertising the street address of a home occupation through signs, billboards, television, radio, or newspapers is prohibited.
- (J) The following are prohibited as home occupations:
 - (1) animal hospitals, animal breeding;
 - (2) clinics, hospitals;
 - (3) hospital services;
 - (4) contractors yards;
 - (5) scrap and salvage services;
 - (6) massage parlors other than those employing massage therapists licensed by the state;
 - (7) restaurants;
 - (8) cocktail lounges;
 - (9) rental outlets;
 - (10) equipment sales;
 - (11) adult oriented businesses;
 - (12) recycling centers;
 - (13) drop-off recycling collection facilities;
 - (14) an activity requiring an H-occupancy under Chapter 25-12, Article 1 (Uniform Building Code);
 - (15) automotive repair services; and
 - (16) businesses involving the repair of any type of internal combustion engine, including equipment repair services.

Source: Section 13-2-260; Ord. 990225-70; Ord. 990520-38; Ord. 031211-11; Ord. 20090827-032; Ord. No. 20230914-097, Pt. 4, 9-25-23; Ord. No. 20231102-028, Pt. 19, 11-13-23.

§ 25-2-901 - RESERVED.

Editor's note— Ord. No. 20231207-001, Pt. 15, effective December 18, 2023, repealed § 25-2-901, which pertained to accessory apartments and derived from Sections 13-2-1 and 13-2-251; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11.

§ 25-2-902 - RESIDENTIAL TOURS.

- (A) Participation on an annual or semi-annual tour is allowed as an accessory residential use subject to the requirements of this section and all other applicable regulations.
- (B) As authorized by this section, a tour is an organized event in which multiple residential properties are opened to members of the public for any lawful purpose, including:
 - (1) the appreciation and study of architecture; and
 - (2) the production and incidental sale of artwork by an individual responsible for making or producing the artwork.
- (C) To qualify as an accessory use under this section, a residential tour that includes the production or sale of art must comply with the requirements of this subsection.
 - (1) A tour organizer must provide the dates of the tour and the address of all participating properties to the City of Austin Cultural Arts Division.
 - (2) A tour may not take place on more than six days per calendar year.
 - (3) A residential property may not:
 - (a) participate on a tour more than 12 days per calendar year;
 - (b) participate in more than three tours per calendar year;
 - (c) participate in a tour more than three days per week;
 - (d) include more than six guest artists, in addition to the primary artist; or
 - (e) include a garage sale.

Source: Ord. 20110922-087; Ord. 20121018-024.

§ 25-2-903 - GARAGE SALES.

- (A) A garage sale is allowed as an accessory residential use subject to the requirements of this section.
- (B) A garage sale includes yard sales, carport sales, or similar types of sales involving:
 - (1) the sale of used or secondhand tangible property customarily found at a residence; and
 - (2) the production and incidental sale of artwork by an individual responsible for making or producing the artwork.
- (C) A garage sale must be conducted entirely on a property used as the seller's principal residence.
- (D) A garage sale may not be held at the same property more than four days per calendar year or at a property participating in a residential tour under Section 25-2-902 (Residential Tours).

Source: Ord. 20110922-087; Ord. 20121018-024.

§ 25-2-904 - SHORT-TERM RENTAL USE.

- (A) Short-term rental use is subject to the requirements of this section and is allowed as an accessory use to a residential use in all base zoning districts, special purpose districts, and combining and overlay districts.
- (B) Short-term rental use cannot be prohibited.
- (C) A person must obtain an operator's license as set out in Chapter 4-23 (*Short-Term Rentals*).
- (D) This section controls over a conflicting provision in City Code or an uncodified ordinance.
- (E) An advertisement promoting the availability of a short-term rental in violation of the section is *prima facie* evidence of a violation and is cause to issue an administrative citation for a violation of this section.

(Ord. No. 20250227-039, Pt. 6, 10-1-25)

ARTICLE 6. - TEMPORARY USES.

§ 25-2-921 - TEMPORARY USES DESCRIBED.

- (A) The following may be permitted by the building official as temporary uses under this division:
 - (1) model homes or apartments and related real estate services, if the use is located within the residential development to which the use pertains;
 - (2) a circus, carnival, rodeo, fair, or similar activity, if the use is located at least 200 feet from a dwelling and located in a CS or less restrictive zoning district;
 - (3) an outdoor art or craft show or exhibit, if the use is located in an LR or less restrictive zoning district;
 - (4) Christmas tree sales;
 - (5) an on-site construction field office, if the use is located in a portable structure and conducted for not more than 6 months;
 - (6) seasonal retail sale of agricultural or horticultural products, if the use is located at least 200 feet from a dwelling and located in an LR or less restrictive zoning district;
 - (7) seasonal day care, if the use is conducted for not more than eight hours a day and not more than 30 days a year; and
 - (8) temporary day care, if the use is conducted for not more than eight hours a day and not more than 12 hours a week.
- (B) A sales office for a new subdivision may be permitted as a temporary use under this division if the sales office is located within the subdivision and at least 200 feet from existing dwellings outside the subdivision.
 - (1) A sales office for a new subdivision may not be operated after:
 - (a) the expiration of four years from the date the first construction permit issued in the subdivision; or
 - (b) the date by which 95 percent of the lots are sold.
 - (2) The board of adjustment may grant an extension of the deadlines described in this subsection.
- (C) An outdoor public, religious, patriotic, or historic assembly or exhibit, including a festival, benefit, fund raising event, or similar use that typically attracts a mass audience may be permitted as a temporary use under this division if:
 - (1) for a gathering of not more than 50 persons, the use is located in an SF-4 or less restrictive zoning district;
 - (2) for a gathering of more than 50 persons, the use is located in an LO or less restrictive zoning district; or
 - (3) for an exhibit, the use is located in a GR or less restrictive zoning district.
- (D) A single dwelling located in a mobile structure on a construction site may be permitted as a temporary use under this division if the building official determines that the dwelling is required to provide security against nighttime theft or vandalism. The building official may allow the use for a period of up to 6 months and, if requested by the applicant, may extend that period for an additional 6 months. An applicant may appeal to the board of adjustment a denial of the use by the building official.

- (E) An outdoor special sale, including a swap meet, flea market, parking lot sale, or similar activity may be permitted as a temporary use under this division if the use is located in a commercial or industrial zoning district. An outdoor special sale may be conducted on not more than three days in the same week and not more than five days in the same month.
- (F) Within the Central Business District (CBD) or Downtown Mixed Use (DMU) zoning districts, retail services may be permitted as a temporary use in accordance with the requirements of this subsection.
 - (1) The retail use must:
 - (a) be located within an enclosed fire area, as defined by the Building Code, that does not require structural changes to accommodate the use; and
 - (b) have an approved certificate of occupancy or temporary certificate of occupancy.
 - (2) The retail use may not exceed 12,000 square feet in area unless an approved sprinkler system has been installed in accordance with the Fire Code;
 - (3) The following uses and activities may not be permitted as a temporary retail use under this subsection:
 - (a) personal services;
 - (b) food preparation or the sale or consumption of alcoholic beverages;
 - (c) a portable toilet serving the retail use, whether located inside or outside of the use; or
 - (d) storage of hazardous materials as defined by the Fire Code.
 - (4) A permit for a temporary retail use under this subsection may be issued for up to 45 days and renewed once, for a total operating period not to exceed 90 days.

(G) This section applies to an urban farm.

- (1) An urban farm may apply for and be permitted to hold a temporary use permit under this section no more than six times per year.
- (2) The limitations set forth above in Subsections (C)(1), (C)(2) and (C)(3) do not apply to a temporary use permit on an urban farm.

(H) The building official may permit other temporary uses that are similar to those described in this section.

Source: Section 13-2-321; Ord. 990225-70; Ord. 031211-11; Ord. 20111103-075; [Ord. 20131121-105, Pt. 5](#).

§ 25-2-922 - APPLICATION; APPROVAL; AND EXTENSION.

- (A) A person may file an application to conduct a temporary use with the building official. The person must file the application at least ten days before the requested date for beginning the temporary use.
- (B) An application must include a diagram and description of the use and all additional information required by the building official to make a determination under this division.
- (C) After making a determination under [Section 25-2-923 \(Determinations\)](#), the building official shall approve, conditionally approve under [Section 25-2-924 \(Conditions of Approval\)](#), or deny an application for a temporary use not later than the 10th day after the date the application is filed.
- (D) If the building official approves or conditionally approves a temporary use, the building official shall issue a building permit, certificate of occupancy, or temporary use permit.
- (E) Except as provided in Subsection (F), the building official may renew or extend an authorization for a temporary use if requested by the applicant.
- (F) Unless further limited by the requirements of this division, a temporary use may continue for not more than one year. An applicant must file a new application to continue a temporary use beyond that period.

Source: Sections 13-2-324 and 13-2-325; Ord. 990225-70; Ord. 031211-11.

§ 25-2-923 - DETERMINATIONS.

The building official may permit a temporary use after determining that the temporary use:

- (1) will not impair the normal, safe, and effective operation of a permanent use on the same site;
- (2) will be compatible with nearby uses;
- (3) will not adversely affect public health, safety, or convenience;
- (4) will not create a traffic hazard or congestion; and
- (5) will not interrupt or interfere with the normal conduct of uses and activities in the vicinity.

Source: Section 13-2-323; Ord. 990225-70; Ord. 031211-11.

§ 25-2-924 - CONDITIONS OF APPROVAL.

The building official may condition the approval of a temporary use on compliance with additional requirements that the building official determines are necessary to ensure land use compatibility and minimize adverse effects on nearby uses, including requirements for hours of operation, frequency of use, parking design, traffic circulation, screening, enclosure, site restoration, and cleanup.

Source: Section 13-2-322(b); Ord. 990225-70; Ord. 031211-11; [Ord. No. 20231102-028](#), Pt. 20, 11-13-23.

§ 25-2-925 - SITE RESTORATION.

On termination of a temporary use, the person engaging in the temporary use shall remove all debris, litter, and other evidence of the use from the site.

Source: Section 13-2-322(a); Ord. 990225-70; Ord. 031211-11.

ARTICLE 7. - NONCONFORMING USES.

§ 25-2-941 - NONCONFORMING USE DEFINED.

NONCONFORMING USE means a land use that does not conform to current use regulations, but did conform to the use regulations in effect at the time the use was established.

Source: Section 13-2-331; Ord. 990225-70; Ord. 031211-11.

§ 25-2-942 - USES CONFORMING ON MARCH 1, 1984.

The use of a building, structure, or property that conformed with the zoning regulations in effect on March 1, 1984 is a conforming use notwithstanding the requirements of this chapter.

Source: Section 13-2-340; Ord. 990225-70; Ord. 031211-11.

§ 25-2-943 - SUBSTANDARD LOT.

- (A) A substandard lot may be used for a nonresidential use that is permitted in the zoning district in which the lot is located if, except for minimum lot area, the use and development complies with the requirements of this title.
- (B) A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection.
 - (1) A substandard lot recorded in the county real property records before March 15, 1946 must:
 - (a) have an area of not less than 4,000 square feet; and
 - (b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:
 - (i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;
 - (ii) not more than 150 feet in length; and
 - (iii) maintained for access by the property owner.
 - (2) A substandard lot recorded in the county real property records after March 14, 1946 must:
 - (a) have an area of not less than 5,750 square feet; and
 - (b) be not less than 50 feet wide at the street or at the building line.
- (C) If a substandard lot is used with one or more contiguous lots for a single use or unified development, the requirements of this chapter apply to the aggregation of lots as if the aggregation were a single lot.
- (D) A substandard lot that is aggregated with other property to form a site may not be disaggregated after August 6, 2007 to form a site that is smaller than the minimum lot area requirement.

Source: Sections 13-2-334, 13-2-335, and 13-2-336; Ord. 990225-70; Ord. 031211-11; Ord. 20070726-131.

§ 25-2-944 - DAMAGED STRUCTURE USED FOR A NONCONFORMING USE.

- (A) A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued if the building official determines that the cost of repair does not exceed 90 percent of the value of the structure immediately before the damage.
- (B) Approval of a site plan is not required to repair a structure under Subsection (A) unless the building official determines that:
 - (1) a substantial change to the structure is proposed; and
 - (2) a site plan is otherwise required by this title for initial construction of a structure similar to the structure after the proposed repairs.

Source: Section 13-2-341; Ord. 990225-70; Ord. 031211-11.

§ 25-2-945 - ABANDONMENT OF NONCONFORMING USE.

- (A) A person abandons a nonconforming use if:
 - (1) the person changes the use of property from a nonconforming use to a conforming use; or
 - (2) the person discontinues the nonconforming use for 90 consecutive days.

(B) A seasonal discontinuance of a use, or a temporary discontinuance of a use for maintenance or repair, is excluded from a calculation of the 90 day period described in Subsection (A)(2).

(C) A person may not resume an abandoned nonconforming use.

Source: Sections 13-2-342 and 13-2-343; Ord. 990225-70; Ord. 031211-11.

§ 25-2-946 - DETERMINATION OF NONCONFORMING USE REGULATION GROUP.

(A) The table in this section determines whether a nonconforming use must comply with the nonconforming use regulations of Group "A", Group "B", Group "C", or Group "D" as prescribed by Section 25-2-947 (Nonconforming Use Regulation Groups).

(B) To use the table:

- (1) find the column with the zoning district in which the nonconforming use is located;
- (2) find the row that describes the nonconforming use; and
- (3) find the nonconforming use regulation group for the nonconforming use at the intersection of the column and the row.

(C) In the table, the phrase "allowed in" includes permitted and conditional uses.

NONCONFORMING USE TABLE

| | LA RR SF-1 SF-2 SF-3 | SF-4 SF-5 SF-6 MF-1 MF-2 MF-3 | MF-4 MF-5 MF-6 MH | NO LO LR | L GO GR CBD DMU | CS CS-1 CH | LI IP | AG DR |
|--|----------------------------------|--|----------------------------|----------------|-----------------------------|------------------|----------|----------|
| Residential uses | B | C | D | D | D | D | D | D |
| Commercial uses allowed in a LO or GO district | A | B | C | D | D | D | D | D |
| Commercial uses allowed in a commercial district other than LO or GO | A | A | B | C | D | D | D | D |
| Industrial uses allowed in a commercial district | A | A | B | B | C | D | D | D |
| Industrial uses not allowed in a commercial district | A | A | A | B | B | C | D | D |
| Civic uses allowed in a residential district | B | C | D | D | D | D | D | D |
| Civic uses not allowed in a residential district | B | B | C | C | D | D | D | D |
| Agricultural uses | B | B | B | B | B | C | C | C |

Source: Section 13-2-345; Ord. 990225-70; Ord. 031211-11.

§ 25-2-947 - NONCONFORMING USE REGULATION GROUPS.

- (A) A Group "A" nonconforming use must comply with the regulations described in this subsection.
 - (1) Except as provided in Subsections (B)(1) and (2), a Group "A" nonconforming use must comply with Group "B" nonconforming use regulations.
 - (2) A person shall discontinue a nonconforming use not later than 10 years after the date the use becomes nonconforming, if the use occurs:
 - (a) outside a structure; or
 - (b) in a structure valued at less than \$10,000.
 - (3) Maintenance or improvement of a structure is limited to that required by law to comply with minimum health and safety requirements. The value of an improvement described in this paragraph may not be used in determining the value of a structure.
- (B) A Group "B" nonconforming use must comply with the regulations described in this subsection.
 - (1) A person may continue a nonconforming use and maintain an associated structure, except the person may not:
 - (a) increase the floor space or site area of a nonresidential use; or
 - (b) make a change that increases the amount of required accessible spaces.
 - (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 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.
- (D) A Group "D" nonconforming use must comply with the regulations described in this subsection.
 - (1) A Group "D" nonconforming use must comply with Group "C" nonconforming use regulations.
 - (2) A nonconforming conditional use approved by the Land Use Commission may be replaced by a similar nonconforming conditional use if the Land Use Commission:
 - (a) reviews traffic generation, noise, hours of operation, number of employees, and other appropriate performance measures;
 - (b) determines that the replacement use will not more adversely affect surrounding uses than does the original use; and
 - (c) approves the replacement use.
- (E) Except as provided in Subsections (A)(3) and (B)(3), the value of a structure is the value established by the tax appraisal district.

Source: Sections 13-1-333 and 13-2-344; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20231102-028, Pt. 21, 11-13-23.

§ 25-2-948 - CERTAIN USES NEAR HAZARDOUS PIPELINES.

- (A) This section applies to a use that is nonconforming because of its proximity to a hazardous pipeline under Section 25-2-516(B) (Development Near a Hazardous Pipeline).
- (B) Proximity to a hazardous pipeline does not cause a structure or area to be noncomplying under Article 8 (*Noncomplying Structures*).
- (C) Except as provided by Subsection (C), the use is governed by Group "D" regulations prescribed by Section 25-2-947 (Nonconforming Use Regulation Groups).
- (D) If there is a conflict between the regulations prescribed by this section and the regulations as determined by Section 25-2-946 (Determination of Nonconforming Use Regulation Group), the more restrictive regulations apply.

Source: Ord. 030410-12; Ord. 031211-11.

§ 25-2-949 - CERTAIN USES IN A TRANSIT ORIENTED DEVELOPMENT DISTRICT.

- (A) This section applies to a use that is nonconforming under Section 25-2-766.12 (Use Regulations).
- (B) Except as provided by Subsection (C), the use is governed by Group "D" regulations prescribed by Section 25-2-947 (Nonconforming Use Regulation Groups).
- (C) If there is a conflict between the regulations prescribed by this section and the regulations as determined by Section 25-2-946 (Determination of Nonconforming Use Regulation Group), the more restrictive regulations apply.

Source: Ord. 20050519-008.

§ 25-2-950 - RESERVED.

Editor's note— Ord. No. 20250227-039, Pt. 1, effective February 27, 2025, repealed § 25-2-950, which pertained to discontinuance of nonconforming short-term rental (type 2) uses and derived from [Ord. No. 20160223-A.1, Pt. 5, 4-1-2017](#).

ARTICLE 8. - NONCOMPLYING STRUCTURES.

§ 25-2-961 - NONCOMPLYING DEFINED.

NONCOMPLYING means a building, structure, or area, including off-street parking or loading areas, that does not comply with currently applicable site development regulations for the district in which it is located, but did comply with applicable regulations at the time it was constructed.

Source: Section 13-2-331; Ord. 990225-70; Ord. 031211-11.

§ 25-2-962 - STRUCTURES COMPLYING ON MARCH 1, 1984.

- (A) A structure that complied with the site development regulations in effect on March 1, 1984, is a complying structure notwithstanding the requirements of this chapter.
- (B) A structure that complies with the site development regulations does not become a noncomplying structure as the result of a change in the use, zoning, or development of adjacent property.

Source: Section 13-2-820; Ord. 990225-70; Ord. 031211-11.

§ 25-2-963 - MODIFICATION AND MAINTENANCE OF NONCOMPLYING STRUCTURES.

- (A) Except as provided in Subsections (B), (C), and (D) of this section, a person may modify or maintain a noncomplying structure.
- (B) The following requirements must be met in order to modify, maintain, or alter a non-complying residential structure:
 - (1) Demolition or removal of walls must comply with the following requirements:
 - (a) No more than fifty percent of exterior walls and supporting structural elements of the existing structure may be demolished or removed, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate. For purposes of this subsection, exterior walls and supporting structural elements are measured in linear feet and do not include the roof of the structure or interior or exterior finishes.
 - (b) Replacement or repair of structural elements, including framing, is permitted if required by the building official to meet minimum health and safety requirements.
 - (2) Replacement or alteration of an original foundation may not change the finished floor elevation by more than one foot vertically, in either direction.
 - (3) For any residential use other than a single-family use in an SF-3 or more restrictive zoning district, the following requirements must be met in order to add square footage or convert accessory space into conditioned or habitable space:
 - (a) If the lot is non-complying with current lot size or lot width requirements, the cost of improvements may not exceed 20 percent of the value of the structure before the improvements.
 - (b) Compliance with current parking and occupancy regulations is required.
 - (4) If a noncomplying portion of a structure is demolished, it loses its noncomplying status and may only be rebuilt in compliance with current code.
- (C) Except as provided in Subsections (E) and (F), a person may not modify or maintain a noncomplying structure in a manner that increases the degree to which the structure violates a requirement that caused the structure to be noncomplying.
- (D) The following requirements must be met in order to repair, reinforce, modify, or maintain a non-complying dock, bulkhead, or shoreline access as defined in [Section 25-2-1172 \(Definitions\)](#):
 - (1) the use must be an accessory use in compliance with [Section 25-2-893\(G\) \(Accessory Uses for a Principal Residential Use\)](#);
 - (2) except as allowed under [Section 25-8-652 \(Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long\)](#):
 - (a) the location and footprint may not be altered; and
 - (b) the degree of noncompliance may not be increased;
 - (3) a survey of existing conditions must be included with the site plan or building permit application and must depict current elevations, contours, trees, and any other information required by the building official;
 - (4) demolition is subject to the limitation in Subsection (B)(4) of this section;
 - (5) dock structural components, including load bearing beams, walls, piers, and roofs, may be altered or replaced without reducing the legally existing length, height, or horizontal footprint of the dock, provided that the dock complies with:
 - (a) the limitation in Subsections (D)(7)—(8) of this section; and

- (b) all other applicable regulations of Article 13 (*Docks, Bulkheads, and Shoreline Access*) and Section 25-2-893 (Accessory Uses for a Principal Residential Use);
 - (6) no increase is allowed to:
 - (a) the number of walls;
 - (b) the height, width or depth; or
 - (c) the number of slips or mooring capacity; and
 - (7) for a dock, bulkhead, or shoreline access constructed after January 1, 1984, the applicant must provide evidence of a prior permit authorizing the construction; and
 - (8) for a dock, bulkhead, or shoreline access constructed prior to January 1, 1984, no unpermitted additions or alterations that occurred after January 1, 1984 are allowed.
- (E) A person may increase the height of a building that is a noncomplying structure based on a height requirement of this title if:
- (1) the increase is made to a portion of the building that:
 - (a) does not exceed the existing maximum height of the building; and
 - (b) complies with the yard setback requirements of this title;
 - (2) the increase does not exceed 15 percent of the existing maximum height of the building; and
 - (3) after modification, the height of the modified portion of the building does not exceed the existing maximum height of the building.
- (F) A person may modify a building that is a noncomplying structure based on a yard setback requirement of this title if:
- (1) the modified portion of the building:
 - (a) does not extend further into the required yard setback than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section;
 - (b) unless located in a street side yard, is not greater in height than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section; and
 - (c) complies with the height requirements of this title; and
 - (2) the additional length of a modified portion of the building does not exceed the lesser of 50 percent of the length of the noncomplying portion of the building or 25 feet measured from the existing building and parallel to the lot line.
- (G) Subsection (F) applies to each yard setback requirement with which the existing building does not comply.
- (H) A person may modify a noncomplying building once under Subsection (E) and once under Subsection (F). This section does not prohibit a person from modifying a building along more than one yard setback as part of a single project.

Source: Sections 13-2-820 and 13-2-823; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20100624-149; Ord. 20101209-075; Ord. No. 20140626-113, Pt. 4, 7-7-14.

§ 25-2-964 - RESTORATION AND USE OF DAMAGED OR DESTROYED NONCOMPLYING STRUCTURES.

- (A) A person may restore a noncomplying structure that is damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind if the restoration begins not later than 12 months after the date the damage or destruction occurs.
- (B) Except as provided in Section 25-2-963 (Modification and Maintenance of Noncomplying Structures):
 - (1) a structure restored under this section is limited to the same building footprint, gross floor area, and interior volume as the damaged or destroyed structure; and
 - (2) a noncomplying portion of the structure may be restored only in the same location and to the same degree of noncompliance as the damaged or destroyed structure.
- (C) This section does not apply to loss of land resulting from wave action behind a bulkhead on Lake Austin.

Source: Section 13-2-821; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. No. 20140626-113, Pt. 5, 7-7-14.

ARTICLE 9. - LANDSCAPING.

Division 1. - General Provisions.

§ 25-2-981 - APPLICABILITY; EXCEPTIONS.

- (A) Except as provided in Subsection (B), this article applies in the city's zoning jurisdiction.
- (B) Division 2 (*Requirements for a Site Plan*) and Division 3 (*Additional Site Plan Requirements in Hill Country Roadway Corridors*) do not apply to:
 - (1) property zoned central business district (CBD) or downtown mixed use district (DMU);

- (2) a lot containing one single-family residence;
- (3) a lot containing one duplex residence, unless the residence exceeds 4,000 square feet of gross floor area or has more than six bedrooms;
- (4) a two-unit residential use;
- (5) a secondary apartment special use;
- (6) a small lot single-family residential use on property zoned single-family residence large lot (SF-1) district, single family residence standard lot (SF-2) district, or family residence (SF-3) district;
- (7) substantial restoration of a building within one year after the building is damaged;
- (8) restoration of a building designated as a historic landmark; or
- (9) interior or façade remodeling, if the front and side exterior walls of the building remain in the same location.

(C) Developed property, or property with an approved site plan, that is affected by right-of-way condemnation may be developed without compliance with this article, as provided by this subsection.

- (1) After condemnation, improvements shown on the remainder of an approved site plan may be constructed, and only the landscaping on the remainder of the approved site plan is required.
- (2) Improvements on developed properties that are lost through condemnation may be replaced. Only the area within the limits of construction for the replaced improvements must comply with this article, except an owner is not required to provide more landscaping than was in existence before the condemnation.

Source: Sections 13-7-56(a), (c), and (e), and 13-7-66(e); Ord. 990225-70; Ord. 000831-65; Ord. 030605-49; Ord. 031211-11; Ord. 041202-16; Ord. 20090618-077; Ord. No. 20240516-006, Pt. 6, 5-27-24.

§ 25-2-982 - CONFLICTS WITH OTHER PROVISIONS.

- (A) Except as provided by Subsection (B), if this article conflicts with other provisions of this title, this article prevails.
- (B) If this article conflicts with a provision of Chapter 25-6 (Transportation), Chapter 25-7 (Drainage), Chapter 25-8 (Environment), or another provision of this chapter, those provisions prevail.

Source: Section 13-7-56(d); Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

§ 25-2-983 - FINAL INSPECTION.

- (A) The Watershed Protection and Development Review Department shall inspect each site to ensure compliance with this article. Before the Watershed Protection and Development Review Department may conduct a final landscape inspection, it must receive a letter, under seal, from a licensed professional engineer, architect, or landscape architect, stating that the project has been implemented in accordance with the approved plan.
- (B) The requirements for an automatic irrigation system under the Environmental Criteria Manual shall be noted on the development permit by the authority issuing the permit, and must be implemented by the owner before the final landscape inspection.

Source: Sections 13-7-58(c) and 13-7-62(e); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-2-984 - LANDSCAPE MAINTENANCE REQUIREMENTS.

- (A) This section applies to an owner who is responsible for property for which a site plan has been approved by the City.
- (B) An owner shall maintain required landscaped areas in accordance with the site plan and in healthy condition, free from diseases, pests, weeds, and litter, in accordance with generally accepted horticultural practice.
- (C) An owner who receives notification from the Watershed Protection and Development Review Department that plants on a site are dead, diseased, or severely damaged:
 - (1) shall remove the plants not later than the 60th day after notification; and
 - (2) replace the plants within six months after notification, or by the next planting season, whichever comes first.
- (D) An owner required to replace plants under Subsection (B) must use replacement plants that are the same size and species as shown on the approved site plan or must be of equivalent quality and size. The replacement of plants under this section is not an amendment to the approved plan.

Source: Section 13-7-63,(a), (c), and (d); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

Division 2. - Requirements for a Site Plan.

§ 25-2-1001 - PROCEDURES.

- (A) A site plan must comply with the requirements of this article.
- (B)

The Land Use Commission or the Watershed Protection and Development Review Department may approve a site plan that proposes an alternative to compliance with this article if the Land Use Commission or the Watershed Protection and Development Review Department determines that the site plan adequately achieves, or is an improvement on, the intent of the landscaping requirements in this article.

- (C) In considering an alternative plan under Subsection (B), the Land Use Commission or the Watershed Protection and Development Review Department shall give special consideration to the preservation of large existing native trees.

Source: Section 13-7-56(b), 13-7-58(a) and (b), 13-7-65; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 20101216-097.

§ 25-2-1002 - FISCAL SECURITY.

Before the City may approve a site plan, an applicant must post fiscal security to ensure that the applicant installs landscaping and irrigation systems in compliance with the Environmental Criteria Manual.

Source: Section 13-7-59; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1003 - GENERAL REQUIREMENTS.

- (A) In this article, landscape yard means the area of a lot between the street right-of-way and a line that coincides with the front wall of the building and extends from the building corners to the side property lines.
- (B) At least 20 percent of the area of the landscape yard of a lot must be landscaped area.
- (C) Each square foot of permeable landscaped area under the canopy of a tree that has a trunk diameter of at least two inches, counts as one and one-fourth square feet of landscaped area for calculating compliance with Subsection (A). This credit applies only if:
- (1) at least 50 percent of the area under the canopy of the tree is permeable; and
 - (2) the provisions of the Environmental Criteria Manual are met.
- (D) A required landscaped area may include planters, brick, stone, natural forms, water forms, aggregate, and other landscape features, if inorganic materials do not predominate over the plants. Smooth concrete or asphalt may not be included in a required landscaped area.
- (E) For a capital improvement project involving right-of-way, landscaping may not be installed until construction is finished.

Source: Sections 13-7-61(a), (c), (h)(4), and (j), and 13-7-64; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1004 - PLANTS.

- (A) A required landscaped area, or a plant, that is adjacent to pavement must be protected with a concrete curb or an equivalent barrier.
- (B) A site plan must show how conditions adequate to sustain healthy plant growth will be achieved.

Source: Sections 13-7-61(f), (l); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1005 - TREES.

- (A) In this article, the diameter of a tree trunk is measured at a height of 4½ feet above the ground, except as otherwise provided.
- (B) In this section:
- (1) a tree must be at least 6 feet in height and have a trunk diameter of one and one half inches measured 6 inches above the ground at the time it is counted; and
 - (2) a tree that has a trunk diameter of at least eight inches, or a tree that has a trunk diameter of at least six inches and a height of at least 15 feet, is counted as two trees.
- (C) A landscape yard that measures less than 10,000 square feet in area must contain at least one tree for each 1,000 square feet, or fraction thereof.
- (D) A landscape yard that measures 10,000 or more square feet, but less than 110,000 square feet, must contain at least ten trees, plus at least one additional tree for each 2,500 square feet, or fraction thereof, over 10,000 square feet.
- (E) A landscape yard that measures 110,000 or more square feet must contain at least 50 trees, plus at least one additional tree for each 5,000 square feet, or fraction thereof, over 110,000.
- (F) A newly planted tree must be located in a landscaped area that is at least eight feet wide.

Source: 13-7-61 (b); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1006 - VISUAL SCREENING.

- (A) The following features must be at least partially and periodically obscured from view from the street by landscaping, or by the use of landscaping along with berms, walls, or decorative fences:
- (1) a water quality control facility under Chapter 25-8, Subchapter A (*Water Quality*);
 - (2) a stormwater drainage facility under Chapter 25-7 (*Drainage*); and
 - (3) an area where motor vehicles are moved, loaded, parked, or stored.

- (B) Plants may not obstruct the view between the street and a driveway.
- (C) The Environmental Criteria Manual shall prescribe standards for screening in accordance with this subsection.
 - (1) For a townhouse, condominium, multiple family, group, or mobile home residential use, screening is required at a property line that adjoins a residential district in which the use is not a permitted use.
 - (2) For a commercial or industrial use, screening is required at a property line that adjoins a residential district.
 - (3) For a civic use, screening is required at a property line that adjoins a more restrictive district in which the use is not permitted.

Source: Sections 13-7-61 (d), (e), and (g), 13-7-67(a); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-2-1007 - PARKING LOTS.

- (A) For each 12 parking spaces in a parking lot that is in a landscape yard, a minimum of 90 square feet of landscaped area are required within the parking lot.
- (B) For each 12 parking spaces in a parking lot that is not in a landscape yard, a minimum of 60 square feet of landscaped area are required within the parking lot.
- (C) A parking lot must have end islands landscaped with trees in accordance with the Environmental Criteria Manual.
- (D) Except as provided in Subsection (E), a parking space may not be located more than 50 feet from a landscaped area, or more than 50 feet from a tree.
- (E) In a parking lot that has more than three distinct modules for the parking of vehicles:
 - (1) a landscaped median at least 10 feet wide and at least the length of the parking module is required for every second parking module for the parking of vehicles;
 - (2) a tree must be located within 25 feet of each parking space adjacent to a median; and
 - (3) end islands with trees are required.
- (F) A landscaped area that is required by this section:
 - (1) may consist of non-contiguous portions, and may be in the form of features commonly referred to as medians, peninsulas, and islands;
 - (2) must be evenly distributed throughout a parking lot, except that the distribution and location of landscaped area may accommodate existing trees or other natural features if the total area requirement is satisfied;
 - (3) may count toward compliance with [Section 25-2-1003\(A\) \(General Requirements\)](#); and
 - (4) must consider an edge-of-pavement treatment that allows overland flow of stormwater runoff across the landscape area except:
 - (a) perimeter landscape areas that are not required to drain to a stormwater control measure;
 - (b) impervious areas on which the land use or activity may generate highly contaminated runoff, as prescribed by the Environmental Criteria Manual; and
 - (c) sites located within the Edwards Aquifer recharge zone.

Source: Section 13-7-61(e) - (g); Ord. 990225-70; Ord. 031211-11; Ord. 20090618-076; [Ord. No. 20221027-045](#), Pt. 1, 11-7-22.

§ 25-2-1008 - IRRIGATION REQUIREMENTS.

- (A) No permanent irrigation is required for all or a portion of a required landscaped area that consists of:
 - (1) undisturbed natural area; or
 - (2) undisturbed existing trees;
- (B) Supplemental irrigation using irrigation methods described in Subsection (C) is required:
 - (1) for the first two growing seasons for all or a portion of a newly planted required landscaped area without permanent irrigation;
 - (2) permanently for all newly planted trees in a required landscape area; and
 - (3) as prescribed by rule for all newly planted required landscaping located in medians, islands, or peninsulas.
- (C) Irrigation required under Subsection (B) may be provided only by one or more of the methods described below:
 - (1) an automatic irrigation system;
 - (2) a hose attachment, if:
 - (a) the hose attachment is within 100 feet of the landscaped area or plant; and
 - (b) there is not a road or parking pavement between the hose attachment and the landscaped area or plan; or
 - (3) a temporary, above ground automatic irrigation system, if the system complies with the water conservation requirements in the Environmental Criteria Manual.
- (D) An irrigation method must:
 - (1) provide a moisture level adequate to sustain growth of the plant materials on a permanent basis;
 - (2) unless fiscal security is provided to the City for the installation of the system, be operational at the time of the final landscape inspection; and

(3) be maintained and kept operational.

(E) A site plan must show:

- (1) the drainage area(s) used to irrigate under Subsection (B), including notation of the land uses on impervious areas within the drainage area(s);
- (2) the nature and location of an irrigation system; and
- (3) that there is no disturbance to the critical root zone of an existing tree.

(F) The director may grant an administrative variance to the requirements in this section. An applicant for a variance must demonstrate that:

- (1) strict compliance with this section is infeasible due to unique site conditions including but not limited to topography, size, shape, and location of existing features such as trees or previous development; and
- (2) the proposed irrigation plan is the minimal departure from the requirements of this section.

Source: Section 13-7-62; Ord. 990225-70; Ord. 031211-11; Ord. 20101216-097; Ord. No. 20221027-045, Pt. 2, 11-7-22.

Division 3. - Additional Site Plan Requirements in Hill Country Roadway Corridors.

§ 25-2-1021 - APPLICABILITY OF DIVISION.

The requirements of this division are cumulative, and apply to a site in a Hill Country roadway corridor described in Section 25-2-1103 (Hill Country Roadway Corridors Identified).

Source: Section 13-7-66; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1022 - NATIVE TREES.

(A) In this section:

- (1) NATIVE TREE means live oak, Spanish oak, cedar elm, shin oak, bald cypress, post oak, pecan, bur oak, or black walnut.
- (2) SMALL NATIVE TREE means Texas madrone, black cherry, Texas mountain laurel, evergreen sumac, Mexican buckeye, flameleaf sumac, or Texas persimmon.

(B) A site plan must provide a sufficient number of native or small native trees to reasonably compensate for the removal of:

- (1) each small native tree;
- (2) each native tree with a trunk diameter greater than six inches; and
- (3) each cluster of three or more native trees located within ten feet of each other with trunk diameters greater than two inches.

Source: Section 13-7-66(a); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1023 - ROADWAY VEGETATIVE BUFFER.

(A) Except as otherwise provided by this section, vegetation within 100 feet of the dedicated right-of-way may not be cleared, unless the clearing is necessary to provide utilities and access to the site.

(B) Except as otherwise provided by Subsection (D), in the roadway corridor along the Southwest Parkway:

- (1) vegetation within 50 feet of the dedicated right-of-way or drainage easement may not be cleared, unless the clearing is necessary to provide utilities and access to the site; and
- (2) a building must be at least 75 feet from the dedicated right-of-way or drainage easement.

(C) The council may, after a public hearing, waive the requirements of Subsection (B) for a site if the owner dedicated the right-of-way or a drainage easement to the public at no cost.

(D) Except as otherwise provided in Subsection (E), in a roadway corridor along a parkway identified in the Transportation Plan, other than Southwest Parkway:

- (1) vegetation within 25 feet of the dedicated right-of-way or drainage easement may not be cleared, unless the clearing is necessary to provide utilities and access to the site; and
- (2) a building must be at least 50 feet from the dedicated right-of-way or drainage easement.

(E) An area described in this section in which clearing is prohibited may not exceed 20 percent of the acreage of an applicant's property.

Source: Sections 13-7-66(b)(2) and (3) and 13-2-781(d); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1024 - RESTORING ROADWAY VEGETATIVE BUFFER.

(A) If vegetation in an area in which clearing is prohibited by Section 25-2-1023 (Roadway Vegetative Buffer) has been substantially disturbed, it must be revegetated with native trees, shrubs, and grasses.

(B) Not more than 50 percent of the area in which clearing is prohibited may be used for detention or sedimentation ponds or wastewater drain fields.

Source: Section 13-7-66(b)(1); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1025 - NATURAL AREA.

- (A) At least 40 percent of a site, excluding dedicated right-of-way, must be left in a natural state. Natural areas within parking medians and in an area in which clearing is prohibited by Section 25-2-1023 (Roadway Vegetative Buffer) count toward this requirement.
- (B) In complying with this section, priority must be given to the protection of natural critical areas identified in the City's Comprehensive Plan.
- (C) If this section conflicts with another provision of this title, the conflict must be resolved with the minimum departure from the requirement of this section. The resolution must receive approval from the council. The council must receive a recommendation from the Land Use Commission.
- (D) If an area required to be kept in a natural state by this section is revegetated, not more than 25 percent of the area may be used for sewage disposal fields.

Source: Section 13-7-66(c); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-2-1026 - PARKING LOT MEDIANs.

A parking lot must have a median at least ten feet wide containing existing native trees or dense massing of installed trees between each distinct parking area.

Source: 13-7-66(d); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1027 - VISUAL SCREENING.

Visual screening required by this article must:

- (1) use existing vegetation or installed landscaping;
- (2) include dense massing of trees, native understory vegetation, shrub massing, or berms; and
- (3) allow for topographic changes.

Source: Section 13-7-67(b); Ord. 990225-70; Ord. 031211-11.

Division 4. - Additional Requirements for Residential Subdivisions.

§ 25-2-1031 - APPLICABILITY OF DIVISION.

The requirements of this division apply to a lot in a residential subdivision in the city's zoning jurisdiction. This division does not authorize removal of trees.

Source: Ord. 20090618-077.

§ 25-2-1032 - TREES REQUIRED.

- (A) Each single family lot in a residential subdivision shall contain:
 - (1) at least two trees of at least two different species listed in the Environmental Criteria Manual, Appendix F (*Descriptive Categories of Tree Species*) if the lot is in a single family residence small lot (SF4a) zoning district;
 - (2) at least three trees of at least two different species listed in the Environmental Criteria Manual, Appendix F (*Descriptive Categories of Tree Species*) if the lot is in any zoning district other than SF4a.
- (B) Trees required under this section must be planted or preserved in accordance with this division and the Environmental Criteria Manual.

Source: Ord. 20090618-077.

§ 25-2-1033 - TREES PLANTED.

- (A) A tree planted under this division shall:
 - (1) be suitable, as defined in the Environmental Criteria Manual;
 - (2) meet the spacing and location requirements in the Environmental Criteria Manual; and
 - (3) be maintained in accordance with the Environmental Criteria Manual.
- (B) The size of a tree planted under this division shall be:
 - (1) at least two inches in diameter measured six inches above root flare; or
 - (2) if an understory tree, at least one inch in diameter measured six inches above root flare.

Source: Ord. 20090618-077.

§ 25-2-1034 - TREES PRESERVED

- (A) A tree required under this division may be satisfied by preserving an existing tree on the lot.
- (B) The city arborist may adjust the requirements in section 25-2-1032 (Trees Required) based on preservation of:
 - (1) an existing tree of a species listed in the Environmental Criteria Manual, Appendix F (*Descriptive Categories of Tree Species*); or
 - (2) a protected tree or heritage tree as defined in section 25-8-602 (Definitions).
- (C) To satisfy the tree requirement through preservation, the applicant must demonstrate, to the satisfaction of the city arborist, that the tree has not been damaged in a manner that could jeopardize its long-term survival.
- (D) A tree preserved under this division shall
 - (1) meet the spacing and location requirements in the Environmental Criteria Manual; and
 - (2) be maintained in accordance with the Environmental Criteria Manual.
- (E) The size of a tree preserved under this division shall be at least two inches in diameter measured four and a half feet above natural grade.

Source: Ord. 20090618-077.

§ 25-2-1035 - (RESERVED)

§ 25-2-1036 - ALTERNATIVE COMPLIANCE.

A tree required under this division may be satisfied by preserving or planting a tree off-site, only if the Watershed Protection and Development Review Department director determines that:

- (1) due to special circumstances unique to a property, preserving or planting three trees on a particular single family lot is not feasible;
- (2) the proposed off-site tree will adequately achieve, or be an improvement on, the intent of this division; and
- (3) the proposed off-site tree will meet the requirements of section 25-2-1033 or 25-2-1034 and will be preserved or planted in the subdivision within which the particular single family lot is located.

Source: Ord. 20090618-077.

ARTICLE 10. - COMPATIBILITY STANDARDS.

Footnotes:

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Editor's note— Ord. No. 20240516-004, Pt. 1, effective July 15, 2024, repealed the former Art. 10, §§ 25-2-1051, 25-2-1052, 25-2-1061—25-2-1068, 25-2-1081, 25-2-1082, and enacted a new Art. 10 as set out herein. The former Art. 10 pertained to similar subject matter and derived from Sections 13-2-25(2), 13-2-731, 13-2-733—13-2-739; Ord. 990225-70; Ord. 000309-39; Ord. 000406-81; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16; Ord. 20050519-008; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060504-039; Ord. 20060622-022; Ord. 20060928-022; Ord. 20061130-064; Ord. 20080618-093; Ord. 20090212-070; Ord. 20101209-075; Ord. 20131017-046; Ord. No. 20160922-080, Pt. 1, 10-3-16; Ord. No. 20231019-052, Pt. 9, 10-3-23; Ord. No. 20231102-028, Pt. 22, 11-13-23.

Division 1. - General Provisions.

§ 25-2-1051 - APPLICABILITY.

Except as provided in Section 25-2-1052 (Exceptions) or another specific provision of this title, this article applies to a site that is:

- (1) zoned multi-family residence moderate-high density (MF-4) district or less restrictive district; and
- (2) located within 75 feet of a triggering property.

Source: Ord. No. 20240516-004, Pt. 1, 7-15-24.

§ 25-2-1052 - EXCEPTIONS.

This article does not apply to:

- (1) a structural alteration that does not increase the square footage, area, or height of a building;
- (2) a site zoned central business district (CBD) or downtown mixed-use (DMU); or
- (3) a site that is used for:
 - (a) duplex use;
 - (b) single-family attached residential use;
 - (c) single-family residential use;
 - (d) small lot single-family residential use;

- (e) two-unit residential use;
- (f) three-unit residential use;
- (g) adult care services use (limited or general); or
- (h) child care services use (limited or general).

Source: [Ord. No. 20240516-004](#), Pt. 1, 7-15-24.

§ 25-2-1053 - TRIGGERING PROPERTY.

A triggering property is a site:

- (1) with at least one dwelling unit but less than four dwelling units; and
- (2) zoned urban family residence (SF-5) district or more restrictive.

Source: [Ord. No. 20240516-004](#), Pt. 1, 7-15-24.

§ 25-2-1054 - SITE-SPECIFIC AMENDMENTS.

- (A) Except as provided in Subsection (B), council may grant site-specific amendments to height and compatibility buffers if council determines that an amendment is appropriate and will not harm the surrounding area.
- (B) A site is not eligible for a site-specific amendment if the site is:
 - (1) zoned:
 - (a) a special purpose base zoning district;
 - (b) density bonus (DB) combining district; or
 - (2) subject to the university neighborhood overlay (UNO).
- (C) A site-specific amendment to this article is considered a rezoning of property and is subject to the same requirements and procedures established for a rezoning application that changes the base district classification of a property.
- (D) A site-specific amendment may be initiated by:
 - (1) council;
 - (2) the Land Use Commission; or
 - (3) the record owner.

Source: [Ord. No. 20240516-004](#), Pt. 1, 7-15-24.

Division 2. - Development Standards.

§ 25-2-1061 - COMPATIBILITY HEIGHT LIMITS.

- (A) In this section, structure means a portion of a structure.
- (B) Any structure that is located 75 or more feet from any part of a triggering property shall comply with the height limits established by the site's zoning ordinance.
- (C) Except as provided by a site-specific amendment to this section, any structure that is located:
 - (1) at least 50 feet but less than 75 feet from any part of a triggering property may not exceed 60 feet; and
 - (2) less than 50 feet from any part of a triggering property may not exceed 40 feet.

Source: [Ord. No. 20240516-004](#), Pt. 1, 7-15-24.

§ 25-2-1062 - COMPATIBILITY BUFFERS AND SETBACKS.

- (A) This section does not apply to:
 - (1) condominium residential use; or
 - (2) townhouse residential use.
- (B) Compatibility Buffers.
 - (1) Except as provided in Subdivision (B)(2), a compatibility buffer is required along a site's property line that is shared with a triggering property.
 - (2) A compatibility buffer is not required if:
 - (a) the site includes only residential uses and the number of dwelling units is 16 or fewer dwelling units; or
 - (b) the site's zoning ordinance establishes a maximum height of 40 feet or less and the site is zoned:
 - (i) neighborhood office (NO) district;

- (ii) limited office (LO) district; or
- (iii) neighborhood commercial (LR) district.
- (3) Except as provided in Subdivision (B)(5), the minimum width of a compatibility buffer is 25 feet.
- (4) A compatibility buffer must comply with [Section 25-8-700 \(Minimum Requirements for Compatibility Buffers\)](#).
- (5) The minimum width of a compatibility buffer is 15 feet for a site that is less than 75 feet wide when measured from site's property line that is shared with a triggering property.

(C) Setbacks.

- (1) This subsection applies to a site's property line that is shared with a triggering property.
- (2) The minimum rear yard setback is 10 feet if the site is zoned:
 - (a) neighborhood office (NO) district;
 - (b) limited office (LO) district; or
 - (c) neighborhood commercial (LR) district.
- (3) The minimum interior side-yard setback is five feet if the site is zoned neighborhood commercial (LR) district.

Source: [Ord. No. 20240516-004](#), Pt. 1, 7-15-24.

§ 25-2-1063 - SCREENING, NOISE, AND DESIGN REQUIREMENTS.

- (A) Exterior lighting must be hooded or shielded so that the light source is not visible from the site's property line or alleyway that is shared with a triggering property.
- (B) Mechanical equipment may not produce sound in excess of 70 decibels measured at the site's property line or alleyway that is shared with a triggering property.
- (C) A concrete slab used for a refuse receptacle may not be placed within 15 feet of triggering property.
- (D) Except for a multi-use trail, an on-site amenity that is available only to residents and occupants of the site and their guests may not be located within 25 feet of a triggering property.
- (E) Screening Requirements. Except when visible from or through a pedestrian or bicycle access point, the following objects shall be screened and may not be visible at the site's property line or alleyway that is shared with a triggering property:
 - (1) vehicle lights from vehicles that use or are parked on a parking lot or in a parking structure located on the site;
 - (2) ground floor and rooftop mechanical equipment;
 - (3) outdoor storage;
 - (4) refuse receptacles and collection areas; and
 - (5) common areas for amenities, including outdoor decks, patios, and pools.
- (F) The screening required in Subsection (E) may not impede pedestrian or bicycle access points.
- (G) Rooftop mechanical equipment may be screened by a parapet.

Source: [Ord. No. 20240516-004](#), Pt. 1, 7-15-24.

ARTICLE 11. - HILL COUNTRY ROADWAY REQUIREMENTS.

Division 1. - General Provisions.

§ 25-2-1101 - DEFINITIONS.

In this article:

SCENIC VISTA means a generally recognizable, noteworthy view of:

- (1) Barton Creek;
- (2) Bull Creek;
- (3) West Bull Creek;
- (4) Lake Austin;
- (5) Lake Travis;
- (6) a valley of the Colorado River; or
- (7) the downtown area of Austin.

Source: Section 13-2-783(b)(1); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1102 - APPLICABILITY.

Except as provided in Section 25-2-1104 (Exceptions), this article applies to development on a site in a hill country roadway corridor.

Source: Section 13-2-782 ; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1103 - HILL COUNTRY ROADWAY CORRIDORS IDENTIFIED.

A hill country roadway corridor is the land within the City's zoning jurisdiction located 1,000 feet or less from each side of the right-of-way of the following roadways:

- (1) Loop 360, from US 290 West to US 183;
- (2) RM 620, from SH 71 to Anderson Mill Road;
- (3) RM 2222, from Highland Hills Drive to RM 620;
- (4) RM 2244, from Loop 360 to SH 71; and
- (5) Southwest Parkway.

Source: Section 13-2-1; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1104 - EXCEPTIONS.

(A) This article does not apply to development that occurs 1,000 feet or less from the dedicated right-of-way of:

- (1) US 183; or
- (2) US 290 West.

(B) This article does not apply to development that complies with a site plan approved by council before January 27, 1986 or to a modification of the approved site plan if a zoning change was approved to allow the modification.

(C) This article does not apply to development that complies with a site plan for which a development permit was issued by the City before January 27, 1986.

(D) This article does not apply to development that complies with a site plan that was submitted for approval before May 23, 1985, or that was recommended for approval by the Planning Commission before November 6, 1985. The development must comply with City requirements in effect on the date the site plan was submitted for approval.

(E) This article does not apply to development that complies with a planned development area agreement approved by the council before January 26, 1986.

Source: Section 13-2-781(a), (b), (c), (e) and (f); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1105 - WAIVERS.

(A) Subject to Subsection (B), the Land Use Commission may approve the waiver of a provision in this article if the person applying for the waiver demonstrates that:

- (1) the provision imposes an undue hardship on a development because of the location, topography, or peculiar configuration of the tract; or
- (2) a proposed development incorporates the use of highly innovative architectural, site planning, or land use technique; and
- (3) if the waiver is approved, a proposed development will equal or exceed a development that is in compliance with this article in terms of:
 - (a) environmental protection;
 - (b) aesthetic enhancement;
 - (c) land use compatibility; and
 - (d) traffic considerations.

(B) The Land Use Commission may waive a provision only to the extent necessary to allow the development to occur.

(C) The approval or disapproval of a waiver by the Land Use Commission under this section may be appealed to the council.

Source: Section 13-2-785; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-2-1106 - VOLUNTARY COMPLIANCE.

(A) This section applies to development that is:

- (1) on a site in a hill country roadway corridor; and
- (2) excepted from the application of this article.

(B) The owner of a site may file a request with the director to apply this article to the development.

(C) If an owner requests that this article apply to a development, the council may approve a waiver or a provision of this article.

(D) The director shall recommend to the Land Use Commission and council each provision of this article that should be:

- (1) applied to the development; or

(2) waived by the council.

(E) The Land Use Commission shall review a request filed under Subsection (B) and shall prepare a recommendation on the request.

(F) In making a recommendation under Subsection (D), the director shall take into consideration each existing land use approved for the site.

(G) The council may approve a waiver of a provision of this article to the minimum extent necessary to allow development to occur, based on the recommendations of the director and the Land Use Commission.

Source: Section 13-2-781(g); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-2-1107 - HILL COUNTRY ROADWAY CORRIDOR FILES AND MAPS.

The Watershed Protection and Development Review Department shall maintain a file on the hill country roadway corridors. The file must contain:

(1) a contour map of each corridor that shows each proposed or approved land use in a corridor;

(2) a copy of each site plan submitted in connection with development in each corridor, whether the site plan was subsequently approved, disapproved, or withdrawn;

(3) a map that shows each scenic vista or overlook in each corridor that the Watershed Protection and Development Review Department has identified; and

(4) a map that shows each segment of a hill country roadway along which scenic vistas are prevalent.

Source: Sections 13-2-783(b)(1) and 13-2-784; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

Division 2. - Development Standards.

§ 25-2-1121 - INTENSITY ZONES.

(A) Property is in a high intensity zone, if the property:

(1) is along Loop 360 and within 3,500 feet of the intersection of Loop 360 with US 290; or

(2) is within 1,000 feet of the right-of-way of two intersecting highways that are maintained by the state; and

(a) has frontage on:

(i) both highways; or

(ii) one highway and an intersecting arterial or collector street.

(B) Property is in a moderate intensity zone, if the property:

(1) is not in a high intensity zone; and

(2) has frontage on:

(a) Loop 360, north of RM 2222 and south of RM 2244;

(b) the segment of Loop 360 that is 1,200 feet or less from Westlake Drive;

(c) the segment of RM 2222 that extends east from RM 620 for 2.1 miles;

(d) the segment of RM 620 that extends from Comanche Trail to Anderson Mill Road;

(e) the segment of RM 620 that extends from Lohman's Crossing to Steward Road; or

(f) a segment of a roadway that would otherwise place the property in a low intensity zone, if access to the property is solely from an arterial or collector street that is not a hill country roadway.

(C) Property is in a moderate intensity zone, if the property is not in a high intensity zone, has frontage on a hill country roadway and on an intersecting arterial or collector street, and is located 500 feet or less from the right-of-way boundary of the arterial or collector street. This subsection does not apply to an intersection on RM 2222 east of Loop 360.

(D) Property is in a low intensity zone if the property is not in a high intensity zone or a moderate intensity zone.

Source: Section 13-2-782(1); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1122 - FLOOR-TO-AREA RATIO OF A NONRESIDENTIAL BUILDING.

(A) Except as provided in Subsection (B), the floor-to-area ratio of a nonresidential building may not exceed:

(1) in a low intensity zone:

(a) 0.20 for a building on property with a slope gradient of 15 percent or less;

(b) 0.08 for a building on property with a slope gradient of more than 15 percent, but not more than 25 percent; or

(c) 0.04 for a building on property with a slope gradient of more than 25 percent, but not more than 35 percent;

(2) in a moderate intensity zone:

- (a) 0.25 for a building on property with a slope gradient of 15 percent or less;
 - (b) 0.10 for a building on property with a slope gradient of more than 15 percent, but not more than 25 percent; or
 - (c) 0.05 for a building on property with a slope gradient of more than 25 percent, but not more than 35 percent; or
- (3) in a high intensity zone:
- (a) 0.30 for a building on property with a slope gradient of 15 percent or less;
 - (b) 0.12 for a building on property with a slope gradient of more than 15 percent, but not more than 25 percent; or
 - (c) 0.06 for a building on property with a slope gradient of more than 25 percent, but not more than 35 percent.
- (B) If the Land Use Commission grants a development bonus under Section 25-2-1128 (Development Bonuses), the floor-to-area ratio of a building on a slope that has a gradient of not more than 15 percent may not exceed:
- (1) 0.25 if the property is a low intensity zone;
 - (2) 0.30 if the property is in a moderate intensity zone; or
 - (3) 0.35 if the property is in a high intensity zone.
- (C) If a portion of developed property or property covered by an approved site plan is condemned for right-of-way and if the development complies with other applicable requirements, the gross square footage permitted before the condemnation is the gross square footage permitted for the portion of the property remaining after the condemnation.
- (D) To calculate allowable floor area under this section, gross site area includes all land dedicated for right-of-way under Section 25-6-55 (Dedication Of Right-Of-Way) that is more than 60 feet from the centerline of a hill country roadway.
- (E) This section does not apply to property in the Southwest Parkway hill country roadway corridor.

Source: Section 13-2-782(2); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-2-1123 - CONSTRUCTION ON SLOPES.

- (A) Development of property in a hill country roadway corridor must comply with Chapter 25-8, Subchapter A, Article 7, Division 3 (*Construction On Slopes*) and this section. If a conflict exists between this section and another section of this title, the more restrictive provision applies.
- (B) A person who constructs a structure uphill of a slope with a gradient of 15 percent or more:
 - (1) must use a pier and beam technique to construct the structure; and
 - (2) may not extend a vertical wall below the lowest finished floor elevation of the structure, except as necessary to screen mechanical equipment.
- (C) A person who constructs a structure downhill of a slope with a gradient of 15 percent or more may not exceed a depth of eight feet for structural excavation.
- (D) To restore a cut or fill for a roadway, driveway, or structure, a person may construct a terraced wall and fill with a finished gradient of 100 percent. The wall may not exceed a height of four feet. More than one level of terracing may be constructed.
- (E) If a person does not use terracing to restore a cut or fill, the person must revegetate and restore the cut or fill to a slope have a finished gradient of 33 percent.
- (F) A cut or fill restored under Subsection (E) may not exceed eight feet in length. If additional restoration is required, a terrace that complies with Subsection (D) must be constructed between each eight-foot slope segment.
- (G) A person must place fill to blend with the natural contour of the slope.

Source: Section 13-2-782; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1124 - BUILDING HEIGHT.

- (A) Except as provided in Subsection (C) or Section 25-2-1128 (Development Bonuses), a person may not construct a building that is more than 28 feet in height, if the building is:
 - (1) 200 feet or less from the nearest right-of-way boundary of a hill country roadway; or
 - (2) in a low intensity zone.
- (B) If a building is more than 200 feet from the nearest right-of-way boundary of a hill country roadway, a person may construct a building that is not more than:
 - (1) 40 feet in height in a moderate intensity zone; or
 - (2) 53 feet in a high intensity zone.
- (C) The height of a building in the Southwest Parkway roadway corridor may not exceed the lesser of:
 - (1) the height permitted by the zoning or the site plan approved for the property; or
 - (2) 60 feet.

Source: Section 13-2-782(4); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1125 - LOCATION OF ON-SITE UTILITIES.

Each on-site utility must be located underground, unless otherwise required by the utility provider.

Source: Section 13-2-782(5); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1126 - BUILDING MATERIALS.

(A) Each building shall be designed to use, to the greatest extent feasible, building materials that are compatible with the environment of the hill country, including rock, stone, brick, and wood.

(B) A person may not construct a building that has mirrored glass with a reflectance of more than 20 percent.

Source: Section 13-2-782(6); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1127 - IMPERVIOUS COVER.

To calculate impervious cover under this article, gross site area includes all land dedicated for right-of-way under [Section 25-6-55 \(Dedication Of Right-Of-Way\)](#) that is more than 60 feet from the centerline of a hill country roadway.

Source: Section 13-2-782(2); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1128 - DEVELOPMENT BONUSES.

(A) The Land Use Commission shall grant a development bonus to a proposed development if the Land Use Commission determines that:

(1) an unusual circumstance exists, as defined in Subsection (C); and

(2) the proposed development as constructed will comply with at least 50 percent of the criteria identified in [Section 25-2-1129 \(Criteria For Approval Of A Development Bonus\)](#).

(B) A development bonus approved by the Land Use Commission for a proposed development may:

(1) for property on a slope with a gradient of 15 percent or less, increase the floor-to-area ratio up to .05 to 1;

(2) increase building height up to:

(a) 40 feet in a low intensity zone;

(b) 53 feet in a moderate intensity zone; or

(c) 63 feet in a high intensity zone; or

(3) reduce a required setback by 25 feet or less.

(C) In Subsection (A), an unusual circumstance must involve:

(1) an undue hardship caused by this article, or by the cumulative effects of this title, because of the configuration, topography, or location of the tract;

(2) the demonstration of an innovative architectural, site planning, or land use design that:

(a) has not been used in the Austin area before; and

(b) will serve as an excellent example for a subsequent development; or

(3) a condemnation for right-of-way, if a bonus allows the property owner to recapture square footage potential that was lost because of that condemnation.

(D) Notwithstanding Subsection (A)(2), if an unusual circumstance exists, the Land Use Commission may approve a development bonus if the proposed development does not comply with at least 50 percent of the criteria in [Section 25-2-1129 \(Criteria For Approval Of A Development Bonus\)](#).

Source: Sections 13-2-783(a) and (c); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-2-1129 - CRITERIA FOR APPROVAL OF A DEVELOPMENT BONUS.

In determining whether to approve a development bonus for a proposed development, the Land Use Commission may consider criteria that reasonably relate to the development bonus, including if the proposed development:

(1) preserves a scenic vista and provides a place where the public can view the scenic vista;

(2) limits access to a roadway that is not a hill country roadway if use of the roadway does not increase traffic in a residential area;

(3) reduces by at least 15 percent the amount of impervious cover otherwise required for the development;

(4) increases landscaping or a setback by more than 50 percent above the amount required for the development or increases a natural area;

(5) is a mixed-use development, particularly a mixed-use development that includes a residential use and community facility;

(6) reduces building mass by breaking up buildings;

(7) uses pervious pavers although the development is not entitled to receive an impervious cover credit;

(8) consolidates small lots to create a parcel that has at least 300 feet of frontage on a hill country roadway;

- (9) uses pitched roof design features;
- (10) includes the construction or dedication of a public facility that is not required by a City ordinance, including a park, roadway and right-of-way, Police Department site, Fire Department site, emergency medical services facility site, or a regional drainage facility;
- (11) limits the construction of a building or parking area to an area with a slope that has a gradient of not more than 15 percent; or
- (12) uses an energy-conserving or a water-conserving device that reduces energy or water consumption below City requirements.

Source: Section 13-2-783(b); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

ARTICLE 12. - RESERVED.

ARTICLE 13. - DOCKS, BULKHEADS, AND SHORELINE ACCESS.

§ 25-2-1171 - APPLICABILITY.

- (A) This article applies to a structure or development:
 - (1) in Lake Austin, Lady Bird Lake, or Lake Walter E. Long;
 - (2) along the shore of Lake Austin in the area below 504.9 feet above mean sea level;
 - (3) along the shore of Lady Bird Lake below 435 feet above mean sea level;
 - (4) along the shore of Lake Walter E. Long; or
 - (5) used for access to areas described in this Subsection.

(B) The director of the Planning and Development Review Department shall implement and enforce this article.

Source: Section 13-2-791(a) and (d); Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075; Ord. 20131017-079; Ord. No. 20140626-113, Pt. 6, 7-7-14.

§ 25-2-1172 - DEFINITIONS.

In this article:

- (1) BULKHEAD means a revetment or wall constructed for the purpose of stabilizing or modifying the shoreline.
- (2) CLUSTER DOCK means a dock not used for commercial purposes that is associated with:
 - (a) dwelling units in a multifamily development with lake frontage; or
 - (b) principal residential structures in a subdivision with perpetual use rights to a common area that fronts a lake.
- (3) CONSTRUCT includes placing or replacing a structure and structurally altering an existing structure.
- (4) DOCK includes a wharf, pier, float, floating dock, island, boat dock, boat slip, boat lift, stationary platform, or other similar structure.
- (5) MOTORBOAT means a watercraft propelled by an internal combustion engine or electric motor.
- (6) NORMAL POOL ELEVATION means:
 - (a) for Lake Austin, 492.8 feet above mean sea level;
 - (b) for Lady Bird Lake, 429 feet above mean sea level; and
 - (c) for Lake Walter E. Long, 554.5 feet above mean sea level.
- (7) PERSONAL WATERCRAFT includes jet skis and means a type of motorboat specifically designed to be operated by a person or persons sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel and that is less than 13 feet in length.
- (8) SHORELINE means the line where the edge of the water meets the land at normal pool elevation.
- (9) SHORELINE ACCESS means improvements constructed to provide a means of approaching the shoreline such as stairs, lifts, trams, incline elevators or escalators.
- (10) SHORELINE FRONTAGE means the total linear distance of the shoreline.

Source: Section 13-2-790; Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075; Ord. No. 20140626-113, Pt. 7, 7-7-14; Ord. No. 20160922-048, Pt 2, 10-3-16.

§ 25-2-1173 - PERMIT REQUIRED FOR CONSTRUCTION.

- (A) A person may not modify a shoreline or construct or modify a dock, bulkhead, or shoreline access unless the person first obtains a site plan, except as otherwise allowed under Section 25-5-2 (Site Plan Exemptions), and building permit and pays the applicable fees established by ordinance. A site plan required under this section must be signed and sealed by a licensed professional engineer and must include all information required by the director responsible for administering this chapter.
- (B) A permit obtained under this section shall be prominently displayed at the construction site until the final inspection and approval by the building official.
- (C) If a permit is required under this section and is not obtained before construction begins, the required fee is increased by an amount established by ordinance. Payment of the additional fee does not relieve a person from complying with the requirements of this title.

- (D) Where an inspection is required by state law, neither a Certificate of Compliance nor a final inspection may be issued for shoreline access unless the applicant has submitted an inspection report, signed by a QEI-1 inspector registered with the Texas Department of Licensing and Regulation, stating that all applicable state regulations have been met.

Source: Sections 13-2-791 and 13-2-794; Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075; Ord. 20131017-079; Ord. No. 20140626-113, Pt. 8, 7-7-14.

§ 25-2-1174 - STRUCTURAL REQUIREMENTS.

- (A) In addition to other applicable requirements of this title, a dock must:
- (1) comply with the requirements of Chapter 25-12 (*Technical Codes*), including Article 1 (*Building Code*), Article 7 (*Fire Code*), and the Building Criteria Manual;
 - (2) be designed and constructed in a manner that does not pose a hazard to navigation safety;
 - (3) be braced to withstand pressure of wind and water when boats are tied to the dock; and
 - (4) if the dock is a floating dock, be supported by solid displacement flotation devices, with durable nonferrous protective coverings that are securely attached to the dock and capable of withstanding prolonged exposure to wave action and weather.
- (B) A bulkhead with a greater than 45 degree vertical slope for any portion greater than one foot in height is not permitted on or adjacent to the shoreline of a lake that is subject to this article, unless the shoreline is located within an existing man-made channel.

Source: Section 13-2-792; Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075; Ord. 20121018-024; Ord. No. 20140626-113, Pt. 9, 7-7-14.

§ 25-2-1175 - LIGHTING AND ELECTRICAL REQUIREMENTS.

- (A) A dock must be lighted as provided in this section and in compliance with Chapter 25-12, Article 4 (*Electrical Code*). This section does not apply to a dock located on an inlet or slough, unless the dock is on Bee Creek or Bull Creek.
- (B) This subsection applies to a dock that extends more than eight feet from the shoreline. In this subsection, the distance that a dock extends from a shoreline is measured perpendicular to the shoreline.
- (1) A dock must be continuously lighted with amber lights between sunset and sunrise each day.
 - (2) A dock must have at least one light station. Except as otherwise provided in this subsection, the light station must be located on the end of the dock and on the side that is farthest from and parallel to the shoreline. The light must be visible to a properly approaching watercraft.
 - (3) A dock that extends 30 feet or more from the shoreline, or that has a shoreline frontage of 25 feet or more, must have at least one light station on each side of the dock that does not face the shoreline.
 - (4) The requirements of this paragraph apply if the director determines that a dock described in Subsection (B)(3) may be a navigational hazard between sunset and sunrise.
 - (a) A dock that extends less than 50 feet from the shoreline must have a light station halfway between the shoreline and the end of the dock that is farthest from the shoreline.
 - (b) A dock that extends 50 feet or more from the shoreline must have light stations from the shoreline to the end of the dock at intervals of not more than 25 feet, except that a light station may not be located within 8 feet of the shoreline.
 - (c) A dock that has a shoreline frontage of at least 25 feet but less than 50 feet must have a light station located at each end of the dock on the side farthest from the shoreline.
 - (d) A dock that has a shoreline frontage of 50 feet or more must have light stations located at intervals of not more than 25 feet along its frontage.
 - (e) Light stations are required at each end of the dock on the side farthest from the shoreline.
- (C) A light station required by this section must have a two-bulb fixture, with two working light bulbs that emit at least 112 lumens and not more than 400 lumens. Light bulbs or bulb covers must be amber, and white light may not radiate from the fixture. Weatherproof lamp holders and junction boxes are required. Each light fixture must be wired with a switch operated by a photoelectric cell so that the lights will operate automatically during the hours that the dock is required to be lighted by this section.
- (D) Wiring on a dock must be enclosed in rigid conduit or weatherproof flexible conduit with appropriate fittings.
- (E) If lights other than those required by this section are installed on a dock, only an amber navigation light may cast a beam of light outward from the dock.
- (F) A dock that requires lights under this section must provide temporary navigation lights that meet the requirements of this section during construction and until the permanent navigation lights installed on the dock are working.
- (G) If a dock does not comply with this section, the building official or other authorized city official shall post notice on the dock and shall notify the owner by mail of the violation. An offense under this section is punishable by a fine of not less than \$200.

Source: Section 13-2-793; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-079; Ord. No. 20140626-113, § 10, 7-7-14; Ord. No. 20160922-048, Pt. 3, 10-3-16.

§ 25-2-1176 - SITE DEVELOPMENT REGULATIONS FOR DOCKS, MARINAS, AND OTHER LAKEFRONT USES.

- (A) A dock or similar structure must comply with the requirements of this subsection.
- (1)

A dock may extend up to 30 feet from the shoreline, except that the director may require a dock to extend a lesser or greater distance from the shoreline if deemed necessary to ensure navigation safety.

- (2) No portion of a dock shall extend more than 20% of a channel width as measured by a line that is perpendicular to the centerline of the channel and that extends from the shoreline where the dock is located to the opposite shoreline.
 - (3) A dock may not be constructed closer than 10 feet to the side property line, regardless of the side-yard setback generally applicable within the base zoning district.
 - (4) The width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, may not exceed:
 - (a) 20 percent of the shoreline frontage, if the shoreline width exceeds 70 feet;
 - (b) 14 feet, if the shoreline frontage is no greater than 70 feet.
 - (5) The footprint of a dock, including the portion of a cut-in slip, attached access structures, or roof overhang, may not exceed:
 - (a) 1,200 square feet for a dock that is accessory to a principal residential use;
 - (b) for a cluster dock, 600 square feet multiplied by:
 - (i) the number of dwelling units in a multifamily development; or
 - (ii) the number of principal residential structures in a subdivision, if:

the dock will be located in a common area that fronts Lake Austin or Lady Bird Lake; and

lots within the subdivision have perpetual use rights to the common area.
 - (6) A dock may not exceed 30 feet in height as measured from the highest point of the structure above the normal pool elevation of the lake.
 - (7) No portion of a dock may be enclosed, except for an enclosed storage closet that is:
 - (a) limited to no more than 48 square feet for each principal residential use associated with the dock; and
 - (b) oriented to minimize cross sectional area perpendicular to flow.
 - (8) The dock must be designed and constructed to meet the following requirements:
 - (a) except for storage closets permitted under Paragraph (7), all solid structural supports and other materials used for enclosure, including lattice, wire panels, seat walls, and screening, must be at least 66 percent open, except that mesh for insect screening that is at least 66 percent open will not count toward the total enclosure percentage;
 - (b) no framing materials that are capable of being converted to support walls or windows may be used; and
 - (c) percentage of required openness is calculated per side, with the assumed height of eight feet per floor when no roof is proposed.
 - (9) The number of motorboats anchored, moored, or stored on a dock may not exceed:
 - (a) two, for a principal residential use utilizing an individual dock that is not part of a cluster dock; or
 - (b) the number of single-family or multifamily residential units that:
 - (i) have a perpetual right to use of a cluster dock located in a common area of the residential subdivision or multi-family development; and
 - (ii) do not utilize a dock other than a cluster dock.
 - (10) For purposes of determining the total number of motorboats that may be anchored, moored, or stored on a dock or over water, one personal watercraft is equivalent to one-half of a motorboat.
- (B) A marina area or cluster dock must comply with the requirements of this subsection.
- (1) A parking lot or permanent structure, other than a dock or a combined storage area on the water's edge, must be set back at least 100 feet from the shoreline.
 - (2) Sanitation facilities must be provided in accordance with the following requirements.
 - (a) Permanent sanitation facilities are required for a marina or common area with 10 or more boat slips.
 - (b) Temporary or permanent sanitation facilities are required for a marina or common area with fewer than 10 boat slips.
 - (3) A facility operator must:
 - (a) remove garbage in a timely manner and provide for the on-site collection of garbage at a marina or common area; and
 - (b) provide at least one garbage can with a capacity of at least 32 gallons for each four picnic units and for each four boat slips.
- (C) A fence may not extend into the water beyond the shoreline unless the fence:
- (1) was part of a commercial livestock operation, other than raising domestic pets, existing on April 17, 1994;
 - (2) is constructed of smooth wire or mesh;
 - (3) extends no more than 40 feet beyond the shoreline;
 - (4) includes a navigation buoy indicating "DANGER", in accordance with the Texas Water Safety Act, installed at the end of the fence, unless the fence does not extend further beyond the shoreline than an immediately adjacent dock; and

- (5) must be removed if the livestock operation ceases.
- (D) Construction of a boat ramp is prohibited, unless the boat ramp is constructed on public land and dedicated for public use.
- (E) A person constructing shoreline access, as that term is defined in Section 25-2-1172 (Definitions), shall screen the shoreline access from the view of a property with at least one dwelling unit but less than four dwelling units and is zoned urban family residence (SF-5) district or more restrictive.
 - (1) A person may comply with this subsection by providing vegetation and tree canopy as prescribed by rule and may supplement compliance with other screening methods prescribed by rule.
 - (2) The owner must maintain the screening required by this section.

Source: Section 13-2-795; Ord. 990225-70; Ord. 031210-44; Ord. 031211-11; Ord. 20101209-075; Ord. 20131017-079; Ord. No. 20140626-113, Pt. 11, 7-7-14; Ord. No. 20160922-048, Pt. 4, 10-3-16; Ord. No. 20240516-004, Pt. 3, 7-15-24.

§ 25-2-1177 - CITY LICENSING REQUIREMENTS FOR DOCKS, MARINAS AND OTHER LAKEFRONT USES.

- (A) A license agreement from the City is not required for a dock located along Lake Austin, Lady Bird Lake, or Lake Walter E. Long, regardless of any easements or other ownership rights held by the City.
- (B) No living quarters or business, including a marina, may be constructed into or above a lake that is subject to this article, unless the city council approves a license agreement for the use after receiving a recommendation from the Land Use Commission.

Source: Section 13-2-796; Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075; Ord. No. 20140626-113, Pt. 12, 7-7-14.

§ 25-2-1178 - RESERVED.

Editor's note— Ord. No. 20140626-113, Pt. 13, effective July 7, 2014, repealed § 25-2-1178, which pertained to fire protection. See References to Ordinances for complete derivation.

§ 25-2-1179 - ENVIRONMENTAL PROTECTION.

- (A) In addition to other applicable requirements of this title, a dock, bulkhead, or shoreline access must be designed, constructed, and maintained in accordance with the applicable requirements of this subsection.
- (B) A marine fuel facility or service station must comply with the requirements of Chapter 6-2 (*Hazardous Materials*) and shall be designed, maintained, and operated in a manner that prevents the spilling or leaking of fuel or petroleum products into the water.
- (C) The maintenance and repair of watercraft shall be performed in a manner that prevents discharge of fuel, oil, or other pollutants into the water.
- (D) Containers of hazardous materials, fuel, oil, herbicides, insecticides, fertilizers or other pollutants may not be stored on docks extending into or above Lake Austin, Lady Bird Lake, or Lake Walter E. Long.
- (E) Construction of shoreline access structures must minimize disturbance to woody and herbaceous vegetation, preserve the tree canopy, and replace herbaceous ground cover to the extent practicable.
- (F) A marina or marine fuel service facility or service station must provide adequate fire protection approved by the Fire Chief of the Austin Fire Department in accordance with the Fire Code and National Fire Protection Association standards for marinas and boatyards.

Source: Section 13-2-798; Ord. 990225-70; Ord. 031211-11; Ord. 20101209-075; Ord. No. 20140626-113, Pt. 13, 7-7-14; Ord. No. 20221027-045, Pt. 3, 11-7-22.

§ 25-2-1180 - ENFORCEMENT AND REGISTRATION.

- (A) On a determination by a city official or employee that a dock has become or is in imminent danger of becoming structurally unsound, the building official:
 - (1) shall take action to declare the dock a hazard;
 - (2) shall abate the hazard under Chapter 25-12, Article 9 (*Property Maintenance Code*), at the owner's expense; and
 - (3) may impose a lien on the affected property to recover the cost of abatement.
- (B) An applicant must place a registration tag on a boat dock in a manner prescribed by the director of the Code Compliance Department. A person may not remove a tag required to be placed on a dock under this subsection.
- (C) In addition to the actions authorized under this section, the building official may take any other authorized action to enforce the requirements of this article.

Source: Ord. No. 20140626-113, Pt. 14, 7-7-14.

ARTICLE 14. - MOBILE HOMES AND TOURIST OR TRAILER CAMPS.

Division 1. - Mobile Homes.

§ 25-2-1201 - APPLICABILITY.

This division applies in the zoning jurisdiction.

Source: Section 13-2-933; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1202 - DEFINITIONS.

In this division:

- (1) MOBILE HOME SPACE means an area in a mobile home park that is designed for and designated as the location for a single mobile home and the exclusive use of its occupants.
- (2) MOBILE HOME STAND means that portion of a mobile home space on which the mobile home is placed.

Source: Section 13-2-930; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1203 - LICENSE.

- (A) A person may not operate a mobile home park without a mobile home park license issued by the director.
- (B) The director may not issue a mobile home park license unless:
 - (1) the fire chief approves the fire-fighting appliances, water supply, access ways, and all fire safety requirements; and
 - (2) the applicant holds a certificate of compliance with site plan improvements.
- (C) A license issued under this division is void on the revocation or expiration of the site plan.
- (D) A mobile home park licensee who sells, transfers, or disposes of an interest in or control of a mobile home park shall:
 - (1) give written notice to the director not later than the 14th day after the sale, transfer, or disposition; and
 - (2) not later than the 10th day after giving notice under this subsection, request that the director transfer the mobile home park license.
- (E) The director shall act on a license transfer request not later than the 10th day after receiving the request. The director shall approve a license transfer if the mobile home park complies with the requirements of this division.
- (F) A mobile home park license expires one year after the date issued.

Source: Sections 13-2-946; 13-2-947; 13-2-948; and 13-2-949; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1204 - APPEAL FROM DENIAL.

An applicant whose application under this division is denied may appeal the denial to the council under [Chapter 25-1](#), Article 7, Division 1 (*Appeals*).

Source: Section 13-2-950; Ord. 990225-70; Ord. 031211-11.

§ 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 paved cul-de-sac having a diameter of at least 80 feet. An internal street ending in a cul-de-sac may not exceed 400 feet in length.
- (6) A mobile home space must contain a minimum area of 2,500 square feet that is adjacent to an internal street designed to provide adequate space for moving a mobile home into and out of the space.
- (7) If provided, all off-street parking spaces shall be located on a mobile home space or in a common parking area.
- (8) A mobile home and an attached accessory structure must be located at a distance of at least 10 feet from another mobile home or other structure.
- (9) A mobile home stand must be separated from the pavement of an internal street, common parking area, or other common areas by a minimum distance of 10 feet.
- (10) Except where the boundary of the park abuts a public right of way or the boundary of the park abuts another mobile home development, a barrier that is at least six feet high shall be erected and maintained along all boundaries of the park.
- (11) A mobile home chassis may not rest more than three feet above the ground elevation at the low end, measured at 90 degrees to the frame.
- (12) Except for necessary driveways and walkways providing access to the park, a required street yard shall be landscaped.
- (13)

A park must provide pedestrian access to and from each mobile home space and all common facilities. A walkway that is designed separately from internal streets or parking areas must have a minimum paved width of two feet.

- (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.

Source: Section 13-2-931; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. No. 20190808-092, Pt. 1, 8-19-19; Ord. No. 20231102-028, Pt. 23, 11-13-23.

§ 25-2-1206 - SITE DEVELOPMENT REGULATIONS FOR MOBILE HOME SUBDIVISIONS.

A mobile home subdivision designed for the placement of mobile home dwellings on individually subdivided lots with frontage on a public street must comply with the site development regulations applicable to the SF-2 district.

Source: Section 13-2-932; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1207 - LOCATION OF MOBILE HOMES OTHER THAN IN MOBILE HOME PARK.

- (A) Except as otherwise provided in this section, a person may not place, maintain, or occupy a mobile home in the city other than in a mobile home park that is licensed under this division, or in a mobile home subdivision.
- (B) This section does not apply to a mobile home that is:
 - (1) located on a construction site and is used as a field office during construction;
 - (2) a mobile home sales lot; or
 - (3) a mobile home that is under construction or stored at a mobile home manufacturing plant.

Source: Section 13-2-934; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1208 - TIE-DOWN OF MOBILE HOMES.

An occupant of a mobile home in a mobile home subdivision or park shall secure the mobile home in a manner that complies with the Buildings Criteria Manual.

Source: Section 13-2-935; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1209 - SKIRTING, PORCHES, AND OTHER ADDITIONS.

- (A) An occupant of a mobile home in a mobile home subdivision or park shall maintain skirting, porches, awnings, and other additions in good repair.
- (B) The space immediately beneath a mobile home may be used for storage only if the storage area is supported by a base of impervious material and the stored items do not interfere with the inspection of the underside of the mobile home or the area underneath the mobile home.

Source: Section 13-2-936; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1210 - OTHER RESPONSIBILITIES OF PARK MANAGEMENT.

- (A) A mobile home owner or licensee shall operate the park in compliance with this division and other applicable ordinances and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- (B) The owner or licensee shall notify park occupants of the provisions of this division and their duties and responsibilities under this division.
- (C) The owner or licensee shall notify the building official of a violation of this division.

Source: Section 13-2-937; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1211 - NOTICE TO CITY.

- (A) Not later than the 11th day of January of each year, a mobile home owner or licensee shall furnish to the appropriate county tax assessor a list of mobile homes located in the park on the first day of January, on a form prescribed by the tax assessor. The list shall include the name and address of the owner of the mobile home; the make, length, width, and year of manufacture of the mobile home; and mobile home identification number.
- (B) Not later than the 11th day of July of each year, the owner or licensee shall furnish to the appropriate tax assessor the information required under Subsection (A) for mobile homes that have been moved into the park after January 1. The owner or licensee shall also furnish to the tax assessor the information required under Subsection (A) for mobile homes that were moved out of the park after first January 1, including the date that the mobile

home was moved out of the park and the destination of that mobile home.

Source: Section 13-2-938; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1212 - OTHER RESPONSIBILITIES OF PARK OCCUPANTS.

An occupant of a mobile home located in a mobile home park shall comply with all requirements of this article and shall maintain the mobile home space, its facilities, and equipment in good repair and in a clean and sanitary condition. The occupant shall place the mobile home in its mobile home stand and install utility connections in accordance with the instructions of the park management and in compliance with applicable codes.

Source: Section 13-2-939; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1213 - ANNUAL REGISTER.

- (A) A mobile home park owner or licensee shall maintain an annual register of park occupants that includes the following information:
 - (1) the name and address of each park resident;
 - (2) the resident's mobile home registration data, including make, length, width, year of manufacture, and identification number;
 - (3) the location of each mobile home in the park by space or lot number and street address; and
 - (4) the date of arrival and departure of each mobile home.
- (B) A register compiled under Subsection (A) shall be retained on the premises of the park for a period of at least three years after the close of the year for which it was compiled. An owner or licensee shall make a register available for inspection at all reasonable times by the building official, the health authority, the fire chief, the police chief, the county tax assessor, or other city official whose duties require access to the information contained in the register.

Source: Section 13-2-940; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1214 - ACCESS FOR REPAIRS.

An occupant of a mobile home park shall provide to the owner or licensee access to any part of the park at reasonable times for the purpose of making the repairs or alterations necessary to comply with this division.

Source: Section 13-2-941; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1215 - PERMANENT RESIDENTIAL STRUCTURES.

- (A) Except as otherwise provided Subsections (B) and (C), the building official may not issue a permit for the construction or occupancy of a permanent residential structure in a mobile home park.
- (B) An existing residential structure may be retained or a new residential structure may be constructed for the occupancy of the owner or operator of the park.
- (C) An existing residence may be converted to a clubhouse, community center, or service building for use by the park residents.
- (D) A person affected by the building official's denial of a permit to construct or occupy a permanent residential structure under this division may appeal the denial to the council.

Source: Sections 13-2-944 and 13-2-945; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1216 - SITE REQUIREMENTS.

- (A) A mobile home stand in a mobile home park must be installed in a manner that prevents the stand from heaving, shifting, or settling unevenly in the event of frost, inadequate drainage, vibration, or other force acting on the super-structure.
- (B) The exposed ground surface in a park must be paved, covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.
- (C) The ground surface in a park must be graded and equipped to drain all surface water in a safe, efficient manner.
- (D) Unless provided in current mobile home models, a park may provide storage facilities with a minimum capacity of 200 cubic feet for each mobile home space on a mobile home space or in a compound located within 100 feet of a space. A storage facility provided by a park under this subsection shall be designed in a manner that enhances the appearance of the park and shall be faced with masonry, porcelainized steel, baked enamel steel or other material of equal fire resistance, durability and appearance. Storage outside the perimeter wall of a mobile home must be provided in the manner described in this subsection.

Source: Section 13-2-951; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1217 - STREET CONSTRUCTION; TRAFFIC ACCESS AND CIRCULATION; PARKING.

- (A) A mobile home park owner or licensee shall construct and maintain internal streets in the park at the owner or licensee's expense.

- (B) A park owner or licensee shall install parking control signs, street name signs, and other traffic control devices in the park at the owner's or licensee's expense.
- (C) Internal streets shall be designed for safe and convenient access to each space and to the common-use facilities for park residents and internal streets shall be kept free of obstruction.
- (D) The Austin Police Department may issue a citation for a violation of this division and may impound vehicles occupying the park in violation of this division.
- (E) The owner or licensee shall erect metal signs indicating that parking is prohibited on all sections of internal streets on which parking is prohibited. The sign type, size, height, and location must be approved by the city manager before installation.
- (F) An internal street shall be designed by a licensed professional engineer in compliance with the Transportation Criteria Manual and must be approved by the director before construction. Internal streets shall be maintained by the owner or licensee free of cracks, holes, or other hazards.
- (G) An internal street must be designed and constructed in a manner that provides that no portion of a mobile home is more than 200 feet from the internal street.
- (H) All streets in a park shall be named and mobile home spaces numbered to conform with block numbers on adjacent public streets. All street name signs must be of a reflective material and shall be of a color and size contrasting with those on public streets. House numbers shall be of reflective material. All street signs and mobile home space numbers in a park shall be of standard size and placement to facilitate locating addresses by emergency vehicles.
- (I) Interior streets shall intersect adjoining public streets at approximately 90 degree angles and at locations that eliminate or minimize interference with traffic on the public streets.

Source: Section 13-2-952; Ord. 990225-70; Ord. 031211-11; Ord. 20060504-039.

§ 25-2-1218 - STREET LIGHTING.

The owner or licensee shall provide street lighting along all internal streets in the mobile home park.

Source: Section 13-2-953; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1219 - FIRE SAFETY STANDARDS.

- (A) Liquefied petroleum gases may not be stored or dispensed in a mobile home park unless they are handled and stored in compliance with the requirements of applicable city codes.
- (B) Gasoline, fuel oil or other flammable liquids may not be stored or dispensed in a park unless they are handled and stored in compliance with the requirements of the city fire code.
- (C) Approaches to mobile homes shall be kept clear.
- (D) The owner or licensee shall instruct the park staff in the use of the fire protection equipment in the park and in their specific duties in the event of fire.
- (E) Water supply facilities for Fire Department operations shall be connected to the city public water supply system unless the council grants a special exception to use a private water supply system. If a private supply is used for service to the park, the private supply must be adequate for both domestic requirements and for fire fighting requirements established by the City. The Fire Chief shall determine the adequacy of the water supply for fire fighting requirements. A park owner or licensee may not use a private water supply unless it has sufficient volume and pressure to assure that the city water supply will not be required for fire fighting.
- (F) A park owner or licensee shall provide standard city fire hydrants located within 500 feet of all mobile home spaces, measured along the driveways and streets. The fire hydrants are subject to periodic inspection by the City Fire Department. A park owner or licensee shall immediately notify the City Fire Department of a fire hydrant in need of repair.
- (G) A park owner or licensee shall provide an adequate system for the collection and safe disposal of rubbish that is approved by the Fire Chief and the Health Authority.
- (H) A park owner or licensee shall maintain the entire area of the park free of dry brush, leaves, and weeds.

Source: Section 13-2-954; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1220 - RECREATION AREAS.

- (A) A mobile home park shall have at least one recreation area.
- (B) The owner or licensee of a park shall provide a recreation area or recreational facility such as a playground, swimming pool, or community building for the use of the mobile home residents in the park.
- (C) If a playground space is provided, the owner or licensee of the park shall designate the area as playground and protect the playground from traffic, thoroughfares, and parking areas. A playground space shall be maintained in a sanitary condition and free of safety hazards.

Source: Section 13-2-955; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1221 - POTABLE WATER SUPPLY.

The owner or licensee of a mobile home park shall provide an accessible, adequate, and safe potable water supply to the park. The owner or licensee must connect the water supply for the park to the public supply of water unless the council grants a special exception to use a private water supply system. If a private water supply is used for service to the park, the private water supply must be adequate for both domestic requirements and for fire fighting requirements established by the City.

Source: Section 13-2-956; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1222 - WATER DISTRIBUTION SYSTEM.

- (A) The park's water supply system must be connected by pipes to all mobile homes, buildings, and other facilities requiring water.
- (B) The owner or licensee of the park shall construct and maintain water piping, fixtures, and other equipment of the water distribution system in compliance with applicable state and city codes.

Source: Section 13-2-957; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1223 - STANDARDS FOR WATER RISER PIPES AND CONNECTIONS.

Individual water riser pipes and connections must be installed and maintained in compliance with the City's plumbing code.

Source: Section 13-2-958; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1224 - SEWAGE DISPOSAL.

- (A) The owner or licensee of a mobile home park shall provide an adequate and safe sewerage system to convey and dispose of sewage.
- (B) The sewer system and any sewer lines for a park must be constructed in compliance with the City's plumbing code. A proposed sewage disposal facility must be approved by the Health Authority before construction. Unless specific prior approval is obtained from the Health Authority and the Texas Natural Resource Conservation Commission, sewage treatment effluent may not be discharged into any waters of the state.
- (C) The owner or licensee of a park shall provide each mobile home stand with one sewer riser pipe with a minimum diameter of four inches. The sewer riser pipe and other sewer connections shall be installed and maintained in compliance with the plumbing code. The sewer riser pipe must be located on a mobile home stand in a manner that causes the sewer connection to the mobile home drain outlet to approximate a vertical position. The owner or licensee of a park shall plug the sewer riser pipe on a mobile home space when no mobile home occupies the space and divert surface drainage away from the riser.

Source: Section 13-2-959; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1225 - ELECTRICAL WIRING AND POWER LINES.

Electrical wiring and power distribution lines in a mobile home park shall be installed in compliance with the City's electrical code.

Source: Section 13-2-960; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1226 - SERVICE BUILDINGS AND OTHER COMMUNITY SERVICE FACILITIES.

- (A) This section applies to management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas, commercial uses supplying essential goods or services for the benefit and convenience of park occupants, and other community service facilities.
- (B) A facility described in Subsection (A) must comply with all applicable city codes. The facility shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions of the structure shall be constructed to prevent moisture from entering the structure.
- (C) The owner or licensee of a park shall furnish hot and cold water to every lavatory, sink, bathtub, shower, and laundry fixture and cold water to every water closet and urinal.
- (D) The owner or licensee of a park shall maintain service buildings at a comfortable temperature. Between October 1 and May 1, the owner or licensee shall use heating equipment that conforms to the requirements of Chapter 25-12, Article 9 (*Property Maintenance Code*), if necessary, to maintain a comfortable temperature.
- (E) A cooking shelter, barbecue pit, fireplace, wood-burning stove, or incinerator must be located, constructed, maintained and used in a manner that minimizes fire hazards and smoke nuisance in the park and on neighboring property. A person may not start or maintain an open fire in a park except in a facility constructed for that purpose. A person may not leave an open fire unattended. A person may not use a fuel or burn material in an open fire that emits dense smoke or objectionable odors.

Source: Section 13-2-961; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1227 - REFUSE AND GARBAGE HANDLING.

The owner or licensee of a mobile home park shall provide for the storage, collection, and disposal of refuse in the park in a manner that does not create a health hazard, rodent harborage, an insect breeding area, an accident or fire hazard, or air pollution.

Source: Section 13-2-962; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1228 - INSECT AND RODENT CONTROL.

- (A) The owner or licensee of a mobile home park shall maintain the grounds, buildings, and structures in a park free of insect and rodent harborage and infestation. The owner or licensee of a park may not use an extermination method or insect and rodent control that does not comply with the requirements of the Health Authority.
- (B) The owner or licensee of a park shall maintain the park free of accumulations of debris that may provide rodent harborage or insect breeding areas.
- (C) The owner or licensee of a park shall control the growth of brush, weeds, and grass in the park to prevent rodent and insect harborage or other pests, and the growth of noxious weeds detrimental to health. Open areas shall be maintained free of heavy undergrowth.

Source: Section 13-2-963; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1229 - FUEL SUPPLY AND STORAGE.

- (A) A natural gas piping system installed in a mobile home park shall be installed underground and maintained in compliance with applicable codes. An owner or licensee that provides piped gas to a mobile home space shall cap the outlet in a manner that prevents the accidental discharge of gas and in compliance with the plumbing code when the outlet is not in use.
- (B) A liquefied petroleum gas system may not be installed in a park unless the available natural gas system is more than 1,000 feet from the park. A liquefied petroleum gas system shall be maintained in compliance with applicable state statutes and city codes.

Source: Section 13-2-964; Ord. 990225-70; Ord. 031211-11.

Division 2. - Tourist or Trailer Camps.

§ 25-2-1261 - DEFINITIONS.

In this division:

- (1) RECREATIONAL VEHICLE PARK means a lot, tract, or parcel of land that provides accommodation for at least two recreational vehicles used by transients as living or sleeping quarters by the day, week, or month.
- (2) CAMP COTTAGE means a building or structure in a recreational vehicle park used by a single family as living or sleeping quarters.
- (3) UNIT means an area designated within a recreational vehicle park for one camp cottage or recreational vehicle.

Source: Section 13-2-981; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1262 - APPLICABILITY OF HOTEL LAWS; REGISTRATION OF GUESTS.

A recreational vehicle park shall be operated in conformity with state law relating to hotels. A person engaging accommodations in a recreational vehicle park shall register and give to the manager, operator, or person in charge the person's name, residence address, and automobile license plate number and the state in which it is registered.

Source: Section 13-2-980; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1263 - SITE PLAN APPROVAL.

Approval of a site plan by the Health Authority is required before the director may approve a site plan under this division.

Source: Sections 13-2-984 and 13-2-985; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1264 - HEALTH AUTHORITY APPROVAL REQUIRED.

- (A) A person must obtain a permit from the Health Authority to establish, maintain, or operate a recreational vehicle park, whether or not a payment for use is required.
- (B) The Health Authority shall inspect and issue a permit, in writing, for the establishment, operation and maintenance of a recreational vehicle park, as applicable.
- (C) A permit issued under this division is nontransferable and expires one year from the date of issuance. The permit fee shall be set by a separate ordinance.
- (D)

If the Health Authority denies an application for a permit under this section, the applicant may appeal to the council in accordance with the procedures established in Chapter 25-1, Article 7, Division 1 (*Appeals*).

Source: Sections 13-2-983, 13-2-985, 13-2-986, and 13-2-988; Ord. 990225-70; Ord. 031211-11.

§ 25-2-1265 - TECHNICAL REQUIREMENTS.

- (A) A recreational vehicle park must be located on land that is well-drained, free from heavy growth or brush or weeds, free from marsh, and graded or equipped with storm sewers to insure rapid drainage of rainwater.
- (B) An entrance or exit drive to a recreational vehicle park licensed under this division must:
 - (1) be surfaced with a minimum width of 18 feet;
 - (2) be well marked to designate roadway, parking, and unit boundaries, lighted at night; and
 - (3) comply with the Fire Code.
- (C) A unit reserved for the accommodation of a recreational vehicle or camp cottage must:
 - (1) have an area of not less than 576 square feet, excluding the driveway
 - (2) be at least 24 feet wide, defined clearly by markers at each corner; and
 - (3) be level, free from rock and weeds, and well drained.
- (D) The owner or licensee of a recreational vehicle park shall provide the park with a water supply that complies with the utility standards of this code and is approved by the Health Authority. If the owner or licensee proposes to provide water from a source other than the city water supply, the proposed water supply source must first be approved by the Health Authority. A water supply source provided under this section is subject to periodic examination by the Health Authority and the City.
- (E) The owner or licensee of a recreational vehicle park shall provide the park with a sewer system, either by connecting to the City sewerage system if available, or to a private on-site sewage facility, in compliance with the City code and regulations prescribed by the Health Authority.
- (F) The owner or licensee of recreational vehicle park shall provide the park with facilities for the collection and removal of waste and garbage.
- (G) The owner or licensee of a recreational vehicle park shall provide the park with a sewer system, either by connecting to the city sewer system if available, or to a private on-site sewage facility, in compliance with the City Code and regulations prescribed by the Health Authority.
- (H) An owner or licensee of a recreational vehicle park shall provide toilet facilities, wash basins, bathing facilities, slop basins, and water faucets and spigots in compliance with the Buildings Criteria Manual in a recreational vehicle park where two or more recreational vehicles or camp cottages are located and where private conveniences for each site or cottage are not provided. A toilet facility must be in room separate from a bathing facility, or partitioned in a manner that provides privacy and promotes cleanliness. A community toilet facility must provide private toilet stalls separated by a partition. The floor surface surrounding a toilet facility must be designed and constructed to prevent that area from draining on to a shower floor.
- (I) A recreational vehicle or other structure may not be placed or erected at a distance of less than five feet from the property line separating the court from the adjoining property, measuring from the nearest point of the recreational vehicle.
- (J) A sleeping room in a recreational vehicle park must contain not less than 1,000 cubic feet, and must have at least two well screened windows with a total window surface area of not less than 25 square feet. The greatest dimension of a single room may not be more than twice its minimum dimension, and the height from the floor to the top of the wall may not be less than seven feet.

Source: Sections 13-2-989 through 13-2-996; Ord. 990225-70; Ord. 031211-11.

SUBCHAPTER D. - NEIGHBORHOOD PLAN COMBINING DISTRICTS.

ARTICLE 1. - GENERAL PROVISIONS.

§ 25-2-1401 - APPLICABILITY OF SUBCHAPTER.

This subchapter applies to property that is:

- (1) located in a neighborhood plan (NP) combining district; and
- (2) used or developed as a special use described in Section 25-2-1403 (*Special Uses*).

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1402 - SUPERSEDES OTHER REGULATIONS.

For property used or developed as a special use described in Section 25-2-1403, (*Special Uses*):

- (1) the regulations prescribed by this subchapter supersede the other provisions of Title 25 (Land Development) to the extent of conflict; and
- (2) the following regulations do not apply:
 - (a)

Section 25-2-514 (Open Space Standards);

- (b) Section 25-2-775 (Townhouses); and
- (c) Section 25-2-776 (Condominium Residential Use).

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1403 - SPECIAL USES.

- (A) This section describes special uses for a NP combining district.
- (B) In this subchapter:
 - (1) NEIGHBORHOOD URBAN CENTER special use is the use of a designated area within a neighborhood for commercial uses and townhouse, condominium, and multifamily residential uses.
 - (2) CORNER STORE special use is the use of a site to provide goods or services to local residents.
 - (3) COTTAGE special use is the use of a site of limited size for a single-family residential dwellings on lots at least 2,500 square feet in size.
 - (4) NEIGHBORHOOD MIXED USE BUILDING special use is the use of a building for both commercial and residential uses.
 - (5) RESIDENTIAL INFILL special use is the use of a designated area within a neighborhood for predominately residential uses and limited commercial uses.
 - (6) SECONDARY APARTMENT special use is the use of a developed single-family residential lot for a second dwelling.
 - (7) URBAN HOME special use is the use of a site for a single-family residential dwelling on a lot at least 3,500 square feet in size.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1404 - OPEN SPACE.

- (A) In this subchapter:
 - (1) COMMUNITY OPEN SPACE means open space that is available for use by the public, and includes a plaza, square, park, playground, greenbelt or similar area.
 - (2) PRIVATE OPEN SPACE means open space that is associated with a dwelling and intended to be used exclusively by the dwelling's residents.
- (B) This subsection prescribes community open space requirements.
 - (1) Community open space must be located within the boundaries of the special use for which it is required.
 - (2) The portion of a drainage or water quality facility that is usable by the public for recreational purposes, as determined by the director of the Neighborhood Planning and Zoning Department, may be designated as community open space.
 - (3) The community open space requirements of this subchapter are in addition to the parkland dedication requirement of Chapter 25-4, Article 3, Division 5 (*Parkland Dedication*), if applicable.
- (C) This subsection prescribes private open space requirements.
 - (1) An area of private open space on ground level must be at least 10 feet across in each direction.
 - (2) An area of private open space above ground level must be at least five feet across in each direction.

Source: Ord. 000406-81; Ord. 010329-18; Ord. 031211-11.

§ 25-2-1405 - APPLICATION CONSOLIDATION; SPECIAL PROCEDURES.

- (A) The City may consolidate an application to designate a neighborhood as a NP combining district with an application to modify the zoning base district of an individual parcel within the neighborhood.
- (B) This subsection applies if the City elects to consolidate applications under Subsection (A).
 - (1) The consolidated applications are considered one application for the purposes of notice and hearing.
 - (2) For a zoning protest relating to a designation of a neighborhood as a NP combining district, the required percentage of land area is based on the boundaries and area of the entire proposed district.
 - (3) For a zoning protest relating to a modification of the zoning base district of an individual parcel, the required percentage of land area is based on the boundaries and area of the individual parcel.
 - (4) A separate council vote is required for:
 - (a) a protest under Paragraph (2); and
 - (b) each protest under Paragraph (3).

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1406 - ORDINANCE REQUIREMENTS.

An ordinance zoning or rezoning property as a NP combining district:

- (1) must prescribe the special uses described in Section 25-2-1403 (Special Uses) that are permitted in the district;
- (2) must describe the location of each residential infill special use, neighborhood urban center special use, or neighborhood mixed use building special use, if any;
- (3) may restrict the time of day during which a business in a neighborhood mixed use building special use may be open to the public;
- (4) may restrict a corner store special use, cottage special use, secondary apartment special use, or urban home special use, if any, to a designated portion of the district;
- (5) for a single-family residential use on an existing legal lot platted on or before August 15, 2024 or a secondary apartment special use on an existing legal lot:
 - (a) may reduce the required minimum lot area to 2,500 square feet;
 - (b) may reduce the required minimum lot width to 25 feet;
 - (c) for a lot with an area of 4,000 square feet or less, may increase the maximum impervious coverage to 65 percent;
 - (d) a lot that is aggregated with other property to form a site may not be disaggregated to satisfy this subsection; and
- (6) may apply the requirements of Section 25-2-1602 (Front Porch Setback), Section 25-2-1603 (Impervious Cover and Parking Placement Requirements), or Section 25-2-1604 (Garage Placement) to the district or a designated portion of the district;
- (7) may restrict front yard parking by including all or a portion of the district in the restricted parking area map described in Section 12-5-29 (*Front or Side Yard Parking*);
- (8) may apply the requirements of Section 25-2-812(N) (Mobile Food Establishments) to the district or a designated portion of the district;
- (9) may modify the following requirements of Subchapter F (*Residential Design And Compatibility Standards*) for the district or a designated portion of the district:
 - (a) the maximum floor-to-area ratio and maximum square footage of gross floor area prescribed by Subchapter F (*Residential Design And Compatibility Standards*);
 - (b) the maximum linear feet of gables or dormers protruding from the setback plane;
 - (c) the height of the side and rear setback planes;
 - (d) the minimum front yard setback requirement; and
- (10) may apply the requirements of Section 25-2-1407 (Affordable Housing) to the district or a designated portion of the district.

Source: Ord. 000406-81; Ord. 020718-83; 030424-57; Ord. 030925-64; Ord. 031211-11; Ord. 040325-Z-1; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-020; Ord. 20060928-022; Ord. 20080618-093; Ord. 20080807-091; Ord. No. 20160303-036, Pt. 2, 3-14-16; Ord. No. 20240516-006, Pt. 7, 5-27-24.

§ 25-2-1407 - AFFORDABLE HOUSING.

- (A) This section only applies to property that is subject to a NP combining district zoning or rezoning ordinance that applies the requirements of this section under Section 25-2-1406 (Ordinance Requirements).
- (B) A provision in this section applies only if:
 - (1) the director of the Neighborhood Housing and Community Development Department certifies that the development complies with the City's S.M.A.R.T. Housing Program; and
 - (2) ten percent or more of the dwelling units are reserved for a period of not less than 20 years for rental or purchase by an occupant whose gross household income does not exceed 60 percent of the median family income for the Austin metropolitan statistical area.
- (C) This subsection applies in a single family residence standard lot (SF-2) district or single family residence (SF-3) district.
 - (1) The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.
 - (2) A noncomplying structure may be replaced with a new structure if the new structure does not increase the existing degree of noncompliance with yard setbacks.
- (D) This subsection applies to a duplex residential use.
 - (1) The minimum lot area is 5,750 square feet.
 - (2) The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.
 - (3) A maximum of eight bedrooms are permitted.
- (E) This subsection applies to a two family residential use.
 - (1) The minimum lot area is 5,750 square feet.
 - (2)

The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.

(3) The second dwelling unit may not exceed a gross floor area of 850 square feet. All of the allowed gross floor area may be on the second story, if any.

The gross floor area limitation does not apply to a lot with 7,000 or more square feet of area.

(F) This subsection applies to a secondary apartment special use.

(1) The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.

(2) The second dwelling unit may not exceed a gross floor area of 850 square feet. All of the allowed gross floor area may be on the second story, if any.

The gross floor area limitation does not apply to a lot with 7,000 or more square feet of area.

Source: Ord. 200807-091.

ARTICLE 2. - URBAN HOME SPECIAL USE.

§ 25-2-1421 - APPLICABILITY OF ARTICLE.

This article applies to an urban home special use.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1422 - URBAN HOME PERMITTED IN CERTAIN ZONING DISTRICTS.

An urban home special use is permitted in the following zoning districts:

- (1) family residence (SF-3) district;
- (2) urban family residence (SF-5) district;
- (3) townhouse and condominium residence (SF-6) district;
- (4) multifamily residence limited density (MF-1) district;
- (5) multifamily residence low density (MF-2) district;
- (6) multifamily residence medium density (MF-3) district;
- (7) multifamily residence moderate-high density (MF-4) district;
- (8) multifamily residence high density (MF-5) district;
- (9) multifamily residence highest density (MF-6) district; and
- (10) mixed use (MU) combining district.

Source: Ord. 000406-81; Ord. 031211-11; Ord. 041118-57.

§ 25-2-1423 - COMMUNITY OPEN SPACE.

For an urban home special use development of more than eight lots, 250 square feet of community open space for each lot is required.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1424 - URBAN HOME REGULATIONS.

(A) For an urban home special use:

- (1) the minimum lot size is 3,500 square feet;
- (2) the minimum lot width is 35 feet;
- (3) the maximum height of a structure is 35 feet;
- (4) the minimum street side yard setback is 10 feet;
- (5) the minimum interior side yard setback is 5 feet;
- (6) the minimum rear yard setback is 5 feet;
- (7) the maximum building coverage is 55 percent; and
- (8) the maximum impervious coverage is:
 - (a) the percentage prescribed by the zoning base district site development regulations; or
 - (b) for a lot with an area of not more than 4,000 square feet, 65 percent.

(B) Except as otherwise provided in this subsection, the minimum front yard setback is 20 feet.

- (1) If urban home special uses are proposed for the entire length of a block face, the minimum front yard setback is 15 feet.

- (2) For an urban home special use that adjoins a legally developed lot with a front yard setback of less than 25 feet, the minimum front yard setback is equal to the average of the front yard setbacks applicable to adjoining lots.
- (C) For an urban home special use with a front driveway:
 - (1) the garage, if any, must be at least five feet behind the front façade of the principal structure; and
 - (2) for a garage within 20 feet of the front façade, the width of the garage may not exceed 50 percent of the width of the front façade.
- (D) The maximum driveway width in a front yard or street side yard is:
 - (1) 12 feet; or
 - (2) if the driveway serves two or more dwelling units;
 - (a) 18 feet for a one-way driveway; or
 - (b) 24 feet for a two-way driveway.
- (E) Other than in a driveway, parking is not permitted in a front yard of an urban home special use.
- (F) The main entrance of an urban home special use must face the front lot line, except on a flag lot.
- (G) A covered front porch at entry level is required for an urban home special use, except on a flag lot.
 - (1) The minimum depth of the porch is five feet.
 - (2) The minimum width of the porch is 50 percent of the width of the building façade.
- (H) Two hundred square feet of private open space is required for each dwelling.

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11.

ARTICLE 3. - COTTAGE SPECIAL USE.

§ 25-2-1441 - APPLICABILITY OF ARTICLE.

This article applies to a cottage special use.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1442 - COTTAGE PERMITTED IN CERTAIN ZONING DISTRICTS.

A cottage special use is permitted in the following zoning districts:

- (1) family residence (SF-3) district;
- (2) urban family residence (SF-5) district;
- (3) townhouse and condominium residence site (SF-6) district;
- (4) multifamily residence limited density (MF-1) district;
- (5) multifamily residence low density (MF-2) district;
- (6) multifamily residence medium density (MF-3) district;
- (7) multifamily residence moderate-high density (MF-4) district;
- (8) multifamily residence high density (MF-5) district;
- (9) multifamily residence highest density (MF-6) district; and
- (10) mixed use (MU) combining district.

Source: Ord. 000406-81; Ord. 031211-11; Ord. 041118-57.

§ 25-2-1443 - DEVELOPMENT REQUIREMENTS.

- (A) A cottage special use development may not exceed two acres in size.
- (B) For a cottage special use development of more than eight lots, 250 square feet of community open space is required for each lot. The community open space requirement is in addition to the parkland dedication requirement of Chapter 25-4, Article 3, Division 5 (*Parkland Dedication*).

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11.

§ 25-2-1444 - COTTAGE REGULATIONS.

- (A) For a cottage special use:
 - (1) the minimum lot width is 30 feet;
 - (2) the maximum height of a structure is 35 feet;
 - (3) the minimum front yard setback is 15 feet;

- (4) the minimum street side yard setback is 10 feet;
- (5) the minimum interior side yard setback is 5 feet;
- (6) the minimum rear yard setback is 5 feet;
- (7) the maximum building coverage is 55 percent; and
- (8) the maximum impervious coverage is:
 - (a) the percentage prescribed by the base zoning district site development regulations; or
 - (b) for a lot with an area of not more than 4,000 square feet, 65 percent.

(B) The minimum lot area for a cottage special use is:

- (1) 2,500 square feet; or
- (2) 3,500 square feet for a lot that is located in a SF-3 district; and
 - (a) is a corner lot; or
 - (b) adjoins a lot that is:
 - (i) zoned SF-3;
 - (ii) has a lot area of at least 5,750 square feet; and
 - (iii) is developed as a single-family residence.

(C) For a cottage special use with a front driveway, a garage, if any, must be at least five feet behind the front façade of the principal structure.

(D) The maximum driveway width in a front yard or street side yard is:

- (1) 12 feet; or
- (2) if the driveway serves two or more dwelling units:
 - (a) 18 feet for a one-way driveway; or
 - (b) 24 feet for a two-way driveway.

(E) Other than in a driveway, parking is not permitted in a front yard of a cottage special use.

(F) The main entrance of the principal structure must face the front lot line, except on a flag lot.

(G) A covered front porch at entry level is required for a cottage special use, except on a flag lot.

- (1) The minimum depth of the porch is five feet.
- (2) The minimum width of the porch is 50 percent of the width of the front façade.

(H) Two hundred square feet of private open space is required for each dwelling.

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11.

ARTICLE 4. - SECONDARY APARTMENT SPECIAL USE.

§ 25-2-1461 - APPLICABILITY OF ARTICLE.

This article applies to a secondary apartment special use.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1462 - SECONDARY APARTMENT PERMITTED IN CERTAIN ZONING DISTRICTS.

A secondary apartment special use is permitted in the following zoning districts:

- (1) single-family residence large lot (SF-1) district;
- (2) single-family residence standard lot (SF-2) district;
- (3) family residence (SF-3) district;
- (4) urban family residence (SF-5) district;
- (5) townhouse and condominium residence (SF-6) district;
- (6) multifamily residence limited density (MF-1) district;
- (7) multifamily residence low density (MF-2) district;
- (8) multifamily residence medium density (MF-3) district;
- (9) multifamily residence moderate-high density (MF-4) district;
- (10) multifamily residence high density (MF-5) district;
- (11) multifamily residence highest density (MF-6) district; and

- (12) mixed use (MU) combining district.

Source: Ord. 000406-81; Ord. 031211-11; Ord. 041118-57.

§ 25-2-1463 - SECONDARY APARTMENT REGULATIONS.

- (A) A secondary apartment is not permitted in combination with a cottage or urban home special use.
- (B) A secondary apartment must be located in a structure other than the principal structure.
- (C) The secondary apartment:
 - (1) must be contained in a structure other than the principal structure;
 - (2) must be located:
 - (a) at least 10 feet to the rear or side of the principal structure; or
 - (b) above a detached garage;
 - (3) may be connected to the principal structure by a covered walkway;
 - (4) may not exceed a height of 30 feet, and is limited to two stories;
 - (5) may not exceed:
 - (a) 1,100 total square feet or a floor-to-area ratio of 0.15, whichever is smaller; and
 - (b) 550 square feet on the second story, if any.
- (D) Impervious cover for the site may not exceed 45 percent.
- (E) Building cover for the site may not exceed 40 percent.

Source: Ord. 000406-81; Ord. 031120-44; Ord. 031211-11; Ord. 041118-59; Ord. No. 20151119-080, Pt. 2, 11-30-15; Ord. No. 20250227-039, Pt. 3, 10-1-25.

ARTICLE 5. - CORNER STORE SPECIAL USE.

§ 25-2-1481 - APPLICABILITY OF ARTICLE.

This article applies to a corner store special use.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1482 - CORNER STORE PERMITTED IN CERTAIN ZONING DISTRICTS.

A corner store special use is permitted in the following base districts:

- (1) family residence (SF-3) district;
- (2) urban family residence (SF-5) district;
- (3) townhouse and condominium residence (SF-6) district;
- (4) multifamily residence limited density (MF-1) district;
- (5) multifamily residence low density (MF-2) district;
- (6) multifamily residence medium density (MF-3) district;
- (7) multifamily residence moderate-high density (MF-4) district;
- (8) multifamily residence high density (MF-5) district; and
- (9) multifamily residence highest density (MF-6) district.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1483 - CORNER STORE PERMITTED USES.

- (A) A corner store special use is limited to the following commercial uses:
 - (1) art gallery;
 - (2) consumer convenience services;
 - (3) consumer repair services;
 - (4) food sales;
 - (5) general retail sales (convenience);
 - (6) personal services;
 - (7) restaurant (general); and

(8) restaurant (limited).

(B) A maximum of one dwelling unit is permitted in a corner store structure.

Source: Ord. 000406-81; Ord. 031211-11; Ord. 040617-Z-1.

§ 25-2-1484 - CORNER STORE LOCATION.

(A) A corner store must be located at a street intersection.

(B) A corner store may not be located within 600 feet of another corner store.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1485 - CORNER STORE REGULATIONS.

(A) For a corner store special use:

- (1) the minimum lot area is 5,750 square feet;
- (2) the minimum lot width is 50 feet;
- (3) the maximum building height is 35 feet;
- (4) the minimum front yard setback is 5 feet;
- (5) the maximum front yard setback is 15 feet;
- (6) the minimum street side yard setback is 10 feet;
- (7) the minimum interior side yard setback is 5 feet;
- (8) the minimum rear yard setback is 10 feet;
- (9) the maximum building coverage is the lesser of 55 percent or 3,000 square feet; and
- (10) the maximum impervious coverage is 65 percent.

(B) A corner store may not include a drive through facility.

(C) A corner store may not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.

(D) Exterior lighting:

- (1) must be hooded or shielded so that the light source is not directly visible across the source property line; and
- (2) may not exceed 0.4 foot candles across the source property line.

(E) A building façade:

- (1) may not extend horizontally in an unbroken line for more than 30 feet;
- (2) must include windows, balconies, porches, stoops, or similar architectural features;
- (3) must have awnings along at least 50 percent of the length of the ground floor façade; and
- (4) at least 50 percent of the wall area of the ground floor façade must consist of doors or clear or lightly tinted windows.

(F) A street yard of 1,000 square feet or less is not required to be landscaped, and a parking area with 12 or fewer parking spaces is not required to have landscaped islands, peninsulas, or medians.

(G) The outdoor seating area, if any, for a restaurant (limited) use may not exceed 50 percent of the indoor seating area.

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11; Ord. 031211-41.

ARTICLE 6. - NEIGHBORHOOD MIXED USE BUILDING SPECIAL USE.

§ 25-2-1501 - APPLICABILITY OF ARTICLE.

This article applies to a neighborhood mixed use building special use.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1502 - NEIGHBORHOOD MIXED USE BUILDING PERMITTED IN CERTAIN ZONING DISTRICTS.

A neighborhood mixed use building special use is permitted in the following zoning base districts:

- (1) limited office (LO) district;
- (2) general office (GO) district;
- (3) neighborhood commercial (LR) district;
- (4) community commercial (GR) district;

- (5) general commercial services (CS) district;
- (6) commercial-liquor sales (CS-1) district;
- (7) commercial highway services (CH) district; and
- (8) limited industrial services (LI) district.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1503 - RESIDENTIAL USES IN NEIGHBORHOOD MIXED USE BUILDING.

- (A) A neighborhood mixed use building special use must contain a residential use.
- (B) A residential use in a neighborhood mixed use building special use may be located:
 - (1) above the ground floor; and
 - (2) in not more than 50 percent of the gross floor area of the ground floor.
- (C) For a multi-story building, not less than 50 percent of the gross floor area above the ground floor must be used for a residential use.

Source: Ord. 000406-81; Ord. 031211-11; Ord. 20080424-029.

§ 25-2-1504 - NEIGHBORHOOD MIXED USE BUILDING REGULATIONS.

- (A) For a neighborhood mixed use building special use:
 - (1) the maximum site area is one acre;
 - (2) the minimum lot size is 5,750 square feet;
 - (3) the minimum lot width is 50 feet;
 - (4) the minimum street side yard setback is 10 feet;
 - (5) the minimum front yard setback is:
 - (a) 5 feet; or
 - (b) for a LO or LR district, 10 feet; and
 - (6) the maximum front yard setback is:
 - (a) 10 feet; or
 - (b) for a LO or LR district, 15 feet.
- (B) For a neighborhood mixed use building special use adjacent to a roadway with not more than two lanes, the building height may not exceed 40 feet.
- (C) The building façade of a neighborhood mixed use building:
 - (1) may not extend horizontally in an unbroken line for more than 30 feet;
 - (2) must include windows, balconies, porches, stoops, or similar architectural features;
 - (3) must have awnings along at least 50 percent of the length of the ground floor façade; and
 - (4) at least 50 percent of the wall area of the ground floor façade must consist of doors or windows with a visible light transmittance rating of 0.6 or higher.
- (D) This subsection prescribes parking requirements:
 - (1) Parking in front of a neighborhood mixed use building, other than on a street, is prohibited.
 - (2) At least 50 percent of any parking that is provided must be located to the rear of the building.
- (E) Exterior lighting:
 - (1) must be shielded so that the light source is not directly visible across the source property line; and
 - (2) may not exceed 0.4 foot candles across the source property line.
- (F) A street yard of 1,000 square feet or less is not required to be landscaped, and a parking area with 12 or fewer parking spaces is not required to have landscaped islands, peninsulas, or medians.
- (G) A neighborhood mixed use building may not include a drive through facility.

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11; Ord. No. 20231102-028, Pt. 24, 11-13-23.

ARTICLE 7. - RESIDENTIAL INFILL AND NEIGHBORHOOD URBAN CENTER SPECIAL USES.

Division 1. - Development Plan.

§ 25-2-1521 - DEVELOPMENT PLAN REQUIRED.

- (A) A person may not use or develop property as a residential infill or neighborhood urban center special use unless the Planning Commission approves a development plan under this division.
- (B) A development plan must include:
 - (1) the locations of land uses, number of dwelling units, and approximate gross floor area of each use;
 - (2) the layout of the transportation network;
 - (3) the location, size, and type of each community open space area;
 - (4) the location and type of each drainage or water quality control facility;
 - (5) the location of the 100-year flood plain;
 - (6) the location of each critical environmental feature; and
 - (7) additional information required by the director of the Neighborhood Planning and Zoning Department to demonstrate compliance with this subchapter.

Source: Ord. 000406-81; Ord. 010329-18; Ord. 031211-11.

§ 25-2-1522 - SUBMITTAL AND APPROVAL OF DEVELOPMENT PLAN.

- (A) An applicant must submit the development plan to the director of the Neighborhood Planning and Zoning Department.
- (B) The director of the Neighborhood Planning and Zoning Department shall review the development plan and make a recommendation to the Planning Commission.
- (C) The Planning Commission shall approve the development plan after a determination that the plan meets the requirements of Section 25-2-1523 (Development Plan Approval Criteria).
- (D) If the Planning Commission denies the development plan, the commission shall identify the basis of the denial.

Source: Ord. 000406-81; Ord. 010329-18; Ord. 031211-11.

§ 25-2-1523 - DEVELOPMENT PLAN APPROVAL CRITERIA.

A development plan must:

- (1) demonstrate compliance with the requirements of Division 2 (Residential Infill Special Use) or Division 3 (*Neighborhood urban center Special Use*), as applicable;
- (2) be designed to promote pedestrian activity and the use of mass transit;
- (3) propose building height, bulk, and scale that is compatible with adjacent single-family development, if any; and
- (4) include high quality community open space as an organizing feature.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1524 - DEVELOPMENT PLAN REVISIONS.

- (A) Except as provided in Subsection (B), the approval of the Planning Commission is required to revise a development plan. The revision must comply with Section 25-2-1523 (Development Plan Approval Criteria).
- (B) The director of the Neighborhood Planning and Zoning Department may approve a minor revision to a development plan if the director of the Neighborhood Planning and Zoning Department determines that the revised plan complies with the applicable requirements of this subchapter. The following are minor revisions:
 - (1) a change in the location of a land use, if the director of the Neighborhood Planning and Zoning Department determines that the basic layout of the development plan remains the same, and that the proposed change does not negatively affect existing adjacent land uses;
 - (2) a reduction in the number of dwelling units;
 - (3) a reduction in the total gross floor area of the commercial uses;
 - (4) a change in the mix of residential uses;
 - (5) a change in the transportation network if the director of the Neighborhood Planning and Zoning Department determines that the basic layout of the development plan remains the same;
 - (6) a change in the size or location of community open space, if the director of the Neighborhood Planning and Zoning Department determines that the quality and functionality of the overall community open space is not reduced;
 - (7) a change in the location or type of a drainage or water quality control facility, if the director of the Neighborhood Planning and Zoning Department determines that the basic layout of the development plan remains the same;
 - (8) a change in the location or type of an critical environmental feature, if the director of the Neighborhood Planning and Zoning Department determines that the revision more accurately describes the feature; and

- (9) a change in the location of a 100-year floodplain, if the director of the Neighborhood Planning and Zoning Department determines that the revision more accurately describes the floodplain.
- (C) An interested party may appeal the director of the Neighborhood Planning and Zoning Department's decision under Subsection (B) to the Planning Commission.

Source: Ord. 000406-81; Ord. 010329-18; Ord. 031211-11.

Division 2. - Residential Infill Special Use.

§ 25-2-1531 - APPLICABILITY OF DIVISION.

This division applies to a residential infill special use.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1532 - RESIDENTIAL INFILL PERMITTED IN CERTAIN ZONING DISTRICTS.

A residential infill special use is permitted in the following zoning base districts:

- (1) family residence (SF-3) district;
- (2) urban family residence (SF-5) district;
- (3) townhouse and condominium residence (SF-6) district;
- (4) multifamily residence limited density (MF-1) district;
- (5) multifamily residence low density (MF-2) district;
- (6) multifamily residence medium density (MF-3) district;
- (7) multifamily residence moderate-high density (MF-4) district;
- (8) multifamily residence high density (MF-5) district;
- (9) multifamily residence highest density (MF-6) district; and
- (10) limited industrial services (LI) district.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1533 - RESIDENTIAL INFILL PERMITTED USES.

- (A) A residential infill special use is limited to the land uses prescribed by this section.
- (B) The following residential uses are permitted:
 - (1) single family residential;
 - (2) duplex residential;
 - (3) townhouse residential;
 - (4) condominium residential;
 - (5) multifamily residential;
 - (6) urban home special use, in accordance with Article 2 (*Urban Home Special Use*);
 - (7) cottage special use, in accordance with Article 3 (*Cottage Special Use*); and
 - (8) secondary apartment special use, in accordance with Article 4 (*Secondary Apartment Special Use*).

- (C) The following commercial uses are permitted:

- (1) art gallery;
 - (2) consumer convenience services;
 - (3) consumer repair services;
 - (4) food sales;
 - (5) general retail sales (convenience);
 - (6) personal services;
 - (7) restaurant (general) without drive-in service; and
 - (8) restaurant (limited) without drive-in service.

- (D) The civic uses described in Section 25-2-6 (Civic Uses Described) are permitted in accordance with the requirements of the zoning base district.

Source: Ord. 000406-81; Ord. 031211-11; Ord. 031211-41; Ord. 040617-Z-1.

§ 25-2-1534 - DEVELOPMENT REQUIREMENTS.

- (A) A residential infill special use development must have a site area of:
- (1) at least one acre; and
 - (2) not more than 40 acres.
- (B) This subsection prescribes land use allocation requirements for a residential infill special use development.
- (1) Commercial uses are limited to 1,000 square feet of gross floor area for each full acre included in the residential infill special use development.
 - (2) At least 40 percent, and not more than 80 percent, of the dwelling units must be a single-family residential use, cottage special use, or urban home special use.
 - (3) Not more than 20 percent of the dwelling units may be cottage special uses.
 - (4) Not more than 10 percent of the dwelling units may be duplex residential uses.
 - (5) At least 10 percent of the dwelling units must be townhouse or multifamily uses.
 - (6) Not more than 20 percent of the dwelling units may be a multifamily use other than a condominium use.
 - (7) For a development of not more than five acres, at least 10 percent of the development's area must be community open space.
 - (8) For a development of more than five acres, at least 20 percent of the development's area must be community open space.
- (C) Single-family residential uses are required for the portion of the development that adjoins land that is:
- (1) zoned SF-3 or more restrictive; or
 - (2) used for a use permitted in a SF-3 or more restrictive district.

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11.

§ 25-2-1535 - DUPLEX REGULATIONS.

For a duplex residential use:

- (1) the minimum lot area is 5,750 square feet;
- (2) the minimum lot width is 50 feet;
- (3) the minimum front setback is 15 feet;
- (4) the minimum street side setback is 10 feet;
- (5) the minimum interior side yard setback is five feet;
- (6) the minimum rear yard setback is five feet;
- (7) the maximum height is 35 feet;
- (8) the maximum building coverage is 50 percent; and
- (9) the maximum impervious coverage is 55 percent.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1536 - TOWNHOUSE REGULATIONS.

- (A) For a townhouse residential use:
- (1) the minimum lot area is 2,000 square feet;
 - (2) the minimum lot width is 20 feet;
 - (3) the minimum front setback is five feet;
 - (4) the maximum front setback is 10 feet;
 - (5) the minimum street side setback is 10 feet;
 - (6) the minimum interior side yard setback is zero feet;
 - (7) the minimum rear yard setback is five feet;
 - (8) the maximum building height is 35 feet;
 - (9) the maximum building coverage is 55 percent; and
 - (10) the maximum impervious coverage is 65 percent.
- (B) The finished floor elevation of the first floor of a townhouse must be at least 18 inches above the elevation of the sidewalk at the front lot line.
- (C) A townhouse group is limited to 10 townhouses.
- (D) Vehicular access to a townhouse group must be:
- (1) through a public alley or dedicated access easement at the rear of the group; or
 - (2)

through a single front driveway that provides access to the rear of the group.

- (E) Other than in a garage, parking is permitted only at the rear of a townhouse. A parking area must be screened from the street.
- (F) A lot may contain not more than one townhouse.
- (G) Two hundred square feet of private open space is required for each townhouse.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1537 - MULTIFAMILY AND CONDOMINIUM REGULATIONS.

- (A) For a multifamily residential use, including a condominium residential use:
 - (1) the minimum lot area is 5,750 square feet;
 - (2) the minimum lot width is 50 feet;
 - (3) the maximum front setback is 10 feet;
 - (4) the minimum front setback is five feet;
 - (5) the minimum street side yard setback is 10 feet;
 - (6) the minimum interior side yard setback is five feet;
 - (7) the minimum rear yard setback is 10 feet;
 - (8) the maximum building height is 35 feet;
 - (9) the maximum building coverage is 55 percent;
 - (10) the maximum impervious coverage is 65 percent;
 - (11) the maximum building footprint is 4,000 square feet; and
 - (12) a building may contain not more than 12 dwelling units.
- (B) One hundred square feet of private open space is required for each multifamily dwelling.
- (C) Two hundred square feet of private open space is required for each condominium dwelling.
- (D) Parking is not permitted in a front yard.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1538 - COMMERCIAL REGULATIONS.

- (A) For a commercial use:
 - (1) the minimum lot area is 2,500 square feet;
 - (2) the minimum lot width is 30 feet;
 - (3) the maximum front yard setback is 10 feet;
 - (4) the minimum front yard setback is five feet;
 - (5) the minimum street side yard setback is 10 feet;
 - (6) the minimum interior yard setback is five feet;
 - (7) the minimum rear yard setback is 10 feet;
 - (8) the maximum building height is 35 feet;
 - (9) the maximum building coverage is 55 percent;
 - (10) the maximum impervious cover is 65 percent; and
 - (11) the maximum building footprint is 5,000 square feet.
- (B) A commercial use may not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.
- (C) The outdoor seating area, if any, for a restaurant (limited) use may not exceed 50 percent of the indoor seating area.

Source: Ord. 000406-81; Ord. 031211-11; Ord. 031211-41.

§ 25-2-1539 - COMMUNITY OPEN SPACE.

Not more than 50 percent of the community open space may be plazas or squares.

Source: Ord. 000406-81; Ord. 031211-11.

Division 3. - Neighborhood Urban Center Special Use.

§ 25-2-1551 - APPLICABILITY OF DIVISION.

This division applies to a neighborhood urban center special use.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1552 - NEIGHBORHOOD URBAN CENTER SPECIAL USE PERMITTED IN CERTAIN ZONING DISTRICTS.

A neighborhood urban center special use is permitted in the following zoning base districts:

- (1) limited office (LO) district;
- (2) general office (GO) district;
- (3) neighborhood commercial (LR) district;
- (4) community commercial (GR) district;
- (5) general commercial services (CS) district;
- (6) commercial-liquor sales (CS-1) district; and
- (7) limited industrial services (LI) district.

Source: Ord. 000406-81; 030424-57; Ord. 031211-11.

§ 25-2-1553 - NEIGHBORHOOD URBAN CENTER PERMITTED USES.

- (A) A neighborhood urban center special use is limited to the land uses prescribed by this section.
- (B) The following residential uses are permitted:
 - (1) townhouse residential;
 - (2) condominium residential; and
 - (3) multifamily residential.
- (C) A commercial use is permitted, conditional, or prohibited as prescribed by the base zoning district regulations, except that a use with a drive-in service is prohibited and a service station use allowed as a permitted use is a conditional use.
- (D) The civic uses described in Section 25-2-6 (Civic Uses Described) are permitted in accordance with the requirements of the zoning base district.

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11.

§ 25-2-1554 - DEVELOPMENT REQUIREMENTS.

- (A) A neighborhood urban center special use development must have a site area of:
 - (1) at least one acre; and
 - (2) not more than 40 acres.
- (B) This subsection prescribes land use allocation requirements for a neighborhood urban center special use development.
 - (1) At least 10 percent of the development's gross floor area must be used for commercial uses.
 - (2) At least 25 percent of the development's gross floor area must be used for residential uses.
 - (3) At least 20 percent of the development's dwelling units must be townhouses or condominiums.
 - (4) For a project of not more than 5 acres, at least 10 percent of the development's area must be community open space.
 - (5) For a development of more than 5 acres, at least 20 percent of the development's area must be community open space.

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11.

§ 25-2-1555 - TOWNHOUSE REGULATIONS.

- (A) For a townhouse residential use:
 - (1) the minimum lot area is 2,000 square feet;
 - (2) the minimum lot width is 20 feet;
 - (3) the minimum front setback is five feet;
 - (4) the maximum front setback is 10 feet;
 - (5) the minimum street side setback is 10 feet;
 - (6) the minimum interior side yard setback is zero feet;
 - (7) the minimum rear yard setback is five feet;
 - (8) the maximum building height is 35 feet;
 - (9) the maximum building coverage is 55 percent; and

- (10) the maximum impervious coverage is 65 percent.
- (B) The finished floor elevation of the first floor of a townhouse must be at least 18 inches above the elevation of the sidewalk at the front lot line.
- (C) Vehicular access to a townhouse group must be:
 - (1) through a public alley or dedicated access easement at the rear of the group; or
 - (2) through a single front driveway that provides access to the rear of the group.
- (D) Other than in a garage, parking is permitted only at the rear of a townhouse. A parking area must be screened from the street.
- (E) A lot may contain not more than one townhouse.
- (F) Two hundred square feet of private open space is required for each townhouse.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1556 - MULTIFAMILY AND CONDOMINIUM REGULATIONS.

- (A) For a multifamily residential use, including a condominium use:
 - (1) the minimum lot size is 3,500 square feet;
 - (2) the minimum lot width is 50 feet;
 - (3) the maximum height is 60 feet;
 - (4) the maximum front setback is 10 feet;
 - (5) the minimum front setback is five feet;
 - (6) the minimum street side yard setback is 10 feet;
 - (7) the minimum interior side yard setback is five feet;
 - (8) the minimum rear yard setback is 10 feet;
 - (9) the maximum building coverage is 70 percent;
 - (10) the maximum impervious coverage is 80 percent; and
 - (11) the maximum building footprint is 5,000 square feet.
- (B) One hundred square feet of private open space is required for each multifamily dwelling.
- (C) Two hundred square feet of private open space is required for each condominium dwelling.
- (D) Parking is not permitted in a front yard.

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11; Ord. No. 20231102-028, Pt. 25, 11-13-23.

§ 25-2-1557 - COMMERCIAL USE REGULATIONS.

For a commercial use:

- (1) the minimum lot size is 3,500 square feet;
- (2) the minimum lot width is 50 feet;
- (3) the maximum height is 60 feet;
- (4) the maximum front yard setback is 10 feet;
- (5) the minimum front yard setback is five feet; and
- (6) the minimum street side yard setback is 10 feet.

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11.

Division 4. - Additional Development Requirements.

§ 25-2-1561 - APPLICABILITY OF DIVISION.

This division prescribes additional development requirements for residential infill and neighborhood urban center special uses.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1562 - COMMUNITY OPEN SPACE.

In addition to other community open space requirements prescribed by this subchapter:

- (1) each community open space area must be at least 500 square feet in size and at least 20 feet across in each direction;
- (2) the aggregate impervious cover for all community open spaces may not exceed 50 percent; and

(3) a plaza or square may not exceed 90 percent impervious cover.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1563 - DRIVE-THROUGH FACILITIES PROHIBITED.

Drive-through facilities and other facilities that allow people to remain in vehicles while receiving products or services are prohibited. This prohibition does not apply to the fueling facilities of a service station.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1564 - COMPATIBILITY STANDARDS.

- (A) The compatibility standards of Chapter 25-2, Article 10 (*Compatibility Standards*) apply only to property along the perimeter of an area used or developed as a residential infill or neighborhood urban center special use.
- (B) Within an area used or developed as a residential infill or neighborhood urban center special use, the compatibility standards of Section 25-3-86 (*Compatibility Standards*) apply.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1565 - ROADWAY DESIGN.

- (A) A new road within a residential infill or neighborhood urban center special use project must comply with the roadway design standards of the Traditional Neighborhood District Criteria Manual.
- (B) The director of the Neighborhood Planning and Zoning Department may approve the use of an innovative roadway design that is not described in the Traditional Neighborhood District Criteria Manual.

Source: Ord. 000406-81; Ord. 010329-18; Ord. 031211-11.

§ 25-2-1566 - RESERVED.

Editor's note— Ord. No. 20231102-028, Pt. 26, effective November 13, 2023, repealed § 25-2-1566, which pertained to commercial use parking requirements and derived from Ord. 000406-81; Ord. 031211-11.

§ 25-2-1567 - RESIDENTIAL USES IN COMMERCIAL BUILDINGS.

A residential use may be located above the ground floor of a commercial building.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1568 - SPECIAL FEATURES FOR COMMERCIAL AND MULTIFAMILY BUILDINGS.

The building façade of a commercial building or a multifamily residential building:

- (1) may not extend horizontally in an unbroken line for more than 30 feet;
- (2) must include windows, balconies, porches, stoops, or similar architectural features;
- (3) must have awnings along at least 50 percent of the length of the ground floor building façade; and
- (4) at least 50 percent of the wall area of the ground floor building façade must consist of doors or clear or lightly tinted windows.

Source: Ord. 000406-81; Ord. 031211-11.

§ 25-2-1569 - LANDSCAPING.

A street yard of 1,000 square feet or less is not required to be landscaped, and a parking area with 12 or fewer parking spaces is not required to have landscaped islands, peninsulas, or medians.

Source: Ord. 000406-81; Ord. 031211-11.

ARTICLE 8. - ADDITIONAL REQUIREMENTS FOR CERTAIN DISTRICTS.

§ 25-2-1601 - APPLICABILITY.

A section in this article applies to a NP combining district or a designated portion of a district only if the ordinance establishing the district provides for applicability in accordance with Section 25-2-1406 (*Ordinance Requirements*).

Source: Ord. 030925-64; Ord. 031211-11.

§ 25-2-1602 - FRONT PORCH SETBACK.

- (A) This section applies to a single-family residential use, a duplex residential use, or a two-family residential use.
- (B) In this section, "porch" means a porch that is open on three sides and that may have a roof.
- (C) Subject to the limitations of this section, a porch may project into a front yard.
- (D) Except as provided in Subsection (E), the porch must be at least 15 feet from the front lot line.
- (E) A porch roof overhang or porch step must be at least 13 feet from the front lot line.

Source: Ord. 030925-64; Ord. 031211-11

§ 25-2-1603 - IMPERVIOUS COVER AND PARKING PLACEMENT RESTRICTIONS.

- (A) This section applies to a single-family residential use, a duplex residential use, or a two-family residential use.
- (B) Except as provided in Subsection (C), impervious cover in a front yard may not exceed 40 percent.
- (C) The director may waive Subsection (B) if the director determines backing a motor vehicle onto the adjacent roadway is unsafe and that a circular driveway or turnaround in the front yard is required.
- (D) Not more than four parking spaces may be located in the front street yard, or for a corner lot, not more than four parking spaces may be located in the front street yard and side street yard combined.

Source: Ord. 030925-64; Ord. 031211-11.

§ 25-2-1604 - GARAGE PLACEMENT.

- (A) This section applies to a single-family residential use, a duplex residential use, or a two-family residential use.
- (B) In this section:
 - (1) BUILDING FAÇADE means the front-facing exterior wall or walls of the first floor of the principal structure on a lot, and the term excludes the building façade of the portion of the principal structure designed or used as a parking structure. Projections from front-facing exterior walls, including but not limited to eaves, chimneys, porches, stoops, box or bay windows, and other similar features as determined by the building official, are not considered part of the building façade.
 - (2) PARKING STRUCTURE means a garage or carport, either attached or detached from the principal structure.
- (C) A parking structure with an entrance that faces the front yard abutting public right-of-way:
 - (1) may not be closer to the front lot line than the front-most exterior wall of the first floor of the building façade; and
 - (2) if the parking structure is less than 20 feet behind the building façade, the width of the parking structure may not exceed 50 percent of the width of the building façade, measured parallel to the front lot line, or the line determined by the building official if located on an irregular lot.

Source: Ord. 030925-64; Ord. 031211-11; Ord. No. 20160505-051, Pt. 1, 5-16-16.

SUBCHAPTER E: - DESIGN STANDARDS AND MIXED USE.

Editor's note:

Background: On February 26, 2004, the Austin City Council directed the City Manager by resolution "... to prepare recommendations for citywide design standards for commercial and retail development. These recommended citywide design standards shall constitute the best practices of the standards adopted by communities around the nation and shall require design standards that reflect Austin's unique historic, landscape and architectural character..."

In order to implement the Council's direction, a specially appointed Task Force met over several months to consider research and input from the public, various stakeholder groups, and individuals. The Task Force sought to understand the preferences of Austin citizens and the design regulations of other cities prior to developing a recommendation.

The Task Force produced, and in May 2005 the City Council adopted, a policy report entitled "Raising the Design Standards in Austin, Texas." The Task Force report identified a number of areas where regulatory improvements are necessary in order to raise the bar of development quality in Austin. The general intent was to develop regulations that will foster a built environment of aesthetic and sustainable value, enhance economic development efforts, promote Austin's unique character and natural environment, and ensure an efficient development review process.

The proposals for new standards were intended to raise the level of quality for all non-residential and mixed-use development, but within a regulatory structure offering options and flexibility, not strict requirements. New development would be subject to a set of minimum site and building design standards, recognizing that all new development, regardless of size, should be subject to minimum standards. The following topics were addressed in the Task Force report: Development orientation; Parking; Land use; Signs; Stormwater management; Connectivity; Exterior lighting; Screening and compatibility; and Building design.

In each of these topic areas, the Task Force report discussed the key issue generally and proposed regulatory language to address the issue. In a few areas, specific ordinance language was proposed, but in most areas the proposed language recommended general approaches rather than actual ordinance language. In some areas, the proposed new standards would be new for Austin, while in other areas the proposed standards would require amendments to the Austin Code.

This Subchapter is intended to implement the Task Force report by establishing a clear, user-friendly, and legally enforceable ordinance that will result in improved development quality in Austin. This Subchapter is officially known as Subchapter E of Chapter 25-2 of the City Code. This Subchapter was adopted on August 31, 2006, and will become effective on January 13, 2007. The Task Force recommends reviewing this Subchapter once it has been in place for one year.

How to use this Subchapter:

Applicability is Based on Adjacent Roadway and Type of Development: This Subchapter recognizes that development should reflect and respond to its location within the city. For example, a commercial development in a suburban location can (and often should) look and function differently than a commercial development in downtown Austin. Because roadways provide both access to a site and define the urban design framework of the city, roadway types have been used as an organizing tool to establish many of the new development standards in this Subchapter. This approach is intended to help ensure a cohesive development pattern along Austin's streets and remove some of the inconsistency that arises from having a variety of zoning districts fronting a single roadway.

Because many of the standards in this Subchapter are defined based on roadway type(s) near the property, an important first step in the development process is to determine the roadway types that are adjacent to a site. The size of the site and the type of development (residential, commercial, mixed use, etc.) also need to be considered, since different standards may apply. The applicability chart in Article 1 summarizes the applicability of all the standards in this Subchapter, based on type of adjacent roadways and development activity.

The following different types of roadways are identified in this Subchapter:

Core Transit Corridors include roadways that have or will have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use. Existing Core Transit Corridors have been designated and are defined in Article 5 and shown on Figure 1. Examples include South Congress Avenue (north of Stassney Lane) and Anderson Lane (between Burnet Road and Mopac). Additional Core Transit Corridors may be designated in the future through neighborhood planning processes.

Hill Country Roadways are those roadways identified in Section 25-2-1103, such as RM 2222 and Southwest Parkway. Standards in this Subchapter that reference the Hill County Roadway designation apply to all properties within 1000 feet of these roadways.

Highways include all freeways, parkways, expressways, and frontage roads identified in the Austin Area Metropolitan Transportation Plan, except for Core Transit Corridors.

Internal Circulation Routes are public streets or private drives edged by a curb within a development.

Suburban Roadways are roads outside the Urban Roadway Boundary, defined below and shown on Figure 2, that are not Core Transit, Hill Country, or Highway Roadways.

Urban Roadways are roads other than those designated as Core Transit Corridors and Highways located within the following boundaries, as shown on Figure 2:

183 from Burnet to Hwy 71

Hwy 71 from 183 to Loop 1

Loop 1 from Hwy 71 to Lake Austin

Lake Austin from Loop 1 to Exposition

Exposition from Lake Austin to 35th

35th from Exposition to Loop 1

Loop 1 from 38th to RM 2222

RM 2222 from Loop 1 to Mesa

Mesa from RM 2222 to Spicewood Springs Road

Spicewood Springs Road from Mesa to 360

360 from Spicewood Springs Road to Great Hills Trail

Great Hills Trail from 360 to 183

183 from Great Hills Trail to Braker

Braker from 183 to Burnet

Burnet from Braker to 183

Figure 1: Core Transit Corridors (CTC) and Future Core Transit Corridors Map (May 10, 2010)

Figure 2: Urban/Suburban Roadways Map

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 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);

Exterior lighting;

Screening of equipment and utilities; and

Private common open space and pedestrian amenities.

Article 3 includes Building Design Standards intended to address the physical appearance of buildings subject to this Subchapter. Included are:

General requirements for glazing and shading to ensure that building façades are pedestrian-friendly; and

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

Article 4 includes standards and incentives for Mixed Use development. This Article includes descriptions and standards for the Mixed Use Combining District and the Vertical Mixed Use Overlay District. This Article also includes standards and incentives for the development of Vertical Mixed Use (VMU) buildings.

Article 5 includes Definitions for terms used in this Subchapter.

Source: [Ord. No. 20231102-028](#), Pt. 27, 11-13-23.

ARTICLE 1: - GENERAL PROVISIONS.

§ 1.1. - GENERAL INTENT.

This Subchapter generally addresses the physical relationship between commercial and other nonresidential development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the City Council's vision for a more attractive, efficient, and livable community. The general purposes of this Subchapter include:

1.1.1.

To provide appropriate standards to ensure a high quality appearance for Austin and promote pedestrian-friendly design while also allowing flexibility, individuality, creativity, and artistic expression;

1.1.2.

To strengthen and protect the image, identity, and unique character of Austin and thereby to enhance its business economy;

1.1.3.

To protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of its surrounding area;

1.1.4.

To encourage developments that relate well to adjoining public streets, open spaces, and neighborhoods; and

1.1.5.

To provide for and encourage development and redevelopment that contains a compatible mix of residential and nonresidential uses within close proximity to each other, rather than separating uses.

Source: Ord. 20060831-068; Ord. 20130606-088.

§ 1.2. - APPLICABILITY.

1.2.1. General Applicability.

The applicability of this Subchapter varies by section and is dependent on the type of principal street that the subject lot or site faces and on the type of development activity proposed. Table A summarizes the applicability of each section of this Subchapter. Only those sites and projects that meet both the principal street and development type thresholds in the table are subject to the particular standard. General exemptions from the requirements of this Subchapter are listed in Subsection 1.2.4., and additional exemptions from specific standards are listed in subsequent sections of this Subchapter.

TABLE A. GENERAL APPLICABILITY

| Section | Standard | Applies if the Principal Street Is: | Applies to the Following: |
|--|---|--|--|
| ARTICLE 2: SITE DEVELOPMENT STANDARDS | | | |
| 2.2: Relationship of Buildings to Streets and Walkways | 2.2.2. Core Transit Corridors: Sidewalks and Building Placement | Core Transit Corridor | - All zoning districts - Single-family residential uses are exempt, in addition to the general exemptions in Section 1.2.4. |
| | 2.2.3. Urban Roadways: Sidewalks and Building Placement | Urban Roadway | All non-residential zoning districts |
| | 2.2.4. Suburban Roadways: Sidewalks and Building Placement | Suburban Roadway | All non-residential zoning districts |
| | | Development of a site five acres or larger with frontage on a Core Transit Corridor or Urban Roadway | - All zoning districts - See additional exemptions in Subsection C of this section |
| | 2.2.5. Internal Circulation Routes: Sidewalks and Building Placement Requirements for Large Sites | Development of a site five acres or larger with frontage on a Suburban Roadway, Highway, or Hill Country Roadway | - All non-residential zoning districts - See additional exemptions in subsection C of this section |

| | | | |
|--|--|---|---|
| 2.3: Connectivity | 2.3.1. Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity | All roadway types | - Projects with a net site area of three acres or more in all non-residential zoning districts - Projects with a net site area of less than three acres that have parking between the building and the principal street in all zoning districts |
| 2.4: Building Entryways | All standards | Core Transit Corridor - Urban Roadway - Suburban Roadway - Internal Circulation Route - Highway - Hill Country Roadway | All zoning districts All non-residential zoning districts |
| 2.5: Exterior Lighting | All standards | All roadway types | All zoning districts |
| 2.6: Screening of Equipment and Utilities | All standards | All roadway types | - All non-residential zoning districts - The following uses are exempt, in addition to the general exemptions of Section 1.2.4.: local utilities services use, electric service transformers within the right-of-way, telecommunication tower |
| 2.7: Private Common Open Space and Pedestrian Amenities | All standards | All roadway types | All site plans two acres in size or larger, and all multifamily and condominium uses except as provided in <u>25-2-776</u> and <u>25-2-780</u> of the LDC |
| 2.8: Shade and Shelter | All standards | All roadway types | - Development of any non-residential land use except for congregate care facilities zoned MF for which the principal street is not a Core Transit Corridor - This section applies to any building frontage. Building façades facing loading areas, rear service areas, or façades adjoining other buildings (attached to more than 50 percent of the sidewall) are exempt. |

ARTICLE 3: BUILDING DESIGN STANDARDS

| | | | |
|--|---------------|-------------------|--|
| 3.2: Glazing and Façade Relief Requirements | All standards | All roadway types | - Development of any non-residential land use, except for congregate care facilities zoned MF for which the principal street is not a Core Transit Corridor - Religious Assembly use shall be exempt from glazing requirements. |
| 3.3: Options to Improve Building Design | All standards | All roadway types | - Development of any commercial use of 10,000 square feet or more that requires a building permit - Development of any commercial use of less than 10,000 square feet that contains any exterior trademarked design features - Any building zoned for industrial use or warehouse use at the point its use is converted to commercial - VMU buildings with external trademarked design features (not including signs) - Office development is exempt from this section |

ARTICLE 4: MIXED USE

| | | | |
|---|---------------|---|---|
| 4.3: Vertical Mixed Use Building | All standards | Core Transit Corridor, Future Core Transit Corridor | - Mixed Use Combining District - Vertical Mixed Use Overlay District - Properties that opt in to VMU pursuant to 4.3.5.C.3. |
| | | Highway, Hill Country Roadway, Suburban Roadway, or Urban Roadway | - Mixed Use Combining District - Sites of three acres or more, subject to 4.3.2.B. - Properties that opt in to VMU pursuant to 4.3.5.C.3. |

1.2.2. Full Compliance.

Unless exempted in Section 1.2.3 (*Partial Compliance*) or Section 1.2.4 (*Exemptions*), the following activity is subject to full compliance with this Subchapter:

- A. New construction on previously undeveloped land; and
- B. New construction or site development where the Director determines that all buildings on the site have been or will be demolished.

1.2.3. Partial Compliance.

For a project that is not subject to Sections 1.2.2 (*Full Compliance*) or 1.2.4 (*Exemptions*), the Director shall determine which standards of this Subchapter apply to the project or a portion of the project in accordance with the following requirements:

- A. A new building, or building addition as defined by the adopted Existing Building Code must comply with:
 - 1. Article 2 unless compliance cannot be achieved due to:
 - a. The location of existing buildings or other improvements retained on the site;
 - b. The size or nature of the proposed building limits placement on the site;
 - c. Topography, protected trees, or critical environmental features;
 - d. The location of water quality or detention facilities; or
 - e. A waiver from the requirements of Article 2 shall be to the minimum extent required based on the criteria of this subsection; and
 - 2. Article 3.
- B. A remodeled building or façade must comply with:
 - 1. Section 2.5 (*Exterior Lighting*); and
 - 2. Article 3 where the remodeled building is considered a "Level 3" Alteration or Addition as defined by the adopted Existing Building Code such that the work area exceeds 50 percent of the aggregate area of the building and the principal street façade.

1.2.4. Exemptions.

- A. General Exemptions. Except as otherwise provided in this Subchapter, the following types of development are exempt from the requirements of this Subchapter:
 - 1. Development that does not require a site plan under [Chapter 25-5](#), except that Section 2.5 (*Exterior Lighting*) shall apply;
 - 2. Development in the following zoning districts:
 - a. Agricultural (AG) district;
 - b. Aviation (AV) district; and
 - c. Traditional neighborhood (TN) district;
 - 3. Development built pursuant to the overlay district provisions of the University Neighborhood Overlay (UNO) district;
 - 4. Development of a public primary or secondary educational facility;
 - 5. Development built pursuant to the Robert Mueller Municipal Airport Redevelopment Plan;
 - 6. Development of an industrial use or unmanned communication services, construction sales and service, drop-off recycling collection facility, equipment repair or scrap and salvage services use that is not located on a Core Transit Corridor;
 - 7. Interior remodeling of a building;
 - 8. Development for which public access is prohibited due to health, safety and welfare reasons;
 - 9. Development of a warehouse if less than 25 percent of the gross floor area is used for a non-industrial use;
 - 10. Sidewalk, shared use and urban trail projects managed by the City of Austin and processed under the City's General Permit program which are undertaken for the purpose of bringing existing facilities into compliance with the Americans With Disabilities Act;
 - 11. A public mobility project in the right-of-way; and
 - 12. Development built pursuant to any of the following adopted regulating plans:
 - a. Transit-Oriented District Station Area Plan;

- b. North Burnet/Gateway (NBG) District;
- c. East Riverside Corridor;
- d. Waller Creek District;
- e. Downtown Austin Plan; or
- f. Airport Boulevard Corridor Plan.

Source: Ord. No. 20160623-090, Pt. 5, 7-4-16; Ord. No. 20220519-094, Pt. 3, 5-30-22.

1.2.5. Conflicting Provisions.

- A. If the provisions of this Subchapter are inconsistent with provisions found in other adopted codes, ordinances, or regulations of the City of Austin not listed in Subsection B. below, this Subchapter shall control unless otherwise expressly provided.
- B. The following provisions supersede the requirements of this Subchapter to the extent of conflict:
 1. The following provisions of Chapter 25-2:
 - a. Subchapter C, Article 3 (*Additional Requirements for Certain Districts*);
 - b. Subchapter C, Article 4 (*Additional Requirements for Certain Uses*);
 - c. Subchapter C, Article 10 (*Compatibility Standards*);
 - d. Provisions applicable to the Hill Country Roadways; and
 2. Regulations applicable to a:
 - a. Barton Springs Zone overlay district;
 - b. Conditional overlay (CO) combining district;
 - c. Central urban redevelopment (CURE) combining district;
 - d. Neighborhood conservation (NC) combining district;
 - e. Neighborhood plan (NP) combining district;
 - f. Planned development area (PDA) combining district;
 - g. Planned unit development (PUD) district; or
 - h. Waterfront overlay (WO) district.

1.2.6. Accessibility.

Accessibility, integration and inclusion of people with disabilities are fundamental components of our vision for the future of the City of Austin. This Subchapter is not intended to supersede any applicable state or federal accessibility statutes and regulations. Administration and enforcement of this Subchapter shall comply with all such statutes and regulations.

All pedestrian routes constructed within the public right-of-way shall be constructed so as to provide legally accessible transitions to pedestrian routes on adjacent properties.

1.2.7. State and Federal Facilities.

Compliance with the standards of this Subchapter at all state and federal facilities is encouraged.

Source: Ord. 20060831-068; Ord. 20071101-052; Ord. 20090312-035; Ord. 20090611-074; Ord. 20100408-049; Ord. 20130509-039; Ord. 20130606-088.

§ 1.3. - REVIEW PROCESS.

1.3.1. Standards Applicable During Site Plan Review.

The standards contained in the following sections of this Subchapter shall be applied in the normal review process for site plans as set forth in Chapter 25-5 of the Austin Code:

- A. Section 2.2, Relationship of Buildings to Streets and Walkways,
- B. Section 2.3, Connectivity Between Sites,
- C. Section 2.4, Building Entryways,
- D. Section 2.5, Exterior Lighting,
- E. Section 2.6, Screening of Equipment and Utilities,
- F. Section 2.7, Private Common Open Space and Pedestrian Amenities,
- G. Shade and Shelter, and
- H. Article 4, Mixed Use.

In addition to meeting the review criteria specified in Chapter 25-5, each site plan application shall evidence compliance with the standards listed above.

1.3.2. Standards Applicable During Building Permit Review.

The standards contained in the following sections of this Subchapter shall be applied in the normal review process for building permits as set forth in [Chapter 25-11](#) of the Land Development Code:

- A. Section 2.5, Exterior Lighting,
- B. Section 2.6, Screening of Equipment and Utilities, and
- C. Article 3, Building Design Standards.

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

Source: Ord. 20060831-068; Ord. 20130606-088.

§ 1.4. - MINOR MODIFICATIONS.

1.4.1. Purpose and Scope.

"Minor modifications" are small deviations from otherwise applicable standards of this Subchapter that may be approved by the Director in order to protect natural or historic features or to address unusual site conditions. Minor modifications are to be used when the limited nature of the modification requested, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, make it unnecessary to complete a formal variance process.

1.4.2. Applicability.

The Director may approve minor modifications of any numeric development standard in this Subchapter up to a maximum of ten percent (or up to a maximum of 20 percent to protect an existing natural site feature), provided that the applicable criteria in Section 1.4.4 (*Approval Criteria*) are met.

For a Heritage Tree, the Director may approve modification of any numeric development standard in this Subchapter to the minimum extent required to preserve the Heritage Tree.

A modified development standard is calculated by applying the percentage of modification allowed by the Director to the numeric requirement that would otherwise apply if the development standard was not modified. For example, if a building façade is required to have 40% glazing, which would equal 400 square feet glazing on a 1000-square foot façade, then a 10% minor modification would decrease the amount of required glazing by 40 square feet for a total of 360 square feet of required glazing. The minor modification process may be used only to authorize a less restrictive standard and may not be used to impose a standard on the subject property than is higher than otherwise provided in this Subchapter. In no circumstance shall the Director approve a minor modification that results in:

- A. An increase in overall project intensity, density, or impervious cover;
- B. A change in permitted uses or mix of uses;
- C. A change in the requirements of any of the following provisions:
 1. Subchapter C, Article 3 (*Additional Requirements for Certain Districts*);
 2. Subchapter C, Article 4 (*Additional Requirements for Certain Uses*);
 3. Subchapter C, Article 10 (*Compatibility Standards*); or
- D. A change in conditions attached to a subdivision plan, site plan, special use permit, or restrictive covenant approved by the City.

1.4.3. Procedure.

The Director may initiate or approve a minor modification allowed under this section at any time prior to submittal of the staff report on the application to another decision-making body or prior to final decision if the Director is the final decision-maker. The Director shall specify any approved minor modifications and the justifications for such modifications on the pending development application for which the modifications were sought.

1.4.4. Approval Criteria.

The Director may approve a minor modification from the terms of this Subchapter only upon finding that the modification meets all of the criteria below:

- A. The requested modification is in general conformity with the stated purposes of this Subchapter;
- B. The requested modification meets all other applicable zoning, building, drainage, water quality, and safety code requirements;
- C. The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and
- D. The requested modification is necessary to compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general.

Source: Ord. 20060831-068; Ord. 20100408-049; Ord. 20130606-088.

§ 1.5. - ALTERNATIVE EQUIVALENT COMPLIANCE.

1.5.1. Purpose and Scope.

To encourage creative and original design, and to accommodate projects where the particular site conditions or the proposed use prevent strict compliance with this Subchapter, alternative equivalent compliance allows development to occur in a manner that meets the intent of this Subchapter, yet through an alternative design that does not strictly adhere to the Subchapter's standards. The procedure is not a general waiver of regulations. Alternative equivalent compliance shall not be used when the desired departure from the standards of this Subchapter could be achieved using the minor modification process in Section 1.4.

1.5.2. Applicability.

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

- A. Section 2.2, Relationship of Buildings to Streets and Walkways;
- B. Section 2.3, Connectivity Between Sites;
- C. Section 2.5, Exterior Lighting;
- D. Section 2.7, Private Common Open Space and Pedestrian Amenities;
- E. Section 2.8, Shade and Shelter; and
- F. Article 3, Building Design Standards.

1.5.3. Procedure.

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

A. Option One: Informal Recommendation.

1. **Pre-Application Conference Required.** If an applicant desires only an informal response and recommendation as to a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development. At the conference, the applicant shall provide a written summary of the project and the proposed alternative compliance, and the Director shall offer an informal, non-binding response and recommendation regarding the appropriateness of the proposed alternative. Based on that response, the applicant may prepare a site plan and/or building permit application that proposes alternative compliance, and such application shall include sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested.
2. **Decision-Making Responsibility.** Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. The final decision-making body for site plans is either the Director or the appropriate Land Use Commission, as specified in Chapter 25-5, and the building official for building permits.
3. **Decision by Director.** If an Alternative Equivalent Compliance proposal is submitted under this subsection the Director shall review the concept plan for compliance with the criteria in Section 1.5.4. and shall approve, approve with conditions, or deny the concept plan in writing.

B. Option Two: Formal Decision.

1. **Pre-Application Conference.** If an applicant desires formal approval of a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development.
2. **Alternative Compliance Concept Plan Required.** At least ten days prior to the pre-application conference, the applicant shall submit an alternative compliance concept plan application to the Director, which shall include:
 - a. A written description of and justification for the proposed alternative method of compliance, specifically addressing the criteria in Section 1.5.4.; and
 - b. A concept plan that describes and illustrates, in written and graphic format, the intended locations and quantities of proposed buildings on the site, the layout of proposed vehicle and pedestrian access and circulation systems, and areas designated to meet requirements for open space, parking, on-site amenities, utilities, and landscape. The concept plan shall describe the site's topography and shall provide a general description of environmental characteristics to assist in determining compliance with this Subchapter. If alternative compliance is requested from the standards of Article 3, Building Design, the concept plan also shall include descriptions and illustrations of the proposed building design elements that would not comply with the standards of this Subchapter.
3. **Decision by Director.** If an Alternative Equivalent Compliance proposal is submitted under this subsection the Director shall review the concept plan for compliance with the criteria in Section 1.5.4. and shall approve, approve with conditions, or deny the concept plan in writing.
4. **Expiration of Alternative Compliance Concept Plans.**
 - a. An approved alternative compliance concept plan shall expire if three years pass following its approval and no building permit that implements the concept plan has been issued.
 - b. One, one-year extension may be issued by the Director provided that a written request has been received prior to the expiration of the concept plan, and the Director has determined that no major changes in the city's development standards, or changes in the development pattern of the surrounding properties, have occurred.
5. **Effect of Approval.** Written approval of an alternative compliance concept plan does not authorize any development activity, but rather authorizes the applicant to prepare a site plan and/or building permit application that incorporates the approved alternative compliance, and authorizes the decision-making body (either the Land Use Commission or the Director for site plans, and the building official for building permits) to review the

site plan and/or building permit application for compliance with the alternative compliance concept plan, in addition to all other applicable requirements. The site plan and/or building permit application shall include a copy of the approved alternative compliance concept plan.

6. Amendments to Alternative Compliance Concept Plans.

- a. Minor amendments to any approved alternative compliance concept plan may be approved, approved with conditions, or denied administratively by the Director. For purposes of this provision, minor amendments are those that do not result in:
 - (i) An increase of 10 percent or more in the amount of square footage of a land use or structure;
 - (ii) A change in the types of uses in the project;
 - (iii) An increase or decrease of 20 percent or more in the number of dwelling units in the project; or
 - (iv) A change that would bring the project out of compliance with any requirement or regulation set forth in the City Code outside this Subchapter unless a variance to or waiver from such requirement or regulation is obtained.
- b. Amendments that are not determined by the Director to be minor amendments under subsection a. above shall be deemed major amendments. The applicant may seek approval of a major amendment by re-submitting the original approved plan along with the proposed amendment to the Director for review in the same manner prescribed in subsection B.2. above.
- c. If any site plan and/or building permit application includes a major amendment from the terms of the approved concept plan that has not been approved by the Director, the concept plan shall be void and the application shall be reviewed for compliance with the standards of this Subchapter and all other applicable requirements.

1.5.4. Criteria.

Alternative equivalent compliance may be approved only if the applicant demonstrates that the following criteria have been met:

- A. The proposed alternative achieves the intent of the subject Article of this Subchapter from which the alternative is sought; or
- B. The proposed alternative achieves the intent of the subject Article of this Subchapter from which the alternative is sought to the maximum extent practicable and is necessary because:
 - 1. Physical characteristics unique to the subject site (such as, but not limited to, slopes, size, shape, and vegetation) make strict compliance with the subject standard impracticable or unreasonable;
 - 2. Physical design characteristics unique to the proposed use or type of use make strict compliance with the subject standard impracticable or unreasonable; or
 - 3. An undue financial hardship would be created for a development less than 10,000 square feet without any exterior trademark design feature.

1.5.5. Effect of Approval.

Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

Source: Ord. 20060831-068; Ord. 20130606-088.

§ 1.6. - ADOPTION DATE AND EFFECTIVE DATE.

The adoption date of this Subchapter is August 31, 2006. The effective date of this Subchapter is January 13, 2007.

Source: Ord. 20060831-068; Ord. 20130606-088.

ARTICLE 2: - SITE DEVELOPMENT STANDARDS.

§ 2.1. - INTENT.

The standards of Article 2 are intended to use site planning and building orientation in order to:

2.1.1.

Ensure that buildings relate appropriately to surrounding developments and streets and create a cohesive visual identity and attractive street scene;

2.1.2.

Ensure that site design promotes efficient pedestrian, bicycle and vehicle circulation patterns;

2.1.3.

Ensure the creation of a high-quality street and sidewalk environment that is supportive of pedestrian, bicycle and transit mobility and that is appropriate to the roadway context;

2.1.4.

Ensure that trees, sidewalks, and buildings - three of the major elements that make up a streetscape - are arranged in a manner that supports the creation of a safe, human-scaled, and well-defined roadway environment;

2.1.5.

Ensure that trees or man-made shading devices are used to create a pedestrian- and bicycle-friendly environment both alongside roadways and connecting roadside sidewalks to businesses;

2.1.6.

Ensure that buildings relate appropriately to their roadway context, allowing for easy pedestrian access to buildings and providing well-defined edges to the roadway environment;

2.1.7.

Ensure that building entranceways are convenient to and easily accessible from the roadside pedestrian and bicycle system;

2.1.8.

Provide opportunities for roadside uses that enliven and enrich the roadway, bicycle and pedestrian environment, such as outdoor dining, porches, patios, and landscape features;

2.1.9

Ensure that motor vehicle and bicycle parking is accommodated in a manner that enriches and supports, rather than diminishes, the roadside pedestrian and bicycle environment, that does not create a barrier between the roadside environment and the roadside buildings and that encourages bicycle use by locating bicycle parking in a visible area; and

2.1.10

Ensure that large sites are developed in a manner that supports and encourages connectivity and creates a cohesive visual identity and attractive street scene.

Source: Ord. 20060831-068; Ord. 20130606-088.

§ 2.2. - RELATIONSHIP OF BUILDINGS TO STREETS AND WALKWAYS.

2.2.1. Overview of Roadway Types.

A. **Purpose.** In this Subchapter, roadway types are used as an organizing tool for certain development standards. In this Section 2.2., sidewalk, building placement, and streetscape standards and building entryway location are determined by the roadway type that is adjacent to the site. The following five roadway types are listed from highest to lowest priority for purposes of this Subchapter (See Figures 3 - 5 set forth in Exhibit A attached to Ord. 20130606-088):

1. Core Transit Corridor;
2. Internal Circulation Route;
3. Urban Roadway;
4. Suburban Roadway; and
5. Highway or Hill Country Roadway.

B. **Applicability.** The roadway with the highest level of priority adjacent to the lot or site is considered the "principal street" for purposes of this Subchapter. For a lot or site that is adjacent to more than one roadway of equal priority, the development shall be subject to the standards associated with the roadway with the highest level of transit service, as determined by the Director, or if the roadways do not have transit service or the level of transit service is equal, the roadway designated by the lot owner.

For large sites subject to Section 2.2.5. or for sites abutting more than one roadway type, the Sidewalk and Supplemental Zone requirements (but not the Building Placement and Parking requirements) shall apply along all abutting streets or Internal Circulation Route frontages, with the applicable requirements determined by the roadway type.

2.2.2. Core Transit Corridors: Sidewalks and Building Placement.

A. **Applicability.** The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|----------|-------------------------------------|---------------------------|
|----------|-------------------------------------|---------------------------|

| | | |
|--|-----------------------|--|
| 2.2.2. Core Transit Corridors: Sidewalks and Building Placement | Core Transit Corridor | - All zoning districts - Single-family residential uses are exempt, in addition to the general exemptions in Section 1.2.4. |
|--|-----------------------|--|

(See [Figure 3](#) set forth in Exhibit A attached to Ord. 20130606-088; Example of a Core Transit Corridor (South Congress)

(See [Figure 4](#) set forth in Exhibit A attached to Ord. 20130606-088; Example of an Internal Circulation Route (Midtown Commons)

(See [Figure 5](#) set forth in Exhibit A attached to Ord. 20130606-088; Example of Highway (1-35)

- B. **Sidewalks.** In order to create an environment that is supportive of pedestrian and transit mobility, public sidewalks shall be located along both sides of all Core Transit Corridors in accordance with the requirements of this section. Compliance with this section is required for all sites with frontage along a Core Transit Corridor regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way. A development that complies with the Great Streets standards adopted by Resolution No. 040205-14, as now or hereafter amended, is exempt from the requirements of this section and may seek any reimbursements available under the Great Streets Development program.

For development that is subject to the requirements of this section, no sidewalk shall be less than 15 feet in width, unless otherwise approved as part of the Alternative Equivalent Compliance process. The 15-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 15-foot minimum requirement, with a sidewalk easement provided.

Sidewalks shall consist of two zones: a planting zone located adjacent to the curb, and a clear zone. (See Figures 6 - 9.) The following standards shall apply to these zones:

(See [Figure 6](#) set forth in Exhibit A attached to Ord. 20130606-088; Core transit corridor sidewalk requirements. Street trees are required along core transit corridors with an average spacing not greater than 30 feet on center.)

(See [Figure 7](#) set forth in Exhibit A attached to Ord. 20130606-088; Core transit corridor with underground utilities)

(See [Figure 8](#) set forth in Exhibit A attached to Ord. 20130606-088; Core transit corridor with overhead utility zone)

(See [Figure 9](#) set forth in Exhibit A attached to Ord. 20130606-088; Core transit corridor with overhead utility zone at curb)

1. **Planting Zone.**

- a. The planting zone shall have a minimum width of eight feet (from face of curb) and shall be continuous and located adjacent to the curb.
- b. The zone shall be planted with street trees at an average spacing not greater than 30 feet on center. The director shall adopt a list of acceptable street trees for purposes of this section. The list shall emphasize shade trees; however, alternative trees may only be approved (pursuant to Section 2.2.2.B.3. below) where conflicts may arise because of overhead utility lines.
- c. In addition, the zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

2. **Clear Zone.** The clear zone shall be a minimum width of seven feet, shall be hardscaped, shall be located adjacent to the planting zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed by any permanent or nonpermanent element for a minimum width of seven feet and a minimum height of eight feet.

3. **Utilities.**

- a. All utility lines shall be underground from the building to the property line. Utility lines within the right-of-way shall be placed underground or relocated to the rear of the site to the maximum extent practicable.
- b. Where electric utilities remain overhead and are located behind the curb, an overhead utility zone shall be provided so that no portion of the building is located within a 10-foot radius of the energized conductor. This overhead utility zone shall be in addition to the minimum planting zone, clear zone, and supplemental zone (if provided). Options for street tree planting and sidewalk placement in combination with overhead utilities are illustrated in Figures 8 and 9.

(See Figures 8 and 9 set forth in Exhibit A attached to Ord. 20130606-088)

- c. On lots with a depth of 120 feet or less and where electric utilities remain overhead and are located behind the curb, alternative trees from the list identified in Section 2.2.2.B.1.b. above may be used so that the trees can be located beneath, rather than offset from, the overhead electric utilities.

4. **Alternative Requirements For Shallow Lots.** On lots with a depth of 150 feet or less, the total sidewalk may be reduced to 12 feet, consisting of a seven-foot minimum planting zone and a five-foot clear zone.

C. Supplemental Zone (Optional). A supplemental zone may be provided at the option of the applicant between the street-facing façade line and the required clear zone. (See Figures 10 - 11.) The following standards apply to supplemental zones:

(See [Figures 10 and 11](#) set forth in Exhibit A attached to Ord. 20130606-088; Optional supplemental zone may be expanded to 30 feet for a maximum of 30 percent of the frontage.)

1. If a supplemental zone is provided, up to 30 percent of the linear frontage of the supplemental zone may be a maximum of 30 feet wide, and the remainder of the supplemental zone shall be a maximum of 20 feet wide. (See Figures 10 - 11.)
2. Elements that support active public uses can and should be located Within the supplemental zone, including one or more of the following:
 - a. Accessory outdoor dining, provided that the dining area may be separated from the sidewalk only with planters, shrubs, or fencing with a maximum height of 42 inches (See Figure 12.);
 - (See [Figure 12](#) set forth in Exhibit A attached to Ord. 20130606-088; Example of supplemental zone with outdoor dining.)
 - b. Balconies, pedestrian walkways, porches, handicap ramps, and stoops; provided, however, that no such feature shall extend beyond the supplemental zone without a license agreement;
 - c. Terraces, provided that they have a maximum finished floor height of 24 inches above the sidewalk elevation and shall be surrounded by a guardrail that meets city specifications;
 - d. Landscape and water features;
 - e. Plazas; and
 - f. Incidental display and sales.
3. Other improvements that support active uses as approved by the Director.
4. Any features in the supplemental zone must not obstruct the open pedestrian connection between the building's primary entrance and the clear zone.
5. A Transit Plaza adjacent to a Capital Metro, MetroRapid Station.

D. Building Placement.

1. **General Building Placement Standard.** Notwithstanding the minimum setback requirements of the base zoning districts, at least 75 percent of the net frontage length of the property along the Core Transit Corridor must consist of continuous building façade built up to the clear zone, or the supplemental zone if one is provided. (See Figure 13.) For purposes of this Subchapter, "net frontage length" is defined in Article 5. This minimum net frontage length requirement shall not apply if the site qualifies for one of the exceptions in this subsection.

(See [Figure 13](#) set forth in Exhibit A attached to Ord. 20130606-088; Examples of permitted building placement along Core Transit Corridors. Parking is not permitted in the hatched area between the street-facing façade and the sidewalk.)

2. **Exception: Civic Buildings.** In order to provide greater flexibility to create a distinctive architectural statement, civic buildings, as defined in Article 5, do not have to be built up to the clear zone (or supplemental zone if one is provided), so long as parking is not located between the building frontage facing the principal street and the street. (See Figure 14.)

(See [Figure 14](#) set forth in Exhibit A attached to Ord. 20130606-088; The Austin City Hall is set back from the street in some areas, while other non civic buildings meet the street. This is a traditional urban design technique intended to emphasize the importance of civic uses.)

3. **Exception: Pad-site Building with Drive-In or Drive-Through.** A lot or site containing a drive-in or drive-through building may include a circulation lane of up to 20 feet in width between the building and the curb if the site has only one point of access to a public roadway. The drive-in or drive-through building located behind the circulation lane need not be built up to the clear zone, but the circulation lane may not have parking and must contain an accessible and clearly marked walkway that crosses the circulation aisle and connects the clear zone to the building's principal entrance. (See Figure 15.)

(See [Figure 15](#) set forth in Exhibit A attached to Ord. 20130606-088; Drive-through uses serviced by a single curb cut do not have to meet the building placement standards in order to allow for a circulation lane.)

4. **Exception: Alternative Equivalent Compliance.** If the applicant applies for a modification of this building placement standard through the alternative equivalent compliance procedure in Section 1.5 because there will not be enough building frontage to meet the 75 percent net frontage length requirement, the Director may approve an alternative design provided one of the following is met, in addition to the criteria in Section 1.5.4.:

- a. On a site with a single principal building:
 - (i) The longer side of the building must be built up to the clear zone (or supplemental zone if provided) (See Figure 16.), or
 - (ii) At least one side of the building must be built up to the clear zone (or supplemental zone if provided) and the majority of the tenant spaces must have principal entrances facing the principal street (See Figure 17.)

(See [Figures 16 and 17](#) set forth in Exhibit A attached to Ord. 20130606-088; Alternative building placement options.)

- b. On a site with more than one principal building, at least one building must be built to the clear zone (or supplemental zone), and:

- (i) The longer side of any building, any portion of which is within 100 feet of the principal street, must be built up to the clear zone (or supplemental zone if provided), or
 - (ii) At least one side of any building, any portion of which is within 100 feet of the principal street, must be built up to the clear zone (or supplemental zone if provided) and the majority of tenant spaces in any such building must have principal entrances facing the principal street.
5. **Exemption for Restaurant or Service Station Redevelopment.** The building placement standards in this subsection do not apply to the redevelopment of an existing pad site restaurant or service station use by the owner or buyer if:
- a. the use proposed is a restaurant or service station;
 - b. the redevelopment occurs within the existing site configuration;
 - c. sidewalks are provided in compliance with this section.
6. **Exception: Small Interior Lots.** Development on interior lots with 65 feet or less of frontage on the principal street and with vehicular access only from the principal street is exempt from the building placement standards of this subsection.
- E. Off-Street Parking.**
1. Off-street parking is prohibited between the Core Transit Corridor and the corresponding street-facing façade line. (See Figure 18.) (See [Figure 18](#) set forth in Exhibit A attached to Ord. 20130606-088; Parking to the side of a building is permitted but screening is required between the parking and the sidewalk. No parking is permitted between the building and the sidewalk on a Core Transit Corridor.)
 2. Any off-street surface parking along a Core Transit Corridor shall have landscape buffering in accord with [Section 25-2-1006](#) of the LDC between the clear zone (or the supplemental zone if provided) and the parking area. The buffering method chosen must include shade trees.

2.2.3. Urban Roadways:

Sidewalks and Building Placement.

A. **Applicability.** The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|--|-------------------------------------|--------------------------------------|
| 2.2.3. Urban Roadways: Sidewalks and Building Placement | Urban Roadway | All non-residential zoning districts |

B. Public sidewalks shall be located along both sides of all Urban Roadways in accordance with the requirements of this section. Compliance with this section is required for all sites with frontage along an Urban Roadway regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way. A development that complies with the Great Streets standards adopted by Resolution No. 040205-14, as now or hereafter amended, is exempt from the requirements of this section and may seek any reimbursements available under the Great Streets Development program.

For development that is subject to the requirements of this section, sidewalks shall be no less than 12 feet in width, unless otherwise approved as part of the Alternative Equivalent Compliance process. (See Figure 19.) The 12-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided.

(See [Figure 19](#) set forth in Exhibit A attached to Ord. 20130606-088; Urban roadway sidewalk width requirements. Note that street trees are optional on urban roadways.)

Sidewalks shall consist of two zones: a planting zone located adjacent to the curb, and a clear zone. The following standards apply:

1. **Planting Zone.** The planting zone shall have a minimum width of seven feet and shall be continuous and located adjacent to the curb. In addition, the planting zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
2. **Clear Zone.** The clear zone shall be a minimum width of five feet, shall be hardscaped, shall be located adjacent to the planting zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed for a minimum width of five feet and a minimum height of eight feet.
3. **Utilities.** The standards for utility placement along core transit corridors shall also apply to utility placement along urban roadways. See Section 2.2.2.B.3. (See Figures 20 - 22.)

(See [Figure 20](#) set forth in Exhibit A attached to Ord. 20130606-088; Underground utilities on an Urban Roadway.)

(See [Figure 21](#) set forth in Exhibit A attached to Ord. 20130606-088; Above ground utilities at curb on an Urban Roadway.)

(See [Figure 22](#) set forth in Exhibit A attached to Ord. 20130606-088; Above ground utilities on an Urban Roadway.)

- C. Supplemental Zone (Optional).** A supplemental zone may be provided, at the applicant's option, between the street-facing façade line and the required clear zone. If provided, the supplemental zone shall be a maximum of 20 feet wide and shall comply with the standards above in Section 2.2.2.C. (See Figure 23.)

(See [Figure 23](#) set forth in Exhibit A attached to Ord. 20130606-088; Urban Roadway with optional supplemental zone.)

D. Building Placement.

1. Notwithstanding the minimum setback requirements of the base zoning districts, at least 40 percent of the net frontage length along the Urban Roadway must consist of continuous building façade built up to the clear zone (or supplemental zone if provided). (See Figure 24.) Net frontage length is defined in Article 5.

(See [Figure 24](#) set forth in Exhibit A attached to Ord. 20130606-088; Example of building placement on Urban Roadways. Parking is generally not permitted in the hatched area between the building façade and the sidewalk, except for shallow lots, as described in paragraph D.)

2. **Exception: Pad-site Building with Drive-In or Drive-Through.** A lot or site containing a drive-in or drive-through building may include a circulation lane of up to 20 feet in width between the building and the curb if the site has only one point of access to a public roadway. The drive-in or drive-through building located behind the circulation lane need not be built up to the clear zone, but the circulation lane may not have parking and must contain an accessible and clearly marked walkway that crosses the circulation aisle and connects to the clear zone to the building's principal entrance. (See Figure 15.)

(See [Figure 15](#) set forth in Exhibit A attached to Ord. 20130606-088; Drive-through uses serviced by a single curb cut do not have to meet the building placement standards in order to allow for a circulation lane.)

3. **Exception: Alternative Equivalent Compliance.** If the applicant applies for a modification of this building placement standard through the alternative equivalent compliance procedure in Section 1.5 because there will not be enough building frontage to meet the 40 percent net frontage length requirement, the Director may approve an alternative design provided one of the standards in Section 2.2.2.D.4. is met, in addition to the criteria in Section 1.5.4.
4. **Exception: Restaurant or Service Station Redevelopment.** The building placement standards in this subsection do not apply to the redevelopment of an existing pad site restaurant or service station use by the owner if:
 - a. the use proposed is a restaurant or service station;
 - b. the redevelopment occurs within the existing site configuration;
 - c. the sidewalks are provided in compliance with this section.
5. **Exception: Small Interior Lots.** Development on interior lots with 65 feet or less of frontage on the principal street and with vehicular access only from the principal street is exempt from the building placement standards of this subsection.

- E. Parking.** Parking is prohibited between the building(s) and the property line adjacent to the Urban Roadway. However, on sites 400 feet deep or less, parking may be located between the street-facing façade line and the Urban Roadway if:

1. At least 60 percent of the property's net frontage length along the Urban Roadway consists of continuous building façade (divided into no more than two buildings) (see Figure 25), or 40 percent of the net frontage length consists of continuous vertical mixed use building façade (divided into no more than two buildings), built up to the clear zone (or supplemental zone if provided); and

(See [Figure 25](#) set forth in Exhibit A attached to Ord. 20130606-088; Parking is permitted between the building and the roadway on shallow lots less than 400 feet deep, when certain conditions are met.)

2. Any surface parking along an Urban Roadway shall have landscape buffering in accord with Section 252-1006 of the LDC between the clear zone (or the supplemental zone if provided) and the parking area; and
3. A sidewalk, 4 minimum width, planted with trees at an average spacing not greater than 30 on center or 4 awning, leads to the main customer entrance from the clear zone (or supplemental zone if provided). No more than one drive aisle can cross the sidewalk. For multi-tenant developments, there must be a shaded sidewalk to the street-facing building façade at least every 330 feet of Urban Roadway frontage. (See Figure 26.)

(See [Figure 26](#) set forth in Exhibit A attached to Ord. 20130606-088; Examples of shaded sidewalks.)

- F. Corner Sites.** All sites located on a corner and adjacent to at least one Urban Roadway shall comply with the corner-site standards in Section 2.2.4.E.

2.2.4. Suburban Roadways: Sidewalks and Building Placement.

- A. Applicability.** The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|----------|-------------------------------------|---------------------------|
|----------|-------------------------------------|---------------------------|

| | | |
|---|------------------|--|
| 2.2.4. Suburban Roadways: Sidewalks and Building Placement | Suburban Roadway | All non-residential zoning districts (development of any site subject to the internal circulation system requirements in Section 2.2.5.) |
|---|------------------|--|

B. **Sidewalks.** Public sidewalks shall be located along both sides of all Suburban Roadways in accordance with the requirements of this section. Compliance with this section is required for all sites with frontage along an Suburban Roadway regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way. Sidewalks and supplemental zones shall comply with the standards for sidewalks along Urban Roadways in Section 2.2.3. above.

C. **Building Placement.**

1. On Suburban Roadways, parking is discouraged between the building and the street. (See Figure 27.) If the property meets the building placement requirements for Urban Roadways as set forth in Section 2.2.3.D. above and no parking is located between the principal street and any street-facing building elevation, the project is exempt from the connectivity requirements in Section 2.3.1.

(See [Figure 27](#) set forth in Exhibit A attached to Ord. 20130606-088; Parking is discouraged between the building and the street on Suburban Roadways.)

2. **Exception: Pad-site Building with Drive-In or Drive-Through.** A lot or site containing a drive-in or drive-through building may include a circulation lane of up to 20 feet in width between the building and the curb if the site has only one point of access to a public roadway. The drive-in or drive-through building located behind the circulation lane need not be built up to the clear zone, but the circulation lane may not have parking and must contain an accessible and clearly marked walkway that crosses the circulation aisle and connects the clear zone to the building's principal entrance. (See Figure 15.)

(See [Figure 15](#) set forth in Exhibit A attached to Ord. 20130606-088; Drive-through uses serviced by a single curb cut do not have to meet the building placement standards in order to allow for a circulation lane.)

D. **Parking.** Parking along the street frontage must have:

1. Landscape buffering in accordance with [Section 25-2-1006](#) of the LDC; and
2. A sidewalk, planted with trees at an average spacing not greater than 30 on center, leading to the main customer entrance from the property line. No more than two drive aisles may cross the sidewalk. For multi-tenant developments, there must be a shaded sidewalk for at least every 330 feet of frontage along the suburban roadway frontage.

E. **Corner Sites.** For sites located on a corner on Suburban Roadways:

1. Surface parking is prohibited within the rectangular area formed by the setback lines as measured 100 feet back from the curb line corners (or the intersection of the curb line tangents), unless (See Figure 28.).

(See [Figure 28](#) set forth in Exhibit A attached to Ord. 20130606-088; Corner Site on a Suburban Roadway (shown as "principal street"))

- a. Landscape buffering between the parking area and the sidewalk is provided in accordance with [Section 25-2-1006](#) of the LDC; and
 - b. One hundred percent of the building frontage that faces the principal street shall be built to the clear zone (or supplemental zone if provided).
2. The development may not contain an auto-oriented use unless it meets option a. or b. in 2.2.4.E.1. above. For purposes of this provision, auto-oriented uses shall consist of the following: any use with a drive-through service facility; automotive rentals; automotive repair services; automotive sales; automotive washing; commercial off-street parking; equipment sales; off-site accessory parking; service station; and vehicle storage.

2.2.5. Internal Circulation Routes: Sidewalks and Building Placement Requirements for Large Sites.

A. **Applicability.** The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|--|--|--|
| 2.2.5. Internal Circulation Routes: Sidewalks and Building Placement Requirements for Large Sites | Development of a site five acres or larger with frontage on a Core Transit Corridor or Urban Roadway | - All zoning districts - See additional exemptions in Subsection C of this section. |
| | Development of a site five acres or larger with frontage on a Suburban Roadway, Highway, or Hill Country Roadway | - All non- residential zoning districts - See additional exemptions in subsection C and I of this section |

- B. Internal Circulation Route.** An Internal Circulation Route that establishes blocks and forms an interconnected, grid-like transportation system must be provided for development subject to this section. (See Figure 29.) An Internal Circulation Route must comply with the requirements of this subsection and should provide a safe and enjoyable walking environment overlooked by buildings that offer natural surveillance and contact from their occupants/users.

(See [Figure 29](#) set forth in Exhibit A attached to Ord. 20130606-088; Example Internal Circulation Route system, blocks must not exceed 5 acres.)

C. Block Standards.

1. **Maximum Block Size.** Unless exempted by this subsection, a site shall be divided into internal blocks no larger than 5 acres. The maximum length of any block face, as measured from intersection to intersection, shall be 800 feet.
2. **Exemptions from Maximum Block Size.**
 - a. **Sites Over 15 Acres.** On sites 15 acres or larger, the site may contain one block with a maximum area of 10 acres for each 30 acres (i.e., one 10-acre block on a site of between 15 to 30 acres, two 10-acre blocks on a site of between 30 to 60 acres, etc.). The maximum length of any block face, as measured from intersection to intersection shall be 800 feet.
 - b. **Office Sites in Drinking Water Protection Zone or Water Supply Watershed.** The maximum block length standard does not apply to any site in the Drinking Water Protection Zone or a Water Supply Watershed designated as a neighborhood office (NO), limited office (LP), or general office (GO) district.
 - c. **Sites on a Hill Country Roadway.** Compliance with this Subsection is not required for the block front adjacent to a Hill Country Roadway to be divided in a manner inconsistent with [Chapter 25-6](#), Article 6, Division 2 (*Access to Hill Country Roadways*) or state highway access spacing requirements.
3. **Subdivision of Internal Blocks.** Internal blocks abutting Internal Circulation Routes may be subdivided to allow for the sale and development of individual blocks without frontage on a public street if the Director determines that the Internal Circulation Routes are equivalent to a public street in terms of utilities, pavement design, and vehicle access requirements. For the purpose of compliance with setback and minimum lot frontage requirements, an Internal Circulation Route is considered equivalent to a public street.

D. Project Circulation Plan.

1. **Plan Requirements.**
 - a. A Project Circulation Plan depicting Internal Circulation Routes required by this section must be submitted with a site plan application for an area of 5 acres or larger.
 - b. The Project Circulation Plan must demonstrate that the project:
 - (i) meets the applicable requirements of this section and Section 2.3 (*Connectivity*) of this Subchapter;
 - (ii) integrates with existing and planned streets, bicycle and pedestrian facilities, and trails in the surrounding area; and
 - (iii) is consistent with area mobility goals, as contained in the Transportation Plan or an approved collector plan.
2. **Director Approval.**
 - a. A Project Circulation Plan must be reviewed and approved by the director under the requirements of this section.
 - b. The Director may approve a Project Circulation Plan containing blocks bounded by railroad right-of-way, subdivision boundary lines, or natural features if no reasonable alternatives are available.
 - c. Revisions to the Project Circulation Plan may be approved by the Director after considering the circulation characteristics of a proposed development plan, the need for access to adjoining properties, and the compatibility of surrounding development.
 - d. The Director may waive the requirement for a Project Circulation Plan if the Director finds that a plan is not necessary due to the nature of the proposed development on the site, the existence of surrounding incompatible development, or other factors unique to the property which make strict compliance infeasible.

E. Sidewalks.

1. Sidewalk Requirements.

- a. Publicly accessible sidewalks shall be provided along both sides of all Internal Circulation Routes (whether built as public streets or as private drives) unless:
 - (i) no buildable area exists on one side.
- b. On portions of the Internal Circulation Route with building frontage the sidewalks and supplemental zones shall:
 - (i) comply with the applicable standards for Urban Roadways, as provided in Section 2.2.3 (*Urban Roadways: Sidewalk and Building Placement*), and
 - (ii) The planting zone shall be planted with street trees at an average spacing not greater than 30 feet on center. (See Figure 30.)
- c. On portions of the Internal Circulation Route that do not contain building frontage a five-foot unobstructed sidewalk shall be provided, all of which shall be located within 12 feet of the curb. (See Figure 30.)

(See [Figure 30](#) set forth in Exhibit A attached to Ord. 20130606-088; Required sidewalks on Internal Circulation Routes)

2. Impervious Cover Credit.

- a. A project subject to the requirements of this section that is located outside the Barton Springs Zone may exceed watershed impervious cover limits by up to five percent if the excess impervious cover is attributable to sidewalks.
- b. Sidewalks or curbs that cause a project to exceed watershed impervious cover limits as allowed under this subsection may not exceed 15 feet in width and must be treated in accordance with current water quality standards and constructed with porous concrete or other materials approved by the Director under Section 2.2.2. (*Core Transit Corridors: Sidewalks and Building Placement*).

F. Building Placement.

1. **Orientation of Building Frontage.** Except as otherwise provided in this Section each building must be oriented along either an Internal Circulation Route or the adjacent public roadway of the highest priority. Each building must meet the building placement standards of the roadway to which it is oriented.
2. **Building Placement Along an Internal Circulation Route.** The following standards apply where required building frontage is provided along an Internal Circulation Route:
 - a. On a site with a single principal building:
 - (i) The longer side of the building must be built up to the clear zone (or supplemental zone if provided), or
 - (ii) At least one side of the building must be built up to the clear zone (or supplemental zone if provided) and the majority of the tenant spaces must have principal entrances facing the Internal Circulation Route.
 - b. On a site with more than one principal building:
 - (i) The longer side of any building, any portion of which is within 100 feet of the Internal Circulation Route, must be built up to the clear zone (or supplemental zone if provided), or
 - (ii) At least one side of any building, any portion of which is within 100 feet of the Internal Circulation Route, must be built up to the clear zone (or supplemental zone if provided) and the majority of tenant spaces in any such building must have principal entrances facing the Internal Circulation Route.

G. Parking.

1. Off-street parking is prohibited between the Internal Circulation Route and the corresponding street-facing façade line.
2. On-street parallel, head-in angle, and reverse angle parking are allowed on an Internal Circulation Route, subject to compliance with fire access standards, and, if the Internal Circulation Route is a public street, subject to approval of the Director of Public Works based on administrative criteria to be adopted. If the Internal Circulation Route is intended to accommodate bicycles, head-in and angle parking is not permitted.

H. Joint Access. If necessary to ensure access to the Internal Circulation Route by the general public and transit vehicles, the director may require joint use driveways within the site to adjacent properties.

- I. On a suburban roadway, a residential only use on a site over 5 acres is exempt from Sections 2.2.5.A-G and must comply with the following:
1. Sidewalks or pedestrian paths are required to connect all buildings and all amenities; and
 2. Internal circulation for vehicular connectivity is required. No internal block shall exceed a perimeter measurement of 2,700 linear feet.

Source: Ord. 20060831-068; Ord. 20100408-049; Ord. 20121018-024; Ord. 20130606-088.

§ 2.3. - CONNECTIVITY BETWEEN SITES.

2.3.1. Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity.

A. Applicability. The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|---|-------------------------------------|---|
| 2.3.1. Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity | All roadway types | - Projects with a net site area of three acres or more in all nonresidential zoning districts - Projects with a net site area of less than three acres that have parking between the building and the principal street in all zoning districts |

B. Standards.

1. **Vehicular and Pedestrian Connections Between Sites.** All sites or developments subject to this section shall:
 - a.

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

- b. Where a public street is adjacent to the property line, provide direct pedestrian and bicycle access from that street to a customer entrance.

The pedestrian and bicycle access points must be fully accessible during operating hours. (See Figure 31.)

(See [Figure 31](#) set forth in Exhibit A attached to Ord. 20130606-088; Example of a pedestrian/bicycle connection from sidewalk to building entrance.)

2. **Additional Measures to Improve Connectivity.** All sites or developments subject to this section shall select and comply with at least two of the options in Table B below. However, if a site or development provides surface parking that amounts to 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 \(Transportation\)](#), the site or development must select and comply with at least three of the options in Table B below.

TABLE B: ADDITIONAL MEASURES TO IMPROVE CONNECTIVITY

| Option | Description/Comments |
|---|---|
| Provide additional pedestrian connections from on-site buildings to adjacent streets. | Pedestrian connections must be edged by curb, except where connections cross drive aisles, and should be evenly spaced. One point per pedestrian connection. |
| Provide pedestrian and bicycle connections from adjacent parkland. | Where public parkland is adjacent to the property line, provide pedestrian and bicycle access from the trail or walkway system on that parkland to the building entrance. The pedestrian and bicycle access points must be fully accessible during operating hours and shall meet city standards for pedestrian and bike ways. |
| Provide solar power shading devices in parking lots. | Devices shall comply with requirements of administrative rules on this subject. |
| Provide pedestrian and bicycle connection to adjacent residential development. | If there is a residential development adjacent to the site, provide a pedestrian and bicycle connection to the property line, and to an existing pathway if one is present on the adjacent site. Compliance with this option also may include providing a sidewalk that connects the project site to an adjacent residential development and that runs along a public roadway where no sidewalk currently exists or where the existing sidewalk does not meet the width standards in this Subchapter. |
| Exceed applicable sidewalk standards by constructing a sidewalk along a public street frontage to Core Transit Corridor standards. | Sidewalks along an ICR may not be used to satisfy this standard. |
| Provide a public access easement for the construction of a multi-use trail connecting to or proposed in the City of Austin Trails Master Plan, Austin Parks and Recreation Lone-Range Plan, Sidewalk Master Plan or Bicycle Path. | Requires approval of the Director of Public Works. |
| Incorporate a transit stop into the project. | Review and approval of Capital Metro, or transit provider required. |
| Internal utility lines should be located in drive aisles or Internal Circulation Routes, rather than under parking areas. | Do not locate utility lines beneath surface parking areas. |
| Limit curb cuts. | Connections between site and adjacent arterials and highways occur no more frequently than every 330 feet. |
| At least 10% of the provided parking is underground or within a parking structure. | |

| | |
|---|---|
| Enhance physical fitness opportunities and multi-modal connectivity by providing shower and locker facilities for employees and increase required bicycle parking by 10%. | To comply with this option, the site must meet the shower requirements of LDC Subsection <u>25-6-477(H)</u> . |
| Provide secure indoor bicycle storage in building or parking structure. | |
| For sites with a single building, provide shaded sidewalks along 100% of building facing the principal street. | |
| Provide shaded sidewalks along 100% of all publicly visible building façades. | |
| Other options as approved by the Director. | |

Source: Ord. 20060831-068; Ord. 20130606-088; Ord. 20131017-046; Ord. No. 20231102-028, Pt. 28, 11-13-23; Ord. No. 20240201-035, Pt. 1, 2-12-24.

§ 2.4. - BUILDING ENTRYWAYS.

A. Applicability. The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|---------------------------------|---|--|
| 2.4.: Building Entryways | Core Transit Corridor - Urban Roadway - Suburban Roadway - Internal Circulation Route - Highway - Hill Country Roadway districts | All zoning districts All non-residential zoning |

B. Standards.

- At least one customer entrance must face and connect directly to the roadway or Internal Circulation Route where building frontage is provided consistent with the requirements of this Subchapter. A building entrance is not required under this subsection if the following requirements are met (See Figure 32.).

(See Figure 32 set forth in Exhibit A attached to Ord. 20130606-088; Requirements for a principal entrance that does not face the principal street.)

- At least 80 percent of the net frontage length along the principal street must consist of continuous building façade that is built up to the clear zone (or supplemental zone if provided) regardless of the applicable building frontage requirements of Sections 2.2.2 through 2.2.5;
 - The building must have a continuous shaded sidewalk linking the principal street and the building's principal entrance;
 - The entrance must be less than 100 feet from the street-facing façade line of the building; and
 - A row of shade trees between the building and the parking area must be provided at an average spacing not greater than 30 feet on center.
- Building entrances should be located at intervals of no more than 75 feet along the elevation facing the principal street. If building entrances are located more than 75 feet apart (or there is a single entrance point on a façade greater than 150 feet in length), the areas between the entrances (or from pedestrian-friendliness of the building along the principal street. (See Figure 33.)

(See Figure 33 set forth in Exhibit A attached to Ord. 20130606-088)

- In no case shall this section require orienting building entryway toward a street with zoning of SF6 or lesser density.

Source: Ord. 20130606-088.

§ 2.5. - EXTERIOR LIGHTING.

2.5.1. Applicability.

The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|-------------------------------|-------------------------------------|---------------------------|
| 2.5: Exterior Lighting | All roadway types | All zoning districts |

2.5.2. Standards.

- A. **Submission of Plans and Evidence of Compliance.** Building plan applications shall include a description of all lighting fixtures, both proposed and those that will remain on the site, as well as any existing or proposed fixtures to be located in adjacent right-of-ways after completion of the project. For new fixtures, the description may include, but is not limited to, catalog cuts and illustrations by manufacturers (including sections where required), that demonstrate compliance with the standards of this Subchapter.
- B. **Fully Shielded or Full Cut-off Light Fixtures Required.** The following outdoor lighting applications shall be illuminated by fixtures that are either fully-shielded or full cut-off: (See Figure 34.)

(See [Figure 34](#) set forth in Exhibit A attached to Ord. 20130606-088; Examples of fully-shielded light fixtures.)

1. Public street and pedestrian lighting;
2. Parking lots;
3. Pathways;
4. Recreational areas;
5. Billboards;
6. Product display area lighting; and
7. Building overhangs and open canopies.

C. Lighting of Building Façades.

- 1. Buildings and structures shall be illuminated by fixtures that are either fully-shielded or full cut-off and may only be used to highlight specific architectural features. However, existing building mounted fixtures that are not fully-shielded or full cut-off may be replaced with lighting that is fully-shielded or full cut-off. This provision shall not apply to buildings in the downtown that are at least 120 feet tall, so long as such buildings contain no trademarked design features (not including signage) located over 120 feet above ground level.
- D. **Directional Luminaires.** Directional luminaires that are not fully-shielded or full cut-off may be used to illuminate signs and flagpoles. Such luminaires shall be installed and aimed so that they illuminate only the specific object or area and do not shine directly onto neighboring properties, roadways, or distribute excessive light skyward.
- E. **Lamp or Fixture Substitution.** Should any outdoor light fixture or the type of light source therein be changed after site plan or building plan approval has been granted, a change request must be submitted to the Director for approval, together with adequate information to assure compliance with this Subchapter, which must be received prior to substitution.

Source: Ord. 20060831-068; Ord. 20130606-088.

§ 2.6. - SCREENING OF EQUIPMENT AND UTILITIES.

2.6.1. Applicability.

The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|---|-------------------------------------|--|
| 2.6. Screening of Equipment and Utilities | All roadway types | - All non-residential zoning districts - The following uses are exempt, in addition to the general exemptions of Section 1.2.4.: local utilities services use, electric service transformers within the right-of-way, telecommunication towers |

2.6.2. Standards.

All development subject to this section shall comply with the following requirements:

- A. Solid waste collection areas and mechanical equipment, including equipment located on a rooftop but not including solar panels, shall be screened from the view of a person standing on the property line on the far side of an adjacent public street. (See Figure 35.)

(See [Figure 35](#) set forth in Exhibit A attached to Ord. 20130606-088; Screening of mechanical equipment.)

- B. Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and landscape so that the visual impacts of these functions are fully contained and out of view from adjacent properties and public streets. Screening materials for solid waste collection and loading areas shall be the same as, or of equal quality to, the materials used for the principal building. In the downtown, loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions may be placed alongside public alleys without the necessity of screening.

Source: Ord. 20060831-068; Ord. 20130606-088.

§ 2.7. - PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES.

2.7.1. Purpose.

Open air and semi-enclosed public gathering spaces can act as central organizing elements in a large development. They can also help to shape the relationship between different land uses and provide focal points and anchors for pedestrian activity. Goals and requirements for common open space and pedestrian amenities complement the Austin Code's requirements for dedicated public open space and parks, and serve similar purposes.

2.7.2. Applicability.

The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|--|-------------------------------------|--|
| 2.7. Private Common Open Space and Pedestrian Amenities | All roadway types | All site plans two acres in size or larger, and all multifamily and condominium uses except as provided in 25-2-776 and 25-2-780 |

2.7.3. Standards.

- A. **Amenity Required.** All development subject to this section shall devote a minimum of five percent of the gross site area to one or more of the following types of private common open space or pedestrian amenities:
1. A natural and undeveloped private common open space, for use of the residents, employees, and visitors to the development.
 2. A landscape area other than one required by Subchapter C, Article 9 (Landscaping), provided such landscaped area has a minimum depth and width of 20 feet and a minimum total area of 650 square feet. The area shall include pedestrian amenities.
 3. A patio or plaza with outdoor seating areas, provided the patio or plaza has a minimum depth and width of 20 feet and a minimum total area of 650 square feet. The area shall include pedestrian amenities including fully or partially shaded spaces with flexible or permanent seating to support these places as gathering areas.
 4. A play area with amenities or equipment suitable for children under nine years of age, provided the play area has a minimum depth and width of 20 feet and a minimum total area of 650 square feet. Play areas shall comply with the most current Consumer Product Safety Commission guidelines for playgrounds as well as ASTM International standards as applicable and shall have impediments between the activity area and any nearby vehicular drives or parking areas to minimize the opportunities for young children to wander into traffic. Such impediments may include berms, fencing, landscaping or other barriers as appropriate to the site and which meet safety standards. Play areas shall include partially-shaded areas with flexible or permanent seating for adult supervision. A project which chooses this option may reduce the total amount of open space required by 10 percent.
 5. Spaces that provide educational, historic, or cultural features, or sensory experiences, such as culinary, therapeutic or sculptural gardens; soundscapes, and interactive water features.
 6. Swimming pools, wading pools, or splash pads.
 7. Water quality and storm water detention ponds designed as an amenity and approved by the Director.
 8. A multi-use trail connecting to or proposed in the City of Austin Trails Master Plan, Austin Parks and Recreation Long-Range Plan, Sidewalk Master Plan, or Bicycle Plan, or other trail connections as approved by the Director.
 9. Basketball, tennis, volleyball, or other sport courts or playing fields.
 10. A transit plaza, on private property, that is adjacent to a Capital Metro MetroRapid stop or station.
 11. A combination of the above-listed amenities. (See Figure 36.)

(See [Figure 36](#) set forth in Exhibit A attached to Ord. 20130606-088; Examples of open space amenities.)

B. Location Criteria. To the maximum extent feasible, where significant natural and scenic resource assets exist on a property, the developer shall give priority to their preservation as private common open space. In reviewing the proposed location of private common open space areas, the Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected, with priority being given to the following areas (which are not listed in a particular order):

1. Wetlands;
2. Flood hazard areas;
3. Lakes, rivers, and stream/riparian corridors;
4. Tree preservation areas (See Figure 37.);

(See [Figure 37](#) set forth in Exhibit A attached to Ord. 20130606-088; Example of tree preservation during construction.)

5. Karst areas;
6. Cultural or historically significant structures, landscapes, features, and/or places; and
7. Agricultural lands used for cultivation of local produce.

Where private common open space areas, trails, parks, or other public spaces exist or are proposed in the City of Austin Trails Master Plan, Austin Parks and Recreation Long-Range Plan, Sidewalk Master Plan, or Bicycle Plan within or adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing or proposed trail, park, or other open area land. Public access easements may be required in order to guarantee public access to these facilities.

Where there is a BRT station adjacent to the tract to be developed, a portion of the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing or permitted station. For sites greater than one acre, the open space should be a minimum of 150 s.f. plus an additional 100 s.f. per acre over one, not to exceed 1,000 s.f. This will apply only outside the Central Business District (CBD) and downtown-mixed-use (DMU) zoning.

C. Areas Not Credited. Lands within the following areas shall not be counted towards private common open space or pedestrian amenities required by this section:

1. Open space in a required street yard;
2. Public or private streets or rights of way;
3. Off-street parking, loading areas, driveways, and service areas; and
4. Water quality and storm water detention ponds, unless designed as an accessible amenity and approved by the Director.

D. Design Criteria. Land set aside for private common open space or pedestrian amenities pursuant to this section shall meet the following design criteria, as relevant:

1. Common open space areas shall be located so as to be readily accessible and useable by residents or visitors in various locations of the development, unless the lands are sensitive natural resources and access should be restricted.
2. Open space areas shall be compact and contiguous unless the open space is used as a continuation of an existing trail, or specific or unique topographic features that are adjacent or adjoining require a different configuration. An example of such topographic features would be the provision of a trail or private open area along a riparian corridor.
3. The surface of a required open space must be suitable for outdoor activities. A surface must consist of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust free material. Asphalt or similar surfacing may be used for designated recreation areas such as multi-purpose trails, tennis courts, and basketball courts. Decomposed granite may be used if approved by the Director and if accessibility requirements are met. A combination of different materials is encouraged.
4. Except as provided in this subsection, not more than 30 percent of the required open space may be located on a roof, balcony, or other area above ground level. In determining the amount of open space on a roof, an area occupied by a vent, mechanical equipment or structure that does not enhance the usability of the space is excluded.
5. Up to 50 percent of the required private common open space may be located on a roof, balcony, or other area above ground level if at least 50 percent of the open space above ground level is designed as a Vegetated or Green Roof. For the purpose of this section, a Vegetated or Green Roof is an assembly or system, over an occupied space, that supports an area of planted bed(s), built up on a waterproofed surface at any level that is contained separately from the natural ground by a human-made structure. A Vegetated or Green Roof must comply with the performance standards adopted by rule.
6. Private common open space on a roof, balcony, or other area above ground level must be screened from the view of adjacent property that is in an urban residence (SF-5) or more restrictive zoning district, in accordance with the standards in Section 25-2-1066 (*Screening Requirements*).
7. A project which allows public access during normal business hours to a private common open space above ground level may reduce the total amount of open space required by 10 percent.
8. This subsection provides for the covering of a required open space.

(a.)

Not more than 50 percent of ground level open space may be covered by a fixed manmade obstruction, including a roof, balcony, or building projection. Roof gardens and sculptural elements that are accessible to the public are not to be considered manmade obstructions.

- (b.) Open space above ground level may be covered, but must have at least one exterior side open and unobstructed, except for railings or balustrades.
- 9. In VMU and V zoning districts, streetscape improvements within the public right-of-way may be included in the calculation of open space except for the area within the Clear Zone as defined in this Subchapter. This provision does not apply to streetscape projects for which the City participates in the cost of the improvements or which are required to be constructed as a condition of CURE zoning.
- E. Maintenance. All private common open space or pedestrian amenity areas shall be permanently maintained by the owners of the development.
- F. Fee In Lieu.
 - 1. Instead of providing private common open space or pedestrian amenities as required in this section, the developer of a property located within the urban roadways boundary (as defined in Article 5 of this Subchapter) may request approval to deposit with the city a nonrefundable cash payment to be used for the acquisition or improvement of open space that will serve residents of the development.
 - 2. The criteria for approving payment of a fee and the formula for calculating the fee amount shall be adopted by the city council, with a recommendation from the Director.
 - 3. The Director shall review a request for payment of a fee based on the adopted criteria and accept or deny the request no later than 15 days following its receipt.

Source: Ord. 20060831-068; Ord. 20111215-096; Ord. 20130606-088.

§ 2.8 - SHADE AND SHELTER.

2.8.1. Purpose.

Austin's climate requires shade and shelter amenities in order to accommodate and promote pedestrian activity. These amenities will provide greater connectivity between sites and allow for a more continuous and walkable network of buildings.

2.8.2. Applicability.

The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|-------------------------------|-------------------------------------|--|
| 2.8. Shade and Shelter | All roadway types | - Development of any nonresidential land use except for congregate care facilities zoned MF for which the principle street is not a Core Transit Corridor - This section applies to any building frontage. Building façades facing loading areas, rear service areas, or façades adjoining other buildings (attached to more than 50 percent of the sidewall) are exempt. |

A. Standards. Projects subject to this section shall meet the following shade and shelter requirements:

- 1. A shaded sidewalk must be provided alongside at least 50 percent of:
 - a. the roadway or Internal Circulation Route where building frontage is provided under the requirements of this Subchapter; and
 - b. any parking adjacent to the building.
- 2. When adjacent to parking, the shaded sidewalk shall be raised above the level of the parking by way of a defined edge. ADA ramps alongside the building must also be shaded. (See Figure 38.)

(See [Figure 38](#) set forth in Exhibit A attached to Ord. 20130606-088; Example of an ADA ramp with shade structure.)

- 3. A shaded sidewalk must meet the following requirements:
 - a. Along a roadway or Internal Circulation Route where building frontage is provided a shaded sidewalk shall comply with the applicable sidewalk standards for that roadway type. If not otherwise required, the shaded sidewalk shall provide trees planted no more than 30 feet on center or a 4' awning.
 - b.

Along any parking adjacent to the building the shaded sidewalk shall consist of a minimum 5 foot clear zone and 5 foot planting zone, planted with trees no more than 30 feet on center, or a 5 foot clear zone with a minimum 5 foot wide weather protection.

4. Building entrances and exits, other than those used solely for emergency purposes or for deliveries, shall be located under a shade device such as an awning or portico.

Source: Ord. 20130606-088.

ARTICLE 3: - BUILDING DESIGN STANDARDS.

§ 3.1. - INTENT.

These building design standards are intended to:

3.1.1.

Strengthen Austin's unique character and help buildings to better function in Austin's environment;

3.1.2.

Create buildings with appropriate human scale;

3.1.3.

Ensure that buildings contribute to the creation of a pedestrian-friendly environment through the provision of glazing, shading, and shelter at the pedestrian level;

3.1.4.

Lessen the impact of branded architecture that does not speak to the city's unique character and conditions; and

3.1.5.

Increase the quality, adaptability, and sustainability in Austin's building stock.

Source: Ord. 20060831-068; Ord. 20130606-088.

§ 3.2. - GLAZING AND FAÇADE RELIEF REQUIREMENTS.

3.2.1. Applicability.

The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|--|-------------------------------------|--|
| 3.2. Glazing and Façade Relief Requirements | All roadway types | <ul style="list-style-type: none"> - Development of any non-residential land use, except for congregate care facilities zoned MF for which the principal street is not a Core Transit Corridor - Religious Assembly use shall be exempt from glazing requirements. |

3.2.2. Glazing and Façade Relief on Building Façades.

Glazing provides interest for pedestrians, connects the building exterior and interior, puts eyes on the street, promotes reusability, and provides a human-scale element on building façades. Projects subject to this section shall meet the following minimum requirements, but may provide additional glazing and façade relief beyond what is required under this section. Refer to Article 5 for definitions of Glazing and Façade Relief.

- A. On the façade facing the roadway or Internal Circulation Route where building frontage is provided under the requirements of this Subchapter:
 1. 40 percent of the wall area below ten feet as measured from the finish floor level of this façade's entry shall consist of glazing unless topography, distance or other physical characteristics remove the façade from a close physical connection to the roadway or Internal Circulation Route (See Figure 39.); and

(See [Figure 39](#) set forth in Exhibit A attached to Ord. 20130606-088; Glazing and façade relief requirements)

2. 25 percent of the wall area between ten feet and thirty feet as measured from the finish floor level of this façade's entry shall consist of glazing. (See Figure 39.)
- B. One façade shall be exempt from glazing and façade relief requirements. The exempt façade cannot face a public street or Internal Circulation Route.
- C. On all other façades, at least 25 percent of the wall area between two and ten feet as measured from the finish floor level of this façade's entry must consist of glazing or façade relief unless vegetative screening, which must be evergreen, is allowed if approved by the Director, and may not be used as glazing option on front-facing façade.
- D. Any façade that is built up to an interior mid-block property line is not required to have glazing on that façade if no prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the façade.
- E. At least one-half of the total area of all glazing on façades that face the principal street shall have a Visible Transmittance (VT) of 0.6 or higher.
- F. The requirements in this section may be reduced to the extent that the required level or location of glazing conflicts with the standards of the Adopted Energy Code, Building Code, LEED, or the Green Building Program.

Source: Ord. 20060831-068; Ord. 20100408-049; Ord. 20121018-024; Ord. 20130606-088.

§ 3.3. - OPTIONS TO IMPROVE BUILDING DESIGN.

3.3.1. Applicability.

The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|--|-------------------------------------|---|
| 3.3. Options to Improve Building Design | All roadway types | <ul style="list-style-type: none"> - Development of any commercial use of 10,000 square feet or more that requires a building permit - Development of any commercial use of less than 10,000 square feet that contains any exterior trademarked design feature - Any building zoned for industrial use or warehouse use at the point its use is converted to commercial - VMU buildings with external trademarked design features (not including signs) - Office development is exempt from this section |

3.3.2. Building Design Options.

A. General Requirement.

1. Each building subject to this section must earn one base point from Table C below, and may be required to earn additional points if certain design features are present.
2. Developments with multiple buildings are required to earn the applicable number of points for each building. Points may be aggregated among buildings only if the development contains at least 100 lineal feet of VMU building frontage along the principal street.

B. Additional Requirements for Certain Types of Development. The following shall earn points as specified below, in addition to the base point required in this section. Points in this section shall be earned cumulatively.

1. A building with exterior trademarked design features shall earn additional points as follows:
 - a. Three additional points from Table C if such features are located 12 feet or less above finished grade and there is no prototypical roof or parapet design;
 - b. Five additional points from Table C, two of which must come from Group B, if such features are located more than 12 feet above finished grade.
2. If the building plan depicts any of the design features listed below, one additional point must be earned for each design feature (except as noted):
 - a. Building is one story and greater than 20 feet tall, floor to bottom of roof structure.
 - b. Building façade exceeds 200 feet in width without entrances every 75 feet.

- c. Individual use is greater than 100,000 square feet.
- d. False fronts or shaped parapets are created to increase the apparent size of the building or house corporate signage or logos. If used, building parapets must not be greater than 50 percent higher than the distance of the building from grade to roof. (For example, a building that is 20 feet tall from the grade to the roof cannot have a parapet greater than 10 feet tall from roof to top of parapet.) (See Figure 40.)

(See [Figure 40](#) set forth in Exhibit A attached to Ord. 20130606-088; Standards for height of false fronts or parapets.)

- e. Concrete block (not including split-faced concrete block) is used on more than 25 percent of a façade visible to the public.
- f. Concrete block (not including split-faced concrete block) is used on more than 75 percent of a façade visible to the public (must earn two additional points).
- g. EIFS is used as a material on the ground floor (below 10 feet).
- h. Pad building with drive-in or drive-through (on a site with a Core Transit Corridor as the principal street).

C. Table of Design Options.

| Option | Description/Comments |
|---|--|
| Group A: Each option worth 1 point | |
| Achieve star rating under the City of Austin Green Building program. | Each star of the rating qualifies for one point. No double credit for Green Building points from Group B. |
| Provide for liner stores in building façade. (1 point for each liner store) | See Article 5, Definitions |
| Provide façade articulation. | See definition D.1. below. |
| Provide primary entrance design. | See definition D.2. below. |
| Provide roof design. | See definition D.3. below. |
| Provide building materials meeting the standards of this section. | See definition D.5. below. |
| Improve storefronts to new regulatory standard of Section 3.2.2. for glazing type/size and shading. | Applies only for buildings existing at the effective date of this Subchapter. |
| 100% of glazing on ground-floor façades that face any street or parking lot have a Visible Transmittance (VT) of 0.6 or higher. | |
| Complies with neighborhood design guidelines | Group B: Each option worth 2 points |
| Design building so that at least 75% of the façade facing the principal street consists of storefronts with at least two separate entrances facing the principal street | |
| Provide sustainable roof. | See definition D.4. below. |
| Integrate solar power generation into building design. | The specific features and design shall be approved by the Director. Examples may include, but are not limited to, rooftop solar panels or Building Integrated Photovoltaics. |
| Achieve Green Building rating of 2 stars. | Group C: Option worth 3 points |

| | |
|----------------------|--|
| Develop VMU building | <p>While VMU buildings are exempted from the requirements of this section, points are assigned for the purpose of aggregating point values for the mixed use development bonuses described in Article 4. In addition to the three base points associated with the VMU development, one additional point is added if the gross square footage of the VMU building contains a combination of at least 25% residential and 25% office or retail uses. However, no points may be earned for a building that contains external trademarked design features (not including signs).</p> |
|----------------------|--|

D. Definitions of Options.

1. **Façade Articulation.** For purposes of satisfying the requirements in subsections A. and B. above, "façade articulation" shall consist of one of the following design features, none of which can be trademarked design features (See Figures 41 and 42.):

(See [Figure 41](#) and [Figure 42](#) set forth in Exhibit A attached to Ord. 20130606-088; Examples of façade articulation)

- a. Changes in plane with a depth of at least 24 inches, either horizontally or vertically, at intervals of not less than 20 feet and not more than 100 feet; or
 - b. Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than 20 feet and not more than 100 feet; or
 - c. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relief of at least eight inches.
2. **Primary Entrance Design.** For purposes of satisfying the requirements in subsections A. and B. above, "primary entrance design" shall consist of at least three of the following design elements at the primary entrance (none of which can be trademarked design features), so that the primary entrance is architecturally prominent and clearly visible from the abutting street:
 - a. Architectural details such as arches, friezes, tilework, murals, or moldings.
 - b. Integral planters or wing walls that incorporate landscape or seating.
 - c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
 - d. Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.
 - e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.
 3. **Roof Design.** For purposes of satisfying the requirements in subsections A. and B. above, "roof design" shall consist of at least one of the following design elements, none of which can be trademarked design features:
 - a. Parapets with horizontal tops having height changes of at least one foot occurring horizontally no less than every 100 feet. (See Figure 43.)

(See [Figure 43](#) set forth in Exhibit A attached to Ord. 20130606-088; Examples of roof design)

- (i) Parapets that do not have horizontal tops must have pitched or rounded tops with a pattern that repeats or varies no less than every 100 feet.
- (ii) All parapets must have detailing such as cornices, moldings, trim, or variations in brick coursing.
- b. Sloping roofs with at least two of the following design elements:
 - (i) Slope of at least 5:12.
 - (ii) Two or more slope planes.
 - (iii) Overhanging eaves extending at least three feet beyond the supporting wall.
- 4. **Sustainable Roof.** For purposes of satisfying the requirements in subsections A. and B. above, a "sustainable roof" is roofing that has one of the following:
 - a. For a minimum of 75 percent of the total roof surface, a Solar Reflectance Index (SRI) of 78 or higher for a roof with a slope of 2:12 or less, or 29 or higher for a roof with a slope greater than 2:12; or
 - b. For a minimum of 50 percent of the total roof surface, a vegetated roof;
 - c. For a minimum of 50 percent of the total roof surface, rainwater collection system; or
 - d. For a minimum of 75 percent of the total roof surface, a combination of a vegetated roof with rainwater collection system and SRI-compliant roof meeting the SRI standards in subsection 4.a. above. (See Figure 44.)

(See [Figure 44](#) set forth in Exhibit A attached to Ord. 20130606-088; Example of a sustainable roof)

5. **Building Materials.** For purposes of satisfying the requirements in subsection 1, above, "building materials" are defined as limestone or brick. However, the brick color shall not be a trademarked design feature.

3.3.3. Alternatives to Section 3.3.2.

- A. **Large Single-Story Buildings.** Instead of complying with Section 3.3.2. above, a single-story commercial building that is 100,000 square feet or more in size may elect as a matter of right to comply with the following standards:
 - 1. The building façade shall consist of 75 percent masonry (not including concrete blocks), excluding the window area and rear service area on sides visible to the public;
 - 2. The use of trademarked design features above 12 feet and the use of trademarked roof and parapet design features is prohibited;
 - 3. The building meets the "façade articulation" requirements as defined in this section;
 - 4. The building has 40 percent glazing on the front façade and 25 percent glazing and cutouts on each side visible to the public with a Visible Transmittance (VT) of 0.6 or higher; and
 - 5. The building has a Green Building rating of at least 2 stars.
- B. **Pad-site Buildings with Drive-In and/or Drive-Through Services.** Instead of complying with Section 3.3.2. above, a pad-site building with a drive-in and/or drive-through services, or a single-use drive-in use not located on a Core Transit Corridor, may comply with the following standards:
 - 1. The use of trademarked design features (not including signs or paint colors) above 12 feet is prohibited; and
 - 2. The portion of the building below 12 feet consists of one of the following:
 - a. Limestone; or
 - b. Brick that has a different color than the trademarked brick color; or
 - c. For a building that occupies a pad or portion of a building within a planned project or shopping center, the building has similar design characteristics as the rest of the shopping center. This includes use of similar materials, patterns, rhythms, and proportions to the rest of the center.
 - 3. Pad sites shall not have any parking located between the building and the street on Core Transit Corridors, Urban Roadways and Suburban Roadways.

Source: Ord. 20060831-068; Ord. 20130606-088.

ARTICLE 4: - MIXED USE.

§ 4.1. - INTENT.

This Article 4 is intended to provide for and encourage development and redevelopment that contains a compatible mix of residential, commercial, and institutional uses within close proximity to each other, rather than separating uses. The mixed use provisions define the uses of land and the siting and character of the improvements and structures allowed on the land in a manner that encourages a balanced and sustainable mix of uses. They promote an efficient pedestrian-access network that connects the nonresidential and residential uses and transit facilities. Redevelopment of underutilized parcels and infill development of vacant parcels should foster pedestrian-oriented residential and mixed use development. (See Figure 45.)

(See [Figure 45](#) set forth in Exhibit A attached to Ord. 20130606-088; Examples of vertical mixed use)

COMMENTARY: MIXED USE DEVELOPMENT IN AUSTIN GENERALLY

The City of Austin allows and encourages the development of mixed use projects. Mixed use development integrates two or more land uses, such as residential and commercial, with a strong pedestrian orientation. Requirements and standards for mixed use development appear in various places throughout the Austin City Code.

Zoning Districts in which Mixed Use is Allowed and Encouraged

The following districts are intended primarily for mixed use development and are described more fully in Section 4.2 below:

- Mixed Use Combining District (Section 4.2.1.).
- Vertical Mixed Use Overlay District (Section 4.2.2.).

Mixed use development also is allowed in other Austin zoning districts. Some of these districts are listed below and are described more fully in the referenced sections of the Austin Code. This list is not exhaustive, but rather is intended to illustrate the range of districts in which mixed use development is allowed.

- Central Business (CBD) ([Section 25-2-100](#));

- Central Urban Redevelopment (CURE) ([Section 25-2-163](#));
- Downtown Mixed Use (DMU) ([Section 25-2-101](#));
- Planned Development Area (PDA) ([Section 25-2-174](#));
- Planned Unit Development ([Section 25-2-144](#));
- Traditional Neighborhood Development ([Section 25-2-146](#));
- Transit Oriented Development ([Section 25-2-147](#));
- Waterfront Overlay (WO) ([Section 25-2-175](#)); and
- University Neighborhood Overlay (UNO) ([Section 25-2-178](#)).

Types of Mixed Use Development

Within the districts that allow mixed use development, uses may be combined either vertically in the same building, or horizontally in multiple buildings, or through a combination of the two, depending on the standards of the district.

Vertical mixed use is allowed in two building types: the Vertical Mixed Use (VMU) Building and the Neighborhood Mixed Use (NMU) Building. Standards for VMU buildings are in Section 4.3. below, and standards for NMU buildings are in Subchapter D, Article 6.

Horizontal mixed use is the mixing of uses in a development project, though not necessarily in the same building. Horizontal mixed use is allowed and encouraged in Austin so long as each of the proposed uses is allowed within the applicable zoning district and the development meets all applicable requirements of the Austin Code.

Source: Ord. 20060831-068; Ord. 20130606-088.

§ 4.2. - MIXED USE ZONING DISTRICTS.

4.2.1. Mixed Use Combining District

- A. Purpose. The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.
- B. Base Districts. A mixed use (MU) combining district may be combined with the following base districts:
 1. Neighborhood office, if the use of an MU combining district will further the purpose of the neighborhood office base district;
 2. Limited office;
 3. General office;
 4. Neighborhood commercial;
 5. Community commercial;
 6. General commercial services; and
 7. Commercial liquor sales.
- C. Uses Allowed. In the MU combining district, the following uses are permitted:
 1. Vertical mixed use buildings, subject to compliance with Section 4.3. of this Subchapter;
 2. Commercial uses that are permitted in the base district;
 3. Civic uses that are permitted in the base district;
 4. Townhouse residential;
 5. Multifamily residential;
 6. Single-family residential;
 7. Single-family attached residential;
 8. Small lot single-family residential;
 9. Two-family residential;

- 10. Condominium residential;
 - 11. Duplex residential;
 - 12. Group residential;
 - 13. Group home, class I (limited);
 - 14. Group home, class I (general);
 - 15. Group home, class II; and
 - 16. Short-term rental.
- D. District Standards.
1. A single-family residential use must comply with the site development regulations prescribed by [Section 25-2-492 \(Site Development Regulations\)](#) for a family residence (SF-3) district, except for the front yard setback. The use must comply with the front yard setback prescribed for the base district.
 2. A single-family attached residential use must comply with [Section 25-2-772 \(Single-Family Attached Residential Use\)](#).
 3. A small lot single-family residential use must comply with [Section 25-2-779 \(Small Lot Single-Family Residential Use\)](#).
 4. A two-family residential use must comply with [Section 25-2-773 \(Duplex, Two-Unit and Three-Unit Residential Uses\)](#).
 5. A duplex residential use must comply with [Section 25-2-773 \(Duplex, Two-Unit and Three-Unit Residential Uses\)](#).
 6. This subsection applies to a multifamily residential use, a townhouse residential use, a condominium residential use, a group residential use, or a group home use.
 - a. In a mixed use (MU) combining district that is combined with a neighborhood office (NO) base district, the minimum site area for each dwelling unit is:
 - (i) 3,600 square feet, for an efficiency dwelling unit;
 - (ii) 4,000 square feet, for a one bedroom dwelling unit; and
 - (iii) 4,400 square feet, for a dwelling unit with two or more bedrooms.
 - b. In an MU combining district that is combined with an limited office (LO) or neighborhood commercial (LR) base district, the minimum site area for each dwelling unit is:
 - (i) 1,600 square feet, for an efficiency dwelling unit;
 - (ii) 2,000 square feet, for a one bedroom dwelling unit; and
 - (iii) 2,400 square feet, for a dwelling unit with two or more bedrooms.
 - c. In an MU combining district that is combined with a general office (GO), community commercial (GR), general commercial services (CS), or commercial services - liquor sales (CS-1) base district, the minimum site area for each dwelling unit is:
 - (i) 800 square feet, for an efficiency dwelling unit;
 - (ii) 1,000 square feet, for a one bedroom dwelling unit; and
 - (iii) 1,200 square feet, for a dwelling unit with two or more bedrooms.

4.2.2. Vertical Mixed Use Overlay District.

- A. **Purpose.** The purpose of a vertical mixed use (VMU) overlay district is to allow the development of vertical mixed use (VMU) buildings, subject to compliance with the standards in Section 4.3.
- B. **Applicability.** The VMU overlay district is established within each zoning district for all sites with a Core Transit Corridor or Future Core Transit Corridor as the principal street, subject to the following limitations:
 1. In areas subject to a Neighborhood Plan combining district, VMU buildings may not contain uses prohibited for that lot under the neighborhood plan and are limited to commercially zoned properties.
 2. In areas that have not undergone the neighborhood planning process, the VMU overlay is limited to commercially zoned properties.
 3. The VMU overlay district does not apply to properties zoned H (Historic) and properties that are "contributing" structures to a local or National Register Historic District.
- C. **Uses Allowed.** In a VMU Overlay district, the following uses are permitted:
 1. Uses that are permitted in the base district; and
 2. Vertical mixed use buildings, subject to compliance with Section 4.3. of this Subchapter.

Source: Ord. 20060831-068; Ord. 20120802-122; Ord. 20130606-088; [Ord. No. 20231207-001](#), Pt. 18, 12-18-23; Ord. No. [20240229-070](#), Pt. 1, 3-11-24.

§ 4.3. - VERTICAL MIXED USE BUILDINGS.

4.3.1. Applicability.

The following table summarizes the applicability of this section:

| Standard | Applies if the Principal Street Is: | Applies to the Following: |
|----------|---|---|
| b | Core Transit Corridor, Future Core Transit Corridor | <ul style="list-style-type: none"> - Mixed Use Combining District - Vertical Mixed Use Overlay District - Properties that opt in to VMU pursuant to 4.3.5.C.3. |
| | Highway, Hill Country Roadway, Suburban Roadway, or Urban Roadway | <ul style="list-style-type: none"> - Mixed Use Combining District - Sites of three acres or more, subject to 4.3.2.B. - Properties that opt in to VMU pursuant to 4.3.5.C.3. |

City interpretation of existing technical criteria and development review policies shall be to achieve the policies of this section to promote vertical mixed use. Any technical criteria shall include consideration of pedestrian level of service and not solely automobile level of service and shall include traffic impact analyses methodologies for traffic capture rather than methodologies for disaggregated single-use developments.

4.3.2. Where Allowed.

- A. A VMU building is allowed on properties:
 - 1. Within the mixed use (MU) combining district;
 - 2. Within the Vertical mixed use (VMU) overlay district, subject to the limitations of Section 4.3.5.C; and
 - 3. That are not located within the MU combining district or VMU overlay, but which have:
 - a. Opted-in under the process provided for under Section 4.3.5.C.3; or
 - b. Obtained a conditional use permit for VMU, subject to the limitations in Section 4.3.2.B.
- B. In addition, for sites not in the MU combining district or the VMU overlay district, a VMU building may be allowed through the conditional use permit process on any site of three acres or more that has a Highway, Hill Country Roadway, Suburban Roadway, or Urban Roadway or Internal Circulation Route as the principal street, subject to the following requirements:
 - 1. In areas subject to a Neighborhood Plan combining district, a VMU building may not contain uses prohibited for that lot under the Neighborhood Plan combining district.
 - 2. In areas that have not undergone the neighborhood planning process, a VMU building is allowed only on commercially zoned properties.
 - 3. A VMU building allowed under this section may only contain uses permitted in the base zoning district, as modified by Section 4.3.3.C.2.
- C. This subsection applies to property in a VMU overlay district that is used exclusively for residential use and that is not designated as a MU combining district. A VMU building is allowed only:
 - 1. through the opt-in process described in Section 4.3.5.C.5; or
 - 2. through the conditional use permit process.

4.3.3. Standards.

A VMU building shall meet the following requirements:

- A. **Pre-Application Conference.** Prior to filing any application for a development that will contain a VMU building, the developer shall request in writing a pre-application conference with the Director. The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the city staff with the applicable provisions of this Subchapter such as the VMU affordability requirements, and other issues that may affect the applicant's proposal (e.g., accessibility requirements). The informal evaluation of the Director and staff provided at the conference are not binding upon the applicant or the city, but are intended to serve as a guide to the applicant in making the application.
- B. **Mix of Uses.** A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors. At least one of the floors shall contain residential dwelling units. (See Figure 46.)

(See [Figure 46](#) set forth in Exhibit A attached to Ord. 20130606-088; Examples (not a comprehensive list) of use mixes that would meet these requirements.)

- C. **Pedestrian-Oriented Commercial Spaces.** Along at least 75 percent of the building frontage along the principal street, the building must be designed for commercial uses in ground-floor spaces that meet the following standards. A lobby serving another use in the VMU building shall not count as a pedestrian-oriented commercial space for purposes of this section.

1. **Dimensional Requirements.** Each ground-floor commercial space must have: (See Figure 47.)

(See [Figure 47](#) set forth in Exhibit A attached to Ord. 20130606-088; Pedestrian-Oriented Commercial Spaces.)

- a. A customer entrance that opens directly onto the sidewalk;
- b. A depth of not less than 24 feet;
- c. A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and
- d. A front façade that meets the glazing requirements of Section 3.2.2. (See Figure 39.)

(See [Figure 39](#) set forth in Exhibit A attached to Ord. 20130606-088; Glazing and façade relief requirements.)

2. **Ground-Floor Commercial Uses Allowed.** Any commercial uses allowed in the base zoning district may be allowed at the ground-floor level in VMU buildings. In addition, in office districts the following additional uses may be allowed, except as provided in Section 4.3.5.:
- Consumer convenience services;
 - Food sales;
 - General retail sales (convenience or general);
 - Restaurant (limited or general) without drive-in service.
- D. Compatibility and Neighborhood Standards.** All VMU buildings are subject to the compatibility standards of [Chapter 25-2](#), Article 10 if applicable. In case of conflict between the compatibility standards and this Subchapter, the compatibility standards shall control.
- A VMU building that is located on a site that is adjacent to an urban family residence (SF-5) or more restrictive zoning district, or is adjacent to a property which contains a use permitted in an SF-5 or more restrictive zoning district, other than a dwelling permitted by [Section 25-2-894 \(Accessory Uses for a Principal Commercial Use\)](#) must comply with the following Table D (*Neighborhood Design Standards*).
- (See [Figure 47](#) set forth in Exhibit A attached to Ord. 20130606-088; Pedestrian-Oriented Commercial Spaces.)

**TABLE D: NEIGHBORHOOD
DESIGN STANDARDS**

| Required Elements for the Façade | Description |
|---|---|
| Design and place windows to maintain privacy for both adjoining property owners and residents of the project. | Window location, size and placement should take into account views into and from neighboring single-family properties so as to provide privacy. |
| Windows facing single family shall have visual transmittance (VT) of 0.6 or higher to minimize reflectivity. | |
| Provide visual screening for decks, patios, and public spaces. | For a parking structure: |
| • Screen vehicle lights from view of adjacent triggering zoning or use. | |
| No amplified music in outdoor commercial or retail areas on the side of property adjacent to SF-5 or more restrictive zoning or use. | Applies only to side of property adjacent to SF-5 or more restrictive zoning or use. |
| Prohibit trash pickup and commercial deliveries between 10 p.m. and 7 a.m. | Prohibition must be noted on the site plan. |
| In addition a VMU building subject to this subsection must comply with at least one of the following neighborhood design standards: | |
| <i>Menu of Options</i> | <i>Description</i> |
| Ensure that the façade of a parking structure facing SF-5 or more restrictive zoning or use, breaks down the horizontal plane of the parking structure through the use of either: 1) Screening with materials sympathetic to those used on the VMU building, or 2) Creating openings on each floor that generally conform to the size and proportion of the windows on the VMU building and the use of materials sympathetic to those used on the VMU building. | Director shall require elevation identifying materials as part of the Site Plan process. |
| Enclose dumpsters within building or parking structure. | |
| Enclose mechanical equipment within building or parking structure. | |

| | |
|---|---|
| Mitigate traffic impact on streets through measures such as signage, traffic calming, or signalization. | Improvements must be approved by the Director of Public Works or Transportation, as applicable. |
| Reserve and design 5 percent of parking spaces for large vehicles. | |

E. Dimensional Requirements.

1. VMU buildings are subject to the height restrictions as provided in other sections of this Code.
2. Except as provided in Section 4.3.5., a VMU building that meets the affordability requirements in subsection F. below is not subject to certain dimensional standards applicable in the base zoning district. These standards include the following:
 - a. Minimum site area requirements (if applicable);
 - b. Maximum floor area ratio;
 - c. Maximum building coverage;
 - d. Minimum street side yard setback and interior yard setback; and
 - e. Minimum front yard setback; provided, however, that if the right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.
3. For all uses in a VMU building, the minimum off-street parking requirement shall be 60 percent of that prescribed by Appendix A (Tables of Off-Street Parking and Loading Requirements). This reduction may not be used in combination with any other parking reduction. Only the parking requirements for commercial uses are subject to modification through the opt-in/opt-out process in Section 4.3.5.

F. Affordability Requirements. To be eligible for the dimensional or parking standards exemption in Subsection E of this section, the residential units in a VMU building shall meet the following affordability requirements, which shall run with the land. This ordinance does not amend or repeal graphics or pictures that are used to illustrate various code requirements in the published version of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).

1. Affordability Requirements for Owner-Occupied Units.

- a. Five percent of the residential units in the VMU building shall be reserved as affordable, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 80 percent of the current Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of Neighborhood Housing and Community Development Department.
- b. In addition, five percent of the residential units in the VMU building shall be reserved, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 100 percent of the Annual Median Family Income.
- c. The City in its sole discretion may elect to subsidize an additional ten percent of the for-sale residential units in the building, at an affordability level consistent with criteria and procedures established by the Director.

2. Affordability Requirements for Rental Units.

- a. Ten percent of the residential units in the VMU building shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 80 percent of the Annual Median Family Income.
- b. As part of the one-time opt-in/opt-out process described in Section 4.3.5., an applicable neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the annual median family income, to as low as 60 percent of the median family income. VMU projects that file zoning or site plan applications after the effective date of the first interim VMU ordinance and prior to September 1, 2006, will not be subject to this neighborhood affordability customization; and instead shall set aside affordable rental units as required by subsection 2.a. above or provide for affordable units as otherwise agreed to by an applicable neighborhood prior to September 1, 2006, provided that VMU projects are allowed on the applicable site following the completion of the opt-in/opt-out process.
- c. The city may elect to subsidize an additional ten percent of the residential units in the building for rental purposes for residents at any level of affordability pursuant to criteria and procedures established by the Director.

3. Affordability Definition. For purposes of this subsection, a unit is affordable for purchase or rental if the household is required to spend no more than 30 percent of its gross monthly income on utilities and mortgage or rental payments for the unit as determined by the City's Neighborhood Housing and Community Development Department, based on the current Annual Median Family Income for the Austin Metropolitan Statistical Area.

4. Fee for Upper-Level Nonresidential Space. The developers of VMU buildings that contain nonresidential uses above the ground-floor shall pay a fee as set by the City Council for all climate-controlled nonresidential space above the ground floor. At the same time that it sets the amount of the fee, the City Council shall also identify a means by which fees paid pursuant to this section shall be reserved only for expenditure within the area of the City from which they were collected.

5. Monitoring and Enforcement. The City shall develop procedures to monitor and enforce this section.

G. **Mixed Use Buildings Other than VMU.** If a building that otherwise meets the standards for VMU buildings may be developed using the site development standards of the underlying zoning category, and without the use of the dimensional standard waivers of Section 4.3.3.E., then that building need not comply with the standards (including affordability) that otherwise apply to VMU buildings.

4.3.4. Development Bonuses and Expedited Review of Residential Parking Permit Districts.

- A. **Bonuses for VMU Buildings.** A building that contains at least 100 lineal feet of VMU building frontage along the principal street is entitled to the following development bonuses:
 - 1. The queuing requirements of [Chapter 25-6](#), Appendix A, shall be reduced by 50 percent for each drive-through service in the development, so long as sufficient on-site queuing space exists to ensure queuing does not occur within the public right-of-way.
 - 2. The number of connectivity options needed to comply with Section 2.3.1.B.2. of this Subchapter shall be reduced by two for each 100 lineal feet of VMU buildings.
 - 3. All buildings in the development may aggregate points for building design in Section 3.3 of this Subchapter, rather than each building needing the minimum number of points.
 - 4. Except for in the Barton Springs Zone or the Waterfront Overlay combining district, impervious cover existing as of the effective date of this Subchapter may be retained for redevelopment purposes for VMU buildings no taller than 60 feet and their accompanying structured parking, so long as the redevelopment meets current water quality standards and, for projects in the Drinking Water Protection Zone, the redevelopment incorporates the following measures to provide additional water quality benefits, pursuant to administrative rules to be developed by the director:
 - a. Rainwater collection and reuse;
 - b. Pervious pavement;
 - c. Integrated pest management; and
 - d. Native and adapted landscaping.
- B. **Expedited Review for Residential Permit Parking Districts.** Neighborhoods that do not opt out of the VMU overlay district pursuant to the process established in Section 4.3.5. shall receive expedited review of applications to establish Residential Permit Parking (RPP) districts, for blocks starting within 600 feet of the portion of the Core Transit Corridor or Future Core Transit Corridor within the VMU overlay. The application process shall proceed in accordance with the guidelines and procedures which are in effect at the time of the application except as described below:
 - 1. The applicable neighborhood association must endorse the resident's request for the Residential Permit Parking program.
 - 2. Requirements for conducting parking studies or collecting license plate information shall be waived.
 - 3. Following the collection of the required signatures and delivery of all necessary RPP request documentation to City staff, staff shall review and act on the application within two weeks. Notice shall be sent to affected residents and the applicable neighborhood association, and signs shall be installed, within six weeks of approval.

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

- A. **Purpose.** The purpose of this subsection is to establish a one-time process, which will begin following the adoption of this Subchapter, whereby individual neighborhoods may consider certain development characteristics of VMU buildings within their boundaries and communicate their preferences to the City Council. No property is eligible for an exemption from the dimensional standards (of Section 4.3.3.E.2.) or for the additional ground-floor uses otherwise authorized by Section 4.3.3.C.2. until the conclusion of the opt-in and opt-out processes described in this section.
- B. **Procedure.**
 1. **Initiation.** Upon the adoption date of this Subchapter, the Director shall identify neighborhood areas and notify each neighborhood planning team that the VMU neighborhood consideration process shall be initiated. If there is no neighborhood planning team, the applicable neighborhood associations in a neighborhood shall work together to develop an opt-in/opt-out application for the purposes of this section.
 2. **Application.** Each neighborhood planning team or neighborhood association shall review the VMU standards in Section 4.3.3. The planning team or applicable neighborhood association may, no later than 90 days after receiving written notice from the Director of this Subchapter's adoption, submit an opt-in/optout application to the City Manager concerning any of the items listed in subsection C. below. The planning team or neighborhood association may amend a timely filed application not later than August 9, 2007.
 3. **Planning Commission Recommendation.** The City Manager shall forward any opt-in/opt-out applications received to the Planning Commission, which shall review and make recommendations on all such applications to the City Council.
 4. **City Council Decision.** After considering the Planning Commission's recommendations, the Council may by ordinance approve, approve with conditions, or deny each opt-in/optout request. The Council may concurrently amend the appropriate neighborhood plan. The neighborhood plan amendment process does not apply to the amendment.
 5. **Effect of Approval.** Following completion of this one-time opt-in/opt-out process:
 - a. The director shall indicate on the zoning map with map code "V" each property receiving an exemption from the dimensional standards under Section 4.3.3.E.2, additional ground floor commercial uses under Section 4.3.3.C.2, or a reduction in the median family income for affordable rental housing under Section 4.3.3.F.2.b. The "V" shall include properties receiving the exemption under Section 4.3.5.B.4. pursuant to Council action on an opt-out application, or under Section 4.3.5.C.1.b. if no application has been filed.

- b. Any subsequent amendments to the VMU standards in a neighborhood shall require amendment of the applicable neighborhood plan and neighborhood plan combining district.
- c. Any property owner or neighborhood association may submit an application to change the VMU rules on a specific property or properties by amending the applicable neighborhood plan and neighborhood plan combining district to opt-in to the exemption from the dimensional standards of Section 4.3.3.E.2 and/or the additional ground-floor uses identified by Section 4.3.3.C.2.
- d. Any property owner may file a zoning application for Vertical Mixed Use (V) or Mixed Use (MU) combining district, regardless of whether a neighborhood plan combining district has been adopted.

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

1. **VMU Overlay District: Opt-out.**
 - a. A neighborhood with properties in the VMU overlay district may request that the neighborhood "opt-out" of the dimensional standards exemption in Section 4.3.3.E.2., and/or the ground-floor commercial uses allowed in Section 4.3.3.C.2. for some or all of the properties within the VMU overlay district. If such an opt-out application is submitted and approved, the applicable standards shall not apply to affected VMU buildings within that neighborhood; instead, such buildings shall be required to comply with all dimensional and/or use standards applicable to the base zoning district. Such buildings also shall comply with the applicable minimum site area requirements in the MU combining district; see Section 4.2.1.D.6.
 - b. If no opt-out application is submitted on a property, or an opt-out application is submitted and denied, the dimensional standard exemption in Section 4.3.3.E.2. and the ground-floor commercial use provisions in Section 4.3.3.C.2. shall apply to all VMU buildings on that property.
2. **MU-Designated Properties: Opt-in.**
 - a. A neighborhood with properties with the MU zoning designation may request to "opt-in" to the dimensional standards exemption in Section 4.3.3.E.2., and/or the ground floor commercial uses allowed in Section 4.3.3.C.2. for some or all of the properties with the MU zoning designation. If such an opt-in application is submitted and approved, the dimensional and/or use standards shall apply to VMU buildings on sites with the MU zoning designation within the applicable neighborhood boundaries.
 - b. If no opt-in application is submitted for a property, or an opt-in application is submitted and denied, VMU buildings on a property designated MU shall comply with all dimensional and use standards applicable to the base zoning district and the MU combining district.
3. **Properties Not in VMU Overlay District and without MU Designation: Opt-in to VMU.** Any neighborhood that desires to allow VMU buildings within its boundaries on commercially zoned properties that are not otherwise eligible for VMU buildings under this Subchapter may submit an "opt-in" application to allow such development. The application shall specify the properties on which the neighborhood wishes to allow VMU buildings, whether the ground-floor commercial listed in Section 4.3.3.C.2. should be allowed, and whether the dimensional standards exemption of Section 4.3.3.E.2. should apply.
4. **All Properties that Allow VMU Buildings: Affordability Standards.** Also as part of the opt-in/opt-out process, for each neighborhood in which VMU buildings are allowed, the neighborhood association or neighborhood planning team may request that the affordable rental units 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 neighborhood 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 standards of Section 4.3.3.E.2 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.

Source: Ord. 20060831-068; Ord. 20070215-071; Ord. 20070621-027; Ord. 20070726-133; Ord. 20071129-098; Ord. 20090611-074; Ord. 20100408-049; Ord. 20130606-088; Ord. No. 20220609-080, Pts. 1—3, 6-20-22; Ord. No. 20231102-028, Pts. 29—32, 11-13-23; Ord. No. 20240229-070, Pt. 1, 3-11-24.

ARTICLE 5: - DEFINITIONS.

Many terms used in this Document are defined in the Land Development Code (LDC). Definitions are only included here if not defined in the LDC, or if the definition for this Document differs from the LDC.

A

Awning

A shade device at least 4 feet deep by the width of the entry being served.

B

Building Façade Line

A line that is parallel to a lot line or internal circulation route curb line, as applicable, and the same distance from the lot line or curb line as the closest portion of a building.

C

Civic Buildings

For purposes of this Subchapter, civic buildings shall consist of the following:

- College or University Facilities
- Community Recreation (Public)
- Cultural Services
- Local Utility Services
- Parks and Recreation Services (General)
- Postal Services
- Public Primary Education Facilities
- Public Secondary Education Facilities
- Safety Services
- Transportation Terminal

Clear Zone

The area dedicated for an unobstructed sidewalk.

Commercial Use

A use that appears in Section 25-2-4, (*Commercial Uses Described*), of the Land Development Code.

Core Transit Corridors

Core Transit Corridors are the following roadways:

1. South First Street, north of Ben White Boulevard;
2. East Seventh Street, west of Pleasant Valley Road;
3. East Fifth Street, from I-35 to Pleasant Valley Road;
4. West Fifth Street, from Guadalupe Street to Mopac Expressway;
5. East Sixth Street, from I-35 to Pleasant Valley Road;
6. West Sixth Street, from Guadalupe Street to Pressler Street;
7. West Thirty-Fifth Street, from Mopac Expressway eastward until becoming West Thirty-Fifth Street Cutoff, and continuing eastward until becoming West Thirty-Eighth Street, and continuing eastward to Guadalupe Street;
8. Airport Boulevard from Lamar Boulevard to I-35;
9. Anderson Lane, from Burnet Road to Mopac Expressway;
10. Barton Springs Road, east of Robert E. Lee Drive;
11. Burnet Road, from 45th Street to Anderson Lane;
12. South Congress Avenue, north of Stassney Lane;
13. Guadalupe Street;
14. Lamar Boulevard, from Banyon Street to Ben White Boulevard;
15. Martin Luther King, Jr. Boulevard, from Pearl Street to Airport Boulevard;
16. Riverside Drive from Lamar Boulevard to E. Ben White Boulevard/Highway 71;
17. Cameron Road, from 51st Street to U.S. Highway 290;
18. Fifty-first Street, from Cameron Road to Manor Road;
19. Gaston Place, from Westminster Drive to Wellington Drive;
20. Briarcliff Boulevard, from Berkman Drive to Westminster Drive; and

Core Transit Corridors, Future

For purposes of Section 4.2.2. of this Subchapter, the following roadways are considered "future core transit corridors" (including all lots with frontage on the listed intersections):

1. South Congress Avenue from Stassney Lane to Slaughter Lane;
2. Slaughter Lane from I-35 to Mopac;
3. Seventh Street from Pleasant Valley Road to U.S. Highway 183;
4. North Lamar Boulevard from Banyon Street to Howard Lane;
5. Manor Road from Dean Keaton Street to 183;
6. Airport Boulevard from Manor Road to I-35;
7. Fifty-First Street from Cameron Road to Airport Boulevard;
8. Far West Boulevard from Mopac to western side of Chimney Corner;
9. Cameron Road from U.S. Highway 290 to U.S. Highway 183;
10. Mesa Drive from Spicewood Springs to Steck;
11. Jollyville Road from Great Hills Trail to U.S. Highway 183.

D**Director**

Unless otherwise specified, the Director of the Watershed Protection and Development Review Department, or his or her designee.

E**F****Façade Relief**

Other non-glass materials that differ in texture from the adjacent façade material and made to be set in frames, as in windows and doors. Examples include, but are not limited to, metal panels, shutters, glass block, and wood panels.

Fully-Shielded Light Fixture

A lighting fixture constructed in such a manner that the light source is not visible when viewed from the side and all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

Full Cut-off

A luminaire light distribution where zero candela intensity occurs at or above an angle of 90 above nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10%) at or above a vertical angle of 80 above nadir. This applies to all lateral angles around the luminaire.

G**Glazing**

The panes or sheets of glass set in frames, as in windows or doors. Glass includes tinted, fritted, vision, spandrel, and other forms of sheet formed glass. Vegetative screening is permitted only if approved by Director, and may not be used on front façade.

Greenfield Development

Development on an undeveloped parcel located outside the Urban Roadway boundary.

H**Hardscape**

Nonliving components of a streetscape or landscape design, such as paved walkways, walls, sculpture, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

Highways

All freeways, parkways, expressways, and frontage roads identified in the Austin Area Metropolitan Transportation Plan, except for Core Transit Corridors described in this Subchapter.

Hill Country Roadways

This roadway type applies on all properties within 1000 feet of those roadway identified in [Section 25-2-1103](#).

I

Internal Block

One or more lots, tracts, or parcels of land bounded by Internal Circulation Routes, railroads, or subdivision boundary lines.

Internal Circulation Route

A public street or a publicly-accessible private drive that is constructed to satisfy the requirements in Section 2.2.5 (*Internal Circulation Routes: Connectivity, Parking, and Sidewalk Requirements for Large Sites*) of this Subchapter.

J

K

L

LDC

The City of Austin Land Development Code.

Light Fixture

The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture.

Liner Store

A commercial use on the ground floor of a building located not more than 30 feet from the street right-of-way with an entrance facing the street.

M

Maximum Extent Feasible

No feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Maximum Extent Practicable

Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the noncompliance.

N

Net Frontage Length

Determined by subtracting required Internal Circulation Routes, side or compatibility setbacks, easements, drive aisles, sidewalks, and stairs that occur at the building perimeter from the total property length, as measured along the front lot line from property line to property line. (See Figure 48.) In the case of a curved corner, the Director may determine the end point for purposes of measuring net frontage.

(See [Figure 48](#) set forth in Exhibit A attached to Ord. 20130606-088; the diagram (in Figure 45) provides an example for determining Net Frontage Length. The net frontage length along the Principal Street for the example above would be the total sum of lengths A and B. Required Internal Circulation Routes, drive aisles, and perimeter sidewalks are not included.

Nonresidential Zoning Districts

The following are the City of Austin nonresidential zoning districts for purposes of this Subchapter:

- NO
- P
- LO
- GO
- CR
- LR

- GR
- W/LO
- CS
- CS-1
- CH
- IP
- MI
- LI
- R&D

O

P

Pad-Site Building

A building that is intended for a single commercial use and that is physically separate from the other buildings on the site. Typically used in the context of retail shopping center development, a building or building site that is physically separate from and smaller than the principal building and reserved for free-standing commercial uses. Typical pad site uses include, by way of illustration only, free-standing restaurants, banks, and service stations.

Planting Zone

An area adjacent to the curb in which street trees are planted and street furniture such as benches, bicycle racks, and newspaper boxes are placed.

Portico

See awning.

Principal Building

A building in which is conducted the principal use of the lot on which it is located.

Principal Entrance

The place of ingress and egress most frequently used by the public.

Principal Street

In this Subchapter, the principal street of a lot or site is the street with the highest priority that is adjacent to the lot or site. Street priorities are as follows, from highest to lowest:

- Core Transit Corridor;
- Internal Circulation Route;
- Urban Roadway;
- Suburban Roadway; and
- Highway or Hill Country Roadway (Unless the higher road runs parallel to the highway and is within 660 feet of the Highway or within 1,000 feet of the Hill Country Roadway (i.e., a highway development would not have to orient to the Urban/Suburban Roadway next to a highway)).

If a lot is adjacent to more than one street of equally high priority, the principal street is: the street with the highest level of transit service, as determined by the Director; or, if the streets do not have transit service or the level of transit service is equal, the street designated by the lot owner.

Q

R

S

Significant Stand of Trees

Three or more Class 1 or Class 2 tree specimens with a minimum measurement of two-inch Diameter at Breast Height, meeting the standards outlined within Section 3.5.2 of the Environmental Criteria Manual, and a minimum of 150 sq. feet of critical root zone preserved.

Street-Facing Façade

A wall of a building that is within 60 degrees of parallel to a street lot line; and is not behind another wall, as determined by measuring perpendicular to the street lot line. The length of a street-facing façade is measured parallel to the street lot line.

Suburban Roadways

All roadways that are not Transit, Hill Country, Highway, or Urban Roadways.

Supplemental Zone

An area between the clear zone and the building edge for active public uses such as a plaza, outdoor cafe or patio.

T**Trademarked Design Feature**

An external design feature, including colors, shapes, and materials, of a building that is trademarked by a building occupant.

Urban Roadways

Urban Roadways are roads located within the following boundaries other than those designated as Core Transit Corridors and Highways:

- 183 from Burnet to Hwy 71
- Hwy 71 from 183 to Loop 1
- Loop 1 from Hwy 71 to Lake Austin
- Lake Austin from Loop 1 to Exposition
- Exposition from Lake Austin to 35th
- 35th from Exposition to Loop 1
- Loop 1 from 38th to RM 2222
- RM 2222 from Loop 1 to Mesa
- Mesa from RM 2222 to Spicewood Springs Road
- Spicewood Springs Road from Mesa to 360
- 360 from Spicewood Springs Road to Great Hills Trail
- Great Hills Trail from 360 to 183
- 183 from Great Hills Trail to Braker
- Braker from 183 to Burnet
- Burnet from Braker to 183

V**Vertical Mixed Use (VMU) Building**

A building that meets the requirements set forth in Section 4.3. of this Subchapter.

W**X****Y****Z**

Source: Ord. 20060831-068; Ord. 20070809-058; Ord. 20100225-079; Ord. 20100408-049; Ord. 20100624-113; Ord. 20130606-088.

SUBCHAPTER F: - RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS.

ARTICLE 1: - GENERAL PROVISIONS.

§ 1.1. - INTENT.

This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 1.2. - APPLICABILITY.

Except as provided in Section 1.3, this Subchapter applies to property that is:

1.2.1. Within the area bounded by:

- A. Highway 183 from Loop 360 to Ben White Boulevard;
- B. Ben White Boulevard from Highway 183 to South Interstate Highway 35;
- C. South Interstate Highway 35 from Ben White Boulevard to William Cannon Drive;
- D. William Cannon Drive from South Interstate Highway 35 to Manchaca Road;
- E. Manchaca Road from William Cannon Drive to Ben White Boulevard;
- F. Ben White Boulevard from Manchaca Road to Loop 360;
- G. Loop 360 from Ben White Boulevard to Loop 1;
- H. Loop 1 from Loop 360 to the Colorado River;
- I. The Colorado River from Loop 1 to Loop 360; and
- J. Loop 360 from the Colorado River to Highway 183; and

1.2.2. Used for a:

- A. Bed and breakfast (group 1) residential use;
- B. Bed and breakfast (group 2) residential use;

- C. Cottage special use;
- D. Secondary apartment special use;
- E. Single-family attached residential use;
- F. Single-family residential use;
- G. Small lot single-family residential use;
- H. Urban home special use;
- I. Club or lodge;
- J. Daycare services (general and limited);
- K. Condo residential;
- L. Retirement housing (small and large site); or
- M. Townhouse residential.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; Ord. 20100805-051; Ord. No. 20231207-001, § 16, 12-18-23.

§ 1.3. - EXCEPTIONS.

1.3.1.

This Subchapter does not apply to a lot zoned as a single-family residence small lot (SF-4A) district unless the lot is adjacent to property zoned as a single-family residence standard lot (SF-1), single-family residence standard lot (SF-2) district, or family residence (SF-3) district.

1.3.2.

This Subchapter does not apply to the approximately 698.7 acres of land known as the Mueller Planned Unit Development, which was zoned as a planned unit development (PUD) district by Ordinance Number 040826-61.

1.3.3.

A use listed in Subsections 1.2.2(I)—(M) of Section 1.2 may comply with this subchapter or the requirements of Chapter 25-2, Article 10 (*Compatibility Standards*).

1.3.4.

This Subchapter does not apply to a property zoned Downtown mixed use (DMU) district, Central business district (CBD), East Riverside Corridor (ERC) district, or transit oriented development (TOD) district.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; Ord. No. 20150212-085, Pt. 2, 2-23-15; Ord. No. 20150105-071, Pt. 1, 10-26-15; Ord. No. 20240516-004, Pt. 2, 7-15-24.

§ 1.4. - CONFLICTING PROVISIONS.

1.4.1.

To the extent of conflict, this Subchapter supersedes:

- A. Section 25-1-21 (Definitions);
- B. Section 25-2-492 (Site Development Regulations);
- C. Section 25-2-555 (Family Residence (SF-3) District Regulations);
- D. Section 25-2-773 (Duplex, Two-Unit and Three-Unit Residential Uses);
- E. Section 25-2-778 (Front Yard Setback for Certain Residential Uses);
- F. Section 25-2-779 (Small Lot Single-Family Residential Uses); and
- G. Section 25-4-232 (Small Lot Subdivisions).

1.4.2.

To the extent of conflict, the following provisions supersede this Subchapter:

- A. Section 25-2-1424 (Urban Home Regulations);
- B. Section 25-2-1444 (Cottage Regulations);
- C. Section 25-2-1463 (Secondary Apartment Regulations); or
- D. The provisions of an ordinance designating property as a:
 1. Neighborhood plan (NP) combining district;

2. Neighborhood conservation (NC) combining district; or
3. Historic area (HD) combining district.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; Ord. No. 20231207-001, Pt. 18, 12-18-23.

ARTICLE 2: - DEVELOPMENT STANDARDS.

§ 2.1. - MAXIMUM DEVELOPMENT PERMITTED.

The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. Floor-to-area ratio shall be measured using gross floor area as defined in Section 3.3, except that the lot area of a flag lot is calculated consistent with the requirements of Section 25-1-22 (Measurements).

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 2.2. - BUILDING HEIGHT.

Except where these regulations are superseded, the maximum building height for development subject to this Subchapter is:

- (A) 32 feet for development located outside the 100-year floodplain; and
- (B) 35 feet for development located in the 100-year floodplain.

Section 25-2-531 (Height Limit Exceptions) does not apply to development subject to this Subchapter, except for a chimney, vent, antenna, or energy conservation or production equipment or feature not designed for occupancy. Building height shall be measured under the requirements defined in Section 3.4.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. No. 20191114-064, Pt. 1, 11-25-19.

§ 2.3. - FRONT YARD SETBACK.

A. Minimum Setback Required. The minimum front yard setback required for development subject to this Subchapter is the lesser of:

1. The minimum front yard setback prescribed by the other provisions of this Code; or
2. The average front yard setback, if an average may be determined as provided in Subsection B. below.

B. Average Front Yard Setback. The following rules apply for purposes of the setback calculation required by Paragraph A.2:

1. A front yard setback is the distance between the front lot line and the closest front exterior wall or building façade of the principal residential structure located on the lot.
2. Except as provided in paragraph 3, average front yard setback is determined using the front yard setback of the four principal residential structures that are: (a) built within fifty feet of the front lot line; and (b) closest to, and on the same side of the block, as the property subject to the setback required by this section.
3. If less than four structures satisfy the criteria in paragraph B.2, average front yard setback is calculated using the number of existing residential structures on the same side of the street block as the property subject to the setback required by this section. If there are no structures on the same side of the block, average front yard setback is calculated using the front yard setbacks of the four structures on the opposite side of the block that are closest to the property subject to the setback required by this section. If there are less than four structures on the opposite side of the block, the lesser number of structures is used in the calculation. See Figure 1.

Figure 1: Average Front Yard Setback

In this example, the minimum required front setback in the underlying zoning district is 25 feet. However, because of the variety in existing setbacks of buildings on the same block face, new development on lot C may be located with a setback of only 20 feet, which is the average of the setbacks of lots B, D, and E. The building on lot A is not included in the average because it is located more than 50 feet from the property line.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 2.4. - REAR YARD SETBACK.

The principal structure shall comply with the rear yard setback prescribed by other provisions of this Code. All other structures shall comply with the rear yard setback provisions of this Code, but the minimum rear yard setback of a second dwelling unit may be reduced to five feet if the rear lot line is adjacent to an alley. See Figure 2.

Figure 2: Rear Yard Setback

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 2.5. - SIDE YARD SETBACKS.

All structures shall comply with the side yard setbacks prescribed by other provisions of this Code.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 2.6. - SETBACK PLANES.

This subsection prescribes side and rear setback planes in order to minimize the impact of new development and rear development on adjacent properties. A structure may not extend beyond a setback plane except as authorized by subsection D. below. The height of a setback plane shall be measured under the requirements defined in Section 3.4.

- A. **Side Setback Plane.** Except as provided in subsection B. below, an inwardly sloping 45-degree angle side setback plane begins at a horizontal line 15 feet directly above the side property line. The 15-foot height of the horizontal line is established for 40-foot deep portions of the lot beginning at the building line and extending to the rear of the lot, except that the last portion at the rear of the lot may be less than 40 feet deep. See Figures 3 through 5.
 1. For the first portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines, the building line, and a line 40 feet from and parallel to the building line.
 2. For successive portions other than the last portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines and the appropriate two lines that are 40 feet apart and parallel to the building line.
 3. For the last portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines, the appropriate line parallel to the building line, and the rear lot line.

Figure 3: Side Setback Plane Measured From Side Property Line

Figure 4: (Elevation View) Dividing Lot into 40-foot Portions to Create Side Setback Planes (Rear Setback Plane Not Shown)

Figure 5: Determining High Points on a Sloping Lot

For each portion of the side setback plane, the 15-foot height of the horizontal line is measured starting from the highest point of the four intersections defining the portion. In this example, topography lines indicate that the lot is sloping downward from the rear to the front of the lot, and from the right to the left. The high points for Portions 1, 2, and 3 are indicated, along with the Building Line.

- B. **Rear Setback Plane.** Except as provided in subsection D., an inwardly sloping 45-degree angle rear setback plane begins at a horizontal line directly above the rear property line at the same elevation as the horizontal line for the last portion of the side setback plane established in paragraph A.3. See Figures 6 through 9.

Figure 6: (Elevation View) Rear Setback Plane (Level Ground)

Figure 7: (Elevation View) Rear Setback Plane (Sloping Ground)

Figure 8: Side and Rear Setback Planes on Level Ground

The side and rear setback planes form a "tent" over the lot, rising from the property lines for 15 feet and then angling in at 45-degree angles from the side and rear. The required front, rear, and side yard setbacks are indicated by the darker shading on the ground.

Figure 9: Side and Rear Setback Planes on Sloping Ground

C. **Buildable Area.** The buildable area, as defined in Section 3.3., consists of the smallest area within the front, side, and rear yard setbacks; maximum height limit; and the combined side and rear setback planes. See Figures 10 and 11.

Figure 10: Buildable Area (Combination of Yard Setbacks, Maximum Height Limit, and Setback Planes)

The heavy blue line indicates the "tent" formed by the side and rear setback planes. The buildable area is the smallest area included within the front, side, and rear yard setbacks; maximum height limit; and the combined side and rear setback planes (shown here as the green area).

Figure 11: Buildable Area on Corner Lot

This figure shows the same concept illustrated in Figure 10 but for a corner lot that has a greater street side yard setback requirement. In this example, the minimum required street side yard setback in the underlying zoning district is 15 feet. Because the side setback plane is measured from the side property line, the height of the setback plane is 30 feet at the 15-foot street side yard setback line.

D. Side and Rear Setback Plane Exceptions for Existing One-Story Buildings.

1. Except as provided in paragraph 3 below, an applicant proposing to add a second story to a one-story building may choose either of the following side setback planes for the portion of the project that is within the building footprint originally constructed, or permitted for original construction, before October 1, 2006:
 - a. The side setback plane required under subsection A.
 - b. The inwardly sloping 45-degree angle side setback plane that begins at a horizontal line directly above the outermost side wall at a height equal to the height of the first floor wall plate that was originally constructed or received a building permit before October 1, 2006, plus 10 and one-half feet. See Figure 12. The wall plate is the lowest point of the existing first floor ceiling framing that intersects the exterior wall.
2. Except as provided in paragraph 3 below, an applicant proposing to add a second story to a one-story building may choose either of the following rear setback planes for the portion of the project that is within the building footprint originally constructed, or permitted for original construction, before October 1, 2006:
 - a. The rear setback plane required under subsection B.
 - b. An inwardly sloping 45-degree angle rear setback plane that begins at a horizontal line directly above the rear property line at a height equal to the height of the first floor wall plate that was originally constructed or received a building permit before October 1, 2006, plus 10 and one-half feet.
3. The side setback plane required under subsection A, and the rear setback plane required under subsection B, apply to:
 - a. any portion of the proposed construction that is outside of the building footprint originally constructed, or permitted for original construction, before October 1, 2006; and
 - b. the entire project, if any portion of the proposed construction requires the removal or demolition of exterior walls.

Figure 12: Side Setback Plane Exception for Existing Single-Story Buildings

The side setback planes for an existing single-story building are determined based on the height of the sidewall. In this example, the horizontal line that forms the base of the setback plane is placed ten feet and six inches above the sidewall height (12 feet). The revised plane rises above the standard setback plane within the area of the building footprint. The standard setback planes created in Sections 2.6. A. and B. apply outside of the existing footprint.

E. Exceptions. A structure may not extend beyond a setback plane, except for:

1. A roof overhang or eave, up to two feet beyond the setback plane;
2. A chimney, vent, antenna, or energy conservation or production equipment or feature not designed for occupancy; and

3. Either:
 - a. **30-Foot Side-Gabled Roof Exception.** A side-gabled roof structure on each side of the building, with a total horizontal length of not more than 30 feet, measured from the building line along the intersection with the side setback plane (See Figure 13.); or
 - b. **Gables Plus Dormers Exception.**
 - (i) Gables or a shed roof, with a total horizontal length of not more than 18 feet on each side of the building, measured along the intersection with the setback plane (See Figures 14 and 17.); and
 - (ii) Dormers, with a total horizontal length of not more than 15 feet on each side of the building, measured along the intersection with the setback plane. (See Figures 15 and 16.)

Figure 13: Side-Gabled Rood Exception

A side-gabled roof may project through the side setback plane for a horizontal distance of up to a maximum of 30 feet, measured from the building line. In this example, the gable intrudes into the setback plane beginning 9 feet behind the building line. Therefore, the maximum length of the gable intrusion would be 21 feet.

Figure 14: 18-foot Exception for Shed Roof

Figure 15: Dormer Exception (Gable or Shed)

One or more dormers with a combined width of 15 feet or less on each side of the roof may extend beyond the setback plane. The width of the dormer is measured at the point that it intersects the setback plane.

Figure 16: Dormer Exception (Gable or Shed)

One or more dormers with a combined width of 15 feet or less on each side of the roof may extend beyond the setback plane. The width of the dormer is measured at the point that it intersects the setback plane.

Figure 17: Combination of Roof and Dormer Exceptions

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; Ord. No. 20150507-042, Pt. 2, 5-18-15.

§ 2.7. - SIDE WALL ARTICULATION.

2.7.1.

Except as provided in subsection 2.7.2, if a side wall of a building is more than 15 feet high and is an average distance of less than nine feet from an interior lot line, the sidewall may not extend in an unbroken plane for more than 36 feet along a side lot line without a sidewall articulation that meets the requirements of this section.

A. To break the plane, a sidewall articulation must:

1. be perpendicular to the side property line, at least four feet deep, and extend along the side property line for at least 10 feet, as shown in Figures 18 through 20;
2. extend the entire height of the first floor of an addition to, or remodel of, an existing one-story building;
3. extend the entire height of the second story of an addition to, or remodel of, a two or more story building;
4. extend to the height of the top floor of a newly constructed building; and
5. extend evenly upward for its entire height.

B. A sidewall articulation cannot:

1. create patios or decks or be screened from view; or
2. serve as an eave or gutter.

C. Sidewall articulation required under this section may be satisfied by horizontal articulation, such that each story above the first story is setback further from the property line by at least nine feet and extends along the side property line for at least 10 feet.

D. For purposes of subsection 2.7.1, wall height:

1. excludes side gables; and
2. is measured from the lower of natural or finished grade adjacent to the structure up to the first floor wall plate, which is the lowest point of the existing first floor ceiling framing that intersects the exterior wall.

2.7.2.

The requirements of this section do not apply to:

- A. Any side of a structure that is adjacent to a commercial use, unless the commercial use is occupying a residential structure.
- B. An addition to or remodel of an existing principal structure, or the construction of a new principal structure, provided that the resulting structure is less than 2,000 square feet in net building coverage and less than or equal to 32 feet in height.
- C. An addition to or remodel of an existing second structure, or the construction of a new second structure, provided that the principal structure is exempt under subsection 2.7.2.B and the resulting second structure:
 1. does not exceed 550 square feet;
 2. does not exceed the maximum height allowed in the base zoning district; and
 3. is either detached from the principal structure or connected by a covered breezeway that is open on all sides, with a walkway of no more than six (6) feet in width that is covered by a roof of no more than eight (8) feet in width.
- D. The addition of a second story to an existing one-story structure if the addition is directly above a portion of the existing one-story structure that was originally constructed, or received a permit for construction, before October 1, 2006.
- E. An extension of the second floor of an existing two-story structure, provided that the building footprint of the structure is not increased.

Figure 18: Side Wall Articulation (Existing Side Wall Exceeds 36 Feet)

Articulation is required for side walls on additions or new construction that are 15 feet or taller and located within 9 feet of the side lot line. No wall may extend for more than 36 feet without a projection or recession of at least 4 feet in depth and 10 feet in length.

Figure 19: Side Wall Articulation (Existing Side Wall Less Than or Equal to 36 feet)

An addition to an existing building may extend a side wall up to a maximum of 36' in total length without articulation.

Figure 20: Side Wall Articulation (New Construction)

All new construction must meet the sidewall articulation standards.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 2.8. - RESERVED.

Editor's note— Ord. No. 20150507-042, Pt. 3, effective May 18, 2015, repealed § 2.8, which pertained to modifications by the residential design and compatibility commission. See Code Comparative Table for complete derivation.

§ 2.9. - MODIFICATIONS WITHIN NEIGHBORHOOD PLAN (NP) COMBINING DISTRICTS.

Under Section 25-2-1406 of the Code, an ordinance zoning or rezoning property as a neighborhood plan (NP) combining district may modify certain development standards of this Subchapter.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

ARTICLE 3: - DEFINITIONS AND MEASUREMENT.

§ 3.1. - BUILDABLE AREA.

In this Subchapter, BUILDABLE AREA means the area in which development subject to this Subchapter may occur, and which is defined by the side and rear setback planes required by this Subchapter, together with the area defined by the front, side, and rear yard setbacks and the maximum height limit.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 3.2. - BUILDING LINE.

In this Subchapter, BUILDING LINE means a line that is parallel to the front lot line and that intersects the principal residential structure at the point where the structure is closest to the front lot line, including any allowed projections into the front yard setback. See Figure 21.

Figure 21: Building Line

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 3.3. - GROSS FLOOR AREA.

In this Subchapter, GROSS FLOOR AREA has the meaning assigned by Section 25-1-21 (Definitions), with the following modifications:

3.3.1.

In this Subchapter, GROSS FLOOR AREA means all enclosed space, regardless of its dimensions, that is not exempted under subsections 3.3.2, 3.3.3, or 3.3.4.

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 is used to meet the minimum accessible spaces 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 requirement.

3.3.3.

Porches, basements, and attics that meet the following requirements shall be excluded from the calculation of gross floor area:

- A. A ground floor porch, including a screened porch, provided that:
 1. the porch is not accessible by automobile and is not connected to a driveway; and
 2. the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.
- B. A habitable portion of a building that is below grade if:
 1. The habitable portion does not extend beyond the first-story footprint and is:
 - a. Below natural or finished grade, whichever is lower; and
 - b. Surrounded by natural grade for at least 50% of its perimeter wall area, if the habitable portion is required to be below natural grade under Paragraph 1.a.
 2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.
- C. A habitable portion of an attic, if:
 1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;
 2. It is fully contained within the roof structure;
 3. It has only one floor;
 4. It does not extend beyond the footprint of the floors below;
 5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and
 6. Fifty percent or more of the area has a ceiling height of seven feet or less.

3.3.4.

An enclosed area shall be excluded from the calculation of gross floor area if it is five feet or less in height. For purposes of this subsection:

- A. Area is measured on the outside surface of the exterior walls; and
- B. Height is measured from the finished floor elevation, up to either:
 1. the underside of the roof rafters; or
 2. the bottom of the top chord of the roof truss, but not to collar ties, ceiling joists, or any type of furred-down ceiling.

3.3.5.

An area with a ceiling height greater than 15 feet is counted twice.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; Ord. 20130425-105; Ord. No. 20231102-028, Pt. 33, 11-13-23.

§ 3.4. - HEIGHT.

For purposes of this Subchapter, the HEIGHT of a building or setback plane shall be measured as follows:

3.4.1.

Height shall be measured vertically from the average of the highest and lowest grades adjacent to the building to:

- A. For a flat roof, the highest point of the coping;
- B. For a mansard roof, the deck line;
- C. For a pitched or hip roof, the gabled roof or dormer with the highest average height; or
- D. For other roof styles, the highest point of the building.

3.4.2.

The grade used in the measurement of height for a building or setback plane shall be the lower of natural grade or finished grade, except height shall be measured from natural grade if the site is located in the 100-year floodplain.

3.4.3.

For a stepped or terraced building, the height of each segment is determined individually.

3.4.4.

The height of a structure other than a building is measured vertically from the ground level immediately under the structure to the top of the structure. The height of a fence on top of a retaining wall is measured from the bottom of the retaining wall.

3.4.5.

A maximum height is limited by both number of feet and number of stories if both measurements are prescribed, regardless of whether the measurements are conjoined with "or" or "and."

3.4.6.

The habitable portion of a basement that is below natural grade and the habitable portion of an attic do not count toward the number of stories for purposes of Section 25-2-773(B)(5) (Duplex, Two-Unit and Three-Unit Residential Uses) if the area satisfies the requirements for an exemption from gross floor area under subsections 3.3.2.B., C. of this Subchapter.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093; Ord. No. 20191114-064, Pt. 2, 11-25-19; Ord. No. 20231207-001, Pt. 18, 12-18-23.

§ 3.5. - NATURAL GRADE.

3.5.1.

In this Subchapter, NATURAL GRADE is:

- A. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural or landscape feature; or
- B. For a site with a grade that was legally modified before October 1, 2006, the grade that existed on October 1, 2006.

3.5.2.

Natural grade is determined by reference to an on-ground survey, City-approved topographic map, or other information approved by the director. The director may require an applicant to provide a third-party report that shows the natural grade of a site.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

APPENDIX A. - BOUNDARIES OF THE CAPITOL VIEW CORRIDORS.

(A) In this appendix:

- (1) TEXAS PLANE COORDINATE means the Central Zone of the Texas State Coordinate Systems as defined by the U.S. Coast and Geodetic Survey, dated 1945 and revised in March 1978.
- (2) CAPITOL DOME means the part of the State Capitol located more than 653 feet above sea level at Texas Plane Coordinate X-2818555.07, Y-230595.65, being the center of the dome.

(B) The capitol view corridors and boundaries are:

- (1) The South Mall of the University of Texas corridor includes the area below the plane formed by connecting the following two lines:
 - (a) the first line begins at an elevation of 594 feet above sea level at Texas Plane Coordinate X-2818794.86 Y-234376.98 and extends along a bearing of S 2° 7' 0.0" W for a distance of 3,790.248 feet to a point 100 feet from the center of the Capitol Dome and located at Texas Plane Coordinate X-2818654.87, Y-230589.32; and
 - (b)

the second line begins at an elevation of 594 feet above sea level at Texas Plane Coordinate X-2818628.71, Y-234341.64, and extends along a bearing of S 2° 39' 17.7" W for a distance of 3,748.053 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818455.09, Y-230597.61.

(2) The Waterloo Park corridor includes the area below the plane formed by connecting the following two lines:

- (a) the first line begins at an elevation of 496 feet above sea level at Texas Plane Coordinate X-2820189.70, Y-230799.91, and extends along a bearing of S 86° 21' 3.1" W for a distance of 1,650.373 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818542.67, Y-230694.87; and
- (b) the second line begins at an elevation of 480 feet above sea level at Texas Plane Coordinate X-2820300.13, Y-229756.25, and extends along a bearing of N 67° 16' 4.1" W for a distance of 1,939.019 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818511.73, Y-230505.53.

(3) The Woolridge Park corridor includes the area below the plane formed by connecting the following two lines:

- (a) the first line at an elevation of 515 feet above sea level at Texas Plane Coordinate X-2816727.54, Y-229659.96, and extends along a bearing of N 60° 5' 58.0" E for a distance of 2,055.569 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818509.50, Y-230684.66; and
- (b) the second line begins at an elevation of 536 feet above sea level at Texas Plane Coordinate X-2816925.57, Y-229291.91, and extends along a bearing of N 54° 4' 50.4" E for a distance of 2,089.263 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818617.55, Y-230517.56.

(4) The French Legation corridor includes the area below the plane formed by connecting the following two lines:

- (a) the first line begins at an elevation of 539 feet above sea level at Texas Plane Coordinate X-2821177.01, Y-227894.81, and extends along a bearing of N 42° 37' 44.3" W for a distance of 3,765.605 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818626.83, Y-230665.30; and
- (b) the second line begins at an elevation of 539 feet above sea level at Texas Plane Coordinate X-2821144.99, Y-227833.18, and extends along a bearing of N 44° 39' 68.5" W for a distance of 3,787.992 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818482.12, Y-230527.25.

(5) The Lamar Bridge corridor includes the area below the plane formed by connecting the following two lines:

- (a) the first line begins at an elevation of 460 feet above sea level at Texas Plane Coordinate X-2813589.52, Y-227457.92, and extends along a bearing of N 56° 44' 9.5" E for a distance of 5,874.699 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818596.90, Y-230686.48; and
- (b) the second line begins at an elevation of 460 feet above sea level at Texas Plane Coordinate X-2813419.55, Y-226934.03, and extends along a bearing of N 55° 25' 10.4" E for a distance of 6,308.017 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818613.13, Y-230514.22.

(6) The South Congress at East Live Oak corridor includes the area below the plane formed by connecting the following two lines:

- (a) the first line begins at an elevation of 574 feet above sea level at Texas Plane Coordinate X-2814945.42, Y-218622.48, and extends along a bearing of N 16° 19' 7.6" E for a distance of 12,505.861 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818459.22, Y-230624.51; and
- (b) the second line begins at an elevation of 574 feet above sea level at Texas Plane Coordinate X-2815051.19, Y-218649.13, and extends along a bearing of N 16° 48' 23.4" E for a distance of 12,450.162 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818651.03, Y-230567.50.

(7) The MoPac Bridge corridor includes the area below the plane formed by connecting the following two lines:

- (a) the first line begins at an elevation of 498 feet above sea level at Texas Plane Coordinate X-2808602.196, Y-229824.15, and extends along a bearing of N 86° 08' 29.3" E for a distance of 10,331.327 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinates X-2818562.808, Y-230495.95; and
- (b) the second line begins at an elevation of 485 feet above sea level at Texas Plane Coordinate X-2808930.31, Y-230333.64, and extends along a bearing of N 87° 50' 44.3" E for a distance of 9,628.852 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818552.35, Y-230695.61.

(8) The South Lamar at La Casa Drive corridor includes the area below the plane formed by connecting the following two lines:

- (a) the first line begins at an elevation of 656 feet above sea level at Texas Plane Coordinate X-2806422.18, Y-219725.23, and extends along a bearing of N 47° 47' 22.8" E for a distance of 16,290.678 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818488.35, Y-230670.13; and
- (b) the second line begins at an elevation of 656 feet above sea level at Texas Plane Coordinate X-2806443.28, Y-219708.55, and extends along a bearing of N 48° 24' 0.0" E for a distance of 16,286.017 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818621.93, Y-230521.28.

(9) The Barton Creek Pedestrian Bridge corridor includes the area below the plane formed by connecting the following two lines:

- (a)

the first line begins at an elevation of 445 feet above sea level at Texas Plane Coordinate X-2810872.3, Y-227047.993 and extends along a bearing of N 64° 30' 13.9" E for a distance of 8,465.138 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818513.104, Y-230686.414; and

- (b) the second line begins at an elevation of 460 feet above sea level at Texas Plane Coordinate X-2812177.38, Y-227545.58, and extends along a bearing of N 65° 15' 5.2" E for a distance of 7,070.209 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818598.22, Y-230505.43.
- (10) The Pleasant Valley Road at Lakeshore Drive corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 450 feet above sea level at Texas Plane Coordinate X-2826332.31, Y-219396.73, and extends along a bearing of N 34° 21' 30.0" W for a distance of 13,634.929 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818637.21, Y-230652.69; and
 - (b) the second line begins at an elevation of 450 feet above sea level at Texas Plane Coordinate X-2826129.04, Y-218986.86, and extends along a bearing of N 33° 32' 6.6" W for a distance of 13,861.422 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818471.32, Y-230541.00.
- (11) The East Eleventh Street Threshold corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 517 feet above sea level at Texas Plane Coordinate X-281382.21, Y-228956.12, and extends along a bearing of N 61° 38' 31.4" W for a distance of 3,269.672 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818504.91, Y-230509.14; and
 - (b) the second line begins at an elevation of 517 feet above sea level at Texas Plane Coordinate X-2821418.78, Y-228980.65 and extends along a bearing of N 58° 60' 12.7" W for a distance of 3,289.227 feet to a point 100 feet from the center of the Capitol dome and located at Texas plane Coordinate X-2818604.20, Y-230682.75.
- (12) The North-Bound Lanes of IH-35 between the Municipal Police and Courts Building and West Tenth Street corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 501 feet above sea level at Texas Plane Coordinate X-2820624.99, Y-227858.68, and extends along a bearing of N 38° 3,433.34 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818475.11, Y-230535.59; and
 - (b) the second line begins at an elevation of 491 feet above sea level at Texas Plane Coordinate X-2820738.78, Y-228232.855, and extends along a bearing of N 49° 33' 37.2" W for a distance of 3,219.746 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818627.946, Y-230664.138.
- (13) The South-Bound Lanes of the Upper Deck of IH-35 between Concordia College and the Martin Luther King Boulevard Overpass corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 618 feet above sea level at Texas Plane Coordinate X-2822432.77, Y-233117.96, and extends along a bearing of S 55° 43' 8.2" W for a distance of 4,627.079 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818609.48, Y-230511.74; and
 - (b) the second line begins at an elevation of 648 feet above sea level at Texas Plane Coordinate X-2823639.09, Y-235471.26, and extends along a bearing of S 47° 0' 43.0" W for a distance of 7,045.415 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818485.40, Y-230667.38.
- (14) The North-Bound Lanes of IH-35 between Waller Creek Plaza and the Municipal Police and Court Building corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 498 feet above sea level of Texas Plane Coordinate X-2820389.72, Y-226977.21, and extends along a bearing of N 28° 17' 53.1" W for a distance of 4,058.419 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818465.79, Y-230550.62; and
 - (b) the second line begins at an elevation of 498 feet above sea level at Texas Plane Coordinate X-2820450.80, Y-227277.98, and extends along a bearing of N 28° 14' 42.1" W for a distance of 3,823.132 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818641.53, Y-230645.90.
- (15) The North-Bound Lanes of IH-35 between Third Street and the Waller Creek Plaza corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 482 feet above sea level at Texas Plane Coordinate X-2820010.77, Y-225710.94, and extends along a bearing of N 17° 43' 6.5" W for a distance of 5,098.378 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818459.13, Y-230567.46; and
 - (b) the second line begins at an elevation of 495 feet above sea level at Texas Plane Coordinate X-2820205.46, Y-226432.65, and extends along a bearing of N 20° 20' 46.9" W for a distance of 4,479.853 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818647.84, Y-230632.99.
- (16) The East Seventh Street Bridge Over the Texas-New Orleans Railroad corridor includes the area below the plane formed by connecting the following two lines:

- (a) the first line begins at an elevation of 476 feet above sea level at Texas Plane Coordinate X-2829646.58, Y-224957.77, and extends along a bearing of N 62° 35' 42.1" W for a distance of 12,442.553 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818600.39, Y-230684.79; and
 - (b) the second line begins at an elevation of 476 feet above sea level at Texas Plane Coordinate X-2829633.60, Y-224932.05, and extends along a bearing of N 63° 23' 0.0" W for a distance of 12,442.674 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818509.56, Y-230506.61.
- (17) The Longhorn Shores corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 435 feet above sea level at Texas Plane Coordinate X-2823082.973, Y-219866.265, and extends along a bearing of N 22° 23' 17.7" W for a distance of 11,647.863 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818646.489, Y-230636.201; and
 - (b) the second line begins at an elevation of 435 feet above sea level at Texas Plane Coordinate X-2822949.654, Y-219866.561, and extends along a bearing of N 22° 46' 44" W for a distance of 11,594.666 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818462.531, Y-230557.772.
- (18) The Zilker Clubhouse corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 561 feet above sea level at Texas Plane Coordinate X-2807259.05, Y-230056.68, and extends along a bearing of N 86° 45' 42.0" E for a distance of 11,309.321 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818550.31, Y-230695.53; and
 - (b) the second line begins at an elevation of 561 feet above sea level at Texas Plane Coordinate X-2807248.18, Y-229969.74, and extends along a bearing of N 87° 20' 15.0" E for a distance of 11,324.650 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818560.60, Y-230495.80.
- (19) The Red Bud Trail corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 684 feet above sea level at Texas Plane Coordinate X-2801662.96, Y-236155.75, and extends along a bearing of S 72° 6' 10.9" E for a distance of 17,783.936 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818586.34, Y-230690.63; and
 - (b) the second line begins at an elevation of 684 feet above sea level at Texas Plane Coordinate X-2801187.25, Y-236038.78, and extends along a bearing of S 71° 35' 16.8" E for a distance of 17,534.371 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818524.03, Y-230500.59.
- (20) The Enfield Road corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 534 feet above sea level at Texas Plane Coordinate X-2814317.00, Y-232540.28, and extends along a bearing of S 64° 7' 24.8" E for a distance of 4,664.000 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818513.37, Y-230504.76; and
 - (b) the second line begins at an elevation of 534 feet above sea level at Texas Plane Coordinate X-2814166.24, Y-23616.36, and extends along a bearing of S 66° 27' 47.8" E for a distance of 4,827.718 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818596.90, Y-230686.48.
- (21) The Capitol of Texas Highway corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 850 feet above sea level at Texas Plane Coordinate X-2793153.22, Y-246055.75, and extends along a bearing of S 58° 62' 1.6" E for a distance of 29,736.832 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818607.06, Y-230681.07; and
 - (b) the second line begins at an elevation of 850 feet above sea level at Texas Plane Coordinate X-2792663.44, Y-245928.13, and extends along a bearing of S 59° 10' 35.3" E for a distance of 30,091.057 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818504.12, Y-230509.60.
- (22) The 38th Street at Red River corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 609 feet above sea level at Texas Plane Coordinate X-2823695.84, Y-238333.37, and extends along a bearing of S 34° 12' 57.2" W for a distance of 9,290.302 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818471.78, Y-230650.98; and
 - (b) the second line begins at an elevation of 609 feet above sea level at Texas Plane Coordinate X-2823785.05, Y-238418.94, and extends along a bearing of S 33° 9' 15.9" W for a distance of 9,410.983 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818638.21, Y-230540.07.
- (23) The Robert Mueller Airport corridor includes the area below the plane formed by connecting the following two lines:
- (a) the first line begins at an elevation of 603 feet above sea level at Texas Plane Coordinate X-2831475.74, Y-237087.29, and extends along a bearing of S 62° 55' 39.9" W for a distance of 14,460.117 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818599.97, Y-230506.29; and
 - (b)

the second line begins at an elevation of 603 feet above sea level at Texas Plane Coordinate X-2831203.80, Y-237067.65, and extends along a bearing of S 63° 18' 20.5" W for a distance of 14,208.702 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818509.52, Y-230684.67.

- (24) The Martin Luther King Jr. Boulevard at IH-35 corridor includes the area below the plane formed by connecting the following two lines:
 - (a) the first line begins at an elevation of 570 feet above sea level at Texas Plane Coordinate X-2821822.13, Y-232059.98, and extends along a bearing of S 64° 15' 51.7" W for a distance of 3,582.5 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818595.97, Y-230504.39; and
 - (b) the second line begins at an elevation of 570 feet above sea level at Texas Plane Coordinate X-2821665.89, Y-232039.68, and extends along a bearing of S 66° 46' 10.3" W for a distance of 3,431.901 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818512.97, Y-230686.35.
- (25) The Oakwood Cemetery corridor includes the area below the plane formed by connecting the following two lines:
 - (a) the first line begins at an elevation of 662 feet above sea level at Texas Plane Coordinate X-2823518.05, Y-231483.66, and extends along a bearing of S 78° 43' 9.6" W for a distance of 5,042.788 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818572.69, Y-230497.21; and
 - (b) the second line begins at an elevation of 662 feet above sea level at Texas Plane Coordinate X-2823496.42, Y-231576.82, and extends along a bearing of S 79° 54' 22.8" W for a distance of 5,038.813 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818535.60, Y-230693.73.
- (26) The East 12th Street at IH-35 corridor includes the area below the plane formed by connecting the following two lines:
 - (a) the first line begins at an elevation of 525 feet above sea level at Texas Plane Coordinate X-2821503.64, Y-229689.85, and extends along a bearing of N 74° 46' 47.0" W for a distance of 3,086.184 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818525.71, Y-230500.05; and
 - (b) the second line begins at an elevation of 523 feet above sea level at Texas Plane Coordinate X-2821304.47, Y-229769.21, and extends along a bearing of N 71° 16' 29.8" W for a distance of 2,872.654 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818583.86, Y-230691.41.

Source: Section 13-2-145(b) and (c); Ord. 990225-70; Ord. 031211-11.

APPENDIX B. - BOUNDARIES OF THE WATERFRONT OVERLAY DISTRICT.

The Waterfront Overlay district includes the property located in the following subdistricts:

- (1) University/Deep Eddy subdistrict, which includes the property bounded by Lake Austin Boulevard on the north, the Town Lake shoreline on the south, MoPac Boulevard on the east, and Tom Miller Dam on the west;
- (2) Lamar subdistrict, which includes the property bounded by the Missouri Pacific rail lines on the north, the Town Lake shoreline on the south, Lamar Boulevard on the east, and MoPac Boulevard on the west;
- (3) North Shore Central subdistrict, which includes the property within the following boundaries:
 - (a) Eastern Area: beginning at the intersection of Cesar Chavez Street and Waller Creek, south along Waller Creek to Town Lake, west along Town Lake to a point due south of Colorado Street, north to and along Colorado Street to Second Street, east along Second Street to Trinity Street, south along Trinity Street to Cesar Chavez Street, and east along Cesar Chavez Street to the point of beginning; and
 - (b) Western Area: beginning at the intersection of the Town Lake shoreline and Lamar Boulevard, north along Lamar Boulevard to the Missouri Pacific rail lines, east along the Missouri Pacific rail lines to Nueces Street, south and east along Nueces Street to San Antonio Street, south along San Antonio Street to Cesar Chavez Street, due south to the Town Lake shoreline, and west along the Town Lake shoreline to the point of beginning;
- (4) Rainey Street subdistrict, which includes the property bounded by First Street on the north, the Town Lake shoreline on the south, IH-35 on the east, and Waller Creek on the west;
- (5) Festival Beach subdistrict, which includes the property bounded by the Town Lake shoreline on the south, Pleasant Valley Road on the east, IH-35 on the west, and Holly Street from IH-35 to Canadian Street, then north on Canadian Street to Willow Street, then east on Willow Street to Pleasant Valley Road on the north;
- (6) Red Bluff subdistrict, which includes the property bounded by East First Street on the north, the Colorado River shoreline on the south, US 183 on the east, and Pleasant Valley Road on the west, except the portion of the property described as Lots 1 through 11 of the Bridgeview Business and Industrial Plaza subdivision, as shown on the plat recorded in Volume 77, pages 361-363, of the Plat Records of Travis County, Texas;
- (7) Montopolis/River Terrace subdistrict, which includes the property bounded by the Colorado river shoreline on the north, the extension of Lakeshore Boulevard on the south, Highway 183 on the east, and Pleasant Valley Road on the west;
- (8) South Lakeshore subdistrict, which includes the property bounded by the Town Lake shoreline on the north, the various and respective southern boundaries of all legal lots existing as of July 16, 1986, that abut the south public right-of-way of South Lakeshore Boulevard on the south, Pleasant Valley Road on the east, and the extension of Parker Lane on the west;
- (9) East Riverside subdistrict, which includes the property bounded by the Town Lake shoreline on the north, Riverside Drive on the south, the extension of Parker Lane on the east, and IH-35 on the west;

- (10) Travis Heights subdistrict, which includes the property bounded by the Town Lake shoreline on the north, the various and respective southern boundaries of all legal lots existing as of July 17, 1986, that abut the south public right-of-way of East Riverside Drive on the south, IH-35 on the east, and East Bouldin Creek on the west;
- (11) South Shore Central subdistrict, which includes the property bounded by the Town Lake shoreline on the north, East Bouldin Creek on the south and east, and South First Street on the west;
- (12) Auditorium Shores subdistrict, which includes the property bounded by the Town Lake shoreline on the north, the various and respective southern boundaries of all legal lots existing as of July 17, 1986, that abut the south public right-of-way of Barton Springs Road on the south, South First Street on the east, and Lee Barton Drive on the west;
- (13) Butler Shores Subdivision which includes the property bounded by the Town Lake shoreline on the north, the various and respective southern boundaries of all legal lots existing as of July 17, 1986, that abut the south public right-of-way of Barton Springs Road on the south, Lee Barton Drive on the east, and the centerline of Barton Creek on the west;
- (14) Zilker Park subdistrict, which includes the property located within the boundaries of Zilker Park;
- (15) Balcones Rock Cliff subdistrict, which includes the property bounded by the Town Lake shoreline on the north, Stratford Drive and Bee Creek Preserve on the south, Zilker Park on the east, and Tom Miller Dam on the west; and
- (16) City Hall subdistrict, which includes the property bounded on the south by the Town Lake shoreline, on the north by Second Street, on the east by Colorado Street and a line extending south from Colorado Street to Town Lake, and on the west by San Antonio Street and a line extending south from San Antonio Street to Town Lake.

Source: 13-2-160(b); Ord. 990225-70; Ord. 990715-115; Ord. 031211-11.

APPENDIX C. - UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT BOUNDARIES, SUBDISTRICT BOUNDARIES, HEIGHT LIMITS, AND ADDITIONAL HEIGHT AND AFFORDABILITY University Neighborhood Overlay District Boundaries

The university neighborhood overlay district is indicated on the subdistrict boundaries map and includes the area bounded:

- (1) on the north by a line along West 29th Street from Rio Grande Street to Guadalupe Street;
- (2) on the east by a line along Guadalupe Street from West 29th Street to West 21st Street; West 21st Street from Guadalupe Street to the eastern ally of University Avenue; the eastern ally of University Avenue from West 21st Street to West MLK Jr. Boulevard;
- (3) on the south by a line along West MLK Jr. Boulevard from the eastern ally of University Avenue to San Gabriel Street; and
- (4) on the west by a line along San Gabriel Street to West 24th Street; west along West 24th Street to the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three; north along the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three to the alley between Lamar Boulevard and Longview Street; north along the alley to West 25th Street; east along West 25th Street to Longview Street; north along Longview Street to the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the alley between Longview Street and Leon Street; north along the ally to the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision; along the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision to San Gabriel Street; north along San Gabriel Street to the northern lot line of the Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the North Half of Fifty-Two; along the northern lot line of the Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the North Half of Fifty-Two to a point 160' east of San Pedro Street of the southern lot line of lot One of the Gortons Addition; from this point north to a point 160' east of San Pedro Street on the northern lot line of lot Four of the Gortons Addition; east along the northern lot line of lot Four of the Gortons Addition to San Pedro Street; north along San Pedro Street to West 28th Street; west along 28th Street to Salado Street; north along Salado Street to an alley on the northern lot line of Outlot 67, Division D of the Graham Subdivision; east along the alley to Rio Grande Street; north along Rio Grande Street to West 29th Street.

Source: Ord. 040902-58; Ord. 20080925-039; Ord. No. 20191114-06Z, Pt. 5, 11-25-19.

Source: Ord. No. 20190523-041, Pt. 1, 6-3-19.

**University Neighborhood Overlay
Additional Height & Affordability**

(Ord. No. 20191114-067, 11-25-19)

APPENDIX D. - TRANSIT ORIENTED DEVELOPMENT DISTRICTS



Source: Ord. 20050519-008.

Exhibit 7

Oak Hill TOD District Boundaries And Zones

The boundaries and zones of the Oak Hill TOD district have not been established. After Capital Metropolitan Transportation Authority selects a transit center site, the boundaries and zones of the TOD district are to be determined through the neighborhood planning process and established by council.

Source: Ord. 20060309-057.

Exhibit 8

Highland Mall TOD District Boundaries And Zones

The boundaries and zones of the Highland Mall TOD district have not been established. The boundaries and zones of the TOD district are to be determined during the preparation of the station area plan and established by council.

Source: Ord. 20061005-052.

Exhibit 9

South IH-35 Park and Ride TOD District Boundaries and Zones

The boundaries and zones of the South IH-35 Park and Ride TOD District have not been established. The boundaries and zones of the TOD district are to be determined during the preparation of the station area plan and established by council.

Source: Ord. 20061005-052; Ord. 20061207-003.

APPENDIX E. - NORTH BURNET/GATEWAY (NBG) ZONING DISTRICT BOUNDARIES SUBDISTRICT MAP.

Source: Ord. 20071101-052; Ord. No. 20190808-101, Pts. 1, 2, 8-19-19.

APPENDIX F. - CENTRAL URBAN REDEVELOPMENT (CURE) COMBINING DISTRICT BOUNDARIES.

(Ord. No. 20180322-096, Pt. 3(Exh. A), 4-2-18)

APPENDIX G. - ETOD BOUNDARIES



Source: [Ord. No. 20240516-005](#), Pt. 6, 7-15-24.

CHAPTER 25-3. - TRADITIONAL NEIGHBORHOOD DISTRICT.

ARTICLE 1. - GENERAL PROVISIONS.

§ 25-3-1 - SCOPE OF CHAPTER.

This chapter regulates the design and development of a traditional neighborhood zoning district.

Source: Section 13-9-1; Ord. 990225-70; Ord. 031211-11.

§ 25-3-2 - PURPOSE AND DESIGN.

- (A) The purpose of a traditional neighborhood district is to encourage mixed-use, compact development that is sensitive to the environmental characteristics of the land and facilitates the efficient use of services. A traditional neighborhood district diversifies and integrates land uses within close proximity to each other, and it provides for the daily recreational and shopping needs of the residents. A traditional neighborhood district is a sustainable, long-term community that provides economic opportunity and environmental and social equity for the residents.
- (B) A traditional neighborhood district is designed to ensure the development of land as a traditional neighborhood. Its design adopts the urban conventions which were the norm in the United States from colonial times until the 1940's. A traditional neighborhood district is characterized by the following design elements:
 - (1) neighborhoods that are limited in size and oriented toward pedestrian activity;
 - (2) a variety of housing types, jobs, shopping, services, and public facilities;
 - (3) residences, shops, workplaces, and civic buildings interwoven within the neighborhood, all within close proximity;

- (4) a network of interconnecting streets and blocks that maintains respect for the natural landscape;
- (5) natural features and undisturbed areas that are incorporated into the open space of the neighborhood;
- (6) a coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians, bicycles, public transit, and automotive vehicles;
- (7) well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, and parks woven into the pattern of the neighborhood and dedicated to the collective social activity, recreation, and visual enjoyment of the populace;
- (8) civic buildings, open spaces, and other visual features that act as landmarks, symbols, and focal points for community identity;
- (9) compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character, and landscaping to establish a livable, harmonious, and diverse environment;
- (10) private buildings that form a consistent, distinct edge and define the border between the public street space and the private block interior; and
- (11) architecture and landscape that respond to the unique character of the region.

Source: Section 13-9-2; Ord. 990225-70; Ord. 031211-11.

§ 25-3-3 - OVERVIEW.

- (A) A traditional neighborhood district consists of an area of not less than 40 contiguous acres and not more than 250 contiguous acres. In this chapter, property is considered contiguous even if separated by a public roadway.
- (B) A traditional neighborhood district is divided into at least two types of Areas, and each type of Area has different land use and site development regulations. A traditional neighborhood district must have one Neighborhood Center Area and at least one Mixed Residential Area. A traditional neighborhood district may also have a Neighborhood Edge Area, a Workshop Area, or an Employment Center Area.
- (C) A Neighborhood Center Area serves as the focal point of a traditional neighborhood district, containing retail, commercial, civic, and public services to meet the daily needs of community residents. A Neighborhood Center is pedestrian-oriented, and it is designed to encourage pedestrian movement between a Mixed Residential Area and a Neighborhood Center Area. A square is required in a Neighborhood Center Area. Retail and commercial uses should generally be located adjacent to a square. Neighborhood Center Area uses include retail shops, restaurants, offices, banks, hotels, post office, governmental offices, churches, community centers, and attached residential dwellings.
- (D) A Mixed Residential Area includes a variety of residential land uses including single-family residential, duplex, townhouse, and multi-family. Residential scale retail and commercial uses are permitted within a Mixed Residential area with strict architectural and land use controls. Retail and commercial uses in a Mixed Residential area are required to blend into the residential character of the neighborhood. A Mixed Residential area includes open spaces including small squares, pocket parks, community parks, and greenbelts. A Mixed Residential Area promotes pedestrian activity through well designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic. Mixed Residential Area uses include single-family homes, condominiums, townhouses, apartments, offices, restaurants, neighborhood scale retail, and civic uses.
- (E) A Neighborhood Edge Area is the least dense portion of a traditional neighborhood district, with larger lots and greater setbacks than the rest of the neighborhood. Alleys are not required, and direct vehicular access to the street is permitted. Only single family residential dwellings are permitted. A Neighborhood Edge Area is appropriate along the perimeter of the neighborhood. A portion of a traditional neighborhood district that adjoins existing or platted conventional low density housing must be designated as a Neighborhood Edge Area.
- (F) A traditional neighborhood district may have a Workshop Area, an Employment Center Area, or both. Commercial and light industrial uses that are not appropriate for a Neighborhood Center Area or a Mixed Residential Area but which serve the local residents may be located in a Workshop Area. Large office and low-impact manufacturing uses may be located within an Employment Center Area. The scale and architectural conventions of a traditional neighborhood district apply to a Workshop area and an Employment Center Area.
- (G) Civic uses that are oriented to the general public are permitted in a Neighborhood Center Area and a Mixed Residential Area. These uses are essential components of the social and physical fabric of a traditional neighborhood district. Special attention should be paid to the location of government offices, libraries, museums, schools, churches, and other prominent public buildings to create focal points and landmarks for the community. The locations of these major public civic uses are designated on the Development Plan at the time of zoning approval.
- (H) Open space is a significant part of a traditional neighborhood district design. Formal and informal open spaces are required. These serve as areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Open space includes squares, plazas, greens, preserves, parks, and greenbelts.
- (I) A traditional neighborhood district is designed to be pedestrian oriented. To accomplish this goal, street pattern and design is used to reduce vehicle travel speeds and encourage pedestrian activity. An interconnected network of streets and alleys is required. Streets may be smaller than in conventional development and more varied in size and form to control traffic and give character to the neighborhood.

Source: Section 13-9-3; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-3-4 - DEFINITIONS.

In this chapter:

- (1)

COMMUNITY PARKING FACILITY means an off-site parking lot or garage that provides required parking for some or all of the uses within a Neighborhood Center Area.

- (2) CRITERIA MANUAL means a manual containing administrative rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*) of the City Code.
- (3) DIRECTOR means the director of the Neighborhood Planning and Zoning Department of the City of Austin.
- (4) FRONTAGE BUILDOUT means the length of a front building facade compared to the length of the front lot line, expressed as a percentage.
- (5) GREEN means an open space available for unstructured recreation, its landscaping consisting of grassy areas and trees.
- (6) GREENBELT means a series of connected open spaces that may follow natural features such as ravines, creeks, or streams.
- (7) MAJOR CIVIC USE includes Administrative and Business Offices use by a governmental entity, College and University Facilities use, Cultural Services use, Postal Facilities use, Private Primary Educational Facilities use, Private Secondary Educational Facilities use, Public Primary Educational Facilities use, Public Secondary Educational Facilities use, Religious Assembly use, Safety Services use, and Transportation Terminal use.
- (8) MAJOR PRIVATE OPEN SPACE IMPROVEMENTS include swimming pools, tennis courts, basketball courts, sports fields, recreation centers, and community meeting halls.
- (9) OPEN SPACE includes squares, plazas, greens, preserves, parks, and greenbelts.
- (10) PARK means an open space, available for recreation, its landscape consisting of paved paths and trails, some open lawn, trees, open shelters, or recreational facilities.
- (11) PLAZA means open space at the intersection of important streets, set aside for civic purposes and commercial activity, including parking, its landscape consisting of durable pavement and formal tree plantings.
- (12) PRESERVE means open space that preserves or protects endangered species, a critical environmental feature, or other natural feature.
- (13) PRIVATE OPEN SPACE means open space that is owned and maintained by a Property Owners' Association or an individual property owner.
- (14) PUBLIC OPEN SPACE means open space that is owned and maintained by the City.
- (15) SIDE YARD HOUSE means a dwelling built adjacent to an interior side lot line with a yard adjacent to the opposite side lot line.
- (16) SQUARE means open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and civic buildings.
- (17) STREETSCAPE means the area within a street right of way that contains sidewalks, street furniture, landscaping, or trees.

Source: Section 13-9-4; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-3-5 - LAND DEVELOPMENT CODE APPLICABILITY.

- (A) The Land Development Code applies to a traditional neighborhood district and development within it unless this chapter expressly provides otherwise.
- (B) The requirements of this chapter supersede any inconsistent provisions of the City Code or other ordinance.
- (C) The following provisions of the Land Development Code do not apply to a traditional neighborhood district or development within it:
 - (1) Chapter 25-2, Subchapter B, Article 2, Division 2 (*Conditional Overlay Combining Districts*), Division 4 (*Neighborhood Conservation Combining District*), Division 5 (*Planned Unit Developments*), and Division 6 (*Planned Development Areas; Mixed Use Combining Districts*);
 - (2) Chapter 25-2, Subchapter C, Article 3, Division 5 (*Combining and Overlay Districts*);
 - (3) Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*);
 - (4) Section 25-2-773 (Duplex, Two-Unit and Three-Unit Residential Uses);
 - (5) Section 25-2-775 (Townhouses);
 - (6) Section 25-2-776 (Condominium Residential Use);
 - (7) Section 25-2-894 (Accessory Uses for a Principal Commercial Use);
 - (8) Section 25-2-901 (Accessory Apartments);
 - (9) Chapter 25-4, Article 3 (*Platting Requirements*), except for Section 25-4-134 (Hazardous Pipelines);
 - (10) Chapter 25-5 (Site Plans);
 - (11) Chapter 25-6, Article 4, Division 2 (*Roadways in Water Supply Rural Watersheds or Water Supply Suburban Watersheds*);
 - (12) Chapter 25-6, Article 7 (*Off-Street Parking and Loading*); and
 - (13) Section 25-6-171 (Standards for Design and Construction).

Source: Section 13-9-5; Ord. 990225-70; Ord. 030410-12; Ord. 031211-11; Ord. No. Ord. No. 20231207-001, Pt. 18, 12-18-23.

§ 25-3-6 - LIMITED TO FULL PURPOSE LIMITS.

Only property in the full purpose limits of the city may be designated as a traditional neighborhood zoning district.

Source: Ord. 031211-42.

ARTICLE 2. - ZONING.

§ 25-3-21 - ZONING PROCEDURE.

A traditional neighborhood district is a zoning district that is created in the same manner as other zoning districts. The procedures in [Chapter 25-2](#), Subchapter B (*Zoning Procedures; Special Requirements for Certain Districts*) apply to a traditional neighborhood zoning district. Additional requirements are described in this article.

Source: Section 13-9-11; Ord. 990225-70; Ord. 031211-11.

§ 25-3-22 - PRESUBMITTAL MEETING.

An application for zoning or rezoning to a traditional neighborhood district may not be accepted for filing before the applicant meets with the director or the director's designee in a presubmittal meeting. The purpose of the meeting is to acquaint the city staff with the proposed development, provide the applicant with preliminary staff comments, and identify major concerns or the need for additional data. Discussion topics at the meeting must include transportation, the environment, drainage, land use, and design concepts.

Source: Section 13-9-12; Ord. 990225-70; Ord. 031211-11.

§ 25-3-23 - DEVELOPMENT PLAN REQUIRED.

An applicant for a traditional neighborhood district shall prepare a Development Plan as part of the zoning application. The Development Plan must contain the following information:

- (1) locations and sizes of the Neighborhood Center Area, Mixed Residential Area, and, if applicable, Neighborhood Edge Area, Workshop Area, and Employment Center Area;
- (2) locations of major civic uses;
- (3) locations of commercial uses in Mixed Residential Areas;
- (4) layout of the transportation network for all modes of travel;
- (5) locations and sizes of private open space and public open space;
- (6) locations and descriptions of proposed major private open space improvements;
- (7) a construction phasing plan for major private open space improvements, if needed;
- (8) locations and types of drainage and water quality controls;
- (9) locations and types of environmentally sensitive areas, including critical environmental features, critical water quality zones, and water quality transition zones;
- (10) a tree protection plan, including an aerial photograph, that demonstrates that the design of the traditional neighborhood district will result in the reasonable preservation of protected trees and significant tree clusters;
- (11) the 100-year floodplain, as calculated to exist under fully developed conditions in accordance with the Drainage Criteria Manual;
- (12) the locations of major utility facilities and easements that are within or immediately adjacent to the proposed traditional neighborhood district;
- (13) preliminary architectural standards that are consistent with the architectural objectives of this chapter; and
- (14) all additional information required by the director to demonstrate compliance with the traditional neighborhood district concept.

Source: Section 13-9-13; Ord. 990225-70; Ord. 031211-11.

§ 25-3-24 - ADOPTION OF DEVELOPMENT PLAN.

The Development Plan for the traditional neighborhood district shall be included in the ordinance zoning or rezoning the land as a traditional neighborhood district.

Source: Section 13-9-14; Ord. 990225-70; Ord. 031211-11.

§ 25-3-25 - REVISIONS TO DEVELOPMENT PLAN.

(A) A minor revision to a Development Plan may not be made to an area that is part of a final plat. The director may administratively approve minor revisions to a Development Plan if the director determines that there are no adverse effects on areas that are part of a final plat. The following are minor revisions:

- (1) The location of a Neighborhood Center Area, a Mixed Residential, a Neighborhood Edge Area, a Workshop Area, or an Employment Center Area may be revised if the director determines that (a) the basic layout of the traditional neighborhood district remains the same, and (b) the district functions as well as before the revision.
- (2)

The size of a Neighborhood Center Area, a Mixed Residential, a Neighborhood Edge Area, a Workshop Area, or an Employment Center Area may be revised if the size is increased or decreased by not more than 10 percent, and the director determines that (a) the basic layout of the traditional neighborhood district remains the same, and (b) the district functions as well as before the revision.

- (3) The location of a major civic use may be revised if the director determines that (a) the revised location is appropriate, and (b) the transportation network, the infrastructure, and the overall land use mix are not adversely affected. The director may not approve a revision that includes the addition of a major civic use within 200 feet of an area that is part of a final plat in a Mixed Residential Area or Neighborhood Edge Area.
 - (4) The location of a commercial use in a Mixed Residential Area may be revised if the director determines that the revised location is appropriate.
 - (5) The layout of a transportation network may be revised if the director determines that (a) the basic layout remains the same, and (b) the revised layout functions as well as the previous layout.
 - (6) The location or size of a private open space may be revised if the overall amount of private open space acreage does not decrease, and the director determines that the quality and functionality of the revised private open space is the same or better. The director may not approve a revision that includes the deletion of a private open space within 200 feet of an area that is part of a final plat in a Mixed Residential Area or Neighborhood Edge Area.
 - (7) The location or size of a public open space may be revised if the overall amount of public open space acreage does not decrease, and the director determines that the quality and functionality of the revised public open space is the same or better. The director may not approve a revision that includes the deletion of a public open space within 200 feet of an area that is part of a final plat in a Mixed Residential Area or Neighborhood Edge Area. The location or size of a public open space may not be revised without the approval of the director of the Parks and Recreation Department.
 - (8) The location or description of a major private open space improvement may be revised if the director determines that the revised improvement is as beneficial to the residents as the previous improvement.
 - (9) A construction phasing plan for major private open space improvements may be revised to extend a deadline by not more than 18 months.
 - (10) The location or type of a drainage or water quality control may be revised if the director determines that (a) the basic layout of the traditional neighborhood district remains the same, and (b) the revised location or type of control functions as well as the previous location or type of control.
 - (11) The location or type of an environmentally sensitive area may be revised if the director determines that the revision more accurately describes the location or type of an environmentally sensitive area.
 - (12) A tree protection plan may be revised if the director determines that the revised plan provides the same or more protection for trees overall.
 - (13) The location of a 100 year floodplain may be revised if the director determines that the revision more accurately describes the location of the floodplain.
 - (14) The locations of major utility facilities and easements may be revised if the director determines that the revised locations are more appropriate or functional.
 - (15) A preliminary architectural standard may be revised if the director determines that the revised standard is consistent with the architectural character of the traditional neighborhood district.
- (B) All revisions other than those described in Subsection (A) are major revisions. Major revisions must be approved by the city council through a rezoning of the property.

Source: Section 13-9-15; Ord. 990225-70; Ord. 031211-11.

§ 25-3-26 - REGULATION MODIFICATION BY CITY COUNCIL.

The city council may, at the time a traditional neighborhood district is created, modify the permitted uses or the site development regulations set forth in this chapter. The modifications must be included in the ordinance zoning or rezoning the property. Modifications may be permitted only if justified by exceptional circumstances and must be consistent with the character of the traditional neighborhood district.

Source: Section 13-9-16; Ord. 990225-70; Ord. 031211-11.

§ 25-3-27 - WORKSHOP AREA AND EMPLOYMENT CENTER AREA USES.

- (A) The specific land uses for a Workshop Area or an Employment Center Area must be proposed by the applicant, approved by the city council, and included in the ordinance zoning or rezoning the property. Those land uses must be consistent with this section.
- (B) A Workshop Area is for commercial and light industrial uses that are not appropriate for a Neighborhood Center Area or Mixed Residential Area but which serve the local residents.
- (C) An Employment Center Area is for large office and low-impact manufacturing uses.

Source: Section 13-9-17; Ord. 990225-70; Ord. 031211-11.

§ 25-3-28 - NEIGHBORHOOD EDGE AREA USES.

- (A) Single family residential use is permitted in a Neighborhood Edge Area.
- (B) A major civic use is permitted in a Neighborhood Edge Area if shown on the Development Plan.

(C) All other uses are prohibited in a Neighborhood Edge Area.

Source: Section 13-9-18; Ord. 990225-70; Ord. 031211-11.

§ 25-3-29 - NEIGHBORHOOD CENTER AREA AND MIXED RESIDENTIAL AREA USES.

The table below lists the permitted uses within a Neighborhood Center Area and a Mixed Residential Area of a traditional neighborhood district. "MRA" means Mixed Residential Area, "NCA" means Neighborhood Center area, "P" means that a use is permitted, "P*" means that a use is permitted but subject to Section 25-3-105 (Additional Regulations For Neighborhood Center Area), and "X" means that a use is not permitted. Uses not listed in the table are not permitted.

TABLE OF PERMITTED USES

| Residential Uses | MRA | NCA |
|----------------------------------|-----|-----|
| Condominiums | P | P* |
| Duplex Residential | P | X |
| Group Residential | P | P* |
| Lodging House Residential | P | P* |
| Multi-Family Residential | P | P* |
| Retirement Housing (Large Site) | X | P* |
| Retirement Housing (Small Site) | P | P* |
| Single Family Residential | P | X |
| Townhouse Residential | P | P* |
| Commercial Uses | MRA | NCA |
| Administrative & Business Office | P | P |
| Art Gallery | P | P |
| Art Workshop | X | P |
| Automotive Rentals | X | P* |
| Automotive Repair Services | X | P* |
| Building Maintenance Services | X | P |
| Business or Trade School | X | P |
| Business Support Services | X | P |
| Cocktail Lounge | P | P |
| Commercial Blood Plasma Center | X | P |
| Commercial Off-Street Parking | X | P* |
| Communications Services | X | P |

| | | |
|--|---|----|
| Consumer Convenience Services | P | P |
| Consumer Repair Services | P | P |
| Drop-off Recycling Collection Facility | X | P |
| Electronic Prototype Assembly | X | P |
| Exterminating Services | X | P |
| Financial Services | X | P |
| Food Preparation | X | P |
| Food Sales | P | P |
| General Retail Sales (Convenience) | P | P |
| General Retail Sales (General) | X | P |
| Hotel-Motel | X | P |
| Indoor Entertainment | X | P |
| Indoor Sports & Recreation | X | P |
| Kennels | X | P* |
| Liquor Sales | X | P |
| Medical Offices | P | P |
| Off-site Accessory Parking | X | P |
| Outdoor Sports & Recreation | P | P |
| Pawn Shop Services | X | P |
| Personal Improvement Services | P | P |
| Personal Services | P | P |
| Pet Services | P | P |
| Printing and Publishing | X | P |
| Professional Office | P | P |
| Research Assembly Services | X | P |
| Restaurant (General) | P | P |
| Restaurant (Limited) | P | P |
| Service Station | X | P* |
| Software Development | P | P |

| | | |
|--|-----|-----|
| Theater | X | P |
| Industrial Uses | MRA | NCA |
| Custom Manufacturing | X | P |
| Civic Uses | MRA | NCA |
| Club or Lodge | P | P |
| College & University Facilities | X | P |
| Communication Service Facilities | P | P |
| Community Recreation (Private) | P | P |
| Community Recreation (Public) | P | P |
| Congregate Living | X | P |
| Convalescent Services | X | P |
| Cultural Services | P | P |
| Day Care Services (Commercial) | X | P |
| Day Care Services (General) | P | P |
| Day Care Services (Limited) | P | P |
| Family Home | P | P |
| Group Home, Class I (General) | P | P |
| Group Home, Class I (Limited) | P | P |
| Group Home, Class II | P | P |
| Guidance Services | X | P |
| Hospital Services (Limited) | X | P |
| Local Utility Services | P | P |
| Major Utility Facilities | P | P |
| Park & Recreation Services (General) | P | P |
| Park & Recreation Services (Special) | P | P |
| Postal Facilities | X | P |
| Private Primary Educational Facilities | P | P |
| Private Secondary Educational Facilities | P | P |

| | | |
|---|---|----|
| Public Primary Educational Facilities | P | P |
| Public Secondary Educational Facilities | P | P |
| Religious Assembly | P | P |
| Safety Services | P | P |
| Telecommunications Tower | X | P* |
| Transportation Terminal | X | P |

Source: Section 13-9-19; Ord. 990225-70; Ord. 031211-11; Ord. 031211-41; Ord. 040617-Z-1.

ARTICLE 3. - SUBDIVISION.

§ 25-3-51 - SUBDIVISION PROCEDURE.

The subdivision procedures in Chapter 25-4 (Subdivision) apply to the traditional neighborhood district, except as follows:

- (1) All property within a traditional neighborhood district must be subdivided under this chapter. A previously approved final subdivision plat must be vacated, and a previously approved preliminary subdivision plan must be withdrawn.
- (2) The traditional neighborhood district shall be on one preliminary subdivision plan.
- (3) An open space area shall be included in the final subdivision plat of adjacent property. All open space areas must be platted as separate open space lots.
- (4) A final subdivision plat may not be approved unless there has been compliance with the provisions of this chapter relating to a Property Owners' Association, Architectural Standards, Land Use Allocations, Drainage, and Water Quality.
- (5) A final subdivision plat for more than 50 percent of the land area covered by the preliminary subdivision plan may not be approved until construction of the community meeting hall has begun. Once begun, the construction of the community meeting hall must be diligently pursued to completion.
- (6) Improvements to private open spaces, except those included in a construction phasing plan for major private open space improvements, shall be constructed by the subdivider as part of the subdivision infrastructure.

Source: Section 13-9-31; Ord. 990225-70; Ord. 031211-11.

§ 25-3-52 - SUBDIVISION LAYOUT REQUIREMENTS.

- (A) Street monuments and property markers.
 - (1) Property pins or other forms of permanent markers identified in the most recent edition of the Manual of Practice for Land Surveying in Texas, published by the Texas Society of Professional Surveyors, shall be placed by the surveyor at all corners of boundary lines of a subdivision. Pins and markers may not be spaced more than 1,300 feet apart. One corner of the subdivision shall be identified by a concrete monument unless a concrete monument exists on an adjacent platted subdivision within 1,300 feet of the proposed plat.
 - (2) If a concrete monument exists on an adjacent platted subdivision within 1,300 feet of the proposed plat, no concrete monuments are required for the proposed plat. In that instance, boundary corners may be set with permanent markers identified in the most recent edition of Manual of Practice for Land Surveying in Texas.
 - (3) Intermediate property corners, curve points, and angle points shall be marked by iron stakes.
- (B) Easements for public utilities and enclosed or open drainage ways shall be retained in all subdivisions in the widths and locations deemed necessary by the director. To the extent practicable, the easements for water lines, wastewater lines, and storm sewers shall be located in the street rights-of-way, and the easements for all other utilities shall be located in the alley rights-of-way. All the easements shall be dedicated to public use for the named purpose and shall be aligned to minimize construction cost.
- (C) Utilities shall be located underground unless this requirement is, for good cause, waived by the director, and, if applicable, the director of the Electric Utility Department.
- (D) When the director finds that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage or to serve the subdivision with utilities, the subdivider shall obtain the easements or make arrangements with the City to obtain them.
- (E) Streets of new subdivisions shall be aligned with existing streets on adjoining property unless the Land Use Commission determines that the Comprehensive Plan, topography, requirements of traffic circulation, or other considerations make it desirable to depart from the alignment.
- (F) Each lot in a subdivision, except a lot that fronts on a plaza and abuts an alley, shall abut a dedicated public street.

- (G) Except in a Neighborhood Edge Area, each lot in a subdivision shall abut an alley unless the director determines that good cause exists to omit an alley or portion of an alley.
- (H) An interconnected network of streets is required unless the director determines that good cause exists to require a different street pattern.
- (I) Streets, alleys, and pedestrian paths shall be designed and constructed in accordance with this chapter, the Traditional Neighborhood District Criteria Manual, the Standards Criteria Manual, and the Standard Specifications Criteria Manual.
- (J) New streets in subdivisions shall be named to provide continuity of name with existing streets and to prevent conflict with identical or similarly spelled or pronounced names in other parts of the city's planning jurisdiction.
- (K) Street intersections, whether public or private streets, shall be designed in accordance with the provisions of the Traditional Neighborhood District Criteria Manual and the Transportation Criteria Manual.
- (L) Dead-end streets are prohibited unless the director determines that the most desirable plan requires laying out a dead-end street. A dead-end street shall terminate in a courtyard designed in accordance with the Traditional Neighborhood District Criteria Manual, unless the director determines that topography, density, adequate circulation, or other unusual conditions require a deviation from the design criteria in the Traditional Neighborhood District Criteria Manual.
- (M) The side lines of lots in subdivisions shall be approximately at right angles to straight street lines or radial to curved street lines. An arrangement placing adjacent lots at right angles to each other shall be avoided.
- (N) Block length may not exceed 600 feet. Block width may not exceed 300 feet. The director may approve a block width of not more than 400 feet or a block length of not more than 1000 feet if required because of topography or existing street layout, but a block longer than 800 feet must be traversed by a pedestrian path near the midpoint.
- (O) Minimum lot size, maximum lot size, and minimum lot width are specified in the site development regulations contained in this chapter for a Neighborhood Center Area, a Mixed Residential Area, a Neighborhood Edge Area, a Workshop Area, and an Employment Center Area. Open space lots must comply with the dimensional requirements of this chapter.
- (P) Townhouse lots may be created where each townhouse lot is to be served by a public sewage system, subject to the following conditions in addition to those applicable to all other subdivisions:
 - (1) All common areas shall be clearly identified on the plat and adequate provisions made for maintenance and taxation.
 - (2) There may be not less than two and not more than eight units in a townhouse group.
 - (3) Not more than one townhouse may be located on a lot.
 - (4) A legal opinion by an attorney licensed to practice law in the state, accurately describing and defining the rights and duties of the owners, the legal status of common areas and facilities, and provisions for taxation and maintenance of the common areas, must accompany each subdivision with townhouse lots.

Source: Section 13-9-32; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

ARTICLE 4. - GENERAL DEVELOPMENT STANDARDS.

§ 25-3-71 - APPLICABLE TO ALL DEVELOPMENT.

This article applies to the design and development of a traditional neighborhood district.

Source: Section 13-9-41; Ord. 990225-70; Ord. 031211-11.

§ 25-3-72 - PROPERTY OWNERS' ASSOCIATION.

- (A) Conditions, Covenants, and Restrictions for all the property within a traditional neighborhood district must be filed in the county real property records by the owner before a final subdivision plat may be approved, a lot sold, or a building permit issued.
- (B) Conditions, Covenants, and Restrictions must be approved by the city attorney, and they must:
 - (1) create a Property Owners' Association with mandatory membership for each property owner;
 - (2) establish architectural standards that are in conformity with the requirements of this chapter;
 - (3) create an Architectural Control Committee to review development for compliance with the architectural standards and issue certificates of approval;
 - (4) provide for the ownership, development, management, and maintenance of private open space (except plazas owned by individual property owners), community parking facilities, community meeting hall, and other common areas;
 - (5) provide for the maintenance of the landscaping and trees within the streetscape;
 - (6) require the collection of assessments from members in an amount sufficient to pay for its functions;
 - (7) be effective for a term of not less than 50 years;
 - (8) require that the Property Owners' Association obtain the approval of the director regarding the disposition and management of private open space, community parking facilities, community meeting hall, and other common areas before it may be dissolved; and

- (9) require that the Property Owners' Association obtain the approval of the director for amendments to the Conditions, Covenants, and Restrictions which relate to provisions required by this chapter.

Source: Section 13-9-42; Ord. 990225-70; Ord. 031211-11.

§ 25-3-73 - COMMUNITY MEETING HALL.

- (A) A community meeting hall for the use of the neighborhood residents is required. The community meeting hall is a civic use.
- (B) A community meeting hall must be located so that it is easily accessible to the residents. It may be placed in a square, park, or other suitable open space location.
- (C) The minimum size of a community meeting hall is 2,000 square feet. A community meeting hall must be large enough to meet the needs of the neighborhood residents.

Source: Section 13-9-43; Ord. 990225-70; Ord. 031211-11.

§ 25-3-74 - ARCHITECTURAL STANDARDS.

- (A) The Conditions, Covenants, and Restrictions shall establish architectural standards for the property within a traditional neighborhood district. The standards must comply with this section.
- (B) The architectural standards must achieve the following objectives:
 - (1) architectural compatibility;
 - (2) human scale design;
 - (3) integration of uses;
 - (4) encouragement of pedestrian activity;
 - (5) buildings that relate to and are oriented toward the street and surrounding buildings;
 - (6) residential scale buildings in Mixed Residential Areas;
 - (7) buildings that contain special architectural features to signify entrances to the Neighborhood Center Area and important street intersections; and
 - (8) Neighborhood Center Area buildings that focus activity on the neighborhood square.
- (C) The director may adopt guidelines for architectural standards for inclusion in the Traditional Neighborhood District Criteria Manual.

Source: Section 13-9-44; Ord. 990225-70; Ord. 031211-11.

§ 25-3-75 - LAND USE ALLOCATIONS.

- (A) Each lot within a traditional neighborhood district must be allocated to a particular land use category.
- (B) The amounts of land that must be allocated to particular land use categories, excluding streets, alleys, open spaces, drainage controls, and water quality controls, are as follows:
 - (1) For a Neighborhood Center Area:
 - (a) Townhouse, condominium, and multi-family uses shall be allocated not less than 20 percent of the land area.
 - (b) Commercial uses shall be allocated not less than 20 percent of the land area.
 - (c) Civic use shall be allocated not less than five percent of the land area, or one-half acre, whichever is greater. In a traditional neighborhood district of 100 acres or less, the provision of a community meeting hall in the Neighborhood Center satisfies the civic use allocation even if less than one-half acre is used.
 - (2) For a Mixed Residential Area:
 - (a) Single family residential use shall be allocated not less than 50 percent and not more than 80 percent of the land area.
 - (b) Duplex use shall be allocated not more than 10 percent of the land area.
 - (c) Townhouse, condominium, and multi-family uses shall be allocated not less than 10 percent of the land area.
 - (d) Commercial uses shall be allocated not less than one percent and not more than two percent of the land area.
 - (e) Civic uses shall be allocated not less than two percent of the land area.
- (C) A preliminary subdivision plan may not be approved until the director approves a Land Use Allocation Map, submitted by the owner, that allocates a particular land use category to each lot on the preliminary subdivision plan.
- (D) Development and use shall comply with the Land Use Allocation Map.
- (E) The director may approve a revision to a Land Use Allocation Map if the director finds that (a) the revised land uses are appropriate, and (b) the revision does not adversely affect land owners within 200 feet of the boundary line of a revised area.
- (F) A Land Use Allocation Map and the land use allocations required by this section are effective for a period of 50 years after the date the map is first approved by the director.

Source: Section 13-9-45; Ord. 990225-70; Ord. 031211-11.

§ 25-3-76 - OPEN SPACE.

The following open space requirements apply within a traditional neighborhood district:

- (1) Not less than 20 percent of the gross land area of the traditional neighborhood district must be open space.
- (2) Public open space shall conform to the plans, goals, and standards of the Parks and Recreation Department and must be approved by the director of the Parks and Recreation Department.
- (3) The Parks and Recreation Department shall be consulted regarding the locations and types of private open space.
- (4) The portions of drainage and water quality facilities that are usable by the public for recreational purposes, as determined by the director, may be designated as parks or greenbelts.
- (5) At least one square shall be located in the Neighborhood Center Area. The required square shall be at least one-half acre in size in a traditional neighborhood district of 100 acres or less, and the required square shall be at least one acre in size in a traditional neighborhood district that is larger than 100 acres.
- (6) A square must adjoin streets along at least 75 percent of its perimeter.
- (7) A plaza must adjoin building lots along at least 50 percent of its perimeter.
- (8) At least one green that is not less than one acre in size must be located within 600 feet of the geographic center of the traditional neighborhood district.
- (9) A park may be not less than 10,000 square feet in size.
- (10) A greenbelt may not be located behind dwellings. The director may permit exceptions where topography, existing street layout, or other good reasons that make this restriction impractical. If a greenbelt is located behind dwellings, access shall be provided in accordance with the Traditional Neighborhood Criteria Manual standards.
- (11) A greenbelt must have an average width of not less than 200 feet. A greenbelt may be not less than 50 feet wide. Not more than 10 percent of the uninterrupted length of a greenbelt may be the minimum 50 feet width. A greenbelt must have not less than 25 percent of its boundary abutting a street.
- (12) At least 90 percent of the lots in a Mixed Residential Area must be within 600 feet of a square, plaza, green, or park.

Source: Section 13-9-46; Ord. 990225-70; Ord. 031211-11.

§ 25-3-77 - PARKLAND DEDICATION.

The parkland dedication provisions of [Chapter 25-4](#), Article 3, Division 5 (Parkland Dedication) apply to a traditional neighborhood district, except as follows:

- (1) The amount of land required to be dedicated for parkland is 25 percent of the open space in a traditional neighborhood district. The formula in [Section 25-1-602](#) (Dedication Of Parkland Required) does not apply.
- (2) At the time of zoning, the director of the Parks and Recreation Department shall require one of the following:
 - (a) dedication by the subdivider of all or part of the required amount of parkland;
 - (b) payment in lieu of dedicated parkland by the subdivider;
 - (c) general public access on up to 25 percent of the open space; or
 - (d) a combination of (a), (b), and (c), not to exceed the equivalent of 25 percent of the open space.
- (3) Land to be dedicated as parkland or to which there will be general public access shall be shown on the Development Plan.
- (4) The director of the Parks and Recreation Department shall calculate a parkland fee at the time of zoning, and shall apportion a parkland fee by acreage to each final subdivision plat. A subdivider shall pay a parkland fee, if required, before a final subdivision plat may be approved.
- (5) The owner of a tract of land that has been designated for general public access may make and enforce reasonable regulations that are similar to City park regulations.

Source: Section 13-9-47; Ord. 990225-70; Ord. 031211-11.

§ 25-3-78 - DRAINAGE.

- (A) The drainage provisions of the Land Development Code apply to development in a traditional neighborhood district, except as provided in this section.
- (B) Drainage planning and engineering for a traditional neighborhood district shall be for the district as a whole.
- (C) In designing drainage facilities, impervious cover calculations shall assume maximum impervious cover for each lot within the traditional neighborhood district.
- (D) Drainage facilities shall be privately owned, with easements granted to the City, and maintained for functionality by the City, unless other arrangements are made with the director of the Watershed Protection and Development Review Department.
- (E)

A final plat may not be approved unless a drainage master plan for the entire traditional neighborhood district has been approved by the director of the Watershed Protection and Development Review Department. A final plat may not be approved unless adequate drainage facilities are provided for all property within the plat.

Source: Section 13-9-48; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-3-79 - WATER QUALITY.

- (A) The water quality provisions of the Land Development Code apply to development in a traditional neighborhood district, except as provided in this section.
- (B) Water quality planning and engineering for a traditional neighborhood district shall be for the district as a whole.
- (C) Allowable impervious cover is calculated in accordance with this subsection.
 - (1) In calculating water quality related development intensities, the term "site" shall include all property within a traditional neighborhood district.
 - (2) In calculating water quality development intensities, a traditional neighborhood district is classified as "commercial development".
 - (3) Impervious cover calculations shall assume the maximum impervious cover allowable for each lot within a traditional neighborhood district.
- (D) Impervious cover limits in a traditional neighborhood district are as follows:
 - (1) Overall impervious cover for a traditional neighborhood district is limited to 65 percent of net site area or the amount permitted in the watershed, whichever is less.
 - (2) A Neighborhood Center Area lot, except an open space lot, is limited to impervious cover of not more than 90 percent of gross site area.
 - (3) A Mixed Residential Area lot, except a commercial lot or an open space lot, is limited to impervious cover of not more than 65 percent of gross site area. A commercial lot is limited to impervious cover of not more than 90 percent of gross site area.
 - (4) A Neighborhood Edge Area lot, except an open space lot, is limited to impervious cover of not more than 65 percent of gross site area.
 - (5) A Workshop Area lot or Employment Center Area lot, except an open space lot, is limited to impervious cover of not more than 80 percent of gross site area.
 - (6) Open space impervious cover limits are as follows:
 - (a) An open space lot that is a plaza or square is limited to impervious cover of not more than 90 percent of gross site area.
 - (b) Greenbelts, preserves, parks, and greens are limited to impervious cover of not more than 10 percent of gross site area overall.
 - (c) A greenbelt, preserve, park, or green may be restricted by the owner to impervious cover of less than 10 percent of the gross site area. The restricted amount shall be used for impervious cover calculations.
 - (d) Impervious coverage for greenbelts, preserves, parks, and greens classified as public open space shall be calculated and enforced separately from those classified as private open space.
- (E) Water quality control facilities shall be privately owned, with easements granted to the City, and maintained for functionality by the City, unless other arrangements are made with the director of the Watershed Protection and Development Review Department.
- (F) A final plat may not be approved unless a water quality master plan for the entire traditional neighborhood district has been approved by the director of the Watershed Protection and Development Review Department. A final plat may not be approved unless adequate water quality control facilities are provided for all property within the plat.
- (G) Development on a lot may not exceed the impervious cover limit set forth in this section. A building or construction permit may not be issued for development that exceeds the limit.

Source: Section 13-9-49; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-3-80 - LANDSCAPING.

The landscaping requirements of Chapter 25-2, Subchapter C, Article 9 (*Landscape*) apply to development within a traditional neighborhood district, except as follows:

- (1) A street yard 1,000 square feet or less in size is not required to be landscaped.
- (2) A parking area with 12 motor vehicle parking spaces or less is not required to have landscaped islands, peninsulas, or medians.

Source: Section 13-9-50; Ord. 990225-70; Ord. 031211-11.

§ 25-3-81 - ROADWAY DESIGN.

- (A) The roadway designs used within the different areas of the traditional neighborhood district may vary depending on the proposed function of the roadway, the anticipated adjacent land uses, and the anticipated traffic load. The City encourages the use of a variety of designs to lend character to the neighborhood.
- (B) Roadway designs that may be used in a traditional neighborhood district are in the Traditional Neighborhood District Criteria Manual.
- (C) The director may approve the use of innovative roadway designs that are not listed in the Traditional Neighborhood District Criteria Manual.

Source: Section 13-9-51; Ord. 990225-70; Ord. 031211-11.

§ 25-3-82 - VEHICULAR ACCESS.

- (A) Direct vehicular access from a lot to an alley in the traditional neighborhood district is permitted and preferred. Direct vehicular access from a lot to a street is not permitted, except as provided in this section.
- (B) Exceptions.
 - (1) Direct vehicular access from a lot to a street is permitted in a Neighborhood Edge Area or if a lot does not abut an alley.
 - (2) The director may grant vehicular access from a lot to a street if the director determines it is warranted by exceptional circumstances.
 - (C) If adjacent lots have direct vehicular access to a street, the director may require that the access be through a common or joint driveway.

Source: Section 13-9-52; Ord. 990225-70; Ord. 031211-11.

§ 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.
 - (4) There is no off-street loading requirement for a building with less than 10,000 square feet of gross building area. The director shall determine the location, number, and dimensions of the off-street loading for a larger building.
 - (5) Except as approved by the director, parking in alleys is prohibited.
 - (6) There are no minimum parking requirements for motor vehicles, except for accessible space parking. The required minimum number of accessible spaces is determined by the requirements of [Section 25-6-471 \(Off-Street Parking\)](#) and [Section 25-6-474 \(Parking Facilities for Persons with Disabilities\)](#).
 - (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) In 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.

Source: Section 13-9-53; Ord. 990225-70; Ord. 031211-11; [Ord. No. 20231102-028](#), Pt. 34, 11-13-23.

§ 25-3-84 - PARKING AREA DESIGN AND CONSTRUCTION STANDARDS.

- (A) Parking and loading facilities, circulation areas, and queue lines must comply with the design and construction standards in this section and the Traditional Neighborhood District Criteria Manual.
- (B) Surfacing, curbing, and drainage improvements on all parking and loading facilities must preclude the free flow of water onto adjacent properties, public streets, or alleys and provide adequate drainage.
- (C) Areas used for primary circulation, for frequent idling of vehicle engines, or for loading activities shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or baffling.
- (D) All parking and loading facilities shall be maintained to assure desirability and usefulness of the facility. The facilities shall be maintained free of refuse, debris, or other accumulated matter and shall at all times be available for the off-street parking or loading for which they are required or intended.

Source: Section 13-9-54; Ord. 990225-70; Ord. 031211-11.

§ 25-3-85 - SIGNS.

Signs are regulated by [Chapter 25-10 \(Sign Regulations\)](#).

Source: Section 13-9-55; Ord. 990225-70; Ord. 031211-11.

§ 25-3-86 - COMPATIBILITY STANDARDS.

- (A) Except for lighting in a public right of way, all exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent properties. Exterior lighting may not exceed 0.4 foot candles across the source property line.
- (B) The noise level of mechanical equipment may not exceed 70 decibels at the property line.
- (C) The use of highly reflective surfaces, including reflective glass and reflective metal roofs with a pitch of more than a run of seven to a rise of 12, is prohibited. This prohibition does not apply to solar panels and copper or painted metal roofs.
- (D) Dumpsters and permanently placed refuse receptacles must be located at least 20 feet from adjacent residential uses. The location of and access to dumpsters or any other refuse receptacles must comply with the Transportation Criteria Manual.

- (E) Commercial, multi-family, and condominium uses must be screened in accordance with this subsection. Yards, fences, vegetative screening, or berms shall be provided to screen off-street parking areas, mechanical equipment, storage areas, and areas for refuse collection. If fences are used for screening, the height may not exceed six feet unless otherwise permitted in the Land Development Code. The property owner is responsible for the upkeep and maintenance of fences, berms, and vegetative screening.

Source: Section 13-9-56; Ord. 990225-70; Ord. 031211-11.

§ 25-3-87 - ADDITIONAL REGULATIONS FOR ALL DEVELOPMENT.

- (A) A principal building must have its main entrance from a street or plaza.
- (B) Development must comply with the Greenbuilder provisions of the Traditional Neighborhood District Criteria Manual.
- (C) Drive-through facilities and other facilities that allow people to remain in vehicles while receiving products or services are prohibited. This prohibition does not apply to the fueling facilities of a service station.
- (D) A residential use may be located above the first floor of a commercial building.
- (E) A stoop, open porch, or balcony may extend into the front setback not more than five feet.
- (F) A townhouse must have a private rear yard not less than 200 square feet in size. A townhouse must have a finished first floor elevation not less than eighteen inches above the elevation of the sidewalk at the front lot line.

Source: Section 13-9-57; Ord. 990225-70; Ord. 031211-11.

§ 25-3-88 - ACCESSORY USES.

- (A) The accessory use regulations of Chapter 25-2, Subchapter C, Article 5 (*Accessory Uses*) apply except as provided in this section.
- (B) Notwithstanding Section 25-2-893 (Accessory Uses for a Principal Residential Use), one accessory dwelling unit containing not more than 700 square feet of gross building area is permitted as an accessory to a residential use if the other requirements of this chapter are met.
- (C) Notwithstanding Section 25-2-894 (Accessory Uses for a Principal Commercial Use), commercial uses may include the following as accessory uses, activities, and structures on the same site or lot:
 - (1) a commercial use not listed as a permitted use in the same district that:
 - (a) is operated primarily for the convenience of employees, clients, or customers of the principal use;
 - (b) occupies less than 10 percent of the total floor area of the use; and
 - (c) is located and operated as an integral part of the principal use and does not comprise a separate business use or activity; or
 - (2) a parking facility in a Neighborhood Center Area.

Source: Section 13-9-58; Ord. 990225-70; Ord. 031211-11.

§ 25-3-89 - MAJOR CIVIC USE SITE DEVELOPMENT REGULATIONS.

- (A) The following site development regulations do not apply to a major civic use:
 - (1) maximum front yard setback;
 - (2) minimum front yard setback;
 - (3) minimum street side yard setback;
 - (4) minimum interior yard setback;
 - (5) minimum rear yard setback;
 - (6) maximum building coverage;
 - (7) maximum building footprint; and
 - (8) maximum height.
- (B) The director shall specify the parameters of the development regulations listed in Subsection (A) for each specific development proposal. The parameters shall not be more restrictive than those that would otherwise apply to a civic use.

Source: Section 13-9-59; Ord. 990225-70; Ord. 031211-11.

ARTICLE 5. - NEIGHBORHOOD CENTER AREA DEVELOPMENT STANDARDS.

§ 25-3-101 - APPLICABLE TO NEIGHBORHOOD CENTER AREA.

This article applies to the design and development of a Neighborhood Center Area.

Source: Section 13-9-61; Ord. 990225-70; Ord. 031211-11.

§ 25-3-102 - SIZE OF NEIGHBORHOOD CENTER AREA.

A Neighborhood Center Area must contain not less than five percent of the gross land area of the traditional neighborhood district.

Source: Section 13-9-62; Ord. 990225-70; Ord. 031211-11.

§ 25-3-103 - LOCATION OF NEIGHBORHOOD CENTER AREA.

A Neighborhood Center must be easily accessible by pedestrians from all parts of the Mixed Residential Areas. At least 90 percent of the lots in the Mixed Residential Areas must be within 2000 linear feet of a Neighborhood Center Area boundary.

Source: Section 13-9-63; Ord. 990225-70; Ord. 031211-11.

§ 25-3-104 - SITE DEVELOPMENT REGULATIONS FOR NEIGHBORHOOD CENTER AREA.

The following table lists the site development regulations for a Neighborhood Center Area.

| REGULATION | SINGLE-FAMILY DUPLEX | TOWNHOUSE | COMMERCIAL MULTIFAMILY CONDOMINIUM |
|--|------------------------------------|------------------------------------|--|
| Minimum Lot Size | 2,000 SF 2,500 SF on corner lot | 3,600 SF 4,000 SF on corner lot | 3,600 SF 4,000 SF on corner lot |
| Maximum Lot Size | 4,000 SF | 43,560 SF | 43,560 SF |
| Minimum Lot Width ² | 20 FT 25 FT on corner lot | 40 FT 45 FT on corner lot | 40 FT 45 FT on corner lot |
| Maximum Site Area | 20,000 SF | 43,560 SF | 43,560 SF |
| Minimum Frontage Buildout ³ | 80% | 80% | 60% |
| Maximum Height | 35 FT | 60 FT | 60 FT |
| Maximum Front Yard Setback | 5 FT | 5 FT | 5 FT |
| Minimum Front Yard Setback | -0- | -0- | -0- |
| Minimum Street Side Yard Setback | 5 FT | 5 FT | 5 FT |
| Minimum Interior Side Yard Setback | -0- | -0- | -0- |
| Minimum Rear Yard Setback | 5 FT | -0- | 5 FT |
| Maximum Building Coverage | 70% | 70% | 70% |
| Maximum Impervious Cover | 90% | 90% | 90% |

1 See [Section 25-3-89](#) (Major Civic Use Site Development Regulations).

2 On a courtyard or curved street, the minimum lot width between the front lot line and the minimum front yard setback is 15 feet for a townhouse lot and 30 feet for other lots.

3 The director may reduce the minimum frontage buildout to accommodate a protected tree or significant tree cluster.

Source: Section 13-9-64; Ord. 990225-70; Ord. 031211-11.

§ 25-3-105 - ADDITIONAL REGULATIONS FOR NEIGHBORHOOD CENTER AREA.

- (A) An automotive rental use may keep not more than 20 vehicles on site.
- (B) An automotive repair services use may not exceed 2400 square feet of gross building area.
- (C) A building that is adjacent to a square may be not less than two stories high.
- (D) An open colonnade may extend into the front setback a maximum of five feet. An unenclosed balcony with a minimum clearance of nine feet above finished grade may extend five feet over a public sidewalk. An awning or walkway covering with a minimum clearance of eight feet above finished grade may extend five feet over a public sidewalk.
- (E) A commercial off-street parking use may not exceed one acre in site size. Not more than one commercial off-street parking Use site may be located in a block. A site must be screened from the street by low hedges or walls not less than three feet and not more than four feet in height.
- (F) A kennel use must be conducted entirely within an enclosed structure.
- (G) A residential use with street level living space must have a finished first floor elevation not less than eighteen inches above the elevation of the sidewalk at the front lot line. A residential use may not front at ground level on a square.
- (H) A service station use may have the capability of fueling not more than eight vehicles at one time.
- (I) A telecommunications tower must be located on top of a building or be an architectural component of the building. Free standing towers are prohibited.
- (J) A printing and publishing use may not exceed 5,000 square feet of gross floor area.

Source: Section 13-9-65; Ord. 990225-70; Ord. 031211-11; Ord. 040617-Z-1.

ARTICLE 6. - MIXED RESIDENTIAL AREA DEVELOPMENT STANDARDS.

§ 25-3-121 - APPLICABLE TO MIXED RESIDENTIAL AREA.

This article applies to the design and development of a Mixed Residential Area.

Source: Section 13-9-71; Ord. 990225-70; Ord. 031211-11.

§ 25-3-122 - SITE DEVELOPMENT REGULATIONS FOR MIXED RESIDENTIAL AREA.

The following table lists the site development regulations for a Mixed Residential Area.

| REGULATION | SINGLE-FAMILY DUPLEX | TOWNHOUSE | COMMERCIAL MULTI-FAMILY CONDOMINIUM | CIVIC ¹ |
|----------------------------------|--|------------------------------|-------------------------------------|------------------------------|
| Minimum Lot Size | 3,600 SF ² | 2,000 SF | 3,600 SF | 3,600 SF |
| | 4,000 SF on corner lot ² | 2,500 SF on corner lot | 4,000 SF on corner lot | 4,000 SF on corner lot |
| Maximum Lot Size | None | 4,000 SF | 20,000 SF | 20,000 SF |
| Minimum Lot Width ³ | 40 FT ² 45 FT on corner lot ² | 20 FT 25 FT on corner lot | 40 FT 45 FT on corner lot | 40 FT 45 FT on corner lot |
| Maximum Site Area | None | 20,000 SF | 20,000 SF | 20,000 SF |
| Maximum Height | 35 FT | 35 FT | 35 FT | 35 FT |
| Maximum Front Yard Setback | 15 FT | 10 FT | 10 FT | 10 FT |
| Minimum Front Yard Setback | 10 FT | 5 FT | 5 FT | 5 FT |
| Minimum Street Side Yard Setback | 10 FT | 10 FT | 10 FT | 10 FT |

| | | | | |
|------------------------------------|-------------------|----------|------------------|-----------------------|
| Minimum Interior Side Yard Sidebar | 5 FT ² | 0 FT | 5 FT | 5 FT |
| Maximum Building Coverage | 55% | 55% | 55% | 55% |
| Maximum Building Footprint | 5,000 SF | 5,000 SF | 5,000 SF | 5,000 SF ⁴ |
| Maximum Impervious Cover | 65% | 65% | 65% ⁵ | 65% |

1 See [Section 25-3-89 \(Major Civic Use Site Development Regulations\)](#).

2 See [Section 25-3-123 \(Side Yard Houses\)](#).

3 On a courtyard or curved street, the minimum lot width between the front lot line and the minimum front yard setback is 15 feet for a townhouse lot and 30 feet for other lots.

4 A community meeting hall may exceed this limitation.

5 Maximum impervious cover for a commercial use is 90%.

Source: Section 13-9-72; Ord. 990225-70; Ord. 031211-11.

§ 25-3-123 - SIDE YARD HOUSES.

(A) A side yard house is permitted on a lot if the following requirements are met:

- (1) the lot is in a Mixed Residential Area that has been designated as single family residential on a Land Use Allocation Map; and
- (2) all the lots in the same block and fronting on the same street comply with Subsection (B).

(B) An owner of a lot must impose the following limitations on the lot by the filing of appropriate deed restrictions:

- (1) A structure may be erected adjacent to an interior side lot line. The wall of a structure erected adjacent to an interior side lot line must be solid and opaque with no openings of any kind. The eaves of a structure may extend across the interior side lot line not more than three feet.
- (2) Except for a patio or patio cover, the minimum distance between structures on adjoining lots is ten feet. The minimum distance between a patio or patio cover and a structure on an adjoining lot is six feet.
- (3) An easement is required on each lot that abuts a lot with a structure adjacent to a common interior side lot line. The easement is for the purpose of construction and maintenance of the structure and drainage. The easement must be not less than five feet wide and extend the full length of the interior side lot line.

(C) If a lot is subject to this section, the following site development regulations apply:

- (1) The minimum interior side yard setback is zero feet.
- (2) The minimum required side yard between structures is ten feet.
- (3) The minimum lot width is 30 feet, or 35 feet on a corner lot.
- (4) The minimum lot size is 2400 square feet, or 2800 square feet on a corner lot.

Source: Section 13-9-73; Ord. 990225-70; Ord. 031211-11.

§ 25-3-124 - ADDITIONAL REGULATIONS FOR MIXED RESIDENTIAL AREA.

(A) Similar land uses should face across streets, and dissimilar land uses should abut at rear lot lines or across alleys.

(B) A commercial use may only be located on the first floor of a building. Up to one-half of the second floor may be used for accessory uses that are not open to the public.

(C) Commercial uses are limited to corner locations that are designated on the Development Plan.

(D) A commercial use may not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.

(E) There may be not more than eight dwelling units in a single structure.

(F) There may be not more than one principal structure on a site.

(G) There may be not more than one accessory dwelling unit on a site.

(H) A garage entry may not face the street unless it is at least 20 feet behind the front building face of the principal structure.

(I) A front porch or stoop is required on a single family residential or duplex structure.

Source: Section 13-9-74; Ord. 990225-70; Ord. 031211-11.

ARTICLE 7. - NEIGHBORHOOD EDGE AREA DEVELOPMENT STANDARDS.

§ 25-3-151 - APPLICABLE TO NEIGHBORHOOD EDGE AREA.

This article applies to the design and development of a Neighborhood Edge Area.

Source: Section 13-9-81; Ord. 990225-70; Ord. 031211-11.

§ 25-3-152 - LOCATION OF NEIGHBORHOOD EDGE AREA.

- (A) A Neighborhood Edge Area may be designated along the perimeter of a traditional neighborhood district. Unless there is a park, green, greenbelt, or preserve at least 100 feet wide, a Neighborhood Edge Area must be designated for those portions of a traditional neighborhood district that abut:
- (1) land zoned SF-3 or more restrictive;
 - (2) land used for any use permitted in an SF-3 or more restrictive district;
 - (3) land included in an approved preliminary subdivision plan or final subdivision plat that is designated on the plan or plat for any use permitted in an SF-3 or more restrictive district.
- (B) The minimum width of a Neighborhood Edge Area is 100 feet. The maximum width of a Neighborhood Edge Area is 250 feet, but if the 250 foot width line falls within a block, the width may be extended to the nearest block edge.

Source: Section 13-9-82; Ord. 990225-70; Ord. 031211-11.

§ 25-3-153 - SITE DEVELOPMENT REGULATIONS FOR NEIGHBORHOOD EDGE AREA.

The site development regulations for a Neighborhood Edge Area are as follows:

- (1) Minimum lot size: 5,750 square feet
- (2) Minimum lot width: 50 feet
- (3) Maximum height: 35 feet
- (4) Minimum front setback: 25 feet
- (5) Minimum street side yard setback: 15 feet
- (6) Minimum interior side yard setback: 5 feet
- (7) Minimum rear yard setback: 10 feet
- (8) Maximum building coverage: 55%
- (9) Maximum impervious cover: 65%

Source: Section 13-9-83; Ord. 990225-70; Ord. 031211-11.

§ 25-3-154 - ADDITIONAL REGULATIONS FOR NEIGHBORHOOD EDGE AREA.

- (A) There may be no more than one principal structure on a site.
- (B) There may be no more than one accessory dwelling unit on a site.
- (C) A garage entry may not face the street unless it is at least 20 feet behind the front building face of the principal structure.

Source: Section 13-9-84; Ord. 990225-70; Ord. 031211-11.

ARTICLE 8. - WORKSHOP AREA AND EMPLOYMENT CENTER AREA DEVELOPMENT STANDARDS.

§ 25-3-171 - APPLICABLE TO WORKSHOP AREA AND EMPLOYMENT CENTER AREA.

This article applies to the design and development of a Workshop Area or an Employment Center Area.

Source: Section 13-9-91; Ord. 990225-70; Ord. 031211-11.

§ 25-3-172 - SIZE OF WORKSHOP AREA AND EMPLOYMENT CENTER AREA.

The aggregate size of all Workshop Areas and Employment Center Areas within a traditional neighborhood district may not exceed 10 percent of the gross land area.

Source: Section 13-9-92; Ord. 990225-70; Ord. 031211-11.

§ 25-3-173 - SITE DEVELOPMENT REGULATIONS FOR WORKSHOP AREA AND EMPLOYMENT CENTER AREA.

The site development regulations for the Workshop Area and Employment Center Area are as follows:

- (1) Minimum lot size: 5,000 square feet
- (2) Maximum lot size:
 - (a) In Workshop Area: 5 acres
 - (b) In Employment Center Area: 10 acres
- (3) Maximum site area:
 - (a) In Workshop Area: 5 acres
 - (b) In Employment Center Area: 10 acres
- (4) Minimum lot width: 50 feet
- (5) Minimum frontage buildout: 80%
- (6) Maximum height: 60 feet
- (7) Minimum front yard setback: 0 feet
- (8) Maximum front yard setback: 10 feet
- (9) Minimum side setback: 10 feet
- (10) Minimum rear yard setback: 25 feet
- (11) Maximum building coverage: 65%
- (12) Maximum impervious coverage: 80%
- (13) Maximum floor-to-area ratio: 1:1

Source: Section 13-9-93; Ord. 990225-70; Ord. 031211-11.

ARTICLE 9. - BUILDING AND CONSTRUCTION PERMITS.

§ 25-3-191 - SITE PLAN NOT REQUIRED.

A site plan is not required for development in a traditional neighborhood district. The Development Plan, the subdivision regulations, and the plot plan incorporate conventional site plan regulations.

Source: Section 13-9-101; Ord. 990225-70; Ord. 031211-11.

§ 25-3-192 - PERMITS.

- (A) A building permit is required for a structure within a traditional neighborhood district.
- (B) A construction permit is required for development of more than 1000 square feet of site area if a building permit is not otherwise required.
- (C) A plot plan must be submitted with the building or construction permit application. A building or construction permit may not be issued unless a plot plan complies with this chapter and Title 25 (Land Development). A plot plan must provide the following information, if applicable:
 - (1) all information required by Chapter 25-11 (Building, Demolition, And Relocation Permits; Special Requirements For Historic Structures) or 25-12 (Technical Codes) to be on a plot plan;
 - (2) locations and types of easements;
 - (3) the locations of proposed utility connections;
 - (4) the 100 year floodplain, as calculated to exist under fully developed conditions in accordance with the Drainage Criteria Manual;
 - (5) building location and gross building square footage;
 - (6) proposed use that complies with the Land Use Allocation Map;
 - (7) number of bedrooms;
 - (8) locations, quantity, and dimensions of sidewalks, pedestrian ramps, driveways, parking areas, parking spaces, and off-street loading areas;
 - (9) information that shows compliance with accessibility requirements;
 - (10) landscaping, screening, and fencing;
 - (11) locations of protected trees, significant tree clusters, and 8-inch survey trees;
 - (12) an erosion and sedimentation control plan;
 - (13) lot size, setbacks, building height, building coverage, and impervious coverage; and

- (14) other information that may be required by administrative rules.
- (D) A building or construction permit may not be issued unless the Architectural Control Committee of the Property Owners' Association has certified that the proposed development complies with the architectural standards.

Source: Section 13-9-102; Ord. 990225-70; Ord. 031211-11; Ord. 041202-16.

CHAPTER 25-4. - SUBDIVISION.

ARTICLE 1. - SUBDIVISION COMPLIANCE.

§ 25-4-1 - COMPLIANCE.

- (A) Except as provided in Subsection (C), in the zoning jurisdiction, a subdivision must comply with all requirements of this title.
- (B) Except as provided in Subsection (C), in the extraterritorial jurisdiction, a subdivision must comply with the requirements of:
 - (1) Chapter 25-1, (General Requirements and Procedures);
 - (2) Chapter 25-6, Article 2 (Reservation and Dedication of Right-of-Way), Article 4 (*Street Design*), and Article 5, Division 5 (*Sidewalks*);
 - (3) Chapter 25-7 (Drainage);
 - (4) Chapter 25-8, Subchapter A (Water Quality) and Subchapter B, Article 1 (*Tree and Natural Area Protection*);
 - (5) Chapter 25-9, Article 1 (Utility Service); and
 - (6) the portions of the Development Criteria Manuals that relate to the City Code provisions described in this subsection.
- (C) In the portion of the city's extraterritorial jurisdiction that is within Travis County, a subdivision must comply with Title 30 (Austin/Travis County Subdivision Regulations).

Source: Section 13-2-402; Ord. 990225-70; Ord. 031211-11; Ord. 031211-42.

§ 25-4-2 - EXCEPTION FROM PLATTING REQUIREMENTS.

- (A) The director may except a parcel of land from the requirement to plat if the director determines that the parcel existed in its current configuration before becoming subject to the City's jurisdiction over subdivision of land.
- (B) The director may except a parcel of land from the requirement to plat if the director determines that the parcel:
 - (1) contains a health or safety hazard associated with a private sewage facility or private water well or other conditions that adversely affect public health, safety or welfare;
 - (2) existed in its current configuration on August 8, 1992;
 - (3) was served by a private sewage facility or private water well on August 8, 1992;
 - (4) is located on an existing street; and
 - (5) complies with the requirements of this title for roadway frontage.
- (C) The director may except a parcel of land from the requirement to plat if the director determines that the parcel:
 - (1) is five acres or less;
 - (2) existed in its current configuration on August 31, 1987;
 - (3) was receiving utility service that was authorized under the rules of the utility provider on August 31, 1987;
 - (4) is located on an existing street; and
 - (5) complies with the requirements of this title for roadway frontage.
- (D) In the full-purpose limits of the city, the director may except a parcel of land from the requirement to plat if the director determines that the parcel:
 - (1) is five acres or less;
 - (2) existed in its current configuration on January 1, 1995;
 - (3) was receiving utility service that was authorized under the rules of the utility provider on January 1, 1995;
 - (4) is located on an existing street; and
 - (5) either complies with the requirements of this title for roadway frontage or was granted a variance from the minimum lot width requirement of Section 25-2-492 (Site Development Regulations) by the Board of Adjustment.
- (E) An applicant shall demonstrate to the director that a parcel is excepted under this section from the requirement to plat. An applicant shall provide the director with the current deed to the property, an adequate legal description, and proof of ownership.
- (F) If the director excepts a parcel from the requirement to plat, the director shall certify the parcel's exception.
- (G) An approval to extend or change utility service to a parcel is not a certification under this section or an approval of a plat.

Source: Section 13-2-402.1; Ord. 990225-70; Ord. 031120-41; Ord. 031211-11; Ord. No. [20200903-027](#), Pt. 1, 9-14-20.

§ 25-4-3 - TEMPORARY EXEMPTION FROM PLATTING REQUIREMENTS.

- (A) The director may temporarily exempt a parcel of land from the requirement to plat if the director determines that the sole use of the parcel is as a community garden. An applicant shall provide the director with the information and documentation necessary to establish the exemption.
- (B) If the sole use of an exempted parcel changes from a community garden, an exemption under this section expires.
- (C) A parcel temporarily exempted under this section must be platted before it may be used for a purpose other than as a community garden.

Source: Section 13-2-402.2; Ord. 990225-70; Ord. 031211-11; Ord. 20110210-018.

ARTICLE 2. - SUBDIVISION PROCEDURE.

Division 1. - Procedure Generally.

§ 25-4-30 - IDENTIFICATION OF MUNICIPAL AUTHORITY.

The municipal authority for review of a preliminary plan, plat, and subdivision construction plan is the director.

Source: Ord. No. [20190822-117](#), Pt. 18, 9-1-19; Ord. No. [20230831-141](#), Pt. 17, 9-11-23.

§ 25-4-31 - PLANNING COMMISSION RULES.

The Planning Commission and the Zoning and Platting Commission may each adopt rules of procedure. Adopted rules are effective when filed with the City Clerk.

Source: Section 13-2-403; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-4-32 - ACTION WITHIN 30 DAYS.

- (A) The requirements of this section are mandated by state law and supersede any contrary provisions of the City Code.
- (B) The director shall approve, approve with conditions, or disapprove with reasons an application for preliminary plan or plat not later than the 30th day after the application is filed unless the director has approved a written request from the applicant to extend the initial review period pursuant to [Section 25-1-89 \(Extension of Review Period\)](#).
- (C) A condition for approval or reason for disapproval must be in writing and may not be arbitrary. The condition or reason must:
 - (1) be directly related to requirements adopted under Texas Local Government Code Chapter 212 Subchapter A (*Regulation of Subdivisions*); and
 - (2) include a citation to the law, including a statute or municipal ordinance, that is the basis for the condition for approval or reason for disapproval.
- (D) If the director fails to comply with Subsection (B), the application for preliminary plan or plat is approved by operation of law, unless the deadline for action has been extended pursuant to [Section 25-1-89 \(Extension of Review Period\)](#).

Source: Section 13-1-484(e); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. [20190822-117](#), Pt. 19, 9-1-19; Ord. No. [20230831-141](#), Pt. 18, 9-11-23.

§ 25-4-33 - APPEAL OF DISAPPROVAL OF PRELIMINARY PLAN AND PLAT.

If the director disapproves the preliminary plan or plat, the applicant can appeal the director's decision to the Land Use Commission or city council.

Source: [Ord. No. 20230831-141](#), Pt. 19, 9-11-23.

Editor's note— [Ord. No. 20230831-141](#), Pt. 20, effective September 11, 2024, repealed the former § 25-4-33, and enacted a new § 25-4-33 as set out herein. The former § 25-4-33 pertained to administrative approval of certain subdivision applications and derived from Ord. No. [20190822-117](#), Pt. 21, 9-1-19.

§ 25-4-34 - ORIGINAL TRACT REQUIREMENT.

- (A) An original tract is a tract that:
 - (1) is a legal lot or tract; or
 - (2) was a legal lot or tract before being subdivided in violation of ordinance requirements.
- (B) An applicant shall include all land in the original tract in an application for preliminary plan or plat approval.
- (C) The director may waive the requirement of Subsection (B) if the director determines that:
 - (1) subdividing only a portion of the original tract will not substantially impair the orderly planning of roads, utilities, drainage, and other public facilities;
 - (2) the portion of the original tract contiguous to the area to be subdivided has direct access to a public street, or the applicant has provided access to a public street by dedicating right-of-way at least 50 feet wide;
 - (3) a reasonable use of the balance of the original tract is possible; and

- (4) the applicant has mailed, by certified mail, to all owners of land that is a portion of the original tract and contiguous to the land included in the application a request that each owner provide written confirmation to the director that:
 - (a) the owner's land is not a legal lot or tract; and
 - (b) the owner must plat the land before the City may approve a development permit or a utility company may provide initial or additional service.
- (D) In making a determination under Subsection (D)(3) that a reasonable use of the balance of the original tract is possible, the director may require that the applicant provide a schematic land plan of the balance of the original tract. The director may not require that the applicant provide detailed engineering information.
- (E) An applicant who satisfies the requirement of Subsection (C)(2) by dedicating right-of-way to provide access to a public street is not required to construct improvements within the right-of-way.

Source: Sections 13-1-481(c) and 13-1-481.1; Ord. 990225-70; Ord. 000309-39; Ord. 010607-8; Ord. 031211-11; Ord. No. 20190822-117, Pts. 20, 22, 9-1-19; Ord. No. 20230831-141, Pt. 20, 9-11-23.

§ 25-4-35 - BOARD AND COMMISSION REVIEW OF REQUESTS ASSOCIATED WITH SUBDIVISION APPLICATION.

- (A) The director shall determine whether board or commission review of a request associated with an application for preliminary plan or plat approval is required under this section. The director shall schedule an associated request for board or commission review on the earliest available date.
- (B) The following board or commission must review an associated request before the director or Land Use Commission may consider the application or the associated request:
 - (1) the Urban Transportation Commission and the Environmental Commission shall review a request for an amendment to the Transportation Plan;
 - (2) the Water and Wastewater Commission and, if requested by the city council, the Environmental Commission shall review a request for an amendment to the city's water or wastewater service area boundary; and
 - (3) the Water and Wastewater Commission shall review a request for City cost participation in construction of water or wastewater facilities.

Source: Section 13-1-484; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20190822-117, Pts. 20, 23, 9-1-19; Ord. No. 20230831-141, Pt. 21, 9-11-23.

§ 25-4-36 - VARIANCE FILING AND CONSIDERATION.

- (A) If an application for a preliminary plan, plat requires a variance from a subdivision requirement, an applicant is required to obtain approval for the variance before associated application for a preliminary plan, plat or subdivision construction plan can be approved by the director.
- (B) The requirement of Section 25-1-214 (Public Hearing and Notice) that the Land Use Commission hold a public hearing not later than 45 days after the date an application for a variance is filed does not apply to an application for a variance from a subdivision requirement.

Source: Sections 13-1-481(f) and 13-1-484(c); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20190822-117, Pts. 20, 24, 9-1-19; Ord. No. 20230831-141, Pt. 22, 9-11-23.

§ 25-4-37 - VARIANCE DETERMINATION.

- (A) The Land Use Commission shall grant a variance from a requirement of Article 3 if the Land Use Commission determines that enforcement of the requirement will make subdivision of a tract of land impractical and deny the owner all reasonable use of the land.
- (B) For a mass housing project, a planned unit development, or similar neighborhood unit, the Land Use Commission may grant a variance from a requirement of Article 3 (*Platting Requirements*) if the Land Use Commission determines that planned development will provide light and air, vehicular and pedestrian circulation, and recreational facilities that are at least equal to the requirements of this title. An applicant must provide the Land Use Commission with a written report documenting compliance with this subsection.

Source: Section 13-2-407; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20190822-117, Pt. 20, 9-1-19.

§ 25-4-38 - INFRASTRUCTURE CONSTRUCTION OR FISCAL SECURITY FOR PLAT APPROVAL.

- (A) Before the director may approve a plat, the subdivider shall:
 - (1) construct the streets, utilities, and drainage facilities in compliance with the requirements of this title; or
 - (2) provide fiscal security under Section 25-1-112 (Fiscal Security) for subdivision improvements that serve the public interest.
- (B) Fiscal security provided under this section may be used by the City to construct the subdivision improvements that serve the public interest.

Source: Section 13-2-406; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20190822-117, Pt. 20, 9-1-19; Ord. No. 20230831-141, Pt. 23, 9-11-23.

§ 25-4-39 - ACCEPTANCE OF OFFERED DEDICATION.

- (A) Approval of a plat is not an acceptance by the City of an offered dedication. Disapproval or denial of a plat is a refusal by the City to accept an offered dedication shown on a plat.
- (B) The City may accept an offered dedication only by the action of an authorized official.
- (C)

The director and the director of the Public Works Department may accept for the City an offered dedication of a street by jointly issuing a certificate of acceptance.

- (D) A street may not be accepted unless it is surfaced, curbed, and guttered with the required utilities and drainage facilities installed. The City's entry, use, or improvement under a fiscal security agreement is not an acceptance of an offered dedication.
- (E) Except as provided in a fiscal security agreement, an officer or employee of the City may not enter, use, or improve a street unless the street has been accepted by the City.

Source: Section 13-2-404; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. No. 20190822-117, Pt. 20, 9-1-19.

§ 25-4-40 - ACTION IN 15 DAYS AFTER APPLICANT RESPONSE.

- (A) The requirements of this section are mandated by state law and supersede any contrary provisions of the City Code.
- (B) In this section, applicant response means the information provided by the applicant to the director to address the conditions of approval or reasons for disapproval of an application for preliminary plan or plat.
- (C) An applicant response:
 - (1) must adequately address each condition of approval or reason for the disapproval;
 - (2) must include only changes only as necessary to address the condition of approval or reason for disapproval; and
 - (3) may not include substantial changes unrelated to the condition of approval or reason for disapproval.
- (D) Upon receipt of an applicant response to a preliminary plan or plat application that requires Land Use Commission consideration, the director shall:
 - (1) determine if the applicant response meets the requirements in Subsection (C), and
 - (2) schedule the application for consideration by the Land Use Commission not later than the 15th day after the applicant response was submitted.
- (E) Upon receipt of an applicant response to a preliminary plan or plat the director shall:
 - (1) determine if the applicant response meets the requirements in Subsection (C), and
 - (2) approve, approve with conditions, or disapprove with reasons, the preliminary plan or plat not later than 15 days after the applicant response was submitted.
- (F) If the applicant response as submitted complies with the provisions of Subsection (C), and the director fails to comply with the time limits for action in this section, the application for preliminary plan or plat is approved by operation of law.

Source: Ord. No. 20190822-117, Pt. 25, 9-1-19; Ord. No. 20230831-141, Pt. 24, 9-11-23.

Editor's note— Ord. No. 20190822-117, Pt. 25, effective September 1, 2019, set out provisions intended for use as § 25-4-39. For purposes of clarity, and at the editor's discretion, these provisions have been included as § 25-4-40.

Division 2. - Preliminary Plans.

§ 25-4-51 - PRELIMINARY PLAN REQUIREMENT.

- (A) A preliminary plan must be approved before a plat may be approved, except as provided in Subsection (B).
- (B) A plat may be approved without a preliminary plan if each lot abuts an existing dedicated public street and the director determines that:
 - (1) a new street or an extension of a street is not necessary to provide adequate traffic circulation;
 - (2) the applicant has dedicated additional right of way necessary to provide adequate street width for an existing street abutting a lot; and
 - (3) drainage facilities are not necessary to prevent flooding, or if necessary, the applicant has arranged for the construction of drainage facilities.

Source: Section 13-1-480; Ord. 990225-70; Ord. 031211-11.

§ 25-4-52 - MASTER DEVELOPMENT PLAN.

- (A) If a preliminary plan is part of an applicant's plan for a larger development, the applicant shall file a master development plan with the director when the first application for preliminary plan approval is filed.
- (B) A master development plan may be in schematic form, must include the applicant's entire development, and must provide for the safe, healthful, and orderly extension of roads, utilities, drainage, and other public facilities.

Source: Section 13-1-481(d); Ord. 990225-70; Ord. 031211-11.

§ 25-4-53 - RESERVED.

Editor's note— Ord. No. 20190822-117, Pt. 26, effective September 1, 2019, repealed § 25-4-53, which pertained to concurrent applications and derived from Sections 13-1-481(h) and 13-1-486; Ord. 990225-70; Ord. 031211-11.

§ 25-4-54 - PREVIOUSLY APPROVED PRELIMINARY PLAN.

- (A) Approval of a preliminary plan supersedes a previously approved preliminary plan for the same land.
- (B) An applicant may not include land from a previously approved preliminary plan in a subsequent application for approval of a preliminary plan unless all the land, except land contained in an approved plat, is included in the application.
- (C) The director may waive the requirement of Subsection (B) if the director determines that including only a portion of the previously approved preliminary plan does not substantially impair the orderly planning of roads, utilities, drainage, or other public facilities.
- (D) An interested party may appeal the director's decision under Subsection (C) to the Land Use Commission.

Source: Section 13-1-481(b); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-4-55 - NOTICE.

- (A) The director shall give notice under Section 25-1-133(A) (Notice of Applications and Administrative Decisions) of the acceptance of an application for preliminary plan that requires a land use commission variance.
- (B) The director shall give additional notice if required by state law.

Source: Section 13-1-482; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20190822-117, § 27, 9-1-19.

§ 25-4-56 - STAFF REVIEW OF APPLICATION FOR PRELIMINARY PLAN APPROVAL.

- (A) The director shall promptly deliver a copy of an application for preliminary plan approval to each reviewing department or agency after the application has been filed.
- (B) A reviewing department or agency shall prepare and deliver to the director a written report of comments and recommendations regarding an application for preliminary plan approval before the expiration of the staff review period described in this section.
- (C) Staff review period for an application for preliminary plan approval is established by the director by administrative rule under Section 25-1-83 (Preliminary Plan or Plat Application Requirements and Expiration).
- (D) An applicant may file with the director an update to an application for preliminary plan approval before expiration of the application.
- (E) The staff review period of an update to an application for preliminary plan approval is established by the director by administrative rule.

Source: Section 13-1-483; Ord. 990225-70; Ord. 031211-11; Ord. No. 20160421-039, Pt. 6, 5-2-16; Ord. No. 20190822-117, § 28, 9-1-19; Ord. No. 20230831-141, Pt. 25, 9-11-23.

§ 25-4-57 - ACTION ON PRELIMINARY PLAN.

The director is authorized and shall approve an application for preliminary plan approval that complies with the Comprehensive Plan and the requirements of this title.

Source: Sections 13-1-484(d), 13-1-485, 13-1-486, and 13-1-487(a); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20190822-117, § 29, 9-1-19; Ord. No. 20230831-141, Pt. 26, 9-11-23.

§ 25-4-58 - RESERVED.

Editor's note— Ord. No. 20190822-117, § 30, effective September 1, 2019, repealed § 25-4-58, which pertained to council action on preliminary plan and derived from Sections 13-1-485, 13-1-486, and 13-1-487(a); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-4-59 - EFFECT OF PRELIMINARY PLAN APPROVAL.

Approval of a preliminary plan establishes a mutual commitment on behalf of the City and the applicant to:

- (1) the subdivision layout for plat approval, including the location and width of proposed streets, lots, blocks, and easements shown on the preliminary plan; and
- (2) the availability of utilities to serve the subdivided land to the extent shown on the preliminary plan.

Source: Section 13-1-487(b); Ord. 990225-70; Ord. 031211-11.

§ 25-4-60 - RESERVED.

Editor's note— Ord. No. 20190822-117, § 31, effective September 1, 2019, repealed § 25-4-60, which pertained to denial of preliminary plan and derived from Section 13-1-483(d); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-4-61 - CHANGES TO AN APPROVED PRELIMINARY PLAN.

- (A) An applicant can request a change to an approved preliminary plan if:
 - (1) the land affected by the change has not received final plat approval; and

- (2) all the owners of the land affected by the change are included in the request.
- (B) The director may approve a minor deviation from an approved preliminary plan if the director determines that the minor deviation complies with the requirements of this subsection. An applicant shall identify the proposed minor deviation on a copy of the preliminary plan submitted to the director. A formal application is not required.
- (1) A minor deviation may not:
 - (a) remove a property restriction or subdivision note;
 - (b) modify a waiver or variance;
 - (c) change an easement, except with the director's approval;
 - (d) increase impervious cover;
 - (e) modify a conservation easement, common area, green space, or other open space shown on the preliminary plan;
 - (f) affect property outside the proposed plat;
 - (g) increase the number of lots;
 - (h) change the use of a lot; or
 - (i) change the basic street layout.
- (2) A minor deviation may:
 - (a) change lot size or configuration;
 - (b) change street width or alignment; or
 - (c) change a utility or access easement.

(C) If the requested change does not qualify as a minor deviation, the applicant may submit a separate application to the director requesting the change. The director may approve the change if the director determines that the requested change complies with the requirements of this title.

Source: Section 13-1-488; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20230831-141, Pt. 27, 9-11-23; Ord. No. 20240718-102, Pt. 2, 7-29-24.

§ 25-4-62 - EXPIRATION OF APPROVED PRELIMINARY PLAN.

An approved preliminary plan expires five years after the date the application for approval of the preliminary plan is submitted.

Source: Section 13-1-489; Ord. 990225-70; Ord. 990805-46; Ord. 031211-11; Ord. No. 20140612-084, Pt. 7, 6-23-14.

Division 3. - Final Plats.

§ 25-4-81 - LAND INCLUDED IN PLAT.

An application for approval of a plat may include all or a portion of the land included in an approved preliminary plan.

Source: Section 13-1-481(e); Ord. 990225-70; Ord. 031211-11.

§ 25-4-82 - REVIEW OF APPLICATION FOR PLAT APPROVAL; EXPIRATION.

- (A) The director shall promptly deliver a copy of an application for plat approval to each reviewing department or agency after the application has been filed.
- (B) After the application is filed, a reviewing department or agency shall prepare and deliver to the director a written report of comments and recommendations regarding an application for plat approval not later than the deadline established by the director under Section 25-1-83 (Preliminary Plan and Plat Application Requirements and Expiration).
- (C) After the application is filed, the director shall determine whether an application for plat approval complies with the criteria for approval.
- (D) An applicant may file with the director an update to an application for plat approval before the application expires under the expiration period established under Section 25-1-83(B) (Preliminary Plan and Plat Application Requirements and Expiration).
- (E) After an update is filed, the director shall determine whether an update to an application for plat approval complies with the criteria for approval.

Source: Section 13-1-490; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20160421-039, Pt. 7, 5-2-16; Ord. No. 20190822-117, Pt. 32, 9-1-19; Ord. No. 20230831-141, Pt. 28, 9-11-23.

§ 25-4-83 - PLAT ACKNOWLEDGMENT.

The applicant must include the following note on the proposed plat: The owner of this subdivision and the owner's successors and assigns are responsible for construction of subdivision improvements that comply with City of Austin regulations. The owner understands that plat vacation or replatting may be required, at the owner's expense, if plans to construct this subdivision do not comply with the regulations. Approval of this subdivision does not guarantee future approval of variances to the City of Austin regulations that may be required at later stages of development.

Source: Section 13-1-491; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20190822-117, Pt. 33, 9-1-19; Ord. No. 20230831-141, Pt. 29, 9-11-23.

§ 25-4-84 - PLAT APPROVAL AUTHORITY AND CRITERIA.

- (A) The director is authorized to approve a plat.
- (B) The director shall approve a plat that complies with the Comprehensive Plan and the requirements of this title.
- (C) Approval of a plat is conditioned on the applicant's posting the fiscal security required by this title in the amount determined by the director. After the director certifies on the plat that the applicant has posted the fiscal security:
 - (1) the presiding officer of the Land Use Commission shall endorse the plat to certify the Land Use Commission's approval;
 - (2) the Mayor shall endorse the plat to certify the council's approval; or
 - (3) the director shall endorse the plat to certify the director's approval.
- (D) Approval of a plat expires on the 90th day after the approval date if the director has not certified that the applicant has posted fiscal security.

Source: Sections 13-1-491(a) and 13-1-492; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20230831-141, Pt. 30, 9-11-23.

§ 25-4-85 - RECORDATION.

- (A) The director shall record an approved plat in each county where land included in the plat is located.
- (B) The director may not record a plat located in the extraterritorial jurisdiction unless the appropriate county has approved the plat.
- (C) An applicant must provide all of the items and fees required to record the plat with the County Clerk within 80 business days from the date of plat approval.
- (D) An application for plat approval expires on the 81st business day after such approval unless Subsection (C) of this section is satisfied.

Source: Section 13-1-493; Ord. 990225-70; Ord. 031211-11; Ord. No. 20160421-039, Pt. 8, 5-2-16.

§ 25-4-86 - EFFECT OF PRELIMINARY PLAN EXPIRATION.

When an approved preliminary plan expires, a pending application for plat approval expires.

Source: Ord. 990805-46; Ord. 031211-11.

§ 25-4-87 - EXPIRATION OF APPLICATION FOR PLAT VACATION.

An application to vacate a plat expires after one year.

Source: Ord. No. 20160421-039, Pt. 9, 5-2-16.

§ 25-4-88 - NOTICE OF PLATS.

- (A) The director shall give notice under Section 25-1-133 (A) (*Notice of Applications and Administrative Decisions*) of the acceptance of an application for a plat that requires a Land Use Commission approved variance.
- (B) The director shall give notice under Section 25-1-132(B) (*Notice of Public Hearing*) of a public hearing at the Land Use Commission on an application for the replat of a subdivision that requires a Land Use Commission approved variance.
- (C) The director shall give notice after a replat has been approved administratively by providing written notice by mail not later than the 15th day following the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots replatted according to the most recent municipal or county tax roll. Notice under this subsection must include:
 - (1) the zoning designation of the property after the replat; and
 - (2) a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.
- (D) The director shall give additional notice if required by state law.

Source: Ord. No. 20190822-117, Pt. 34, 9-1-19.

Division 4. - Construction.

§ 25-4-100 - SUBDIVISION CONSTRUCTION PLAN APPROVAL AUTHORITY AND CRITERIA.

The director shall approve a subdivision construction plan that complies with the Comprehensive Plan and the requirements of this title.

Source: Ord. No. 20230831-141, Pt. 32, 9-11-23.

§ 25-4-101 - UPDATES TO APPLICATION FOR SUBDIVISION CONSTRUCTION PLANS.

An applicant may file an update to a subdivision construction plan application until the underlying application has expired under [Section 25-1-84 \(Subdivision Construction Plan Application Requirements and Expiration\)](#).

Source: [Ord. No. 20160421-039, Pt. 10, 5-2-16](#); Ord. No. [20190822-117](#), Pt. 35, 9-1-19; [Ord. No. 20230831-141](#), Pts. 31, 33, 9-11-23.

§ 25-4-102 - RELEASE OF A SUBDIVISION CONSTRUCTION PLAN.

(A) The director may release a subdivision construction plan if:

- (1) the director approves the subdivision construction plan; and
- (2) the applicant posts the required fiscal security with the director.

(B) The director's release of a subdivision construction plan authorizes the applicant to begin development in accordance with the plan.

Source: Section 13-1-494; Ord. 990225-70; Ord. 031211-11; [Ord. No. 20230831-141](#), Pts. 31, 34, 9-11-23.

§ 25-4-103 - EXPIRATION OF SUBDIVISION CONSTRUCTION PLAN.

(A) A subdivision construction plan expires three years after the date of its approval unless:

- (1) the Land Use Commission sets a later expiration date when it approves the plat;
- (2) before the plan expires, site work is commenced and diligently pursued to completion; or
- (3) the director extends the expiration date under Subsection (B).

(B) An applicant may request that the director extend the expiration date of a subdivision construction plan by filing a written request and justification with the director before the expiration date.

(1) The director may extend the expiration date of the plan once for a period of one year if the director determines:

- (a) there is good cause for the extension;
- (b) there has not been a significant change in development conditions affecting the plan; and
- (c) the plan continues to comply with the criteria for its approval and release.

(2) An interested party may appeal the director's decision under this subsection to the Land Use Commission.

(3) The director shall give notice under [Section 25-1-132\(A\) \(Notice of Public Hearing\)](#) of the Land Use Commission's consideration of an appeal.

(4) The Land Use Commission shall conduct a public hearing on an appeal before taking action.

(5) An interested party may appeal the Land Use Commission's decision under this subsection to the council.

Source: Section 13-1-495; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; [Ord. No. 20230831-141](#), Pt. 31, 9-11-23.

§ 25-4-104 - CONSTRUCTION MANAGEMENT AND CERTIFICATION.

(A) Construction management for a subdivision is governed by [Chapter 25-1, Article 8 \(Construction Management\)](#).

(B) Issuance of a certificate of compliance for a subdivision is governed by [Chapter 25-1, Article 9 \(Certificates of Compliance and Occupancy\)](#).

Source: Chapter 13-1, Article XI.; Ord. 990225-70; Ord. 031211-11; [Ord. No. 20230831-141](#), Pt. 31, 9-11-23.

ARTICLE 3. - PLATTING REQUIREMENTS.

Division 1. - Property Markers, Easements, and Alleys.

§ 25-4-131 - PROPERTY MARKERS.

A surveyor shall mark each boundary corner, intermediate property corner, curve point, and angle point of a subdivision with a permanent marker identified in the most recent edition of the Manual of Practice for Land Surveying in Texas, published by the Texas Society of Professional Surveyors. One boundary corner shall be marked with a concrete monument, unless a concrete monument exists on an adjacent platted subdivision within 1,300 feet of the proposed plat. Permanent markers along boundary lines may be spaced not more than 1,300 feet apart.

Source: Section 13-2-420; Ord. 990225-70; Ord. 031211-11.

§ 25-4-132 - EASEMENTS AND ALLEYS.

- (A) Easements for public utilities and drainage ways shall be retained in all subdivisions in the widths and locations determined necessary by the director. All easements shall be dedicated to public use for the named purpose and shall be aligned to minimize construction and future maintenance costs.
- (B) Off-street loading and unloading facilities shall be provided on all commercial and industrial lots, except in the area described in Subsection (C). The subdivider shall note this requirement on a preliminary plan and a plat.

- (C) An alley at least 20 feet wide is required to serve a commercial or industrial lot in the area bounded by Town Lake, IH-35, Martin Luther King, Jr. Boulevard, and Lamar Boulevard. If the director of Transportation and Public Works Department determines that the proposed alley adequately meets the requirements of traffic circulation, utility service, topography, and the Comprehensive plan, the director may waive this requirement.

Source: Section 13-2-421; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20230831-141, Pt. 35, 9-11-23.

§ 25-4-133 - EASEMENTS IN AREAS ADJOINING PROPOSED SUBDIVISION.

If the director determines that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage or utility service, the subdivider shall obtain the easements or make arrangements with the City to obtain them.

Source: Section 13-2-422; Ord. 990225-70; Ord. 031211-11.

§ 25-4-134 - HAZARDOUS PIPELINES.

- (A) In this section:
- (1) HAZARDOUS PIPELINE means a pipeline designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2, that has an inside diameter of eight inches or more.
 - (2) RESTRICTED PIPELINE AREA includes an area within 25 feet of a hazardous pipeline and an area within a hazardous pipeline easement.
 - (B) A subdivider shall determine whether a hazardous pipeline crosses a proposed subdivision.
 - (C) A subdivider shall depict on the plat a restricted pipeline area, if any.
 - (D) A residential lot that is less than one acre in size may not include a restricted pipeline area.
 - (E) In calculating minimum lot area under this chapter, a restricted pipeline area is excluded.
 - (F) A person may not place a structure or excavate within a restricted pipeline area.
 - (1) This prohibition does not apply to:
 - (a) the pipeline or an appurtenance;
 - (b) a facility that produces, consumes, processes, or stores the product transported by the pipeline, including a power generation facility;
 - (c) a utility line that crosses the restricted pipeline area, including an appurtenance to the line;
 - (d) a utility service connection;
 - (e) a road;
 - (f) surface parking lot; or
 - (g) a structure or excavation that the director determines does not disturb the pipeline or impede its operation.
 - (2) Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must deliver to the director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation.
 - (G) A person who seeks to convey a lot containing a restricted pipeline area shall, before title is transferred, deliver to the proposed grantee a document describing the restricted pipeline area, the limitations on its development, and the name and address of the pipeline owner or operator.
 - (H) For a plat that includes a restricted pipeline area, a plat note restating Subsection (G) is required.

Source: Ord. 030410-12; Ord. 031211-11.

Division 2. - Streets.

§ 25-4-151 - STREET ALIGNMENT AND CONNECTIVITY.

Streets of a new subdivision shall be aligned with and connect to existing streets on adjoining property unless the director of the Transportation and Public Works Department determines that the Comprehensive Plan, topography, requirements of traffic circulation, or other considerations make it desirable to depart from the alignment or connection.

Source: Section 13-2-423; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20080214-095; Ord. No. 20230831-141, Pt. 36, 9-11-23.

§ 25-4-152 - DEAD-END STREETS.

- (A) A street may terminate in a cul-de-sac if the director of the Transportation and Public Works Department determines that the most desirable plan requires laying out a dead-end street.
- (B) The director of the Transportation and Public Works Department may approve a dead-end street more than 2,000 feet long.
- (C) The director of the Transportation and Public Works Department may approve a deviation from the cul-de-sac design described in the Transportation Criteria Manual if the director determines that topography, density, adequate traffic circulation, or unusual conditions necessitate a different design.

Source: Section 13-2-429; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20230831-141, Pt. 37, 9-11-23.

§ 25-4-153 - BLOCK LENGTH.

- (A) A block may not exceed 1,200 feet in length, except as provided in this section.
- (B) A residential block that is parallel and adjacent to an arterial street may be up to 1,500 feet in length.
- (C) A residential block that is more than 900 feet in length must be transected by a pedestrian path that is located not less than 300 feet from each block end. The pedestrian path must be not less than five feet wide, comply with City standards for a sidewalk or trail, and be located within an easement or right-of-way, as determined by the director, that is not less than 15 feet wide. The director may waive or modify this requirement if the director determines that the pedestrian path cannot comply with the Americans with Disabilities Act.
- (D) A commercial or industrial block may be up to 2,000 feet in length if the director determines that there is adequate traffic circulation and utility service.
- (E) The director may waive a block length restriction if the director determines that the proposed block length adequately meets the requirements of traffic circulation, utility service, topography, and the Comprehensive Plan.
- (F) An applicant may appeal the director's denial of a waiver under this section to the Land Use Commission.

Source: Section 13-2-430; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20080214-095.

§ 25-4-154 - STREET DESIGN AND CONSTRUCTION.

A street or street intersection, whether public or private, shall be designed and constructed in accordance with the Transportation Criteria Manual.

Source: Sections 13-2-428, 13-2-488(a), and 13-2-488(b); Ord. 990225-70; Ord. 031211-11.

§ 25-4-155 - STREET NAMES.

New streets in subdivisions shall be named to provide continuity of name with existing streets and to prevent conflict with identical or similarly spelled or pronounced names in other parts of the planning jurisdiction.

Source: Section 13-2-427; Ord. 990225-70; Ord. 031211-11.

§ 25-4-156 - STREET SIGNS.

- (A) The location of a street sign is determined by the most recent version of the Texas Manual On Uniform Control Devices.
- (B) The subdivider shall provide the City with street name signs for street intersections with traffic signals.
- (C) The subdivider shall provide and install pole mounted street name signs at street intersections without traffic signals.

Source: Section 13-2-488(c); Ord. 990225-70; Ord. 031211-11.

§ 25-4-157 - SUBDIVISION ACCESS STREETS.

- (A) In this section:
 - (1) ACCESS STREET means a street that provides access to a subdivision by connecting to an external street.
 - (2) ADDITIONAL PEDESTRIAN ACCESS means a pedestrian path that meets City standards for a sidewalk or trail, is established to connect a new street in a subdivision to an existing street on adjoining property, and is at least 300 feet from an access street.
 - (3) EXTERNAL STREET means a street that is outside the boundaries of a subdivision, and that is:
 - (a) a publicly maintained street;
 - (b) a street that is offered for dedication and for which a construction performance bond is posted pending acceptance of the dedication; or
 - (c) a private street that complies with the requirements of this Code and each applicable criteria manual.
- (B) Except as otherwise provided in this section:
 - (1) a new subdivision must have at least two access streets; and
 - (2) each of the two access streets must connect to a different external street.
- (C) A new subdivision may have only one access street if the director determines that:
 - (1) except as provided in Subsection (E), the subdivision has an additional pedestrian access;
 - (2) the access street:
 - (a) does not cross nor is adjacent to an area identified as high risk Wildland Urban Interface area, as determined by the Austin Fire Department in accordance with the Austin Fire Department Wildfire Risk Map;
 - (b) is not inundated by more than nine inches of water by a 100-year flood, as determined in accordance with the Drainage Criteria Manual; and
 - (c) has a paved width of at least 36 feet from the intersection of the access street with the external street for a distance of:
 - (i) 100 feet; or

- (ii) 50 feet if the access street has curb and gutter; and
- (3) the access street:
 - (a) is not more than 2,000 feet in length, and provides access to not more than 30 single-family residential dwellings; or
 - (b) is an arterial or collector street, and its intersection with the external street will function at a level of service of "C" or better during construction and after build-out of the subdivision, as determined by an intersection analysis that is:
 - (i) approved by the director; and
 - (ii) if the subdivision generates more than 1,000 vehicle trips a day, prepared by a registered professional engineer in accordance with the Transportation Criteria Manual, or Transportation Research Board Special Report 209, "Highway Capacity Manual", published in 1994.
- (D) A new subdivision may have only one access street if the director determines that:
 - (1) except as provided in Subsection (E), the subdivision has an additional pedestrian access; and
 - (2) providing more than one access street is undesirable, unnecessary, or impractical after considering:
 - (a) traffic circulation;
 - (b) traffic safety;
 - (c) flood and fire safety;
 - (d) topography;
 - (e) the density of the subdivision and surrounding developed property;
 - (f) whether later development of adjacent property is anticipated to provide additional access;
 - (g) whether traffic through the subdivision should be limited;
 - (h) the environmental effect of a cut or fill, waterway crossing, or other surface disturbance necessary to provide more than one access street;
 - (i) whether the access street is a divided street;
 - (k) whether adverse effects, if any from permitting one access street are mitigated, including whether secondary pedestrian access is provided; and
 - (l) whether the subdivider:
 - (i) owns adjacent property through which access can be provided;
 - (ii) has the right to provide a second access street across another person's property; or
 - (iii) is able to develop the subdivision if more than one access street is required.
 - (E) The director may waive or modify the requirement of Subsection (C) or (D) for additional pedestrian access if the director determines that providing additional pedestrian access is impractical because of existing development or topography.

Source: Ord. 030306-48A; Ord. 031211-11; Ord. 20080214-095; Ord. No. 20230413-057, Pt. 3, 4-24-23.

Division 3. - Lots.

§ 25-4-171 - ACCESS TO LOTS.

- (A) Each lot in a subdivision shall abut a dedicated public street.
- (B) Chapter 25-6, Article 6 (*Access to Major Roadways And In Certain Watersheds*) governs access to a lot:
 - (1) on a roadway designated as a major arterial, freeway, parkway, or expressway in the transportation plan or in a roadway plan approved by the appropriate county; or
 - (2) on a Hill Country Roadway.

Source: Section 13-2-424; Ord. 990225-70; Ord. 030306-48A; Ord. 031211-11.

§ 25-4-172 - THROUGH LOTS IN A SINGLE-FAMILY SUBDIVISION.

A through lot in a single-family residential subdivision is permitted if access to one of the abutting streets is prohibited. If one of the streets abutting a through lot is an arterial, access to the arterial is prohibited unless the director determines that topography or property size justify access to the arterial.

Source: Section 13-2-431; Ord. 990225-70; Ord. 031211-11.

§ 25-4-173 - LOT ARRANGEMENT.

The side lines of lots must be approximately at right angles to straight street lines or radial to curved street lines. An arrangement placing adjacent lots at right angles to each other may be disallowed by the director.

Source: Section 13-2-432; Ord. 990225-70; Ord. 031211-11.

§ 25-4-174 - LOT SIZE.

- (A) In the zoning jurisdiction, the site development regulations for the zoning district in which a lot is located determine minimum lot area and minimum lot width.
- (B) In the extraterritorial jurisdiction, residential lot requirements are as follows:
 - (1) minimum lot area is:
 - (a) in a subdivision served by a public wastewater system or central wastewater disposal unit:
 - (i) 5,750 square feet; or
 - (ii) 6,900 square feet for a corner lot; or
 - (b) in a subdivision with private on-site sewage facilities, as determined by Texas Administrative Code Title 30, Chapter 285 (*On-Site Sewage Facilities*);
 - (2) minimum lot width is:
 - (a) 50 feet for an interior lot;
 - (b) 60 feet for a corner lot; or
 - (c) 33 feet for a lot on a cul-de-sac or curved street; and
 - (3) minimum lot frontage, including a flag lot, is:
 - (a) 20 feet; or
 - (b) if a culvert is required for a driveway approach, 30 feet.

(C) The director may reduce the minimum lot frontage prescribed by Subsection (B) if the director determines that access to the lot is restricted to a joint use driveway.

Source: Section 13-2-433; Ord. 990225-70; Ord. 030306-48A; Ord. 031211-11.

§ 25-4-175 - RESERVED.

§ 25-4-176 - USEABLE AREA OF LOTS.

The applicant shall demonstrate that all proposed duplex or single-family lots have usable lot area that can reasonably accommodate the assumed square footage of impervious cover established by Section 25-8-64 (Impervious Cover Assumptions). The usable lot area must account for all applicable waterway setbacks, floodplains, steep slopes, grade limitations, critical environmental features, protected trees, on-site sewage facilities, and other relevant code provisions.

Source: Ord. No. 20230831-141, Pt. 39, 9-11-23.

§ 25-4-177 - FLAG LOTS.

- (A) In this section, SINGLE-FAMILY RESIDENTIAL means:
 - (1) single-family attached residential use;
 - (2) single-family residential use; and
 - (3) small lot single-family residential use.
- (B) A flag lot may only be approved in accordance with the requirements of this subsection.
 - (1) Except as provided in Subdivision (2), flag lot designs are permitted if the director determines that the subdivision conforms to the Fire Code, utility design criteria, Plumbing Code and requirements for access.
 - (2) In single-family, duplex, two-unit, or three-unit residential subdivisions on previously unplatte land,
 - (a) residential flag lot designs may be used where no more than two dwelling units utilize a shared driveway; and
 - (b) residential flag lot designs with more than two units sharing a driveway may be used if the lots conform to the Fire Code, utility design criteria, Plumbing Code, and requirements for access.
- (C) Minimum Width of a Flag Lot.
 - (1) Except as provided in Subdivision (2), the minimum width of a flag lot is:
 - (a) 20 feet; or
 - (b) 15 feet if:
 - (i) two or more contiguous lots share a common driveway and sufficient area is available outside the drive on each lot for utility installation;
 - (ii) the applicant can demonstrate access through an alternative route; or
 - (iii) a driveway is not proposed.
 - (2) The minimum width of a flag lot with at least one but no more than three dwelling units is:
 - (a) 10 feet when:
 - (i)

sufficient area is available for utility installation;

- (ii) a driveway is not proposed; or
- (b) five feet when:
 - (i) two or more contiguous lots share a common driveway or walkway and sufficient area is available for utility installation; or
 - (ii) the applicant can demonstrate access through an alternative route.
- (D) For residential subdivisions utilizing a flag lot design, all driveways within the subdivision must be located and designed in a manner that:
 - (1) provides adequate space for required utilities;
 - (2) complies with the Utilities Criteria Manual;
 - (3) complies with the Drainage Criteria Manual;
 - (4) complies with the Fire Code;
 - (5) complies with the Plumbing Code; and
 - (6) complies with applicable tree preservation requirements detailed in the Environmental Criteria Manual.

(E) All addresses for residential lots utilizing a flag lot design must be displayed at their closest point of access to a public street for emergency responders.

Source: 20120524-139; Ord. No. 20190822-117, Pt. 36, 9-1-19; Ord. No. 20230831-141, Pt. 38, 9-11-23; Ord. No. 20240516-006, Pt. 8, 5-27-24.

Division 4. - Utilities.

§ 25-4-191 - WATER LINES.

- (A) A subdivision within 100 feet of a public water system must be connected to the public water system. The director may waive this requirement.
- (B) If a subdivision is to be served by a public water system:
 - (1) approval of the water system plans by the director of the Water and Wastewater Utility is required;
 - (2) installation of the water system must comply with the requirements of this title and the Utilities Criteria Manual; and
 - (3) water lines to serve each lot must be installed before a lot may be occupied.

Source: Section 13-2-476; Ord. 990225-70; Ord. 031211-11.

§ 25-4-192 - WASTEWATER LINES.

- (A) A subdivision within 100 feet of a public wastewater system must be connected to the public wastewater system. In the extraterritorial jurisdiction, the director may waive this requirement. In the zoning jurisdiction, this requirement may be waived under Section 25-9-4 (Connection to Organized Wastewater System Required).
- (B) If a subdivision is to be served by a public wastewater system or community disposal system, wastewater lines to serve each lot must be installed before a lot may be occupied.

Source: Section 13-2-475; Ord. 990225-70; Ord. 031211-11.

§ 25-4-193 - GAS LINES.

If natural gas from a public utility is available within 2,000 feet of a subdivision, the subdivider shall:

- (1) prepare plans for installation of natural gas lines to serve each lot and install the portions of the lines that are under a street or alley; or
- (2) place a note on the plat stating that natural gas lines have not been installed.

Source: Section 13-2-477; Ord. 990225-70; Ord. 031211-11.

§ 25-4-194 - INSTALLATION OF LINES.

A subdivider shall arrange with the appropriate utility departments and utility companies for the construction of water, wastewater, and gas utility lines unless the city manager approves the installation of utility lines by another entity.

Source: Section 13-2-478; Ord. 990225-70; Ord. 031211-11.

§ 25-4-195 - REQUESTS FOR UTILITY SERVICE.

- (A) To have municipal water or wastewater service extended to land within the extraterritorial jurisdiction, a landowner shall file with the director of the Water and Wastewater Utility a written request for:
 - (1) extension of service; and
 - (2) if the land is not covered by the utility's certificate of convenience and necessity, annexation by the City.

(B) The City may record an owner's request in the county deed records.

Source: Section 13-2-485; Ord. 990225-70; Ord. 031211-11; Ord. 20050929-077.

§ 25-4-196 - INDEPENDENT UTILITY DISTRICTS AND PRIVATE WATER AND SEWER CORPORATIONS.

(A) This section applies to a subdivision that is to receive retail water or wastewater service from an entity other than the City's Water and Wastewater Utility.

(B) A plat may not be approved unless the subdivider has complied with the requirements of this subsection.

(1) The subdivider shall provide the director with a copy of a contract between the subdivider and the utility service provider that provides for installing utility lines and furnishing adequate utility service.

(2) Water or wastewater system plans must comply with the requirements of this title and the Utilities Criteria Manual.

(3) Approval of water or wastewater system plans by the director of the Water and Wastewater Utility and the Texas Natural Resource Commission is required.

(C) Approval of the construction of water or wastewater facilities by the director of the Water and Wastewater Utility is required. A City inspector may inspect the facilities during construction. The director of the Water and Wastewater Utility may require that the subdivider pay an inspection fee.

Source: Section 13-2-480; Ord. 990225-70; Ord. 030731-54; Ord. 031211-11.

§ 25-4-197 - SUBDIVISIONS WHERE WATER OR WASTEWATER SERVICES ARE NOT AVAILABLE.

(A) A plat may not be approved unless the subdivider has complied with the requirements of this section, if applicable.

(B) If a subdivision is not to be served by a water utility, the subdivider shall provide the director with evidence that water suitable for human consumption may be obtained from surface or subsurface sources on the land. The evidence may include the results of tests and borings, and statements from local and state health authorities, water engineers, and other competent authorities. If the subdivider proposes a private water supply for the subdivision, the plans and specification shall be prepared by a registered professional engineer and approved by the director of the Water and Wastewater Utility and the Texas Natural Resource Conservation Commission.

(C) If a subdivision is not to be served by a sanitary sewer utility and the use of private on-site sewage facilities has not been approved by the local health authority, the subdivider shall construct a community sewage collection and treatment system that serves each lot. The system must be designed and located in accordance with the regulations of the Texas Natural Resource Conservation Commission and the local health authority. Approval by the director of the Water and Wastewater Utility of the plans for the system is required.

Source: Section 13-2-481; Ord. 990225-70; Ord. 031211-11.

§ 25-4-198 - PRIVATE ON-SITE SEWAGE FACILITY.

A subdivision that is to be served by private on-site sewage facilities must comply with Chapter 15-5 (*Private Sewage Facilities*) of the City Code. The local health authority shall review a preliminary plan or plat and report its findings to the Watershed Protection and Development Review Department.

Source: Section 13-2-482; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-4-199 - STREET LIGHTS.

(A) A plat may not be approved unless the subdivider has complied with the requirements of this section, if applicable.

(B) This section applies to the residential portion of a subdivision in the service area of the City's Electric Utility Department if the subdivision is located:

(1) at least partially inside the City limits; or

(2) outside the City limits, and the subdivider has requested annexation.

(C) A subdivider shall pay street lighting charges to the Electric Utility Department. The director may waive this requirement if the director determines that street lighting is not necessary, the requirement imposes an unreasonable hardship on the applicant, or obtaining payment for street lighting is impractical.

(D) The City shall use a payment collected under this section to install street lights in the residential areas of the subdivision for which it was collected.

(E) The City shall refund a payment collected under this section to the subdivider if the City does not install street lights within two years after the date the subdivider makes the payment.

(F) This section does not require the City to install street lights in a subdivision that has not been annexed.

Source: Section 13-2-479; Ord. 990225-70; Ord. 031211-11.

§ 25-4-200 - ELECTRIC SYSTEM.

(A) If a subdivision requires connection to Austin Energy's electric system:

(1) the applicant must obtain approval of the electric system plans from Austin Energy; and

(2)

the applicant must demonstrate that the installation of the electric system will comply with the requirements of this title and all electric system design, safety, and reliability requirements found in:

- (a) Chapter 15-9 (*Utility Service Regulations*) of the City Code;
 - (b) Austin Energy's Design Criteria Manual adopted as part of the Utilities Criteria Manual;
 - (c) The National Electrical Safety Code (NESC); and
 - (d) The National Electrical Code (NEC).
- (B) If any part of a subdivision is within 200 feet of an existing component of Austin Energy's electric system, the applicant must comply with the following requirements:
- (1) the applicant must obtain approval from Austin Energy; and
 - (2) the applicant must demonstrate that the subdivision will comply with the electrical system design, safety and reliability requirements found in Austin Energy's Design Criteria Manual adopted as part of the Utilities Criteria Manual.

Source: Ord. No. 20190822-117, Pt. 37, 9-1-19.

Division 5. - Parkland Dedication.

§ 25-4-211 - PARKLAND DEDICATION.

The platting requirement for parkland dedication is governed by [Chapter 25-1](#), Article 14 (*Parkland Dedication*).

Source: Section 13-2-455 and Section 13-2-450(a); Ord. 990225-70; Ord. 031211-11; Ord. 20070621-027.

§ 25-4-212 - DOCUMENTING EXEMPTIONS FROM PARKLAND DEDICATION.

- (A) In approving a subdivision or site plan that is required to dedicate parkland under [Section 25-1-602](#) (*Parkland Dedication Required*), the director may require a notation on the plat or site plan indicating that land has been dedicated or a fee in-lieu paid as required by this article.
- (B) If an application for a preliminary plan or final plat is submitted for a non-residential development that is exempt from this article under [Section 25-1-601](#) (*Applicability*), the director may require a plat notation stating that any subsequent residential development within the subdivision is required to dedicate parkland or make payment in-lieu of dedication as required by [Chapter 25-1](#), Article 14 (*Parkland Dedication*) or other applicable ordinance.
- (C) If a plat note prohibiting residential uses was required by the City of Austin in order to document an exemption from parkland dedication for a non-residential subdivision on or after July 25, 1985, the applicant may amend the plat in order to conform the notation with the plat note authorized under Subsection (A) or (B) of this section.

Source: Ord. No. 20140807-169, Pt. 4, 8-18-14.

Division 6. - Special Subdivisions.

§ 25-4-231 - TOWNHOUSE LOTS.

- (A) This section applies to a subdivision with townhouse lots.
- (B) Common areas must be identified on the plat. An applicant shall provide for maintenance of and payment of taxes on common areas.
- (C) An applicant shall submit to the director a legal opinion that describes the rights and duties of the owners, the legal status of common areas and facilities, and the provisions for taxation and maintenance of the common areas.
- (D) In the extraterritorial jurisdiction, an applicant shall submit to the director a site plan showing the locations and dimensions of buildings, accessory uses, and other improvements.

Source: Section 13-2-434; Ord. 990225-70; Ord. 031211-11.

§ 25-4-232 - SMALL LOT SUBDIVISIONS.

- (A) This section applies to a subdivision with small lots that are zoned single family residence small lot (SF-4A) district or less restrictive.
- (B) A small lot subdivision may not be approved unless service is available to each lot in the subdivision from public water and centralized sewer systems.
- (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) A maintenance easement is required in the dominant side yard of a lot.
- (16) A use easement is required in the subordinate side yard of a lot.
- (17) A lot that is less than 50 feet wide and that fronts on a collector street must have a paved alley or paved private access easement along the rear property line.
- (18) Minimum pavement width of a private access easement is 25 feet. In the extraterritorial jurisdiction, the minimum pavement width is 25 feet or the width required by the county, whichever is greater.
- (19) A lot may not front on an arterial street.
- (20) Underground utility service to all lots is required.
- (21) Maintenance of a common area or access easement is the responsibility of the adjoining property owner or the homeowners' association, in accordance with the required Declaration of Covenants, Easements, and Restrictions.
- (D) The director may not record a plat of a small lot subdivision unless a Declaration of Covenants, Easements, and Restrictions or similar document has been approved by the city attorney, recorded, and referenced on the plat. The document must contain the following:
- (1) a statement that the subdivision is developed under this section and incorporating the requirements of this section by reference;
 - (2) a description of the requirements of Subsections (C)(1) through (14) and an imposition of those requirements as a restriction running with the land; and
 - (3) a restriction of the use of the property to:
 - (a) one-family dwellings except mobile homes;
 - (b) accessory uses permitted in an SF-3 district;
 - (c) parks, playgrounds, open space, and common areas providing recreational amenities to the subdivision; and
 - (d) growing agricultural crops;
 - (4) provisions for the maintenance easements and use easements required by this section; and
 - (5) provisions obligating the adjoining property owner or the homeowners' association to maintain common areas and access easements.

Source: Section 13-2-435; Ord. 990225-70; Ord. 000511-109; Ord. 030731-53; Ord. 031211-11; Ord. No. 20231102-028, Pt. 35, 11-13-23; Ord. No. 20240516-006, Pt. 9, 5-27-24.

§ 25-4-233 - SINGLE-FAMILY ATTACHED RESIDENTIAL SUBDIVISION.

- (A) This section applies to a subdivision with single-family attached residential lots.
- (B) A subdivision with single-family attached residential lots is permitted on:
 - (1) unplatted land;
 - (2) a platted duplex lot that is vacant; or
 - (3) a platted lot developed with a duplex on or before March 1, 1987, if the duplex complies with current regulations.
- (C)

Single-family attached residential lots may be created only in multiples of two lots per site, and each lot must be served by public water and sewage systems.

(D) A lot may be subject to, or benefitted by, private utility easements.

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

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

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

(3) Minimum lot width is:

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

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

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

(5) Maximum height is 35 feet.

(6) Minimum front yard setback is 25 feet.

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

(8) Minimum interior side yard setback is five feet, except between attached units.

(9) Minimum rear yard setback is 10 feet.

(10) Maximum building coverage is 40 percent.

(11) Maximum impervious coverage is 45 percent.

(F) A plat of a single family attached subdivision may not be recorded unless a Declaration of Covenants, Easements, and Restrictions or similar document has been approved by the city attorney, recorded, and referenced on the plat. The document must:

(1) require that development and use of the lots comply with this title;

(2) require that construction of a dwelling unit comply with [Chapter 25-12](#), Article 1 (*Uniform Building Code*), Article 4 (*Electrical Code*), Article 5 (*Uniform Mechanical Code*), Article 6 (*Uniform Plumbing Code*), and Article 7 (*Uniform Fire Code*).

(G) This subsection applies to the sale of a single-family attached residential lot.

(1) A seller shall deliver to the purchaser:

(a) a copy of the document described in Subsection (F); and

(b) a notice stating that the property will be conveyed under the terms of the document, and that the purchaser is advised to consult an attorney concerning the purchaser's rights and obligations under the document.

(2) A purchaser may terminate the sale contract without penalty:

(a) within five days of the purchaser's receipt of the document and notice under Subsection (G)(1); or

(b) at any time before closing, if the seller does not deliver the document and notice.

Source: Section 13-2-436; Ord. 990225-70; Ord. 031211-11; [Ord. No. 20231102-028](#), Pt. 36, 11-13-23.

CHAPTER 25-5. - SITE PLANS.

ARTICLE 1. - SITE PLANS GENERALLY.

Division 1. - Site Plan Requirement and Notice.

§ 25-5-1 - SITE PLAN REQUIRED.

Except as provided in [Section 25-5-2 \(Site Plan Exemptions\)](#), a site plan must be approved and released under this chapter before:

(1) a person may change the use of property;

(2) a person may develop property; or

(3) the building official may issue a building permit.

Source: Section 13-1-600; Ord. 990225-70; Ord. 031211-11.

§ 25-5-2 - SITE PLAN EXEMPTIONS.

(A) The director shall determine whether a project is exempt under this section from the site plan requirement of [Section 25-5-1 \(Site Plan Required\)](#). The director may require an applicant to submit information necessary to make a determination under this section or to revise a previously approved site plan under [Section 25-5-61 \(Revisions to Released Site Plans\)](#).

(B) A site plan is not required for the following development:

- (1) construction or alteration of four or fewer residential units, if:
 - (a) the proposed construction is located on a legal lot or tract that contains four or fewer residential units, including proposed and existing units; and
 - (b) a proposed improvement is not located in the 100 year flood plain, or the director determines that the proposed improvement will have an insignificant effect on the waterway;
 - (2) removal of a tree not protected by this title;
 - (3) interior alteration of an existing building that does not increase the square footage, area, or height of the building;
 - (4) construction of a fence that does not obstruct the flow of water;
 - (5) clearing an area up to 15 feet wide for surveying and testing, unless a tree more than eight inches in diameter is to be removed;
 - (6) restoration of a damaged building that begins within 12 months of the date of the damage;
 - (7) relocation or demolition of a structure or foundation covering not more than 10,000 square feet of site area under a City demolition permit, if trees larger than eight inches in diameter are not disturbed and the site is not cleared;
 - (8) development in the extraterritorial jurisdiction that is exempt from all water quality requirements of this title; or
 - (9) placement of a commercial portable building on existing impervious cover if the building does not impede or divert drainage and the site complies with the landscaping requirements of this title; and
 - (10) construction or alteration of a townhouse in the Mueller Planned Unit Development or the area identified in Section 1.2.5.B (*Conflicting Provisions*) of the Regulating Plan for the Lamar Blvd./Justin Lane Transit Oriented Development.
- (C) Except for a change of use to an adult oriented business, a site plan is not required for a change of use if the new use complies with the off-street accessible space requirements of this title.
- (D) Except for an adult oriented business, a site plan is not required for construction that complies with the requirements of this subsection.
- (1) The construction may not exceed 1,000 square feet, and the limits of construction may not exceed 3,000 square feet, except for the following:
 - (a) enclosure of an existing staircase or porch;
 - (b) a carport for fewer than ten cars placed over existing parking spaces;
 - (c) a wooden ground level deck up to 5,000 square feet in size that is for open space use;
 - (d) replacement of a roof that does not increase the building height by more than six feet;
 - (e) remodeling of an exterior facade if construction is limited to the addition of columns or awnings for windows or entrance ways;
 - (f) a canopy over an existing gas pump or paved driveway;
 - (g) a sidewalk constructed on existing impervious cover;
 - (h) replacement of up to 3,000 square feet of building or parking area lost through condemnation, if the director determines that there is an insignificant effect on drainage or a waterway; or
 - (i) modification of up to 3,000 square feet of a building or impervious cover on a developed site if the modification provides accessible facilities for persons with disabilities.
 - (2) The construction may not increase the extent to which the development is noncomplying.
 - (3) The construction may not be for a new drive-in service or additional lanes for an existing drive-in service, unless the director determines that it will have an insignificant effect on traffic circulation and surrounding land uses.
 - (4) A tree larger than eight inches in diameter may not be removed.
 - (5) The construction may not be located in the 100 year flood plain, unless the director determines that it would have an insignificant effect on the waterway.
- (E) A site plan is not required for minor site development, minor construction, or a change of use that the director determines is similar to that described in Subsections (B), (C), and (D) of this section.
- (F) A site plan is not required for the construction of subdivision infrastructure in accordance with approved subdivision construction plans.
- (G) The exemptions provided by Subsections (C) and (D) do not apply to a bed and breakfast residential use established after October 1, 1994.
- (H) The exemptions provided by this section do not apply to a telecommunications tower described in Subsection 25-2-839(F) or (G) (*Telecommunication Towers*).
- (I) A site plan is not required for development of a site solely for a community garden use if the director determines that the overall plan does not exceed the exceptions described in subsections (B), (C) or (D).
 - (J) The exemptions provided by this section do not apply to the construction of a dock, bulkhead, or shoreline access as described in Chapter 25-2, Subchapter C, Article 13 (*Docks Bulkheads, and Shoreline Access*), but a site plan is not required for the repair, maintenance, or modification of existing structures or improvements if the applicable requirements of this subsection are met.
 - (1) A site plan is not required for simple re-decking of a dock.
 - (2) A site plan is not required to modify a dock, or to maintain or repair a dock or shoreline access, if:
 - (a) the dock or shoreline access was legally constructed; and

- (b) the work proposed does not:
 - (i) require a variance or other approval from a city board or commission;
 - (ii) increase the existing footprint of the dock or shoreline access;
 - (iii) add, change, or replace structural components, including load bearing beams or walls, piers, pilings; or
 - (iv) add new walls.
 - (3) A site plan is not required to repair a bulkhead if:
 - (a) the bulkhead was legally constructed;
 - (b) the repair does not exceed 25% of the bulkhead or portion of a bulkhead existing on a lot or tract; and
 - (c) no repair to the bulkhead was done without a site plan in the previous three years.
 - (K) An exemption under this section does not waive applicable requirements for obtaining a building permit and may not include modifications to a non-complying structure, including repair or maintenance, except as provided under Chapter 25-2, Subchapter C, Article 8 (*Noncomplying Structures*).
- Source: Section 13-1-603; Ord. 990225-70; Ord. 990520-38; Ord. 000302-36; Ord. 000831-65; Ord. 031120-40; Ord. 031211-11; Ord. 20101209-075; Ord. 20110210-018; Ord. 20130328-032; Ord. No. 20140626-112, Pt. 15, 7-7-14; Ord. No. 20160623-090, Pt. 6, 7-4-16; Ord. No. 20230720-158, Pt. 1, 7-31-23; Ord. No. 20231102-028, Pt. 37, 11-13-23.
- § 25-5-3 - SMALL PROJECTS.
- (A) The director shall determine whether a project is a small project described in this section.
 - (B) The following are small projects:
 - (1) construction of a building or parking area if the proposed construction:
 - (a) does not require a variance from a water quality regulation;
 - (b) does not exceed 5,000 square feet of impervious cover; and
 - (c) the construction site does not exceed 10,000 square feet, including the following areas:
 - (i) construction;
 - (ii) clearing;
 - (iii) grading;
 - (iv) construction equipment access;
 - (v) driveway reconstruction;
 - (vi) temporary installations, including portable buildings, construction trailers, storage areas for building materials, spoil disposal areas, erosion and sedimentation controls, and construction entrances;
 - (vii) landscaping; and
 - (viii) other areas that the director determines are part of the construction site;
 - (2) construction of a storm sewer not more than 30 inches in diameter that is entirely in a public right-of-way or an easement;
 - (3) construction of a utility line not more than eight inches in diameter that is entirely in a public right-of-way;
 - (4) construction of a left turn lane on a divided arterial street;
 - (5) construction of street intersection improvements;
 - (6) widening a public street to provide a deceleration lane if additional right-of-way is not required;
 - (7) construction of five to 16 dwelling units on a lot that does not exceed a gross site area of 1.50 acres;
 - (8) depositing less than two feet of earth fill, if the site is not in a 100 year floodplain and the fill is not to be deposited within the dripline of a protected tree;
 - (9) construction of a boat dock as an accessory use to a single-family residential use, duplex residential use, two-family residential use, or secondary apartment special use if shoreline modification or dredging of not more than 25 cubic yards is not required;
 - (10) construction of a retaining wall, if the wall is less than 100 feet in length and less than eight feet in height, and the back fill does not reclaim a substantial amount of land except land that has eroded because of the failure of an existing retaining wall;
 - (11) minor development that the director determines is similar to that described in Subsections (B)(1) through (10) of this section;
 - (12) the replacement of development that is removed as a result of right-of-way condemnation; and
 - (13) the construction of a telecommunications tower described in Subsection 25-2-839(F) or (G) (*Telecommunication Towers*).
 - (C) Notwithstanding any other provisions in this Section, construction of Shoreline Access, as defined in Section 25-2-1172, that exceeds 50 feet in length and is constructed on slopes exceeding 35% gradient does not constitute a small project.
 - (D) For a small project, the director may waive a submittal requirement that the director determines is not essential to demonstrate compliance with this title. The director shall maintain a record of submittal requirements that are waived under this subsection.

Source: Section 13-1-604; Ord. 990225-70; Ord. 000302-36; Ord. 000831-65; Ord. 031211-11; Ord. 20101209-075; Ord. No. 20140626-113, Pt. 16, 7-7-14; Ord. No. 20250306-037, Pt. 2, 5-23-25.

§ 25-5-4 - NOTICE OF APPLICATION.

- (A) Except for a small project described in Section 25-5-3 (Small Projects), the director shall give notice:
 - (1) under Section 25-1-133(A) (Notice of Applications and Administrative Decisions) of the filing of an application for site plan approval; and
 - (2) for an application for approval of a replacement site plan described in Section 25-5-64 (Replacement Site Plan), by posting signs at the site.
- (B) This subsection prescribes the notice required for an application to construct a telecommunication tower described in Subsection 25-2-839(F) or (G) (Telecommunication Towers).
 - (1) The director shall send notice of the application to each registered neighborhood organization in whose boundaries the proposed tower is located and to each record owner of property within 300 feet of the centerline of the proposed tower. The notice must include the tower location, the name and telephone number of the tower owner, and the telephone number of the Watershed Protection and Development Review Department.
 - (2) The director shall post a sign at the street right-of-way nearest the proposed tower location. The sign must state that an application to construct a telecommunication tower at that location has been filed and include the name and telephone number of the tower owner.
- (C) This subsection applies to the initial placement of an antenna by a provider of personal wireless services, as defined by United States Code Title 47, Section 332(c)(7)(C), that is exempt from the requirement for a site plan under Section 25-5-2 (Site Plan Exemptions). The director shall mail notice of the exemption application not later than the seventh day after the application is filed to:
 - (1) each notice owner of real property located within 300 feet of the proposed antenna; and
 - (2) each registered neighborhood organization in whose boundaries the proposed antenna is located.

Source: Section 13-1-605; Ord. 990225-70; Ord. 000302-36; Ord. 010329-18; Ord. 031204-53; Ord. 031211-11.

Division 2. - Phasing and Fast Track Procedures.

§ 25-5-21 - PHASED SITE PLAN.

- (A) An applicant may design a site plan to be constructed in development phases. An applicant shall identify development phases on the site plan and propose the dates for beginning construction of the first and final phases. The director may require that the applicant propose dates for beginning construction of all phases.
- (B) The director may approve development phasing if the date proposed for beginning construction on the final phase is not more than three years after the approval date of the site plan. Planning Commission approval is required for development phasing if the date proposed for beginning construction of a phase is more than three years after the approval date of the site plan.
- (C) The director shall approve a request for development phasing if the director determines that the site plan complies with the requirements of this subsection.
 - (1) The entire development must be conducive to phasing, and each proposed phase must be a discrete and substantial part of the entire development.
 - (2) Each development phase must independently satisfy the requirements of Section 25-5-43 (Site Plan Release).
 - (3) If a traffic impact analysis is required, the phasing plan must implement solutions to identified traffic problems that are approved by the director.
- (D) The Land Use Commission shall approve a request for development phasing and establish dates for beginning construction of each phase if the Land Use Commission determines that the site plan complies with the requirements of Subsections (C)(1) through (3) of this section and that the applicant has demonstrated a reasonable need for the requested phasing dates.
- (E) An interested party may appeal the Land Use Commission's decision under Subsection (D) of this section to the council.

Source: Sections 13-1-608 and 13-1-611; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-5-22 - ENGINEERING PLANS FOR A PHASED SITE PLAN.

- (A) For a site plan submitted for phasing under Section 25-5-21 (Phased Site Plan), the director may allow the applicant to defer the submittal of detailed engineering and drainage plans if the site plan contains sufficient preliminary engineering and drainage information to permit the director to determine whether the development complies with the requirements of this title.
- (B) If a submittal is deferred under Subsection (A) of this section, the detailed engineering and drainage plan for each phase of a site plan must comply with the requirements of this chapter for an administrative site plan.

Source: Section 13-1-610; Ord. 990225-70; Ord. 031211-11.

§ 25-5-23 - FAST TRACK PERMIT.

- (A) A fast track permit is an authorization to begin site development while an application for site plan approval is being reviewed by the City.

- (B) The director may approve a fast track permit if the director determines that:
 - (1) the applicant or a person employed by the applicant has fast track certification under Section 25-5-24 (Fast Track Certification) and is responsible for the fast track development;
 - (2) the site plan is located within the boundaries of an urban watershed or a suburban watershed;
 - (3) the site plan requires a certificate of occupancy from the City;
 - (4) the site plan does not require a variance;
 - (5) the proposed fast track permit complies with the requirements of this title;
 - (6) the fast track permit includes conditions of approval that will protect the environment and the public health, safety, and welfare;
 - (7) the requirement for a pre-construction conference under Section 25-1-282 (Preconstruction Conference Required) is noted on the fast track permit;
 - (8) the applicant has posted cash fiscal surety for erosion and sedimentation controls and revegetation for the fast track development;
 - (9) the applicant has authorized the City to draw on the cash fiscal surety, enter the site, and restore the site to its original condition if the fast track permit expires or is revoked; and
 - (10) if required, other governmental entities have approved the fast track development.
- (C) An approved fast track permit expires if the director determines that the site plan is denied under Section 25-5-113 (Updates). An applicant may appeal the director's determination under this subsection to the Land Use Commission.
- (D) If the director determines that development of a site does not comply with the requirements of an approved fast track permit, the director may revoke the fast track permit.
- (E) Approval of a site plan supersedes an approved fast track permit.

Source: Section 13-1-618; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-5-24 - FAST TRACK CERTIFICATION.

- (A) The director may issue fast track certification to a person who successfully completes the required training.
- (B) The director shall adopt rules for fast track certification that include provisions for the following:
 - (1) standards for certification;
 - (2) the amount and type of training required; and
 - (3) suspension and revocation of certification by the director.
- (C) Rules under Subsection (B)(3) of this section regarding suspensions and revocations of certification must provide for graduated sanctions.
- (D) A person whose certification under this section is suspended or revoked by the director may appeal the director's decision to the Land Use Commission. The Land Use Commission may only overturn or modify the director's decision if the Land Use Commission determines that the director abused the director's discretion in ordering the suspension or revocation.
- (E) The director may require that a person with certification under this section receive additional training.

Source: Section 13-1-619; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

Division 3. - Approval, Release, and Construction.

§ 25-5-41 - APPROVAL AUTHORITY.

- (A) The director may approve an administrative site plan under Article 2 (*Administrative Site Plans*).
- (B) The Land Use Commission:
 - (1) may approve a conditional use site plan or Hill Country Roadway Corridor site plan under Article 3 (*Land Use Commission Approved Site Plans*); and
 - (2) may act on an appeal of the director's approval or denial of a replacement site plan.
- (C) The council may act on an appeal of the Land Use Commission's approval or denial of a conditional use site plan, Hill Country Roadway Corridor site plan, or replacement site plan.

Source: Sections 13-1-601 and 13-1-644; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-5-42 - APPROVAL DATE.

If a site plan is approved, the approval date is:

- (1) the last day that an appeal may be filed, if final approval is by the director or the Land Use Commission; or
- (2) the date of council approval.

Source: Section 13-1-614(b); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-5-43 - SITE PLAN RELEASE.

- (A) The director may release a site plan after:
 - (1) the site plan is approved;
 - (2) the applicant posts the required fiscal security with the director;
 - (3) the time period for filing an appeal of the approval expires, or each interested party signs and submits to the director a written waiver of the right to appeal; and
 - (4) if applicable, tenant notification has been provided for the period required under [Section 25-1-712 \(Tenant Notification Required\)](#).
- (B) Except as provided in Subsection (C), the director's release of a site plan authorizes the applicant to develop the site in accordance with the site plan.
- (C) An applicant may not begin development of site plan improvements that require a building permit until a building permit is issued. The building official may not issue a building permit until the director releases a site plan.

Source: Section 13-1-606; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. No. [20160901-050](#), Pt. 8, 9-12-16.

§ 25-5-44 - PREVIOUSLY APPROVED SITE PLAN.

Release of a site plan voids a previously approved site plan for property included in the released site plan.

Source: Section 13-1-607(b); Ord. 990225-70; Ord. 031211-11.

§ 25-5-45 - CONSTRUCTION MANAGEMENT AND CERTIFICATION.

- (A) Construction management for a site plan is governed by [Chapter 25-1](#), Article 8 (*Construction Management*).
- (B) Issuance of a certificate of occupancy or compliance is governed by [Chapter 25-1](#), Article 9 (*Certificates of Compliance and Occupancy*).

Source: Chapter 13-1, Article XI; Ord. 990225-70; Ord. 031211-11.

Division 4. - Revision, Extension, and Replacement.

§ 25-5-61 - REVISIONS TO RELEASED SITE PLANS.

- (A) Except as provided in Subsections (C) and (D) of this section, an applicant shall file a new application for site plan approval to revise a released site plan.
- (B) If the Land Use Commission considers a request to revise a planning commission approved site plan and imposes additional conditions under [Section 25-1-146 \(Conditions Of Approval\)](#), the applicant may withdraw the request and develop in accordance with the previously approved site plan.
- (C) The director may approve a minor revision to a released site plan if the director determines that the minor revision satisfies Subsection (D) of this section. An applicant shall submit a written request to the director identifying proposed minor revisions. A formal application or public hearing is not required. The director's approval of a minor revision shall be in writing.
- (D) A minor revision to a released site plan is a revision that:
 - (1) does not have a significant effect on a neighboring property, the public, or a person who will occupy or use the proposed development;
 - (2) is necessary to relocate approved building square footage or parking areas out of a condemned right-of-way area; or
 - (3) is necessary to comply with the Americans With Disabilities Act.

Source: Section 13-1-607; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-5-62 - EXTENSION OF RELEASED SITE PLAN BY DIRECTOR.

- (A) An applicant may request that the director extend a site plan by filing an extension request with the director before the site plan expires.
- (B) The director shall give notice under [Section 25-1-133\(A\) \(Notice Of Applications And Administrative Decisions\)](#) of a request for an extension under this section.
- (C) The director may extend the expiration date of a released administrative site plan one time for a period of one year if the director determines that there is good cause for the requested extension; and
 - (1) the director determines that:
 - (a) the site plan substantially complies with the requirements that apply to a new application for site plan approval;
 - (b) the applicant filed the original application for site plan approval with the good faith expectation that the site plan would be constructed;
 - (c) the applicant constructed at least one structure shown on the original site plan that is suitable for permanent occupancy; or
 - (d) the applicant has constructed a significant portion of the infrastructure required for development of the original site plan; and
 - (2) the director determines that:
 - (a) if a traffic impact analysis was submitted with the application for site plan approval:

- (i) the assumptions and conclusions of the traffic impact analysis are valid; or
 - (ii) if the assumptions and conclusions are not valid, the applicant has submitted an addendum to the traffic impact analysis that demonstrates that traffic impacts will be adequately mitigated; or
 - (b) if a traffic impact analysis was not submitted with the application for site plan approval, the applicant demonstrates that traffic impacts will be adequately mitigated.
- (D) If a site plan is associated with a project that has expired for purposes of vested rights under Chapter 25-1, Article 12, Division 3 (*Expirations*), the director may extend the expiration date of the site plan one time for a period of one year under the requirements of this subsection.
- (1) If the site plan substantially complies with the requirements that would apply to a new application, the director may grant an extension if the criteria in Subsection (C) of this section are satisfied.
 - (2) If the site plan does not substantially comply with the requirements that would apply to a new application, the director may grant an extension if there is good cause for the requested extension and:
 - (a) the applicant filed the original application for site plan approval with the good faith expectation that the site plan would be constructed; and
 - (b) the requirements for a traffic impact analysis under Subsection (C)(2) of this section have been met; and
 - (c) one of the following requirements is met:
 - (i) the applicant constructed at least one structure shown on the original site plan that is suitable for permanent occupancy; or
 - (ii) the applicant has constructed a significant portion of the infrastructure required for development of the original site plan.

- (E) An interested party may appeal the director's decision under this section to the Land Use Commission. An interested party may appeal the Land Use Commission's decision on an appeal under this section to the council.

Source: Section 13-1-612; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20140612-084, Pt. 8, 6-23-14.

§ 25-5-63 - EXTENSION OF RELEASED SITE PLAN BY THE LAND USE COMMISSION.

- (A) An applicant may request that the Land Use Commission extend the expiration date of a released site plan if the expiration date was previously extended under Section 25-5-62 (*Extension Of Released Site Plan By Director*), except that no extension may be granted for a site plan associated with a project that has expired under Chapter 25-1, Article 12, Division 3 (*Expirations*).
- (B) The Land Use Commission shall hold a public hearing on a request to extend the expiration date of a released site plan under this section before it may act on the request. The director shall give notice under Section 25-1-132(A) (*Notice Of Public Hearing*) of the public hearing.
- (C) The Land Use Commission may extend the expiration date of a released site plan beyond the date established by this chapter if the Land Use Commission determines that the request complies with the requirements for extension by the director under Section 25-5-62 (*Extension Of Released Site Plan By Director*).
- (D) An interested party may appeal the Land Use Commission's decision under this section to the council.

Source: Section 13-1-613; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20140612-084, Pt. 9, 6-23-14.

§ 25-5-64 - REPLACEMENT SITE PLAN.

- (A) The director may approve an administrative site plan as a replacement for a zoning site plan described in Section 25-5-82(D)(3) (*Expiration Of A Site Plan Approved Before January 1, 1988*) if the director determines that:
 - (1) except as otherwise provided in this section, the replacement site plan complies with current regulations;
 - (2) if a traffic impact analysis was submitted with the application for the zoning site plan approval:
 - (a) the assumptions and conclusions of the traffic impact analysis are valid; or
 - (b) if the assumptions and conclusions are not valid, the applicant has submitted an addendum to the traffic impact analysis that demonstrates that traffic impacts will be adequately mitigated;
 - (3) if a traffic impact analysis was not submitted with the application for the zoning site plan approval, the applicant demonstrates that traffic impacts will be adequately mitigated;
 - (4) the amount of impervious cover on the replacement site plan does not exceed that approved on the zoning site plan;
 - (5) the amount of building coverage on the replacement site plan does not exceed that approved on the zoning site plan;
 - (6) building height on the replacement site plan does not exceed that approved on the zoning site plan by more than six feet;
 - (7) the total caliper inches of trees on the replacement site plan is not less than that approved on the zoning site plan, unless a decrease is approved by the city arborist;
 - (8) a restrictive covenant for the site, if any, complies with the requirements of this section;
 - (9) the replacement site plan does not have a use that is more intense than permitted in the zoning site plan; and
 - (10) the replacement site plan does not change a condition of approval of the zoning site plan.

(B)

An interested party may appeal to the Land Use Commission the director's determination under Subsection (A)(10) of this section of whether a replacement site plan changes a condition of approval of the zoning site plan.

- (C) A party to an appeal under Subsection (B) of this section may appeal the Land Use Commission's decision on the appeal to the council.
- (D) An appellant's statement of specific reasons for appeal that is required by [Section 25-1-182](#) (Initiating An Appeal) may only include information directly related to the director's determination under Subsection (A)(10) of this section of whether a replacement site plan changes a condition of approval of the zoning site plan.

Source: Sections 13-1-617 and 13-1-644(a); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

Division 5. - Expiration.

§ 25-5-81 - SITE PLAN EXPIRATION.

- (A) This section does not apply to a site plan described in [Section 25-5-82](#) (Expiration Of A Site Plan Approved Before January 1, 1988).
- (B) Except as provided in Subsections (C), (D), and (E) of this section, a site plan expires three years after the date of its approval.
- (C) A site plan does not expire if:
 - (1) building permits required to construct all the buildings shown on the site plan are issued, and those building permits are in effect until the work is completed and certificates of occupancy are issued;
 - (2) if building permits are not required to finish development of the site plan, any required site work is begun and diligently pursued to completion, and a certificate of compliance or certificate of occupancy is issued; or
 - (3) a request for extension granted under [Section 25-5-62](#) (Extension Of Released Site Plan By Director).
- (D) A phase of a phased site plan expires on the expiration date determined under [Section 25-5-21](#) (Phased Site Plan) unless:
 - (1) building permits required to construct all the buildings shown on the phase are issued, and those building permits are in effect until the work is completed and certificates of occupancy are issued; or
 - (2) if building permits are not required to finish development of the phase, any required site work on the phase is begun and diligently pursued to completion, and a certificate of compliance or certificate of occupancy is issued.
- (E) Notwithstanding Subsection (D) of this section, if the first phase of a phased site plan expires, the entire site plan expires.

Source: Sections 13-1-614 and 13-1-616; Ord. 990225-70; Ord. 031211-11.

§ 25-5-82 - EXPIRATION OF A SITE PLAN APPROVED BEFORE JANUARY 1, 1988.

- (A) This section applies to a site plan approved before January 1, 1988.
- (B) Except as provided in Subsections (C) and (D) of this section, a site plan approved before January 1, 1988 is expired.
- (C) If the expiration date of a site plan was extended by the director or the Land Use Commission, the site plan expires on the extended expiration date.
- (D) The expiration dates of the site plans described in this subsection are as follows:
 - (1) A site plan incorporated into a planned development area agreement approved by council expires on the date established in the agreement. If the agreement does not establish an expiration date, the site plan does not expire.
 - (2) A site plan approved by council before December 15, 1988 for land designated as a planned unit development zoning district does not expire.
 - (3) A site plan incorporated into an ordinance zoning or rezoning the property covered by the site plan does not expire.
 - (4) A site plan incorporated into a restrictive covenant that may be modified, amended, or terminated only by the mutual agreement of the council and the owner of the property does not expire except as provided by the restrictive covenant.
- (E) A person may use or develop land in accordance with an unexpired site plan described in this section if the use or development complies with the requirements of this subsection.
 - (1) If an application for site plan approval was filed after August 31, 1987, development of the site plan may comply with the ordinances and regulations in effect on the date the application for site plan approval was filed.
 - (2) If an application for site plan approval was filed before September 1, 1987, development of the site plan shall comply with the ordinances and regulations in effect on the date a request for a development permit is filed. The director may waive compliance with a provision of an ordinance or regulation that the director determines is not required to protect life or public safety. A waiver under this subsection shall be the minimum required to allow development in accordance with the site plan.

Source: Section 13-1-615; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-5-83 - EFFECT OF SITE PLAN EXPIRATION.

If a site plan is required under this chapter and an approved site plan expires, the director or building official may not issue a permit, certificate of occupancy, or certificate of compliance for the use or development of the land.

Source: Section 13-1-616; Ord. 990225-70; Ord. 031211-11.

ARTICLE 2. - ADMINISTRATIVE SITE PLANS.

§ 25-5-111 - APPLICABILITY.

This article applies to an administrative site plan. An administrative site plan is a site plan that does not require approval by the Land Use Commission under Article 3 (*Land Use Commission Approved Site Plans*).

Source: Section 13-1-640; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-5-112 - DIRECTOR'S APPROVAL.

- (A) The director shall approve a proposed site plan if the director determines that the site plan complies with the requirements of this title.
- (B) If the director determines that a proposed site plan does not comply with the requirements of this title, the director shall deny the site plan under Section 25-1-64 (Action on an Application; Deadline).
- (C) In addition to the other remedies available under state law or this title, if the applicant disagrees with the director's interpretation or application of a requirement of this title the applicant may appeal to:
 - (1) the Board of Adjustment, if the requirement is a requirement of Chapter 25-2 (Zoning) or a separately adopted zoning ordinance; or
 - (2) the Land Use Commission, if the requirement relates to a requirement of Chapter 25-6 (Transportation), Chapter 25-7 (Drainage), or Chapter 25-8 (Environment).
- (D) To appeal under Subsection (C), an applicant must file a written objection to the director.
- (E) If the standards in Subsection (A) are met, the director shall approve a site plan for a residential infill project in 90 days.

Source: Sections 13-1-641 and 13-1-643; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20230831-141, Pt. 40, 9-11-23; Ord. No. 20250306-037, Pt. 3, 5-23-25.

§ 25-5-113 - UPDATES.

An applicant may file an update to a site plan before an application expires.

Source: Section 13-1-643; Ord. 990225-70; Ord. 031211-11; Ord. No. 20160421-039, Pt. 11, 5-2-16; Ord. No. 20230831-141, Pt. 41, 9-11-23.

§ 25-5-114 - TIME PERIODS FOR DETERMINATION; NOTICE.

- (A) The director shall make a determination under Section 25-5-112 (Director's Approval) and give written notification of the determination to each interested party not later than the deadline established by Section 25-1-64 (Action on an Application; Deadline).
- (B) The director shall give notice under Subsection (A) of this section within one working day after a determination is made.
- (C) If the director denies a site plan, the director shall notify each interested party of the denial. The notice must include the reasons that the site plan does not comply with the requirements of this title. With permission of the interested party, this notice may be provided by electronic mail.

Source: Section 13-1-642; Ord. 990225-70; Ord. 030828-65; Ord. 031211-11; Ord. 20090521-062; Ord. No. 20160421-039, Pt. 12, 5-2-16; Ord. No. 20230831-141, Pt. 42, 9-11-23.

ARTICLE 3. - LAND USE COMMISSION APPROVED SITE PLANS.

§ 25-5-141 - APPLICABILITY.

This article applies to a site plan that requires Land Use Commission approval.

Source: Chapter 13-1, Article IX, Division 3; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-5-142 - LAND USE COMMISSION APPROVAL.

Land Use Commission approval of site plan is required for:

- (1) a conditional use;
- (2) except as provided in Section 25-5-2 (Site Plan Exemptions), development in a Hill Country Roadway Corridor; and
- (3) if otherwise required by this title.

Source: Section 13-1-660; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20130228-074.

§ 25-5-143 - DIRECTOR'S REPORT.

- (A) A reviewing city department shall determine whether a site plan application complies with the requirements of this title and the director's recommendation under Section 25-5-145 (Evaluation of Conditional Use Site Plan) and deliver comments on the application to the director not later than the 21st day after the application is filed.
- (B) The director shall provide a written report on the site plan application to the applicant and an interested party not later than the 28th day after the application is filed. The director shall deliver the report to the Land Use Commission before the public hearing on the site plan application.
- (C) If the site plan application includes property located within the Waterfront Overlay (WO) combining district, the director shall request a recommendation from the Waterfront Planning Advisory Board to be presented to the Land Use Commission with the director's report required under this section.

Source: Section 13-1-662; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20090611-074.

§ 25-5-144 - PUBLIC HEARING AND NOTICE.

- (A) The Land Use Commission shall hold a public hearing on each site plan application it considers.
- (B) The director shall give notice under Section 25-1-132(A) (Notice of Public Hearing) of a public hearing under this section.
- (C) This subsection applies to an application for approval of a large retail use described in Section 25-2-815 (Large Retail Uses).
 - (1) In addition to the notice required by Subsection (B), the director shall give notice to all:
 - (a) registered neighborhood associations with boundaries located within one mile of the site; and
 - (b) utility service addresses located within 500 feet of the site, as shown in the City utility records as of the date of the filing of the application.
 - (2) The applicant shall post a sign on the site in a location that is within 25 feet of and visible from the public right-of-way. The sign must be at least four feet by eight feet in size with lettering at least four inches high. The sign must include the following information:
 - (a) a statement that an application for approval of a conditional use site plan has been filed;
 - (b) the city file number;
 - (c) the name, address, and telephone number of the applicant or agent; and
 - (d) a description of the proposed development, including the size and use of the building.
- (D) The director shall schedule a site plan application for public hearing by the Land Use Commission on the first available meeting for which notice of the public hearing can be timely provided after:
 - (1) the applicant responds to staff review comments and makes necessary changes, if any;
 - (2) the applicant delivers to the director a written request to schedule the site plan for public hearing; or
 - (3) the 180th day from the date the application for site plan approval was filed.
- (E) The director shall extend the 180 day period described in Subsection (D)(3) of this section for an additional 180 days if the applicant delivers to the director a written request for an extension before the expiration of the initial 180 day period.

Source: Section 13-1-661; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20070215-072; Ord. 20110804-008.

§ 25-5-145 - EVALUATION OF CONDITIONAL USE SITE PLAN.

- (A) The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.
- (B) A conditional use site plan must:
 - (1) comply with the requirements of this title;
 - (2) comply with the objectives and purposes of the zoning district;
 - (3) have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;
 - (4) provide adequate and convenient off-street loading facilities;
 - (5) reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects; and
 - (6) for a conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the city council for the area in which the use is proposed.
- (C) A conditional use site plan may not:
 - (1) more adversely affect an adjoining site than would a permitted use;
 - (2) adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
 - (3) adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign; or
 - (4) for a large retail use described in Section 25-2-815 (Large Retail Uses), adversely affect the future redevelopment of the site.
- (D)

A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

Source: Section 13-1-663(a); Ord. 990225-70; Ord. 990520-70; Ord. 010607-8; Ord. 031211-11; Ord. 20070215-072; Ord. 20110804-008; Ord. No. 20231102-028, Pt. 38, 11-13-23.

§ 25-5-146 - CONDITIONS OF APPROVAL.

- (A) To make a determination required for approval under Section 25-5-145 (Evaluation of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:
 - (1) a special yard, open space, buffer, fence, wall, or screen;
 - (2) landscaping or erosion;
 - (3) a street improvement or dedication, vehicular ingress and egress, or traffic circulation;
 - (4) signs;
 - (5) characteristics of operation, including hours;
 - (6) a development schedule; or
 - (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.
- (B) As a condition of approval for a conditional use site plan, a parking area for a cocktail lounge or a restaurant with a late-hours permit must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless:
 - (1) the lounge or restaurant is located within an enclosed shopping center; or
 - (2) the Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan.

Source: Section 13-1-665; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-5-147 - ACTION BY THE LAND USE COMMISSION.

- (A) The Land Use Commission shall act on a site plan application not later than the 14th day after it closes the public hearing.
- (B) For a conditional use site plan, the Land Use Commission may:
 - (1) approve the site plan as proposed by the applicant if the site plan complies with the requirements of Section 25-5-145 (Evaluation Of Conditional Use Site Plan);
 - (2) approve the site plan pending compliance with the requirements of this title or conditions required by the Land Use Commission under Section 25-5-146 (Conditions Of Approval); or
 - (3) deny the site plan application.
- (C) The Land Use Commission shall approve a site plan for development in a Hill Country Roadway Corridor if the Land Use Commission determines that the proposed development complies with the requirements of this title.
- (D) The director shall notify the applicant of the Land Use Commission's decision by mail.

Source: Sections 13-1-663(b) and 13-1-664; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-5-148 - CONDITIONAL USE SITE PLAN UPDATE AND EXPIRATION.

- (A) If the Land Use Commission, or the council on appeal, imposes a condition of approval on a conditional use site plan, the applicant shall file with the director an update that satisfies the condition not later than 20 business days after the site plan approval date. A site plan expires if the applicant does not comply with the deadline.
- (B) After receiving the update, the director shall notify the applicant of review comments to an updated conditional use site plan not later than the deadline established by the director under Section 25-1-82 (Application Requirements and Expiration).
- (C) An applicant may file a subsequent update to a conditional use site plan not later than 135 business days after the date of site plan approval. If the site plan on file after that date does not comply with the requirements of this title or a condition of approval, the site plan approval expires.
- (D) The director shall deny a conditional use site plan that expires under this section.

Source: Section 13-1-667; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. No. 20160421-039, Pt. 13, 5-2-16.

§ 25-5-149 - APPEAL TO COUNCIL.

An interested party may appeal the Land Use Commission's approval or denial of a site plan under this article to the council.

Source: Section 13-1-666; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-5-150 - NEW APPLICATION FOR CONDITIONAL USE.

If a conditional use site plan is denied or revoked, a person may not file an application for the same or substantially the same conditional use on the same or substantially the same site for a period of one year from the date of denial or revocation.

Source: Section 13-1-668; Ord. 990225-70; Ord. 031211-11.

CHAPTER 25-6. - TRANSPORTATION.

ARTICLE 1. - GENERAL PROVISIONS.

§ 25-6-1 - DEFINITIONS.

In this chapter:

- (1) BILLIARD PARLOR is an establishment that devotes over 50 percent of its gross floor area to tables and playing area intended for billiards, pool, snooker, or similar games.
- (2) BOWLING ALLEY is an establishment that devotes over 50 percent of its gross floor area to bowling lanes, equipment, and playing area.
- (3) DRIVE-THROUGH LUBRICATION SERVICE is an establishment primarily engaged in the provision of lubricants, including oil change facilities, to motor vehicles by means of drive-through service bays. The term excludes service stations primarily engaged in the dispensing of motor fuel.
- (4) FURNITURE OR CARPET STORE is an establishment engaged in the sale or service of home or office furnishings or carpeting. The term excludes furniture or carpet departments of general retail stores, furniture rental establishments, and establishments engaged primarily in the sale or service of specialty household furnishings including lighting fixtures, mirrors, antiques, appliances, or household electronic equipment.
- (5) GROSS LEASABLE AREA is the total floor area designed for tenant occupancy in a shopping center or regional shopping mall, including areas used for storage and areas within mall walkways that are used for sales. The area of tenant occupancy is measured from the center lines of joint partitions to the outside of the tenant walls.
- (6) LIVE THEATER is a building or structure, the primary purpose of which is the commercial presentation of plays or other dramatic performances to an audience.
- (7) MEDICAL FACILITY means a building or structure where the primary purpose is for:
 - (a) hospital services (general);
 - (b) hospital services (limited); or
 - (c) medical offices, if the building or structure is a walk-in clinic being used for the consultation, diagnosis, therapeutic, preventative, or medical care for minor illnesses and injuries.
- (8) MOTION PICTURE THEATER is a building or structure, the primary purpose of which is the commercial presentation of motion pictures to an audience.
- (9) PEDESTRIAN ENTRANCE means a functional entrance or door that is publicly accessible and designed for pedestrian use.
- (10) REGIONAL SHOPPING MALL means a single building containing over 600,000 square feet of gross leasable area and enclosing two or more stores with main entrances from a covered common pedestrian area. Typical uses include general retail sales (general), general retail sales (convenience), food sales, personal services, and restaurants.
- (11) SHOPPING CENTER is a group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit. Typical uses in a shopping center include general retail sales (general), general retail sales (convenience), food sales, personal services, and restaurants.
- (12) SITE IMPROVEMENT means an improvement or facility for the primary use, operation, safety, or other benefit of a development for which the developer or property owner is solely responsible under applicable development regulations.
- (13) SYSTEM IMPROVEMENT means an improvement or facility that is not a site improvement.
- (14) TRANSPORTATION PLAN means the Austin Metropolitan Area Transportation Plan, or its successor plan, and other multi-modal transportation plans referenced in the Imagine Austin Comprehensive Plan, including the CAMPO Mobility Plan, Sidewalk Master Plan, Bicycle Plan, Urban Trails Plan, and adopted corridor plans.
- (15) TRANSPORTATION SYSTEM means an individual component of the overall transportation network designed for the movement of people and goods, including arterials and collector streets, sidewalks, trails, and other multi-modal transportation facilities identified in the Transportation Plan.

Source: Section 13-5-95.1; Ord. 990225-70; Ord. 031211-11; Ord. No. 20170302-077, Pt. 1, 3-13-17; Ord. No. 20241212-074, Pt. 1, 12-23-24.

§ 25-6-2 - DRIVEWAY APPROACHES DESCRIBED.

- (A) A type 1 driveway approach is a concrete driveway approach that provides access from a roadway to property on which a one or two family residence is located.

- (B) A type 2 driveway approach is a concrete driveway approach that provides access to property used for a purpose other than a one or two family residence.

Source: Section 13-5-61; Ord. 990225-70; Ord. 030306-48A; Ord. 031211-11.

§ 25-6-3 - SMART GROWTH CORRIDORS AND NODES DESCRIBED.

In this title:

- (1) SMART GROWTH CORRIDOR is an area identified as a "smart growth corridor" in a neighborhood plan adopted by council.
- (2) SMART GROWTH NODE is an area identified as a "smart growth node" in a neighborhood plan adopted by council.

Source: Ord. 000406-83; Ord. 031211-11.

§ 25-6-4 - SUBDIVISION IN TRAVIS COUNTY PORTION OF EXTRATERRITORIAL JURISDICTION.

- (A) Title 30 (Austin/Travis County Subdivision Regulations) prescribes transportation requirements for a subdivision in the portion of the city's extraterritorial jurisdiction that is within Travis County.
- (B) Title 30 (Austin/Travis County Subdivision Regulations) supersedes this chapter to the extent of conflict.

Source: Ord. 031211-42.

ARTICLE 2. - TRANSPORTATION IMPROVEMENTS AND RIGHT-OF-WAY DEDICATION.

Footnotes:

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Editor's note—Ord. No. 20170302-077, Pt. 2, effective March 13, 2017 amended Article 2 title to read as herein set out. Formerly, such article pertained to reservation and dedication of right-of-way.

Division 1. - General Provisions.

§ 25-6-21 - APPLICABILITY.

- (A) Except as provided in Subsection (B), this article applies to land for which an owner files an application for:
- (1) zoning or rezoning;
 - (2) preliminary plan or final plat approval; or
 - (3) site plan approval.
- (B) This article does not apply to an application for:
- (1) a minor revision of an approved site plan;
 - (2) a development permit for a lot in the extraterritorial jurisdiction of the City; or
 - (3) a site plan application for a developed property or a site plan revision application for a property with an approved site plan that is filed to relocate facilities from an area of the property to be condemned for right-of-way.

Source: Section 13-5-2; Ord. 990225-70; Ord. 031211-11.

§ 25-6-22 - ESTABLISHING BUILDING LINES.

The provisions of this article relating to the reservation of right-of-way and waiver of reservation of right-of-way requirements, do not preclude the City from establishing a building line on a right-of-way under state law.

Source: Section 13-5-4; Ord. 990225-70; Ord. 031211-11.

§ 25-6-23 - PROPORTIONALITY OF REQUIRED INFRASTRUCTURE.

- (A) If the City requires an applicant to dedicate right-of-way, construct or fund system transportation improvements, or dedicate right-of-way beyond the boundaries of a development, the applicant's costs may not exceed the amount required for infrastructure improvements that is roughly proportionate to the proposed development as determined by a professional engineer licensed under Chapter 1001, Occupations Code, and retained by the City.
- (B) The director shall issue a written determination of an applicant's roughly proportionate share of infrastructure costs attributable to a proposed development prior to approval of an application for which dedication or reservation of right-of-way or the construction or funding of system transportation improvements is required. A determination issued under this section:
- (1)

need not be made to a mathematical certainty, but is intended to be used as a tool to fairly assess the roughly proportionate impacts of a development based on the level of transportation demand created by a proposed development relative to the capacity of existing public infrastructure;

- (2) shall be completed in accordance with generally recognized and approved measurements, assumptions, procedures, formulas, and development principles; and
 - (3) shall state the roughly proportionate share to the property owner for the dedication and construction of transportation-related improvements necessary to ensure an effective and safe transportation system that is sufficient to accommodate the traffic generated by a proposed development.
- (C) If a proposed development is subject to a proportionality determination under this section, the director shall identify in writing all infrastructure improvements required in conjunction with approval of the development application. The infrastructure improvements may include right-of-way dedication or reservation, the construction or funding of system improvements, or any combination thereof, in an amount not to exceed the total infrastructure costs attributable to the proposed development as established by the proportionality determination.
- (D) To aid in making a proportionality determination and identifying required infrastructure improvements, the director may:
- (1) adopt administrative guidelines establishing requirements for:
 - (a) conducting a traffic impact analysis and neighborhood traffic analysis under Article 3 (*Traffic Impact Analysis and Mitigation*); and
 - (b) funding or constructing system transportation improvements required under Section 25-6-101 (*Mitigation of Transportation Impacts*); and
 - (2) if an applicant contests the director's proportionality determination under this section, require an applicant to provide:
 - (a) a transportation impact analysis, regardless of whether one is required under Section 25-6-113 (*Traffic Impact Analysis Required*);
 - (b) a neighborhood traffic analysis, regardless of whether one is required under Section 25-6-114 (*Neighborhood Traffic Analysis Required*); or
 - (c) other information related to the traffic and safety impacts of a proposed development.

Source: Ord. No. 20170302-077, Pt. 3, 3-13-17.

Division 2. - Reservation and Dedication of Right-of-way.

§ 25-6-51 - RESERVATION OF RIGHT-OF-WAY.

- (A) The City may, as a condition to approval of a site plan or subdivision, require the reservation of right-of-way that is reasonably likely to be acquired for public use consistent with this article. To be subject to reservation, land must be located along a roadway designated in:
 - (1) the Transportation Plan;
 - (2) an approved collector plan; or
 - (3) an established capital improvement project located in the planning jurisdiction of the City.
- (B) The extent and location of the right-of-way reserved under Subsection (A) must conform to the Transportation Plan, approved collector plan, or capital improvement project.

Source: Section 13-5-8(a); Ord. 990225-70; Ord. 031211-11; Ord. No. 20170302-077, Pt. 4, 3-13-17.

§ 25-6-52 - CONSTRUCTING A STRUCTURE OR IMPROVEMENT IN RIGHT-OF-WAY PROHIBITED.

Except as provided in Section 25-6-56 (Agreement For Temporary Use Of Reserved Right-Of-Way) and Section 25-6-81 (Waiver Request), a person may not erect a structure or make an improvement in a reserved right-of-way.

Source: Section 13-5-8(b); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-6-53 - MEASURING SETBACKS.

A setback line prescribed under this title is measured from the boundary of the reserved right-of-way adjacent to the property unless waived under Section 25-6-83 (Action On Waiver).

Source: Section 13-5-8(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-54 - ALIGNMENT.

- (A) The director shall determine the alignment of reserved right-of-way during:
 - (1) the review and approval process for a development application; or
 - (2) if an applicant files a waiver request under Section 25-6-81 (Waiver Request), not later than the 60th day after the waiver request is filed.
- (B) The alignment of reserved right-of-way is based on:
 - (1) the alignment established in the Transportation Plan, collector plan, or capital improvement project; and
 - (2) engineering criteria related to the safe use and maintenance of public right-of-way, including grade, sight distance, turning radii, curvature, existing green infrastructure, and the existence of a flood plain or wildfire hazards.

- (C) In an area designated for a state roadway project, alignment may be established by the Texas Department of Transportation.
- (D) For an existing or platted street, the alignment is based on:
 - (1) the existing centerline established before an additional dedication from the opposite side of the right-of way occurs; or
 - (2) if the centerline of the street is proposed to be shifted from its present alignment, the proposed centerline.
- (E) If the alignment for a roadway cannot be determined under Subsection (D), the reserved right-of-way shall be established equally on each side of the centerline of the existing roadway.

Source: Section 13-5-8(d); Ord. 990225-70; Ord. 031211-11; Ord. No. 20230413-057, Pt. 4, 4-24-23.

§ 25-6-55 - DEDICATION OF RIGHT-OF-WAY.

- (A) If the director determines that dedication of right-of-way is needed to accommodate the transportation system, the applicant may be required to dedicate the amount of land determined to be roughly proportionate to the development under Section 25-6-5 (*Proportionality of Required Infrastructure*) or a lesser amount, as determined by the director based on the adequacy of the transportation system.
- (B) The director may defer the dedication of right-of-way required at one stage of the development process to a later stage. A person must comply with all dedication requirements before the release of the subsequent application.

Source: Section 13-5-9; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord.. 031211-11; Ord. 20060504-039; Ord. No. 20170302-077, Pt. 4, 3-13-17.

§ 25-6-56 - AGREEMENT FOR TEMPORARY USE OF RESERVED RIGHT-OF-WAY.

- (A) The City may, by written agreement, authorize use of reserved right-of-way for a temporary structure or improvement, including a parking area, detention pond, landscaping, and sign.
- (B) The agreement must contain:
 - (1) an expiration date for the use of the right-of-way;
 - (2) the method the City will use to notify the property owner that a temporary improvement must be removed;
 - (3) a requirement that the property owner replace the improvements on the remainder of the property when the temporary improvements are removed, if the improvements are required by the City Code;
 - (4) the applicant's address for notification; and
 - (5) a penalty for failure to remove a temporary improvement.

Source: Section 13-5-10; Ord. 990225-70; Ord. 031211-11.

Division 3. - Waivers and Variances.

§ 25-6-81 - WAIVER REQUEST.

- (A) An applicant who files a development application that proposes to erect a structure or construct an improvement in a reserved right-of-way or in a required setback from reserved right-of-way must:
 - (1) execute an agreement under Section 25-6-56 (Agreement For Temporary Use of Reserved Right-of-Way); or
 - (2) submit a request for waiver of the reservation requirements of this article with the development application.
- (B) An owner of property reserved for right-of-way who does not have a development application pending with the City may apply for a waiver of the reservation requirements of this article if 15 percent or more of the property is or would be subject to the reservation requirements of Section 25-6-51 (Reservation of Right-of-Way).
- (C) A waiver granted under Subsection (B) is only effective until the City determines that acquisition of a reserved right-of-way is feasible.

Source: Sections 13-5-13 and 13-5-14; Ord. 990225-70; Ord. 031211-11.

§ 25-6-82 - NOTICE OF WAIVER REQUEST.

- (A) After receiving a waiver request, the director shall establish the alignment of a relevant roadway and, if a development application has been filed, shall apply the dedication standards under Section 25-6-55 (Dedication of Right-of-Way).
- (B) If an application covers an area designated as a state roadway project, the director shall:
 - (1) notify the Texas Department of Transportation that:
 - (a) a request for a waiver has been filed; and
 - (b) if applicable, that a development application has been filed proposing construction in a reserved right-of-way or setback from reserved right-of-way; and
 - (2) request field notes from the Texas Department of Transportation.

- (C) If the proposed structure or improvement is located in reserved right-of-way subject to dedication, the director shall require that the application be amended to show the land to be dedicated.
- (D) The director shall certify to the city manager that:
 - (1) the dedication requirements have been applied to the application and that a request for a waiver to erect a structure or construct an improvement in the reserved right-of-way has been filed; or
 - (2) a request for waiver of the reservation requirements of this article has been filed by an applicant who does not have a development application pending before the City and that 15 percent or more of the property is or would be subject to the reservation requirements of this article.

Source: Section 13-5-15(a); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-83 - ACTION ON WAIVER.

- (A) Not later than the 90th day after receipt of the certification submitted under Section 25-5-82 (Notice Of Waiver Request), the city manager shall determine if the City can acquire the reserved right-of-way that is the subject of a waiver request.
- (B) If the City cannot acquire the property, the director shall:
 - (1) release the application from the requirement to comply with the requirements of this article; or
 - (2) if no application has been filed, grant the waiver request for the period of time that the City is unable to acquire the reserved right-of-way.
- (C) If the City can acquire the reserved right-of-way, the director shall deny the waiver. The director may not approve the development application for a period not to exceed six months, pending acquisition of the property. If the City has not acquired the property during the 6 month period, the director shall continue to process the application.

Source: Section 13-5-15(b); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-84 - APPEAL OF DENIAL OF WAIVER.

An applicant may appeal the director's denial of a waiver request to the council.

Source: Section 13-5-15(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-85 - AMENDING DEVELOPMENT APPLICATION.

- (A) An applicant may amend a development application to exclude an improvement from a reserved right-of-way.
- (B) If an applicant amends an application to exclude an improvement from a reserved right-of-way, the City may discontinue procedures to acquire the reserved right-of-way.

Source: Section 13-5-17; Ord. 990225-70; Ord. 031211-11.

§ 25-6-86 - VARIANCE FROM DEDICATION REQUIREMENTS.

- (A) The director may grant a variance from the dedication requirements of Section 25-6-55 (Dedication Of Right-Of-Way) if the director determines that the requirements:
 - (1) place an undue hardship on the property owner because of special circumstances applicable to the property; or
 - (2) render the property unsuitable for an economically feasible use.
- (B) An applicant may appeal the denial of a variance to the council.

Source: Section 13-5-19; Ord. 990225-70; Ord. 031211-11.

ARTICLE 3. - TRAFFIC IMPACT ANALYSIS AND MITIGATION.

Footnotes:

--- (2) ---

Editor's note— Ord. No. 20170302-077, Pt. 5, effective March 13, 2017 amended article 3 title to read as herein set out. Formerly, such article pertained to traffic impact analysis.

Division 1. - Transportation System Improvements.

25-6-101 - MITIGATION OF TRANSPORTATION IMPACTS.

- (A) In addition to requiring dedication of right-of-way under Section 25-6-55 (Dedication Of Right-Of-Way), the director may require an applicant to construct or fund all or a portion of system improvements required to mitigate traffic impacts of a proposed development.
- (B)

If a proposed development does not require an impact analysis under Section 25-6-113 (Traffic Impact Analysis Described) or Section 25-6-114 (Neighborhood Traffic Impact Analysis Described), the director may condition approval of the application on construction or funding of system improvements as described in this subsection:

- (1) System improvements are limited to:
 - (a) sidewalks and curb ramps;
 - (b) traffic signs, markings, and upgrades to signal infrastructure;
 - (c) traffic calming devices;
 - (d) bike lanes or upgrades to bike facilities;
 - (e) rectangular rapid flashing beacons;
 - (f) pedestrian refuge islands;
 - (g) pedestrian hybrid beacons;
 - (h) urban trail improvements;
 - (i) right-of-way dedications; and
 - (j) measures to limit transportation demand.
- (2) System improvements required under this section must be located:
 - (a) within the boundaries of the development for which they are required; or
 - (b) no farther from the proposed development than:
 - (i) one-quarter mile; or
 - (ii) three-fourths of a mile, for an improvement required to provide access between the proposed development and a school, bus stop, public space, or major roadway as designated under the transportation plan.
- (C) If a proposed development requires a traffic impact analysis under Section 25-6-113 (Traffic Impact Analysis) or Section 25-6-114 (Neighborhood Traffic Impact Analysis), the director may require an applicant to construct or fund system improvements identified by the traffic impact analysis.
- (D) The total cost of system improvements required under this section may not exceed the lesser of:
 - (1) the applicant's roughly proportionate share of infrastructure costs as established by the proportionality determination required under Section 25-6-23 (Proportionality Of Required Infrastructure), less the cost of any right-of-way dedication required under Section 25-6-55 (Dedication of Right-of-Way); or
 - (2) the total cost of offsite transportation improvements identified in a traffic impact analysis approved by the director, whether or not the analysis is required under Section 25-6-113 (Traffic Impact Analysis Required) or submitted by an applicant voluntarily.

Source: Ord. No. 20170302-077, Pt. 6, 3-13-17.

§ 25-6-102 - FEE IN-LIEU OF SYSTEM IMPROVEMENTS.

- (A) The director may allow an applicant to pay a fee in-lieu of constructing one or more transportation system improvements required under Section 25-6-101 (Mitigation of Transportation Impacts) or, at the director's discretion, to post fiscal surety in the amount of the required fee in-lieu. In determining whether to allow payment of a fee in-lieu or fiscal surety, or to require construction of system improvements, the director shall consider:
 - (1) the applicant's roughly proportionate share of infrastructure costs, as determined under Section 25-6-23 (Proportionality Of Required Infrastructure), relative to the cost of constructing one or more identified system improvements;
 - (2) future transportation improvements anticipated for the area through capital improvement projects or as a condition to the approval of other proposed developments; and
 - (3) the feasibility of constructing one or more identified system improvements by supplementing the amount collected through payment of a fee in-lieu with city funds.
- (B) A fee in-lieu collected under Subsection (A) of this section shall be placed in a dedicated fund and used solely for the purpose of constructing one or more system improvements identified under Section 25-6-23 (Proportionality Of Required Infrastructure).
- (C) A fee in-lieu collected under this section shall be spent, consistent with the requirements of Subsection (B), within ten years from the date fee is paid to the City. The owner of a property for which a fee in-lieu was paid under this section may request a refund of any funds that remain unspent after the end of the ten-year period. A refund request under this section must be submitted in writing, on a form provided by the director.

Source: Ord. No. 20170302-077, Pt. 6, 3-13-17.

§ 25-6-103. - TRANSPORTATION MITIGATION FOR S.M.A.R.T. HOUSING PROJECTS.

- (A) This section reduces traffic mitigation required for certain projects participating in the City's S.M.A.R.T. Housing program established under City Code Chapter 25-1, Article 15, Division 2 (S.M.A.R.T. Housing).
- (B)

If a S.M.A.R.T. housing development does not require an impact analysis under Section 25-6-113 (Traffic Impact Analysis Described) or Section 25-6-114 (Neighborhood Traffic Impact Analysis Described), the maximum cost of system improvements that may be required under Section 25-6-101(B) (Mitigation Of Transportation Impacts) is reduced according to the following requirements:

- (1) If at least ten percent, but less than twenty percent, of the dwelling units are reasonably-priced, the maximum cost is reduced by the percentage of affordable units;
- (2) If at least twenty percent, but less than fifty percent, of the dwelling units are reasonably-priced, the maximum cost is reduced by fifty percent; and
- (3) If at least fifty percent of the dwelling units are reasonably-priced, no mitigation may be required.

Source: Ord. No. 20170302-077, Pt. 6, 3-13-17.

Division 2. - Traffic Impact Analysis and Neighborhood Traffic Analysis.

§ 25-6-111 - TRAFFIC IMPACT ANALYSIS DESCRIBED.

A traffic impact analysis is a study that:

- (1) provides information on the projected traffic generated by a proposed development;
- (2) assesses the effect of the proposed development on a roadway near the development;
- (3) identifies a potential traffic operational problem or concern and recommends an action to handle the problem or concern; and
- (4) assesses the potential vehicular trips generated by other undeveloped sites in the established study boundary.

Source: Sections 13-5-42(a) and 13-5-42(b); Ord. 990225-70; Ord. 031211-11.

§ 25-6-112 - NEIGHBORHOOD TRAFFIC ANALYSIS DESCRIBED.

A neighborhood traffic analysis is a simplified traffic impact analysis that assesses the effect of a proposed project on a residential street. The scope of a neighborhood traffic analysis is limited to an evaluation of the existing and projected operating level of a residential street and an identification of mitigation measures to minimize adverse traffic effects.

Source: Section 13-5-42(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-113 - TRAFFIC IMPACT ANALYSIS REQUIRED.

- (A) Except as otherwise provided in Section 25-6-117 (Waiver Authorized), a person submitting a site plan application or a zoning or rezoning application must submit a traffic impact analysis to the department if the expected number of trips generated by a project exceeds 2,000 vehicle trips per day.
- (B) If the director determines that the traffic impact analysis does not comply with the requirements of this article, the director may require the applicant to supplement the traffic impact analysis to address a deficiency.
- (C) An applicant required to supplement an analysis under Subsection (B) must submit the required supplemental material before the 27th day before the date on which the application is scheduled for action.

Source: Sections 13-5-43, 13-5-44(b), and 13-5-46(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-114 - NEIGHBORHOOD TRAFFIC ANALYSIS REQUIRED.

- (A) The director shall conduct a neighborhood traffic analysis for a project proposed in a site development permit application or a zoning or rezoning application if:
 - (1) the project has access to a residential local or collector street as described in Subsection (C); and
 - (2) one of the following applies:
 - (a) the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 vehicle trips per day; or
 - (b) the application is for a public primary or secondary educational facility.
- (B) If a current traffic count for an affected street is not available, the director may require the applicant to conduct a traffic count in accordance with procedures established by the city manager.
- (C) In this article, a residential local or collector street is a street:
 - (1) that is not an arterial street; and
 - (2) along which at least 50 percent of the frontage located:
 - (a) 1,500 feet or less from the proposed project's property line has an urban family residential district (SF-5) or more restrictive zoning designation; or
 - (b) between the property line and the nearest arterial street that is less than 1500 feet from the property line has an SF-5 or more restrictive zoning designation.

- (D) Under this article, residential property in a planned unit development (PUD) zoning district is treated as property in an SF-5 zoning district if the PUD land use plan establishes the density for the residential area at 12.44 units per acre or less.
- (E) Under Subsection (C), each segment of a street that meets the criteria in Subsection (C)(2)(a) or (b) is considered separately.

Source: Sections 13-2-25, 13-5-44(a), 13-5-44(c), and 13-5-46(b); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039; Ord. No. 20160623-090, Pt. 9, 7-4-16.

§ 25-6-115 - STANDARDS FOR TRAFFIC IMPACT ANALYSIS.

- (A) The director shall determine the geographic area to be included in a traffic impact analysis.
- (B) A traffic impact analysis must be performed under the supervision of a registered professional engineer or other qualified individual.
- (C) A traffic impact analysis must conform with the requirements of this article and the Transportation Criteria Manual.
- (D) A traffic impact analysis report must describe the study methodology, the data used, and the study findings and provide recommendations based on the results.
- (E) A traffic impact analysis report must be signed by a registered professional engineer or other qualified individual responsible for the supervision of the study and preparation of the traffic impact analysis.

Source: Sections 13-5-42(b) and 13-5-46(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-116 - DESIRABLE OPERATING LEVELS FOR CERTAIN STREETS.

Traffic on a residential local or collector street is operating at a desirable level if it does not exceed the following levels:

| Pavement Width | Vehicles Per Day |
|------------------------------|------------------|
| Less than 30 feet | 1,200 |
| 30 feet to less than 40 feet | 1,800 |
| 40 feet or wider | 4,000 |

Source: Sections 13-5-47(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-117 - WAIVER AUTHORIZED.

- (A) The director may waive the requirement to submit a traffic impact analysis.
- (B) If the director waives the requirement to submit a traffic impact analysis, the director shall include the reason for the waiver in the director's decision or recommendation on the application.
- (C) A person who obtains a waiver under this section must mitigate adverse effects of the traffic generated from a proposed development.
- (D) The traffic generated from a proposed development for which the requirement to submit a traffic impact was waived may not:
 - (1) in combination with existing traffic, exceed the desirable operating level established in *Section 25-6-116 (Desirable Operating Levels For Certain Streets)*; or
 - (2) endanger the public safety.

Source: Section 13-5-48; Ord. 990225-70; Ord. 031211-11.

Division 3. - Approval Process.

§ 25-6-141 - ACTION ON APPLICATION.

- (A) The council or director may deny an application if:
 - (1) the results of a traffic impact analysis demonstrate that a proposed development may overburden the City's street system; or
 - (2) the projected traffic generated by the project, combined with existing traffic, exceeds the desirable operating level established in *Section 25-6-116 (Desirable Operating Levels for Certain Streets)* on a residential local or collector street in the traffic impact analysis study area or the neighborhood traffic analysis study area.
- (B) The council or director may approve an application if the applicant has satisfactorily mitigated adverse traffic effects as required by this Title.

Source: Section 13-5-47(a) and (b); Ord. 990225-70; Ord. 031211-11; Ord. No. 20170302-077, Pt. 7, 3-13-17).

§ 25-6-142 - APPLICATION MODIFICATION BASED ON TRAFFIC ANALYSIS.

An applicant may modify an application to minimize the traffic-related effects identified in a traffic impact analysis or neighborhood traffic analysis. Modifications may include:

- (1) a reduction in the projected vehicle trips per day;
- (2) the dedication of additional right-of-way;
- (3) the rerouting of traffic and a proposed access and egress point;
- (4) participation in the funding of a traffic signal or intersection improvement; and
- (5) other modification determined to be necessary.

Source: Section 13-5-47(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-143 - APPEAL OF DIRECTOR ACTION.

- (A) An applicant may appeal the director's denial of a site plan application under Section 25-6-141 (Action On Application) to the Land Use Commission. An applicant may appeal the decision of the Land Use Commission to the council.
- (B) The Land Use Commission or the council may approve a site plan application if the Land Use Commission or council determine that the:
 - (1) applicant has satisfactorily mitigated adverse traffic effects; or
 - (2) additional traffic from the project has an insignificant effect on a residential street.

Source: Section 13-5-47(b)(2); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

ARTICLE 4. - STREET DESIGN.

Division 1. - Roadways Generally.

§ 25-6-171 - STANDARDS FOR DESIGN AND CONSTRUCTION.

- (A) Except as provided in Subsections (B) and (C), a roadway, street, or alley must be designed and constructed in accordance with the Transportation Criteria Manual and City of Austin Standards and Standard Specifications.
- (B) The city manager may approve a local street that is less than 50 feet in width if a street of narrower width is warranted by topographical conditions, a drainage channel, proposed limited development on one side of the street, or other special condition.
- (C) A roadway, street, or alley must be designed and constructed in accordance with county requirements if it is located in a subdivision that is more than two miles from the city limits and has a density of less than two and one-half lots or dwelling units for each acre.

Source: Section 13-5-53; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 030306-48A; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-172 - ARTERIAL STREETS.

An arterial street must comply with the Transportation Plan.

Source: Section 13-5-54(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-173 - COLLECTOR STREETS.

- (A) The director of the Watershed Protection and Development Review Department shall make recommendations to the Planning Commission regarding the designation of collector streets.
- (B) The Planning Commission shall designate collector streets after receiving the recommendations required under Subsection (A).

Source: Section 13-5-54(b); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-174 - PARTIAL CONSTRUCTION OF BOUNDARY STREETS.

The city manager may allow a person to construct one-half of a divided arterial roadway adjoining a subdivision if:

- (1) the pavement width of the proposed roadway is at least 24 feet; and
- (2) the city manager determines that the roadway can safely be used as a two-way street until construction of the entire divided roadway is completed.

Source: Section 13-5-55; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

Division 2. - Roadways in Water Supply Rural Watersheds or Water Supply Suburban Watersheds.

§ 25-6-201 - APPLICABILITY.

This division applies to a subdivision if a part of the subdivision is in a water supply rural watershed or water supply suburban watershed.

Source: Section 13-5-56(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-202 - STREETS IN A CRITICAL WATER QUALITY ZONE OR WATER QUALITY BUFFER ZONE.

- (A) The right-of-way and street design for a local or collector street in a residential area located in a critical water quality zone or a water quality buffer zone must comply with the alternative geometric design criteria for streets without curbs and gutters prescribed in the Transportation Criteria Manual.
- (B) A street in a critical water quality zone or a water quality buffer zone other than a street described in Subsection (A) may comply with the alternative geometric design criteria in the Transportation Criteria Manual if the city manager determines that the design is consistent with transportation principles.
- (C) A street in an upland zone may be designed to comply with the alternative geometric design criteria in the Transportation Criteria Manual if the city manager determines that the design is consistent with transportation principles.

Source: Section 13-5-56(b) and (c); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-203 - STREET CROSS-SECTION DESIGN.

An applicant must designate the type of street cross-section design to be used in a preliminary subdivision at the time that the plan is filed.

Source: Section 13-5-56(d); Ord. 990225-70; Ord. 031211-11.

§ 25-6-204 - LOTS ON STREETS WITH NO CURB AND GUTTER.

- (A) A lot in a subdivision designed with streets without curb and gutter must be one-half acre or more in size and have 100 feet or more of street frontage.
- (B) Land designated in a preliminary plan as dedicated for open space or public right-of-way may not be used to calculate a lot size for a lot described in Subsection (A).

Source: Section 13-5-56(d); Ord. 990225-70; Ord. 031211-11.

§ 25-6-205 - COLLECTOR AND LOCAL STREETS.

The city manager may modify a curb and gutter requirement or the minimum width of a right-of-way prescribed in the Transportation Criteria Manual for a local or collector street after considering:

- (1) a report from the Watershed Protection and Development Review Department that assesses the adequacy with which a proposed alternative design deals with storm water drainage, traffic safety, and general public welfare;
- (2) the applicant's written statement in support of the modification; and
- (3) the applicant's preliminary plan for street construction under the proposed modification.

Source: Section 13-5-56(e); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

ARTICLE 5. - DRIVEWAY, SIDEWALK, AND RIGHT-OF-WAY CONSTRUCTION.

Division 1. - Construction License.

§ 25-6-231 - LICENSE REQUIRED.

- (A) A person must establish that a person is qualified to construct, alter, remove, or repair a sidewalk, curb, gutter, driveway approach, or pedestrian way by obtaining a right-of-way construction license.
- (B) A person may not obtain a permit under Section 25-6-261 (Permit Required For A Project) to engage in an activity described in Subsection (A) unless a person is licensed under this division.
- (C) A contractor or agent of a franchise holder must comply with the licensing requirements in this division in order to perform work described in this division.
- (D) A licensee shall retain general supervision of all work engaged in under a license.
- (E) A person may not transfer or assign a license issued under this division.

Source: Sections 13-5-62, 13-5-65(a), and 13-5-71; Ord. 990225-70; Ord. 031211-11.

§ 25-6-232 - APPLICATION; BOND.

- (A) To obtain a right-of-way construction license, a person must submit an application to the city manager on a prescribed form.
- (B) An application under Subsection (A) must be accompanied by a bond in a form approved by the city attorney and in an amount established by the city manager. The bond must be payable to the City and issued by a surety authorized to do business in Texas.
- (C) The bond submitted under Subsection (B) must contain the following provisions:
 - (1) the bond is issued for the use and benefit of the City and all persons who may suffer injury resulting from the construction performed under the license;
 - (2) the principal protects the City and all persons from damage or injury arising from negligence in the performance of work under the contract;
 - (3) the principal protects the City and all persons from damage or injury arising from failure to faithfully observe and comply with the City requirements for construction or repair work; and
 - (4) the term of the bond is effective for the term of the license.
- (D) The city manager shall base the amount of the bond on:
 - (1) the cost of the applicant's past projects and the projected cost of future projects; and
 - (2) the potential damage to a right-of-way that the activity of the applicant may cause.

Source: Section 13-5-63(a) and (b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-233 - LICENSE APPROVAL STANDARD.

The city manager may approve a license if:

- (A) the city manager determines that the applicant is qualified to perform the work based on the applicant's experience; and
- (B) the applicant has provided the bond required by this division.

Source: Section 13-5-62; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-234 - LICENSE FEE.

- (A) Except as provided by Subsection (B), an applicant must pay a license fee before a right-of-way construction license is issued.
- (B) A holder of a City franchise is not required to pay a license fee.

Source: Section 13-5-65(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-235 - LICENSE TERM; SUSPENSION AND REVOCATION.

- (A) Except as otherwise provided by Subsection (B), a license issued under this division is effective on the date of issuance and remains effective through the end of the calendar year in which it is issued.
- (B) If a bond required by this division lapses or is terminated, suspended, or revoked, the license issued to the contractor is automatically suspended. The contractor may not resume construction described by [Section 25-6-231 \(License Required\)](#) until the city manager reinstates or renews the license or issues a new license.

Source: Sections 13-5-62 and 13-5-63(c); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

Division 2. - Construction Permit.

§ 25-6-261 - PERMIT REQUIRED FOR A PROJECT.

- (A) Except as provided by Subsection (C), a person must obtain a right-of-way construction permit to:
 - (1) construct, alter, repair, or remove a sidewalk, curb, gutter, driveway approach, or pedestrian way; or
 - (2) remove a tree from public right-of-way.
- (B) A separate permit is required for each lot or tract of land on which activity described in Subsection (A) occurs.
- (C) A permit is not required if the proposed construction:
 - (1) is performed in accordance with an approved site plan;
 - (2) is performed as part of the construction of a new subdivision if the construction:
 - (a) is included on the subdivision's approved street and drainage construction plans, and
 - (b) the proposed construction occurs at the time that construction of the street and drainage systems occurs; or
 - (3) is a minor repair or construction, as determined by the city manager; or
 - (4) will be performed by a public utility or franchise holder.
- (D) The exemption provided by Subsection (C)(2) does not apply after the City accepts the street and drainage construction of a subdivision.

(E) A person may not transfer or assign a permit issued under this division.

Source: Section 13-5-64, 13-5-65(c), 13-5-71, and 13-5-82(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-262 - APPLICATION.

To obtain a right-of-way construction permit, a licensed contractor must file an application with the city manager.

Source: Section 13-5-64(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-263 - CONSTRUCTION PERMIT FOR DRIVEWAY APPROACH.

(A) Except as provided in Subsection (C), the city manager shall approve a construction permit application for a driveway approach unless the city manager determines that the proposed driveway will have an adverse effect on vehicle and pedestrian traffic and public safety.

(B) To determine the effect of a proposed driveway, the city manager shall consider:

- (1) the topography of the land;
- (2) land use, including the intensity of development, potential trip generation, the mix of vehicles, and turning movement;
- (3) function of the public street, including the design and layout of the street, sight distance, operating speed, traffic volume, entrance/exit ramps, and frontage roads;
- (4) the location of a nearby street or driveway;
- (5) the site plan, including on-site circulation, path delineation, the existence of parking stalls, building location, and loading facility location; and,
- (6) the potential increase in traffic routed onto a local residential street as a result of the driveway installation.

(C) The city manager may not issue a permit for a driveway approach for:

- (1) a driveway that provides access to or cut a curb that fronts on Lamar Boulevard between West 24th Street and West 30th Street; and,
- (2) a project that provides for parking between an established curb line or edge of paving and the property line of the adjacent property, unless specifically directed by the council.

(D) A person may not construct a type 2 driveway approach to provide access to angle or head-in parking for which a portion of the pedestrian way is required to maneuver in or out of a space unless the person obtains a permit that states that the city manager has approved the construction.

(E) An applicant may appeal a decision of the city manager under this section to the Land Use Commission. In making a determination on an appeal filed under this section, the Land Use Commission shall consider the factors in Subsection (B).

Source: Sections 13-5-81(a), 13-5-81(c), 13-5-82(a) and 13-5-82(c); Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 030306-48A; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-264 - DRIVEWAY APPROACH DESIGN.

The design of a driveway approach must:

- (1) comply with an approved administrative site plan; or
- (2) be approved by the city manager.

Source: Sections 13-5-81(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-265 - AUTOMATIC REVOCATION.

A permit is automatically revoked if the city manager determines that an applicant falsified information in a governmental record submitted under this division or omitted information required under this division.

Source: Section 13-5-73; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-266 - AUTOMATIC SUSPENSION.

(A) A permit is automatically suspended if:

- (1) construction performed under the permit results in damage to or interferes with public utility equipment or service, a storm water drainage facility, or a tree in a pedestrian way; and
- (2) the permittee did not obtain consent of the owner of the utility service, drainage facility, or pedestrian way before performing the construction activity.

(B) The city manager may only reinstate a permit after determining that the permit holder has:

- (1) provided compensation for the damage; or
- (2) eliminated the interference.

Source: Section 13-5-72; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-267 - ENFORCEMENT.

The director of the Public Works Department shall:

- (1) regulate the placement of improvements and facilities on public property;
- (2) order the removal of an unauthorized obstruction or encroachment from public property; and
- (3) suspend or revoke a permit issued under this division if the director determines that the permittee has violated the terms of the permit.

Source: Section 13-5-74(a); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-6-268 - ROADWAY MAINTENANCE.

The director of the Public Works Department shall repair and maintain the roadways and facilities in the right-of-way.

Source: Section 13-5-74(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

Division 3. - General Design and Construction Requirements.

§ 25-6-291 - COMPLIANCE REQUIRED.

- (A) Construction authorized by a permit issued under this article must comply with the requirements of Chapter 25-1, Article 8 (*Construction Management*) and this division.
- (B) The permittee shall retain general supervision of all work engaged in under a permit.

Source: Sections 13-5-64(c) and 13-5-71; Ord. 990225-70; Ord. 031211-11.

§ 25-6-292 - DESIGN AND CONSTRUCTION STANDARDS.

- (A) The design, construction, alteration, or repair of a sidewalk, driveway approach, pavement, appurtenance on public property, or other facility to provide access to adjoining property must comply with the Transportation Criteria Manual.
- (B) The design, construction, alteration, or repair of a curb or gutter must comply with the Drainage Criteria Manual and the Transportation Criteria Manual.
- (C) Access to a lot from an alley must be approved by the city manager.

Source: Section 13-5-66(a) and (c); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-293 - ESTABLISHING LINE AND GRADE.

- (A) The permittee shall establish the line and grade for construction performed under this division and shall set, preserve, and protect the line and grade stakes.
- (B) The city manager may require the permittee to set line and grade stakes under the direct supervision of a registered public surveyor or registered professional engineer.

Source: Section 13-5-67; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-294 - ALTERNATE MATERIALS, DESIGNS, AND CONSTRUCTION METHODS.

- (A) The director of the Public Works Department may approve an alternative material, design, or method of construction from that required by this article or the Transportation Criteria Manual if the director of the Public Works Department determines that the alternative is safe, durable, and equivalent to the requirements set out in this article and the Transportation Criteria Manual.
- (B) Materials, designs, or methods of construction approved under Subsection (A) must be used and installed in accordance with the terms of approval.

Source: Section 13-5-75; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-6-295 - REMOVING EXISTING CURB OPENINGS OR DRIVEWAY APPROACHES.

A person who constructs a new driveway approach shall:

- (1) remove an existing curb opening or driveway approach on the same property if the opening or approach is not required;
- (2) match a new curb, gutter, or sidewalk, to the existing adjoining curb grade and alignment; and
- (3) install a new curb, gutter or sidewalk, if required, at the same time that the new driveway approach is installed.

Source: Section 13-5-83(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-296 - RELOCATION OR REPLACEMENT OF CERTAIN FACILITIES OR TREES.

- (A) A permittee shall pay the cost of relocating a public utility's stormwater drainage improvement, or tree required by the permittee's proposed construction.
- (B) If relocating or replacing a tree is required as a condition of a right-of-way construction permit, the permit shall comply with the requirements of the director.

Source: Section 13-5-68; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-6-297 - INSPECTION PROCEDURES.

The city manager shall establish a procedure for the inspection of construction authorized under a right-of-way construction permit. The inspection procedures must provide for the following:

- (1) Phase 1 inspection: inspection of line and grade, forms, reinforcing steel, drainage and subgrade before a final course of material is placed; and
- (2) Phase 2 inspection: final inspection of construction, including cleanup.

Source: Section 13-5-70; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

Division 4. - Conditions for Approval of Development Applications.**§ 25-6-321 - EXISTING DRIVEWAY.**

The council or director may require an existing driveway to conform with this article and the Transportation Criteria Manual as a condition of approval for an application for zoning, rezoning, or site plan approval.

Source: Section 13-5-66(b); Ord. 990225-70; Ord. 031211-11.

§ 25-6-322 - DRIVEWAY CLOSING AND CURB CONSTRUCTION.

- (A) Based on the criteria of Transportation Criteria Manual, the director of the Public Works Department may:
 - (1) require a driveway closing or curb construction as a condition of approval of an administrative site plan; or
 - (2) recommend that driveway closing or curb construction be required as a condition of zoning or rezoning.

Source: Section 13-5-66(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-6-323 - ALLEYWAYS.

The director of the Public Works Department may require an existing, unpaved alley to be paved for all or a portion of its length if access from an alley is proposed in an application for zoning, re-zoning, or site plan approval.

Source: Section 13-5-66(c); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-6-324 - PEDESTRIAN SAFETY BARRIERS FOR MEDICAL FACILITIES.

- (A) This section applies to a development application for new construction of a medical facility.
- (B) An applicant is required to install security bollards in front of each pedestrian entrance to a medical facility in accordance with the Transportation Criteria Manual.
- (C) The installation of security bollards cannot obstruct accessible routes or accessible means of ingress and egress to the pedestrian entrance.
- (D) The director may waive this requirement if the applicant demonstrates the walkway to the pedestrian entrance is designed in a manner that mitigates the risk of vehicular crashes into the pedestrian entrance without the use of security bollards.

(Ord. No. 20241212-074, Pt. 2, 12-23-24)

Division 5. - Sidewalks.**§ 25-6-351 - SIDEWALK INSTALLATION IN SUBDIVISIONS.**

- (A) A person who subdivides property shall install sidewalks in a subdivision in accordance with the Transportation Criteria Manual. A preliminary subdivision plan and a final plat must indicate the location of a proposed sidewalk.
- (B) The director may waive the requirement to install a sidewalk based on criteria in the Transportation Criteria Manual.
- (C)

A sidewalk that is indicated on a recorded plat or approved site plan shall be installed in conjunction with the installation of a type 1 or type 2 driveway approach.

- (D) Except as provided in [Section 25-6-354 \(Payment Instead of Sidewalk Installation\)](#), the accountable official may not issue a certificate of occupancy or certificate of compliance until a sidewalk required under this division is installed.
- (E) The construction of a sidewalk or driveway approach is not complete until all utility connections are complete and a cut required by the utility installation is restored.
- (F) Fiscal security is not required for the construction of a sidewalk in a subdivision within the corporate limits of the City if the location of the sidewalk is noted on a recorded final plat or approved site plan.

Source: Section 13-5-91; Ord. 990225-70; Ord. 010607-8; Ord. 030306-48A; Ord. 031211-11; Ord. 20080214-096.

§ 25-6-352 - SIDEWALK INSTALLATION WITH SITE PLANS.

- (A) The director or Land Use Commission may not approve a site plan unless sidewalks are shown on the site plan, if required by the Transportation Criteria Manual.
- (B) The director may waive the requirement to install a sidewalk based on criteria in the Transportation Criteria Manual.
- (C) Except as provided in [Section 25-6-354 \(Payment Instead Of Sidewalk Installation\)](#), the accountable official may not issue a certificate of occupancy or certificate of compliance until a sidewalk required under this division is installed.

Source: Section 13-5-92; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20080214-096.

§ 25-6-353 - SIDEWALK INSTALLATION WITH BUILDING OR RELOCATION PERMIT.

- (A) This section applies to:
 - (1) a building permit for construction of:
 - (a) a new building; or
 - (b) an addition to an existing building that increases the building's gross floor area by 50 percent or more; or
 - (2) a relocation permit to move a building from one site to another.
- (B) Except as provided in [Section 25-6-354 \(Payment Instead Of Sidewalk Installation\)](#) and Subsections (C) and (D):
 - (1) the building official may not approve a building or relocation permit unless sidewalks are shown on the plot plan or site plan, as applicable, if required by the Transportation Criteria Manual; and
 - (2) the building official may not issue a certificate of occupancy until a sidewalk required under this division is installed.
- (C) The director may waive the requirement to install a sidewalk:
 - (1) based on criteria in the Transportation Criteria Manual; or
 - (2) if the director determines that the development does not generate pedestrian traffic for the sidewalk.
- (D) Unless otherwise required by [Section 25-6-351 \(Sidewalk Installation In Subdivisions\)](#) or [Section 25-6-352 \(Sidewalk Installation With Site Plans\)](#), a sidewalk for a corner lot is required only along the street with the shortest lot frontage.

Source: Ord. 20080214-096.

§ 25-6-354 - PAYMENT INSTEAD OF SIDEWALK INSTALLATION.

- (A) An applicant may request to pay a fee instead of installing a sidewalk by filing a written request at the time the person submits a permit application in the manner prescribed by the director. An applicant who has not filed a request at the time of application, may later amend the application to request to pay fee instead of installing a sidewalk.
- (B) For a sidewalk required under [Section 25-6-353 \(Sidewalk Installation with Building or Relocation Permit\)](#), the director shall approve payment of a fee instead of installation of a sidewalk if the director determines that:
 - (1) the property is used only for a residential use and has not more than two dwelling units;
 - (2) on the date the property was subdivided, the land development regulations did not include a sidewalk requirement; and
 - (3) less than 50 percent of the block face on which the property is located has a sidewalk.
- (C) For a sidewalk required under [Section 25-6-351 \(Sidewalk Installation in Subdivisions\)](#), the director shall approve payment of a fee instead of installation of a sidewalk if the subdivision:
 - (1) consists of five or fewer lots;
 - (2) only includes residential lots, each of which contains no more than two dwelling units;
 - (3) is a resubdivision of land that was originally subdivided on a date when applicable regulations did not include a sidewalk requirement; and
 - (4) less than 50 percent of the block face on which the property is located has a sidewalk.
- (D) The director may approve payment of a fee instead of installation of a sidewalk if the director determines that installation is impractical because:
 - (1) there are no sidewalks in the vicinity, and it is unlikely that there will be development nearby that would require the installation of sidewalks;

- (2) installation of the sidewalk would require the removal of a protected tree or other major obstruction within the right-of-way;
 - (3) a stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility;
 - (4) the topography would require the construction of a retaining wall more than two feet high to accommodate the sidewalk; or
 - (5) other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.
- (E) In making a determination under Subsection (D), the director shall give primary consideration to the following:
- (1) the adopted neighborhood plan;
 - (2) information provided by the neighborhood planning team;
 - (3) information provided by a registered neighborhood association; and
 - (4) the approved City sidewalk plan.
- (F) The amount of the fee is the current sidewalk installation cost, as determined in accordance with the Transportation Criteria Manual.
- (G) A fee paid under this section must be used to install a sidewalk or curb ramp in the same service area, as established by the Transportation Criteria Manual.
- (H) The City may refund the fee to the applicant if it is not spent within 10 years of the date of its collection.

Source: Ord. 20080214-096.

ARTICLE 6. - ACCESS TO MAJOR ROADWAYS AND IN CERTAIN WATERSHEDS.

Division 1. - Access to Major Roadway.

§ 25-6-381 - MINIMUM FRONTAGE FOR ACCESS.

- (A) In this section, "major roadway" means a roadway that is designated as a major arterial, expressway, parkway, or freeway in the transportation plan or in a roadway plan approved by the appropriate county.
- (B) Except as provided in Subsections (C) and (D), a subdivision plat or a site plan may not provide for direct access from a lot to a major roadway unless the lot contains 200 feet or more of frontage on the major roadway and alternative access is not available.
- (C) The director shall permit access to a major roadway from a property with less than 200 feet of frontage on a major roadway if the property is subject to right-of-way condemnation and if:
 - (1) the property possessed more than 200 feet of frontage on the roadway before condemnation;
 - (2) the proposed driveway is not located in a controlled access area;
 - (3) the proposed driveway is the lesser of 100 feet or 60 percent of the frontage from the intersection; and
 - (4) the city manager determines that the driveway does not create a public safety hazard.
- (D) If direct access to a major roadway is not authorized under Subsection (B) and alternative access is not available, the director shall permit one driveway approach from the property to a major roadway.
- (E) The director may require joint access to a major roadway for adjoining lots that have insufficient frontage to allow a driveway approach for each lot under the requirements of the Transportation Criteria Manual.

Source: Section 13-5-84 (a), (b), and (c); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 030306-48A; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-382 - PROPERTY SUBJECT TO CONDEMNATION.

On the request of a condemning authority or property owner before acquisition of a right-of-way occurs, the city manager may modify the access requirements of this division and the Transportation Criteria Manual for a property that is subject to right-of-way condemnation if the modification does not create a public safety hazard or have an adverse effect on traffic operation.

Source: Section 13-5-84(d); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 030306-48A; Ord. 031211-11; Ord. 20060504-039.

Division 2. - Access to Hill Country Roadways.

§ 25-6-411 - APPLICABILITY.

This division applies to property located in a hill country roadway corridor and within the zoning jurisdiction of the City.

Source: Section 13-5-85(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-412 - STREET SPACING.

The minimum distance between local streets that intersect with a hill country roadway must be 600 feet. The minimum distance between collector streets that intersect with a hill country roadway must be 1,320 feet.

Source: Section 13-5-85(f); Ord. 990225-70; Ord. 031211-11.

§ 25-6-413 - ALIGNMENT OF STREETS AND MEDIANS.

- (A) Except as provided by Subsection (B), the design and construction of a connecting street that intersects with an existing divided hill country roadway must align with an existing median break on a hill country roadway.
- (B) The city manager may approve the construction of a connecting street that does not align with an existing median break if alignment is not practicable.

Source: Section 13-5-85(h); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-414 - IMPROVEMENTS TO INTERSECTIONS.

- (A) The director may require an improvement at the intersection of a hill country roadway with another street if the results of a traffic impact analysis indicate that an improvement is necessary.
- (B) The director may approve the construction of a grade-separated interchange on a hill country roadway that provides access for a single development if:
 - (1) the interchange is located at the intersection of a hill country roadway and an arterial street; or
 - (2) the location of the interchange provides spacing for weaving maneuvers at ramps.

Source: Section 13-5-85(g); Ord. 990225-70; Ord. 031211-11.

§ 25-6-415 - ACCESS FROM A SITE.

- (A) A maximum of two access points is permitted from any one site to a hill country roadway.
- (B) The director may prohibit access to a hill country roadway from:
 - (1) a tract that has access to a street that intersects with a hill country roadway; or
 - (2) a tract that has frontage on a hill country roadway and that has access to a hill country roadway through an existing joint-use access easement or driveway.
- (C) If access to a hill country roadway from a site described in Subsection (B) is permitted, the director shall limit access to one driveway unless:
 - (1) the estimated daily traffic volume for the single driveway exceeds 5,000 vehicles per day;
 - (2) the traffic using the single driveway would exceed the capacity of an intersection controlled by a stop sign during one peak street traffic hour or the peak site traffic hour; or
 - (3) based on the results of a traffic impact analysis, the director determines that an additional driveway is necessary because of traffic conditions.

Source: Section 13-5-85(b); Ord. 990225-70; Ord. 031211-11.

§ 25-6-416 - REQUIREMENTS FOR DRIVEWAYS.

- (A) The maximum practical spacing between driveways along a hill country roadway must be provided.
- (B) Unless otherwise approved by the director, a driveway providing access to a hill country roadway:
 - (1) must be at least 300 feet from the nearest driveway unless the driveway provides the only access available for a tract of land;
 - (2) must have a sight distance of at least 550 feet;
 - (3) may not be on the inside radius of a curve; or
 - (4) may not access a portion of a hill country roadway that has a grade of eight percent or more.

Source: Section 13-5-85(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-417 - JOINT-USE DRIVEWAYS.

- (A) In this division, a joint-use driveway means a driveway located entirely or partially on a tract of land that is available for use by an adjoining tract of land as ingress and egress to a public street.
- (B) The director may require an applicant for site plan approval to provide an easement for a joint-use driveway across the applicant's tract generally parallel with the right-of-way of a hill country roadway for the use of an adjacent property owner that has insufficient frontage for access.
- (C) Access to a hill country roadway through a joint-use driveway is not permitted for a tract that does not have frontage on a hill country roadway unless approved by the director.

Source: Section 13-5-85(d); Ord. 990225-70; Ord. 031211-11.

§ 25-6-418 - COST-SHARING FOR JOINT-USE DRIVEWAY IMPROVEMENTS.

- (A) If an applicant for site plan approval is required to construct a joint-use driveway, the owner of an adjacent tract benefitted by the driveway must participate in the cost of the driveway on a pro rata basis.
- (B) If the owner of a tract that benefits from a joint-use driveway is unable to participate in the cost of the driveway at the time the driveway is scheduled for construction, the owner of the tract on which the driveway is to be constructed may elect not to construct the driveway.
- (C) An owner electing not to construct a driveway under Subsection (B) must leave sufficient area for the construction of the driveway.
- (D) If an owner of a tract on which a driveway is to be constructed elects to construct the driveway before the adjoining tract is developed, the owner of a benefitted tract shall share in the cost of the driveway at the time the adjoining tract is developed.

Source: Section 13-5-85(d); Ord. 990225-70; Ord. 031211-11.

§ 25-6-419 - EXCLUDING IMPERVIOUS COVER OF A JOINT-USE DRIVEWAY.

- (A) A calculation of the allowable impervious cover on a site on which a joint use driveway required under this division is located shall exclude:
 - (1) 110 percent of impervious cover that is required for the sole purpose of providing access from adjoining land to a joint-use driveway located entirely on the site; and
 - (2) 50 percent of impervious cover that is required to provide a joint-use driveway if a portion of the driveway is not located on the adjoining land.
- (B) The impervious cover excluded from the calculation of impervious cover on a site under Subsection (A) does not include impervious cover that serves as a parking space or an aisle serving a parking space.

Source: Section 13-5-85(e); Ord. 990225-70; Ord. 031211-11.

Division 3. - Driveway Standards for Certain Watersheds.

§ 25-6-441 - APPLICABILITY.

This section applies only to property in a water supply watershed and to property in the Barton Springs Zone.

Source: Section 13-5-86(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-442 - ACCESS STANDARDS.

- (A) A lot must be reasonably accessible by vehicle from a roadway to a building site.
- (B) A driveway grade may not exceed 14 percent unless:
 - (1) the portion of the grade that exceeds 14 percent is a travel distance of at least 25 feet from the nearest right-of-way boundary; and
 - (2) the Watershed Protection and Development Review Department has approved the surface and geometric design proposals.

Source: Section 13-5-86(b); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

Division 4. - Joint-Use Driveways.

§ 25-6-451 - JOINT-USE DRIVEWAYS.

- (A) In this division, joint-use driveway means a driveway located entirely or partially on a tract of land that is available for use by an adjoining tract of land as ingress or egress to a public street.
- (B) Vehicular access to a tract of land through a joint-use driveway is permitted as an alternative to direct access to an abutting public or private street.
- (C) A joint-use driveway used as alternative access for a single-family residential use may serve not more than eight dwelling units.

Source: Ord. 030306-48A; Ord. 031211-11.

ARTICLE 7. - OFF-STREET PARKING AND LOADING.

Division 1. - General Regulations.

§ 25-6-471 - OFF-STREET PARKING.

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

development (PUD) that includes specific off-site parking requirements controls over this article.

- (B) A minimum of one on-site accessible space is required. The minimum number of accessible spaces is calculated by taking 100 percent of the parking previously required for the use under Appendix A (*Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements*) and using that result to determine the number of accessible parking spaces required under the Building Code.
- (C) If an applicant provides an off-street parking facility for a building or use, accessible spaces must be provided on-site.
- (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 space required if no accessible spaces can be provided consistent with the requirements of Paragraph (D)(1).

(E) The accessible space 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.

(F) In this section:

QUALIFYING DEVELOPMENT means a development certified under Section 25-1-724 (Certification) and participating in the Affordability Unlocked Bonus Program.

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

- (1) The minimum number of required off-street accessible spaces is the greater of:
 - (a) one accessible parking space;
 - (b) the number of accessible spaces required under the Building Code based on 100 percent of the parking previously required for the use under Appendix A (*Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements*); or
 - (c) the number of accessible spaces required under the Americans with Disabilities Act (ADA) or the Fair Housing Act Amendments (FHAA), as appropriate.
- (2) An accessible space must be adjacent to the site and on an accessible route.
- (3) An accessible parking space must comply with design, accessibility, and location requirements imposed by the ADA and the FFHA, as appropriate.
- (4) Accessible parking detailed in Subsection (G)(1) must be provided off-street except insofar as on-street or off-site parking is allowed elsewhere in this title.

Source: Section 13-5-96(a), (c), (d), (f) and (g); Ord. 990225-70; Ord. 031211-11; Ord. No. 20190509-027, Pt. 5, 5-20-19; Ord. No. 20221201-056, Pt. 4, 12-12-22; Ord. No. 20231102-028, Pt. 39, 11-13-23; Ord. No. 20240229-070, Pt. 1, 3-11-24.

§ 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 Loading Requirements and Former Off-Street Parking Requirements*), as applicable.
- (B) A parking facility must:
 - (1) be maintained for the duration of the use or existence of the building requiring the facility; and
 - (2) be used exclusively for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity.
- (C) A parking facility requirement is based on gross floor area of a building or use 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 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.

Source: Sections 13-5-96(b), (e) and (h) and 13-5-97(a), (b), (c), (d) and (h); Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. 20130523-104; Ord. No. 20231102-028, Pt. 40, 11-13-23.

§ 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 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 Loading Requirements and Former Off-Street Parking Requirements*).
- (B) 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) The director may 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.

Source: Section 13-5-97(f), (g) and (i); Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. No. 20231102-028, Pt. 41, 11-13-23.

§ 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) A person may appeal the requirements of this section to the Board of Adjustment.
- (D) A variance granted under Subsection (C) 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) A variance granted under Subsection (C) must specify whether it includes bicycle parking and the amount of bicycle parking required. An applicant may also seek a waiver pursuant to Subsection (G) of Section 25-6-477 (Bicycle Parking) to waive bicycle parking.

Source: Section 13-5-101; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. 20130523-104; Ord. No. 20231102-028, Pt. 42, 11-13-23; Ord. No. 20240201-035, Pt. 2, 2-12-24.

§ 25-6-475 - PARKING FOR COMPACT CARS.

- (A) The owner of a parking facility containing 12 or more parking spaces may reserve not more than 30 percent of the spaces for small or compact cars. Compact parking spaces must be located in groups of not less than three contiguous spaces and must be identified by directions and markings.
- (B) The owner of a developed property or a property with an approved site plan that is the subject of a right-of-way condemnation may reserve not more than 40 percent of the allowed parking spaces for compact parking spaces if the increase is necessary to replace parking spaces that are lost as a result of condemnation.
- (C) The owner of a developed property or property with a released unexpired site plan on March 11, 1996, may reserve not more than 40 percent of the allowed parking spaces for compact parking spaces if the director determines that the increase is necessary to comply with the accessibility standards of the Americans With Disabilities Act or the accessibility standards of the Uniform Building Code.

Source: Section 13-5-98; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11.

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

Source: Sections 13-5-100 and 13-5-102(a)(2); Ord. 990225-70; Ord. 010607-8; Ord. 031120-44; Ord. 031211-11; Ord. 20130523-104; Ord. No. 20231102-028, Pt. 43, 11-13-23.

§ 25-6-477 - BICYCLE PARKING.

- (A) Off-street parking facilities for bicycles must be provided for each use on a site.
- (B) Any addition or enlargement of an existing building or use or any change of occupancy or operation shall require a proportional increase in bicycle parking adhering to the requirements of this section for the new use or expanded use or change in occupancy.
- (C) The number of bicycle parking spaces shall be determined based on the requirements in this subsection.
 - (1) For Commercial Uses as described in Section 25-2-4 (Commercial Uses Described), a minimum of two bicycle parking spaces or 10 percent of the proposed motor vehicle parking spaces, whichever is greater.
 - (2) For Multifamily Residential Use as described in Section 25-2-3(7), a minimum of five bicycle parking spaces or 10 percent of the proposed motor vehicle parking spaces, whichever is greater.
 - (3) For Single-Family Use as described in Section 25-2-3(12) or Two-Family Residential Use as described in Section 25-2-3(15), no requirements.
 - (4) For uses as described in Section 25-2-5 (Industrial uses Described), Section 25-2-6 (Civic Uses Described), and Section 25-2-7 (Agricultural Uses Described), a minimum of one bicycle parking space or 10 percent of the proposed motor vehicle parking spaces, whichever is greater.
- (D) A required bicycle space must comply with the requirements of the Transportation Criteria Manual.
- (E) The location of an off-street bicycle parking facility shall comply with the following requirements:
 - (1) A minimum of 50 percent of all required bicycle parking shall be located within 50 feet of the principal building entrance which shall not be obscured from public view; and
 - (2) The remaining required bicycle parking may be located as follows:
 - a. in a secure location within 50 feet of other building entryways other than the principal building entrance;
 - b. at employee only entrances;
 - c. within a building; or
 - d. in a covered motor vehicle parking facility within 50 feet of a street level entrance.
 - (3) The closest bicycle parking facility must be no farther than the closest motor vehicle parking space, excluding accessible parking spaces.
- (F) 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.
- (G) 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.
- (H) A site or development subject to Subsection 2.3.1.B.2. of Article 2 (*Site Development Standards*) of Subchapter E of City Code Chapter 25-2 that chooses to provide shower and changing facilities as an option under Table B (*Additional Measures to Improve Connectivity*) shall provide facilities as follows:
 - (1) For buildings with less than 100,000 square feet of gross floor area, a minimum of two single-user shower-and-changing facilities.
 - (2) For buildings with 100,000 or more square feet of gross floor area, a minimum of four single-user shower-and-changing facilities.

Source: Ord. 031120-44; Ord. 031211-11; Ord. 20060504-039; Ord. 20130523-104; Ord. No. 20231102-028, Pt. 44, 11-13-23; Ord. No. 20240201-035, Pt. 3, 2-12-24.

§ 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 (*Landscape*).

Source: Ord. No. 20231102-028, Pt. 45, 11-13-23

Editor's note— Ord. No. 20231102-028, Pt. 45, effective November 13, 2023, repealed the former § 25-6-478, and enacted a new § 25-6-478 as set out herein. The former § 25-6-478 pertained to motor vehicle reductions general and derived from Ord. 031120-44; Ord. 031211-11; Ord. 040902-58; Ord. 20060831-068; Ord. 20130523-104; Ord. 20130829-105; Ord. No. 20141106-120, Pt. 1, 11-17-14.

Division 2. - Off-Site Parking.

§ 25-6-501 - RESERVED.

Editor's note— Ord. No. 20231102-028, Pt. 46, effective November 13, 2023, repealed § 25-6-501, which pertained to off-site parking and derived from Sections 13-5-99 (a), (b), and (e) and 13-5-106(a); Ord. 990225-70; Ord. 990520-38; Ord. 010607-8; Ord. 031211-11; Ord. 20130411-061; Ord. 20131017-081.

§ 25-6-502 - RESERVED.

Editor's note— Ord. No. 20231102-028, Pt. 47, effective November 13, 2023, repealed § 25-6-502, which pertained to application and approval and derived from Section 13-5-99 (a), (c), and (d); Ord. 990225-70; Ord. 031211-11; Ord. 20130411-061.

§ 25-6-503 - OFF-SITE PARKING SIGNS.

A person using off-site parking shall post:

- (1) at least one sign at the off-site parking facility indicating the property or use served by the facility; and
- (2) at least one sign on the site of the use served indicating the location of the off-site parking.

Source: Section 13-5-99(f); Ord. 990225-70; Ord. 031211-11.

Division 3. - Off-Street Loading.

§ 25-6-531 - OFF-STREET LOADING FACILITY REQUIRED.

- (A) A person must provide an off-street loading facility for:
 - (1) a new building or for a new use established in an existing building; and
 - (2) an addition or enlargement of an existing use or a change of occupancy or operation that results in an additional loading space being required;
- (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 Loading Requirements and Former Off-Street Parking Requirements*); or
 - (2) alter the design or function in a manner that violates Appendix A (*Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements*).
- (C) A loading facility 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*) and the Transportation Criteria Manual.
- (D) A required loading facility must:
 - (1) be maintained for the duration of the use or existence of the building requiring the facility; and
 - (2) be used exclusively for the purpose of loading and unloading goods, materials, and supplies.

Source: Section 13-5-103; Ord. 990225-70; Ord. 031211-11; Ord. No. 20231102-028, Pt. 48, 11-13-23.

§ 25-6-532 - OFF-STREET LOADING STANDARDS.

- (A) A person must provide an off-street loading facility for each use in a building or on a site as prescribed in Appendix A (*Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements*).
- (B) Multiple uses or occupancies located in a single building or on one site may be served by a common loading space if the director determines that the loading space can adequately serve each use.
- (C) For a common loading space, described under Subsection (B), the director shall apply Appendix A (*Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements*) to the combination of buildings and uses served by the loading space instead of to each individual building and use. The schedule applicable to the use with the greatest load requirement shall be used.
- (D) An off-street loading facility requirement is based on the gross floor area. The gross floor area does not include enclosed or covered areas used for off-street parking or loading.
- (E) In this section, each two square feet of exterior site area used for a commercial or industrial use equals one square foot enclosed floor area.

Source: Section 13-5-104; Ord. 990225-70; Ord. 031211-11; [Ord. No. 20231102-028](#), Pt. 49, 11-13-23.

Division 4. - Design and Construction Standards for Parking and Loading Facilities.

§ 25-6-561 - APPLICABLE REGULATIONS; GENERAL MAINTENANCE.

- (A) A parking or loading facility, circulation area, or queue line must comply with the design and construction standards in this section and in the Transportation Criteria Manual.
- (B) A parking and loading facility must be maintained free of refuse or debris and must be available for the off-street parking or loading use for which the facility is required.

Source: Section 13-5-105(a) and (f); Ord. 990225-70; Ord. 031211-11.

§ 25-6-562 - DRAINAGE; LIGHTING.

- (A) The surfacing, curbing, and drainage improvements on a parking or loading facility must provide adequate drainage and prevent the free flow of water to an adjacent property or public street or alley.
- (B) A light installed to illuminate a parking facility or paved area must be designed to reflect away from a residential use to the maximum extent practicable.
- (C) An area used for primary circulation, frequent idling of vehicle engines, or loading activity must be designed and located to minimize the effect on an adjoining property, including the use for screening or sound baffling.

Source: Section 13-5-105(b), (c), and (e); Ord. 990225-70; Ord. 031211-11.

§ 25-6-563 - SCREENING.

- (A) A parking facility that is in a nonresidential district parking facility and that adjoins a residential district must be separated from the residential district by a wall or fence to screen the residential district from car lights and vehicle storage and movement. The wall or fence must be at least four feet in height and must be located on the common boundary between the parking facility and the residential district for the length of the common boundary.
- (B) A parking facility containing more than 10 spaces and that is in a residential district that adjoins another property in a residential district must be separated from the adjoining property by a wall, fence, or landscape to screen the residential district from car lights and vehicle storage and movement. The wall, fence or landscape must be at least six feet in height and must be located on the common boundary between the parking facility and the adjoining property for the length of the common boundary.
- (C) A screen prescribed under Subsection (A) or (B) must be located on the property line unless:
 - (1) existing vegetation will be harmed if the screen is placed on the property line; or
 - (2) placement of the screen on the property line would interfere with an existing drainage feature or utility.
- (D) If a person places screening on the property other than on the property line, the person must provide lot line monuments along the property line.
- (E) The director may waive a screening requirement prescribed by Subsection (A) or (B) if:
 - (1) the director determines that extraordinary conditions exist as defined in the Environmental Criteria Manual; or
 - (2) the property owner who benefits from the screening submits a written statement to the director that the owner would prefer that screening not be provided.
- (F) The director or the Land Use Commission may modify a design and construction requirement of this division for a site subject to site plan review if the director or Land Use Commission determines that the modified requirement improves the esthetics or utility of the design or provides protection to an adjoining use in a manner equal to or greater than the specific requirements of this division.

Source: Section 13-5-105; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

Division 5. - Special Provisions for Property in the Central Business District (CBD), a Downtown Mixed Use (DMU) Zoning District, and the Central Urban Redevelopment (CURE) Combining District Area.

§ 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 6,000 square feet or more of floor space under the requirements of this paragraph.
 - (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities:
 - (i) the minimum number of accessible parking spaces is calculated by taking 100 percent of the parking previously required for the use under Appendix A (*Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements*) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on- or off-site, within 250 feet of the use and must be on an accessible route.
 - (ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in-lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use. The availability of this option is contingent on the establishment of a fee by separate ordinance and the adoption of a program by the director to administer the fee and establish eligibility criteria. A decision by the director that a use is ineligible for a fee in-lieu is final.
 - (iii) 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 (2)(a)(i) and the use is ineligible for participation in the fee in-lieu program under Paragraph (2)(a)(ii).
 - (iv) An off-site or on-street parking space designated for persons with disabilities that is located within 250 feet of a use may be counted towards the number of parking spaces the use is required to provide under Paragraph (2)(a)(i).
 - (b) If any off-street parking is provided for a use, other than parking for persons with disabilities, then the use is subject to the requirements in Paragraph (1).
 - (3) Except as provided in Subsections (C) and (F), the maximum motor vehicle parking facility allowed is 60 percent of the number of motor vehicle parking spaces previously required by Appendix A (*Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements*).
 - (4) Except as provided in Subsections (C) and (D) of this section, a parking garage must be separated from an adjacent street by a pedestrian-oriented use described in Section 25-2-691 (Waterfront Overlay (WO) District Uses) that fronts on the street at the ground level.
 - (5) A curb cut for a garage access must have a width of 30 feet or less.
 - (6) At the intersection of sidewalk and parking access lane, ten degree cones of vision are required.
- (C) The maximum number of parking spaces allowed under Subsection (B)(3) of this section may be increased at the request of an applicant under the requirements of this subsection.
- (1) The director shall approve an increase if all parking spaces are contained in a parking structure and the total number of spaces is less than 110 percent of the spaces calculated under Appendix A (*Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements*).
 - (2) Only if bicycle parking is also increased proportionately.
- (D) The Land Use Commission may waive the requirement of Subsection (B)(5) of this section during the site plan review process after determining that:
- (1) present and anticipated development in the area is not amenable to access by pedestrians;
 - (2) the requirement does not allow a reasonable use of the property; or
 - (3) other circumstances attributable to the property make compliance impractical.
- (E) If a waiver is granted under Subsection (D), an area for which the requirement is waived must be screened.
- (F) This subsection applies to property zoned CBD and DMU.
- (1) Except as otherwise provided in this subsection, the maximum number of motor vehicle parking spaces allowed is 40 percent of the number of motor vehicle parking spaces formerly required by Appendix A (*Tables of Off-Street Parking and Loading Requirements*).
 - (2) A development that is less than 10,000 square feet in floor area or containing 70 or fewer residential units can include up to 60 percent of motor vehicle parking spaces formerly required by Appendix A (*Tables of Off-Street Parking and Loading Requirements*).
 - (3) The maximum number of motor vehicle parking spaces allowed is 80 percent of the number of motor vehicle parking spaces formerly required by Appendix A (*Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements*) if:
 - (a) all parking spaces are contained in a parking structure;
 - (b) the director finds that allowing additional parking spaces does not impact public health, safety, or welfare or undermine established planning policies for the area; and
 - (c) one of the following:

- (i) the parking is a shared parking facility, and the site plan includes a note that identifies the shared parking facility as a condition of approval;
 - (ii) the parking is rented or sold separately from the building space, and the site plan includes a note that identifies the separate rental or sale of the parking spaces as a condition of approval;
 - (iii) the parking is designed and constructed for conversion to usable building space in the future, and the site plan includes a note that identifies the ability to convert the parking to usable building space as a condition of approval;
 - (iv) the parking is included in an underground parking structure; or
 - (v) the applicant pays a mitigation fee established by separate ordinance.
- (4) In addition to the number of motor vehicle parking spaces allowed under Subdivision (3), the number of motor vehicle parking spaces can be increased up to 20 percent of the number of spaces formerly required by Appendix A (*Tables of Off-Street Loading requirements and Former Off-Street Parking Requirements*) for a maximum of 100 percent, if the additional parking spaces are included in an underground parking structure.
- (5) A mitigation fee collected in Subdivision (3) is to be used for multimodal improvements within the area bounded by Martin Luther King, Jr., Boulevard; IH-35; Lady Bird Lake; and Lamar Boulevard.

Source: Section 13-5-106 (a) and (b); Ord. 990225-70; Ord. 990603-108; Ord. 010607-8; Ord. 031120-44; Ord. 031211-11; Ord. 20111006-079; Ord. 20130411-061; Ord. 20130523-104; Ord. 20130829-105; Ord. No. 20191114-067, Pt. 6, 11-25-19; Ord. No. 20231102-028, Pt. 50, 11-13-23; Ord. No. 20240201-035, Pt. 4, 2-21-24; Ord. No. 20240530-137, Pt. 1, 6-10-24.

§ 25-6-592 - LOADING FACILITY PROVISIONS FOR THE CENTRAL BUSINESS DISTRICT (CBD) AND A DOWNTOWN MIXED USE (DMU) AND PUBLIC (P) ZONING DISTRICTS.

- (A) This section applies to a site zoned central business district (CBD) or downtown mixed use (DMU), and public (P) zoning district within the area bounded by Martin Luther King, Jr., Boulevard; IH-35; Lady Bird Lake; and Lamar Boulevard, except for:
 - (1) a building with a gross floor area of not more than 10,000 square feet; or
 - (2) the renovation of an existing structure, if the director determines that there is not enough space on the site to comply with the requirements of this section.
- (B) The following must be located on-site in accordance with this section:
 - (1) a trash receptacle location; and
 - (2) an off-street loading facility.
- (C) For a site that is adjacent to an alley:
 - (1) the off-street loading facility and trash receptacle location must be accessible from the alley; and
 - (2) the use of the alley for loading or unloading is a permitted use.
- (D) For a site that is not adjacent to an alley:
 - (1) a curb cut for an off-street loading facility or trash receptacle location may not exceed 30 feet in width;
 - (2) a vehicle may not use a public right-of-way to back into or out of an off-street loading facility or trash receptacle location; and
 - (3) the off-street loading facility and trash receptacle location:
 - (a) must be accessible from a street other than Congress Avenue or Sixth Street;
 - (b) may not be visible from a street, except at a curb cut; and
 - (c) must be at least 30 feet deep, measured from the front setback line or side setback line as applicable.
- (E) The Land Use Commission may waive a requirement of Subsection (C) or (D) after determining that:
 - (1) waiving the requirement does not create a hazard to pedestrians or vehicles; and
 - (2) for a waiver of Subsection (D)(3)(b), the applicant has reduced the visibility of the off-street loading facility and trash location to the greatest extent possible.
- (F) The minimum number of loading spaces for development in the CBD or a DMU zoning district is listed on the schedule at the end of Section 25-6-592 (Loading Facility Provisions for the Central Business District (CBD) and a Downtown Mixed Use (DMU) and Public (P) Zoning Districts). For civic uses, the number of loading spaces required shall be determined by the Director. For all other uses not listed in the table contained at the end of Section 25-6-592, the requirements of Appendix A, Part 1 apply.
- (G) Multiple uses or occupancies located in a single building or on one site may be served by a common loading space, if the Director determines that the loading space can adequately serve each use.
- (H) The Director may modify the number and size of spaces required after reviewing documentation provided by the applicant concerning the demand for loading facilities for similar developments.

SCHEDULE OF OFF-STREET LOADING REQUIREMENTS FOR CENTRAL AUSTIN

| | | |
|--|----------------------------------|--|
| Sizes: (feet) 10 × 30 × 14 10 × 40 × 14 10 × 55 × 15 | | |
| Use: | Gross Floor Area of Structure | Required Loading Space Per Square Foot of Floor Area |
| Financial services, business or professional office, meeting | 0—10,000 | 0 |
| | 10,001—100,000 | 1 (10 × 30) |
| | 100,001—200,000 | 1 (10 × 30) + 1 (10 × 40) |
| | 200,001 or more | 1 (10 × 30) + 1 (10 × 40) + additional spaces as required by the Director |
| Hotel, motel, meeting, convention, or exhibition halls | 0—10,000 | 0 |
| | 10,001—150,000 | 1 (10 × 30) |
| | 150,001—300,000 | 1 (10 × 30) + 1 (10 × 40) |
| | 300,001—500,000 | 1 (10 × 30) + 1 (10 × 40) + 1 (10 × 55) |
| | 500,001 or more | 1 (10 × 30) + 1 (10 × 40) + 1 (10 × 55) + additional spaces as determined by the Director |

Source: Section 13-5-106(c); Ord. 990225-70; Ord. 990603-108; Ord. 010607-8; Ord. 031211-11; Ord. 20130411-061; Ord. 20130926-082.

§ 25-6-593 - RESERVED.

Editor's note—Ord. No. 20231102-028, § 51, effective November 13, 2023, repealed § 25-6-593, which pertained to provisions for property in the Central Urban Redevelopment (CURE) Combining District Area and derived from Section 13-5-106(d); Ord. 990225-70; Ord. 001130-110; Ord. 031211-11; Ord. 041202-16; Ord. No. 20180322-096, Pt. 2, 4-2-18.

Division 6. - Reserved.

Footnotes:

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Editor's note—Ord. No. 20231102-028, § 52, effective November 13, 2023, repealed § 25-6-601, which pertained to parking requirements for University Neighborhood Overlay District and derived from Ord. 040902-58; Ord. No. 20191114-067, Pt. 7, 11-25-19.

Division 7. - Reserved.

Footnotes:

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Editor's note—Ord. No. 20231102-028, § 53, effective November 13, 2023, repealed § 25-6-611, which pertained to parking requirements for a Transit Oriented Development District and derived from Ord. 20050519-008.

ARTICLE 8. - ROAD UTILITY DISTRICTS.

Division 1. - Approval of Petition.

§ 25-6-621 - APPLICABILITY.

- (A) This division applies to a petition by a proposed road utility district for approval or modification of a preliminary plan for a road facility that the district intends to convey to the City or to a county in the City's extraterritorial jurisdiction.
- (B) A road utility district under Subsection (A) is a district created under Article III, Section 52 of the Texas Constitution and Chapter 441 of the Transportation Code.

Source: Section 13-1-381 and 13-1-383; Ord. 990225-70; Ord. 031211-11.

§ 25-6-622 - PREAPPLICATION REVIEW.

- (A) An applicant shall notify the city manager, in writing, of the applicant's intent to file a petition at least 30 days before filing the petition with the City. If an applicant intends to convey facilities to a county rather than to the City, the applicant shall notify the city manager, in writing, at least 30 days before filing the petition with the county. Notice under this section is effective on receipt by the city manager.
- (B) If the applicant intends to convey facilities to a county rather than to the City, the applicant must submit the information required by the Administrative Criteria Manual along with the notice filed under Subsection (A).
- (C) The city manager shall schedule a meeting with the applicant, City staff, and representatives of the county in which the road utility district will be established to discuss the applicant's preliminary plan and the City's requirements for approval. The meeting may not be scheduled for a date later than the 10th day after the city manager receives notification under Subsection (A).
- (D) Except as otherwise determined by the city manager, the City shall not accept the petition before the 31st day after receiving notice of the applicant's intent to file a petition.

Source: Section 13-1-384; Ord. 990225-70; Ord. 031211-11.

§ 25-6-623 - CONTENTS OF PETITION.

- (A) The applicant shall file with the city manager a petition and the additional documents required by the Administrative Criteria Manual.
- (B) The statutory review period established by state law begins when the city manager determines that an application is complete.

Source: Section 13-1-385; Ord. 990225-70; Ord. 031211-11.

§ 25-6-624 - CONDITIONS FOR APPROVAL.

- (A) The council may approve a petition filed under Section 25-6-623 (Contents Of Petition) if:
 - (1) the preliminary plan is consistent with the Transportation Plan;
 - (2) the preliminary plan includes only arterials that are designated in the Transportation Plan before the application is filed;
 - (3) proposed road construction and improvements comply with City requirements for roadways and drainage;
 - (4) the construction and improvement of roadways comply with the general land use plan for the proposed road utility district that is consistent with the Comprehensive Plan and this title;
 - (5) the roadway project complies with the City's policies relating to archaeological site preservation, watershed protection, and other environmental policies in the Comprehensive Plan and this title;
 - (6) a preliminary plan demonstrates the applicant's financial ability to complete construction of a proposed roadway; and
 - (7) if a preliminary plan proposes to convey an existing roadway or roadway under construction to the City, the plan demonstrates that the roadway will be subject to construction plan review and inspection by the City during construction.
- (B) At or before the time an application is filed, property owners in a proposed road utility district must:
 - (1) petition the City for limited or full purpose annexation, at the City's option, if the road utility district adjoins the City boundary; or
 - (2) if the road utility district is in the City's two mile extraterritorial jurisdiction at the time of application, agree to petition for annexation at the time the road utility district becomes contiguous to the City boundary;

Source: Section 13-1-380; Ord. 990225-70; Ord. 031211-11.

§ 25-6-625 - REVIEW PROCESS.

- (A) The city manager shall forward a copy of the petition to appropriate departments and to the:
 - (1) Urban Transportation Commission;
 - (2) Environmental Board; and
 - (3) Planning Commission.
- (B) A department that receives a copy of a petition from the city manager shall submit a report on the petition to the city manager not later than the 30th day after the date the petition is filed with the City.

- (C) Each board and commission identified in Subsection (A) shall review the petition and provide a recommendation on the petition to the city manager.
- (D) After receiving recommendations from the boards and commissions, the city manager shall request the council to set a public hearing to consider the petition.
- (E) The council shall set the public hearing during a regularly scheduled meeting of the council.

Source: Section 13-1-386; Ord. 990225-70; Ord. 031211-11.

§ 25-6-626 - CITY COUNCIL REVIEW AND ACTION.

The council shall approve or deny a petition before the expiration of the statutory review period. council's approval of a petition is conditioned on execution of a consent agreement by the City and by the petitioner as representative of each owner of property in the proposed road utility district. The consent agreement must require the road utility district to submit to the city manager, after creation, a list of directors and an annual report of road utility district activities.

Source: Section 13-1-387; Ord. 990225-70; Ord. 031211-11.

§ 25-6-627 - ANNEXATION PETITIONS AND PETITIONS FOR CONSTRUCTION OF FACILITIES OUTSIDE THE ROAD UTILITY DISTRICT.

- (A) A petition for annexation of land by a road utility district and a petition to construct or improve a roadway facility outside of the road utility district is subject to the review procedure established by this division.
- (B) Except as provided in Subsection (C), a petition described under Subsection (A) is subject to the criteria in Section 25-6-624 (Conditions For Approval).
- (C) The council may shorten the time period for consideration of a petition.

Source: Section 13-1-388; Ord. 990225-70; Ord. 031211-11.

Division 2. - Construction of Facilities.

§ 25-6-651 - SUBMITTAL OF CONSTRUCTION PLANS.

- (A) If the City approves a preliminary plan and agrees to accept the conveyance of facilities after construction, the road utility district shall submit construction plans conforming to the requirements in the Administrative Criteria Manual to the director for review at least 45 days before construction begins.
- (B) The director shall schedule a meeting between City staff members and road utility district representatives not later than the 15th day after receipt of the construction plans to discuss the proposed construction plans and requirements for City approval.

Source: Section 13-1-388.1 and 13-1-389; Ord. 990225-70; Ord. 031211-11.

§ 25-6-652 - APPROVAL OF BOND-FINANCED FACILITIES.

- (A) Before constructing a facility that is financed by bonds issued under Article III, Section 52 of the Texas Constitution or other state law, the road utility district shall submit construction plans to the director for approval.
- (B) The director shall provide the road utility district with written comments that assess the degree to which the plans comply with the requirements of this article.
- (C) The road utility district shall make the corrections as requested by the director and shall submit four sets of revised plans for review by the director.
- (D) The director shall approve the plans if the plans comply with the City specifications.

Source: Section 13-1-390; Ord. 990225-70; Ord. 031211-11.

§ 25-6-653 - CONSTRUCTION INSPECTION.

- (A) After approval of construction plans, but before commencement of construction, representatives of the road utility district shall meet with the city manager to discuss inspection by the City during the construction process.
- (B) City employees shall make periodic visits to the construction site to observe the progress and quality of the work and to determine if that the work is proceeding according to the plans and specifications. The city manager may review all laboratory, shop, and mill tests of materials conducted by the road utility district.
- (C) If the work does not comply with the construction plans, the city manager shall give notice of the failure to comply to the road utility district. The city manager may give notice that approval of the construction plans may be suspended and appropriate enforcement actions taken unless the work is brought into compliance within a specific period.
- (D) The road utility district shall retain the services of a firm experienced in construction inspection and quality control. The city manager must approve the scope of services to be performed by the firm.
- (E) The scope of services must:
 - (1) include at least one qualified resident construction inspector;

- (2) require quality control testing of materials and installations that meets the minimum requirements for sampling and testing established by the Texas Department of Transportation; and
- (3) require that quality control testing include job control tests and record tests.

Source: Section 13-1-391; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-654 - NOTICE OF CONVEYANCE.

The road utility district shall give written notice to the City of its intent to convey a completed facility. The notice shall be given not later than the 10th day before the date of a public hearing before the road utility district board of directors, to determine if the facility is completed as specified in the road utility district's approved plan.

Source: Section 13-1-392; Ord. 990225-70; Ord. 031211-11.

§ 25-6-655 - REPRESENTATION BY CITY MANAGER.

- (A) The city manager shall represent the City before the Texas Transportation Commission in all proceedings authorized or required by applicable state law.
- (B) The city manager shall represent the City in proceedings before the road utility district related to conveying facilities by the road utility district.

Source: Section 13-1-382; Ord. 990225-70; Ord. 031211-11.

§ 25-6-656 - BICYCLE PARKING FUND.

- (A) An applicant may request to pay a fee instead of installing bicycle parking by filing a written request at the time the person submits a permit application in the manner prescribed by the director. An applicant who has not filed a request at the time of application, may later amend the application to request to pay the fee instead of installing a bicycle parking.
- (B) Fund use and administration. The Bicycle Parking Fund is collected and administered by the Public Works Department - Neighborhood Connectivity Division. The funds collected will be used to install bicycle parking and associated improvements in the right-of-way in the same service area as the subject property in the application. The service area boundaries shall be determined by the Planning and Development Review Department.
- (C) For bicycle parking required under Section 25-6-477 (Bicycle Parking), the director shall approve payment of a fee instead of installation of a bicycle parking space if the director determines that:
 - (1) on the date the property was subdivided, the land development regulations did not include a bicycle parking requirement; and
 - (2) there is not sufficient area on or in the premises to accommodate the minimum required bicycle parking; and
 - (3) more than 50 percent of the block face on which the property is located has available space for bicycle parking.
- (D) The director may approve payment of a fee instead of installation of bicycle parking if the director determines that installation is impractical because:
 - (1) installation of the bicycle parking would require the removal of a protected tree or other major obstruction within the right-of-way; or
 - (2) other unusual circumstances make the bicycle parking installation requirement unreasonable or inappropriate.
- (E) The amount of the fee is the current bicycle parking materials and installation cost and will be determined by Administrative Rule.
- (F) A fee paid under this section must be used to install bicycle parking in the same service area, as established by the Administrative Rules.
- (G) The City may refund the fee to the applicant if it is not spent or allocated for a specific project within 10 years of the date of its collection.

Source: Ord. 20130523-104.

ARTICLE 9. - STREET IMPACT FEES.

Division 1. - General Provisions.

§ 25-6-657 - APPLICABILITY.

This article applies to development within the corporate boundaries of the City.

Source: Ord. No. 20201210-062, Pt. 2, 12-21-20.

§ 25-6-658 - DEFINITIONS.

- (A) In this article:
 - (1) ASSESSMENT means amount of the maximum street impact fee per service unit imposed on new development.
 - (2) CAPITAL IMPROVEMENT means a roadway facility with a life expectancy of at least three years, to be owned and operated by or on behalf of the City including a newly constructed roadway facility or the expansion of an existing roadway facility necessary to new development.
 - (3)

DEVELOPMENT UNIT is a measure of each land use used to determine number of service units. The development unit is identified in the Land-Use, Vehicle-Mile Equivalency Table.

- (4) FINAL PLAT APPROVAL means when the plat has been released by the City for filing with the County. This term applies to both original plats and replats.
- (5) LAND USE ASSUMPTIONS mean a description of the service areas and the projections of population and employment growth and associated changes in land uses, densities, and intensities adopted by the City.
- (6) LAND USE, VEHICLE-MILE EQUIVALENCY TABLE or LUVMET means the table set forth in the street impact fee study that provides the standardized measure of use of roadway facilities attributable to a new development, in terms of vehicle miles per development unit.
- (7) INSIDE LOOP SERVICE AREAS means those service areas located within the highway boundaries of SH 71, US 183 and SL 360.
- (8) MAXIMUM STREET IMPACT FEE means the street impact fee that is established for each service area. The maximum assessable street impact fee shall be established and reflected in the street impact fee study.
- (9) NEW DEVELOPMENT means a project which requires either the approval of a plat or the issuance of a building permit.
- (10) OFFSET means the amount of the reduction of a street impact fee to reflect the value of any construction of or contributions to a system facility, or dedications of an offsite system facility, and which are identified on or eligible for inclusion in the roadway capacity plan.
- (11) OUTSIDE LOOP SERVICE AREAS means those service areas located outside the highway boundaries of SH 71, US 183 and SL 360.
- (12) RECOUP means to reimburse the City for capital improvements which the City has previously installed or caused to be installed.
- (13) ROADWAY CAPACITY PLAN or RCP means the capital improvements or roadway facility expansions and associated costs for each service area that are necessitated by and which are attributable to new development within the service area, for up to ten years.
- (14) ROADWAY FACILITY means an improvement or appurtenance to a street.
- (15) SERVICE AREA means the geographic area within the City's corporate limits and within the geographic area street impact fees for capital improvements will be collected for new development.
- (16) SERVICE UNIT means one vehicle mile of travel in the afternoon peak hour of traffic.
- (17) SITE RELATED FACILITY means a site improvement, as defined in [Section 25-6-1 \(Definitions\)](#).
- (18) STREET IMPACT FEE means a fee, charge, or assessment for roadway facilities imposed on new development by the City to recoup all or part of the costs of capital improvements or facility expansion necessitated by and attributable to such new development.
- (19) STREET IMPACT FEE STUDY means the study that includes the land use assumptions, designation of street impact fee services areas, roadway capacity plan, the vehicle-mile equivalency table, and the computation of maximum street impact fees per service unit for each service area.
- (20) SYSTEM FACILITY means a system improvement, as defined in [Section 25-6-1 \(Definitions\)](#).

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

§ 25-6-659 - ADOPTIONS BY SEPARATE ORDINANCE.

The street impact fee study shall be adopted by separate ordinance.

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

§ 25-6-660 - ACCOUNTS.

- (A) The city manager shall establish accounting controls to ensure compliance with Section 395.024 of the Texas Local Government Code.
- (B) The city manager shall establish separate interest-bearing accounts for street impact fees collected for each street impact fee service area.
- (C) Funds may be disbursed as reasonably necessary to carry out the purposes of this article within a reasonable period, but not to exceed 10 years from the date the street impact fee is deposited into the account.
- (D) The city manager will keep financial records for street impact fees showing the source and disbursement of all street impact fees collected in or expended from each service area.
- (E) The street impact fees collected may be used to:
 - (1) finance, pay for, or recoup the costs of any roadway facility identified in the roadway capacity plan for the service area;
 - (2) pay for the contract services of an independent qualified engineer or financial consultant; or
 - (3) pay the principal sum and interest and other finance costs on bonds, notes, or other obligations issued by or on behalf of the City to finance such capital improvements.
- (F) After ten years have passed from the date of payment of a street impact fee, the record owner of the property or governmental entity that paid the original street impact fee may apply for a proportional refund of any street impact fees that have not been expended within the service area within such period. Street impact fees shall be considered expended on a first in, first out basis. The application for a refund must be submitted to the City within 60 days after the expiration of the ten-year period. The refund shall include interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Texas Finance Code Section 302.002, or its successor statute.

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

Division 2. - Fee Established.

§ 25-6-661 - ASSESSMENT AND COLLECTION OF IMPACT FEES AUTHORIZED.

The city manager shall collect the street impact fee on new development in accordance with this article and Chapter 395 of the Texas Local Government Code.

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

§ 25-6-662 - ASSESSMENT OF STREET IMPACT FEES.

(A) Assessment of the street impact fee for any new development shall occur:

- (1) on December 21, 2020, if the final plat approval occurred before December 21, 2020;
 - (2) at the time of final plat approval if the development has not received plat approval; or
 - (3) at the time an application is submitted for a building permit for development that is exempted from platting under [Section 25-4-2 \(Exemption from Platting Requirements\)](#).
- (B) For a development that has been assessed a street impact fee under [Section 25-6-662\(A\)\(1\)](#), the street impact fee shall be reassessed if the owner submits a new application for plat approval.
- (C) An application for an amended plat shall not be subject to reassessment for an impact fee.
- (D) All assessments of street impact fees shall be the amount of the maximum street impact fee per service unit as set forth in adopted street impact fee study in effect.
- (E) The amount of the maximum street impact fee for a new development, less any applicable percentage reduction in fees attributable to internal recapture, transit proximity, or parking management techniques under [Section 25-6-667 \(Mobility Related Reductions\)](#), may be considered by the director's designated engineer as an appropriate measure of the new development's demand for roadway system facilities under [Section 25-6-23 \(Proportionality of Required Infrastructure\)](#). The amount of street impact fees assessed may be used in evaluating any claim by an applicant that the infrastructure improvements required in conjunction with approval of the development application are not roughly proportionate to the proposed development. To the extent that the street impact fee collected from a new development is less than the maximum impact fee per service unit, except for reductions under [Section 25-6-667 \(Mobility Related Reductions\)](#), such difference hereby is declared to be founded on policies unrelated to measurement of the impacts of the new development on the City's roadway system.

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

§ 25-6-663 - AMOUNT OF FEE: COLLECTION RATE.

- (A) The amount of the street impact fee to be assessed for each service unit and the amount of the street impact fee to be collected for each service unit shall be set by separate ordinance. The street impact fee to be collected may be increased by ordinance prior to the next scheduled street impact fee update without amending the street impact fee study, provided that the impact fee to be collected does not exceed the street impact fee that was assessed.
- (B) A street impact fee shall be collected at the time of the issuance of a building permit.
- (C) The city manager may enter into an agreement with a developer for a different time and manner of payment of street impact fees.

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

§ 25-6-664 - COMPUTATION OF IMPACT FEES TO BE COLLECTED.

- (A) The City shall compute the amount of street impact fees to be paid and collected for new development in the following manner:
- (1) Determine the number of development units for each land use category using the LUVMET then in effect.
 - (2) Multiply the number of development units for each land use category in the new development by the service unit for each corresponding land use category in the LUVMET to determine the number of service units attributable to the new development.
 - (3) Multiply the number of service units for the new development by the street impact fee per service unit to be collected for the applicable service area and applicable land use.
- (B) If an agreement as described in City Code [Section 25-6-669 \(Offsets Against Street Impact Fees\)](#) providing for offsets exists, the amount of the offsets shall be deducted from the street impact fees as calculated above.
- (C) If the applicant proposes to increase the number of service units for a development that has already paid a street impact fee, the additional street impact fees collected for such new service units shall be determined by using the LUVMET.
- (D) Any additional street impact fees shall be measured by the increase in the number of service units proposed from the number of service units from the preceding land use within the last five years.

- (E) If a building permit application is for a speculative building, the amount of the street impact fee shall be calculated assuming that the entire building will be used as either "General Office", "Light Industrial", or "Shopping Center" as shown in the LUVMET. When a subsequent application for a building permit is submitted, an additional street impact fee shall be calculated if the proposed use results in an increase of service units.

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

Division 3. - Determination of Service Units.

§ 25-6-665 - ALTERNATIVE CALCULATION OF SERVICE UNITS.

If an equivalent land use is not found in the LUVMET for the proposed development, an applicant may submit an alternative service unit computation, based upon a trip generation study as defined by the Institute of Transportation Engineers. The director may use the alternative service unit computation to calculate the street impact fee.

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

Division 4. - Reductions and Offsets.

§ 25-6-666 - REDUCTION ON COLLECTION OF STREET IMPACT FEES.

- (A) The City may reduce the amount of street impact fees assessed if the new development qualifies for and the applicant requests a reduction under [Section 25-6-667 \(Mobility Related Reductions\)](#) or [25-6-668 \(Affordability Related Reductions\)](#). The burden of qualifying for a reduction is on the applicant.
- (B) New development that qualifies for the maximum reduction under each provision may reduce the amount of street impact fees due up to one hundred percent.

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

§ 25-6-667 - MOBILITY RELATED REDUCTIONS.

- (A) For new developments with an accepted transportation analysis demonstrating that the internal capture will reduce the number of trips from the trip counts calculated from the adopted LUVMET, the amount of street impact fees shall be reduced according to the following table:

| Trip Capture | Street Impact Fee Reduction |
|----------------|-----------------------------|
| 5% - 9% | 5% |
| 10% - 14% | 10% |
| 15% - 19% | 15% |
| 20% or greater | 20% |

- (B) The amount of street impact fees may be reduced by up to the maximums shown in the table below for any new development that utilizes an accepted transportation demand management plan per the Transportation Criteria Manual.

| TDM Category | Service Area DT OR UNO District | Service Areas F, I, J, L, parts of K | All other Service Areas |
|-------------------|---------------------------------|--------------------------------------|-------------------------|
| Transit Proximity | 20% | 10% | 5% |
| Parking | 20% | 10% | 5% |

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

§ 25-6-668 - AFFORDABILITY RELATED REDUCTIONS.

- (A) An applicant who complies with the requirements of this section may request a 100 percent reduction of the street impact fee for all service units that meet the requirements in Subsection (B).
- (B) To be eligible for a reduction under this section, affordable housing must be a housing unit located within the corporate limits of the City that is:
 - (1) approved for local, state, or federal funding for affordable housing as verified by the director of the Housing and Planning Department; or
 - (2) certified by the director of the Housing and Planning Department under another affordable housing program of City Code that meets the requirements of this section.
- (C) To retain a reduction under this section, a unit of affordable housing must comply with the requirements of this subsection.
 - (1) A rental unit must be available for occupancy for a period of not less than 40 years by an occupant whose gross household income does not exceed 60 percent of the median family income for the Austin Metropolitan Statistical Area.
 - (2) An owner-occupied unit must be available for occupancy for a period of not less than 99 years by an occupant whose gross household income does not exceed 80 percent of the median family income for the Austin Metropolitan Statistical Area.
 - (3) An affordability period prescribed by this subsection begins on the date that an affordable unit is available for occupancy.
- (D) An applicant who requests a reduction under this section must submit an application to the director of the Housing and Planning Department demonstrating compliance.
- (E) If the director of the Housing and Planning Department certifies that a proposed development meets the requirements of this division, the accountable official is authorized to process a development application.
- (F) Before the director of the Housing and Planning Department may certify that a proposed development meets the requirements of this section, the applicant shall execute:
 - (1) an agreement to preserve the minimum affordability period and related requirements imposed by this division; and
 - (2) a document for recording in the real property records that provides notice of or preserves the minimum affordability requirements imposed by this division.
 - (3) The form of the documents described in this section must be approved by the city attorney.
- (G) If an applicant who receives a reduction under this section does not comply with Subsection (B), defaults on its obligations under documents executed under Subsection (C), or does not perform in accordance with the conditions for receipt of the reduction, the City may initiate legal proceedings to recover the street impact fees that would have applied to the housing unit and damages.
- (H) A reduction under this section may not be assigned or transferred by the applicant to another property.

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

§ 25-6-669 - OFFSETS AGAINST STREET IMPACT FEES.

- (A) The City may offset the improvements or funding for construction of any system facility included on the roadway capacity plan that is required or agreed to by the City under this section and administrative guidelines.
 - (1) The roadway facility shall be associated with the plat or other detailed plan of development for the property that is to be served by the roadway facility.
 - (2) No offset shall be given for the dedication, funding, or construction of site-related facilities.
 - (3) No offset shall be given for a roadway facility which is not identified within the roadway capacity plan unless the system facility qualifies for inclusion on the roadway capacity plan and is incorporated within an allocation agreement with the City under Subsection (D).
 - (4) The value of any offset for a system facility shall be reduced by the City's cost participation in the construction or funding of such facility.
 - (5) If the amount of the offsets for a new development exceeds the total amount of street impact fees due for the development, the remaining amount of the offsets may not be transferred or assigned to other new developments for which street impact fees are due, nor is the City responsible for reimbursing the property owner for such remaining amount, unless an allocation agreement under Subsection (D) expressly so provides.
- (B) No offsets shall be granted for the onsite dedication of rights-of-way or easements required by this chapter. Onsite dedication of rights-of-way or easements for roadway system facilities may be considered in determining the development's share of roadway infrastructure improvement costs under [Section 25-6-23 \(Proportionality of Required Infrastructure\)](#).
- (C) Construction of capital improvements must be completed and accepted by the City in order to qualify as an offset with the following limitations:
 - (1) Construction completed and accepted before December 21, 2020, will only qualify as an offset until December 21, 2030.
 - (2) Construction that begins after December 21, 2020, will qualify as an offset for ten years from the date the improvement is completed and accepted by the City unless the applicant is granted an extension.
- (D) Before street impact fees can be reduced by offsets authorized under this section, the owner of the property shall enter into an agreement with the City determining the allocation of the offsets. Unless the allocation agreement specifies otherwise, an offset associated with a plat shall be applied when the first building permit is submitted and to each subsequent building permit application to reduce street impact fees due until the amount associated with the offset is exhausted.

(E) Master planned projects, including subdivisions containing multiple phases, whether approved before or after the effective date of the street impact fee regulations, may apply for offsets against street impact fees for the entire project based upon improvements or funds toward construction of system facilities. For projects where development has already occurred, the amount of any offset shall be reduced by the value attributable to any service units for which a building permit has been issued prior to one year from the effective date of this article. Offsets shall be spent within the same service area using a methodology approved by the City and incorporated within an agreement under Subsection (D).

(F) For new development that consists of multiple phases, the City may require that total offsets be proportionally allocated among phases within the new development.

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

§ 25-6-670 - APPEAL.

(A) The property owner or applicant for a new development may appeal the following administrative decisions to the Land Use Commission:

- (1) The applicability of a street impact fee to the development;
- (2) The amount of the street impact fee due;
- (3) The availability of, the amount of, or the expiration of an offset;
- (4) The application of an offset against a street impact fee due;
- (5) The amount of a refund due, if any; or
- (6) The availability of a reduction against the collection of street impact fees.

(B) Before a public hearing is scheduled for Land Use Commission consideration, the property owner or applicant must meet with the director to discuss and attempt to resolve the issues raised by an appeal of an administrative decision.

(C) The property owner or applicant may appeal a Land Use Commission action on an administrative decision to Council.

Source: [Ord. No. 20201210-062](#), Pt. 2, 12-21-20.

APPENDIX A. - TABLES OF OFF-STREET LOADING REQUIREMENTS AND FORMER OFF-STREET PARKING REQUIREMENTS.

PART 1 - MOTOR VEHICLES

| Use Classification | Minimum Off-Street Parking Requirement *This column is maintained and shown for purposes of calculating accessible spaces and maximum parking spaces and for future reference as needed. No minimum number of parking spaces is required for any use. | Off-Street Loading Requirement |
|---|--|--------------------------------|
| <i>Residential Uses</i> | | |
| Cottage special use Mobile home residential Single-family residential Small lot single-family residential Townhouse residential Urban home special use | 2 spaces for each dwelling unit | None |
| Secondary apartment special use Two family residential | Principal unit: 2 spaces Secondary unit: If located greater than .25 miles from an activity corridor that is served by a bus or transit line - 1 space; if located less than or equal to .25 miles from an activity corridor that is served by a bus or transit line - 0 spaces. For purposes of this requirement, activity corridor is defined in the Imagine Austin Comprehensive Plan, as adopted by Ordinance No. 20120614-058. | None |

| | | |
|---|--|------------|
| Accessory apartment | Efficiency dwelling unit: 1 space | None |
| Condominium residential | 1 bedroom dwelling unit: 1.5 spaces | |
| Multifamily residential | Dwelling unit larger than 1 bedroom: 1.5 spaces plus 0.5 space for each additional bedroom | |
| Duplex residential | | None |
| Single-family attached residential | | |
| -Standard | 4 spaces | |
| -If larger than 4,000 sq. ft. or more than 6 bedrooms | 4 spaces or 1 space for each bedroom, whichever is greater | |
| Bed and breakfast residential | 1 space plus 1 space for each rental unit | None |
| Group residential | 1 space plus 1 space for each 2 lodgers or tenants | Schedule C |
| Retirement Housing | 80% of the parking otherwise required by this table for the residential use classification | Schedule C |
| <i>Commercial Uses</i> | | |
| Agricultural sales and service | Schedule A | Schedule C |
| Art gallery | 1 space for each 500 sq. ft. | None |
| Art workshop | Schedule B | None |
| Automotive rentals | Schedule A | Schedule B |
| Automotive repair service | 1 space for each 275 sq. ft. | Schedule C |
| Automotive sales | Schedule A | Schedule C |
| Automotive washing | | None |
| • Automatic (full service) | 1 space for each 2 employees plus 6 queue spaces for each queue line | |
| • Manual (coin-operated) | 3 queue spaces for each queue line | |
| Bail bond services | 1 space for each 275 sq. ft. | None |
| Building maintenance services | Schedule A | Schedule C |
| Business support services | | |
| Business and professional offices | 1 space for each 275 sq. ft. | Schedule C |
| Business or trade school | Schedule B | Schedule B |
| Campground | | |
| Carriage stable | | |
| Cocktail lounge or dance hall | | Schedule C |
| • <2,500 sq. ft. | 1 space for each 100 sq. ft. | |
| • 2,500—10,000 sq. ft. | 1 space for each 50 sq. ft. | |

| | | |
|--|--|------------|
| • <10,000 sq. ft. | 1 space for each 25 sq. ft. | |
| Commercial blood plasma center | 1 space for each 275 sq. ft. | Schedule C |
| Commercial off-street parking | None | None |
| Communication services Construction sales and services | Schedule A | Schedule C |
| Consumer convenience services | Schedule B | None |
| Consumer repair services | 1 space for each 275 sq. ft. | Schedule C |
| Convenience storage | 1 space for each 4,000 sq. ft. | Schedule B |
| Drop-off recycling collection facility | Schedule B | Schedule B |
| Electronic prototype assembly | 1 space for each 275 sq. ft. | Schedule C |
| Electronic testing | 1 space per 300 sq. ft. | Schedule G |
| Equipment repair services Equipment sales | Schedule A | Schedule C |
| Exterminating services | 1 space for each 1,000 sq. ft. | Schedule C |
| Financial services | | Schedule C |
| • Building | 1 space for each 275 sq. ft. | |
| • Drive-in service | 8 queue spaces for each service lane | |
| • ATM (drive-up) | 2 queue spaces for each service lane | |
| • ATM (walk-up) | None | |
| Food preparation | Schedule A | Schedule C |
| Food sales | 1 space for each 275 sq. ft. | Schedule C |
| Funeral services | 1 space for each 5 persons capacity | Schedule B |
| Furniture or carpet store | 1 space for each 500 sq. ft. | Schedule C |
| General retail sales and services (convenience or general) | 1 space for each 275 sq. ft. | Schedule C |
| Hotel-motel | 1.1 spaces for each room | Schedule C |
| • Other uses within hotel-motel | If not an accessory use, 80% of the parking otherwise required by this table for the use | |
| Indoor entertainment | | Schedule C |
| • Meeting hall | 1 space for each 50 sq. ft. | |

| | | |
|--|--|------------|
| • Dance halls with liquor sales | See cocktail lounge | |
| • Theater (live or motion picture) | 1 space for each 4 seats within auditorium | |
| Indoor sports and recreation (except billiard parlor or bowling alley) | 1 space for each 500 sq. ft. | Schedule B |
| • Billiard Parlor | 1 space for each 100 sq. ft. | |
| • Bowling Alley | 1 space for each 275 sq. ft. | |
| Kennels | 1 space for each 1,000 sq. ft. | Schedule B |
| Laundry services | Schedule A | Schedule C |
| Liquor sales | 1 space for each 275 sq. ft. | Schedule C |
| Marina | 0.7 spaces for each boat slip | None |
| Medical offices | | Schedule C |
| • Free-standing medical clinic or office or a limited hospital facility | 1 space for each 200 sq. ft. | |
| • Within a shopping center or mixed use building | 1 space for each 275 sq. ft. | |
| Monument retail sales | Schedule A | Schedule C |
| Outdoor entertainment Outdoor sports and recreation | Schedule B | Schedule B |
| Pawn shop services Personal improvement services Personal services Pet services | 1 space for each 275 sq. ft. | Schedule C |
| Pedicab storage & dispatch | Schedule B | Schedule B |
| Plant nursery Printing and publishing Recreational equipment maintenance and storage Recreational equipment sales | Schedule A | Schedule C |
| Regional shopping mall | 1 space for each 275 sq. ft. | Schedule C |
| Research services Research assembly services Research testing services | 1 space for each 275 sq. ft. | Schedule C |
| Research warehousing services | Schedule A | Schedule C |
| Restaurant | | Schedule C |

| | | |
|---|--|------------|
| • ≤2,500 sq. ft. | 1 space for each 100 sq. ft. | |
| • >2,500 sq. ft. | 1 space for each 75 sq. ft. | |
| • If no customer service or dining area is provided | 1 space for each 275 sq. ft. | |
| Drive-in service | 8 queue spaces for each service lane | |
| Scrap and salvage services | Schedule A | Schedule C |
| Service station | | Schedule B |
| • Fuel sales | See Transportation Criteria Manual Section 9.4.5 | |
| • Lubrication service | 1 parking space for each bay and 3 queue spaces for each bay | |
| Software development | 1 space for each 275 sq. ft. | Schedule C |
| Special use historic | The parking required for the use by this table | Schedule B |
| Stables | Schedule B | Schedule B |
| Vehicle storage | None | None |
| Veterinary services | 1 space for each 500 sq. ft. | Schedule B |
| <i>Industrial Uses</i> | | |
| Basic industry | Schedule A | Schedule C |
| Custom manufacturing | | |
| General warehousing and distribution | | |
| Light manufacturing | | |
| Limited warehousing and distribution | | |
| Recycling center | | |
| <i>Civic Uses</i> | | |
| Administrative services | 1 space for each 275 sq. ft. | Schedule C |
| Adult care services (commercial, general, or limited) | 1 space for each employee | Schedule B |
| Aviation facilities Camp Cemetery | Schedule B | Schedule B |
| Club or lodge | 1 space for each 5 persons capacity | Schedule B |
| College and university facilities | | Schedule B |

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|--|--|------------|
| • Dorm or other residence | 1 space for each 2 residents | |
| • Gymnasium or classroom | 1 space for each 500 sq. ft. | |
| • Administrative or office | 1 space for each 275 sq. ft. | |
| Communication service facilities | Schedule A | Schedule C |
| Community events Community recreation (private or public) | Schedule B | Schedule B |
| Congregate living Convalescent services | 1 space for each 4 beds, plus 1 space for each 2 employees (largest shift) | Schedule C |
| Convention center Counseling services | Schedule B | Schedule B |
| Cultural services | 1 space for each 500 sq. ft. | Schedule B |
| Day care services (commercial, general, or limited) | 1 space for each employee | Schedule B |
| Detention facilities | Schedule B | Schedule B |
| Family home | 2 spaces for each dwelling unit | None |
| Group home | Schedule B | None |
| Guidance services | | Schedule B |
| • Residential | 1 space for each 4 beds | |
| • Nonresidential | 1 space for each 275 sq. ft. | |
| Hospital service (general) | 1 space for each 4 beds, plus 1 space for each 2 employees (largest shift) | Schedule C |
| Hospital services (limited) | 1 space for each 200 sq. ft. | Schedule C |
| Local utility services | Schedule B | Schedule B |
| Maintenance and service facilities Major utility facilities | Schedule A | Schedule B |
| Military installations Park and recreation services | Schedule B | Schedule B |
| Postal facilities | Schedule B | Schedule C |
| Public assembly | 1 space for each 5 persons capacity | Schedule B |
| Public or private primary educational facilities | 1.5 spaces for each staff member | Schedule B |
| Public or private secondary educational facilities | 1.5 spaces for each staff member plus 1 space for each 3 students enrolled in 11th and 12th grades | Schedule B |

| | | |
|--|--|------------|
| Qualified community garden | Schedule B | Schedule B |
| Railroad facilities | | |
| Religious assembly | | Schedule B |
| • Within mixed use shopping center or building | 1 space for each 275 sq. ft. | |
| • Stand-alone | Schedule B | |
| Residential treatment | 1 space for each 4 residents | Schedule B |
| Safety services | Schedule B | Schedule B |
| Telecommunication tower | | |
| Transitional housing | 1 space for each 4 beds, plus 1 space for each 2 employees (largest shift) | Schedule C |
| Transportation terminals | Schedule B | Schedule B |
| <i>Agricultural Uses</i> | | |
| Animal production | None | None |
| Crop production | | |
| Community garden | Schedule B | None |
| Horticulture | Schedule B | None |
| Support housing | | |
| Urban farm | | |

SCHEDULE A

The minimum off-street parking requirement for a use is the sum of the parking requirements for the activities on the site, in accordance with the following table:

| Activity | Requirement |
|--|--------------------------------|
| Beer or ale sales for on-site consumption at a brewery | |
| <2,500 sq. ft. | 1 space for each 275 sq. ft. |
| 2,500—10,000 sq. ft. | 1 space for each 100 sq. ft. |
| >10,000 sq. ft. | 1 space for each 50 sq. ft. |
| Office or administrative activity | 1 space for each 275 sq. ft. |
| Indoor sales, service, or display | 1 space for each 500 sq. ft. |
| Outdoor sales, services, or display | 1 space for each 750 sq. ft. |
| Indoor storage, warehousing, equipment servicing, or manufacturing | 1 space for each 1,000 sq. ft. |
| Outdoor storage, equipment servicing, or manufacturing | 1 space for each 2,000 sq. ft. |
| Commercial off-street parking requires one bike parking space for every 10 motor vehicle parking spaces. | |

SCHEDULE B

The director shall determine the minimum off-street loading requirement for a use that is subject to this schedule. In making a determination, the director shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering and planning data.

SCHEDULE C
Off-Street Loading Requirement

| Square Feet of Floor Area | Minimum Number of Off-Street Loading Spaces |
|---------------------------|---|
| 0—10,000 | 0 |
| 10,001—75,000 | 1 |
| 75,001—150,000 | 2 |
| 150,001—300,000 | 3 |
| Over 300,000 | 1 for each 100,000 |

Source: Section 13-5-107; Ord. 990225-70; Ord. 990520-38; Ord. 000511-109; Ord. 000831-65; Ord. 010426-48; Ord. 020627-Z34; Ord. 031120-44; Ord. 031211-11; Ord. 040617-Z-1; Ord. 20110210-018; Ord. 20121108-057; Ord. 20130523-104; Ord. 20140417-082, Pt. 2, 4-28-14; Ord. No. 20151119-080, Pt. 3, 11-30-15; Ord. No. 20231102-028, Pt. 54(Exh. A), 11-13-23; Ord. No. 20240201-035, Pt. 5(Exh. A), 2-12-24.

CHAPTER 25-7. - DRAINAGE.

ARTICLE 1. - GENERAL PROVISIONS.

§ 25-7-1 - APPLICABILITY OF CHAPTER.

- (A) Except as provided in Subsection (B), this chapter applies in the planning jurisdiction.
- (B) For the preliminary plan, final plat, or subdivision construction plan in the portion of the city's extraterritorial jurisdiction that is within Travis County:
 - (1) this chapter does not apply; and
 - (2) Title 30 (Austin/Travis County Subdivision Regulations) governs.

Source: Ord. 20131017-046.

§ 25-7-2 - DEFINITIONS.

In this chapter:

- (1) ADVERSE FLOODING IMPACT means an increase in flood risk or hazards.
- (2) ATLAS 14 means the National Oceanic and Atmospheric Administration's Precipitation-Frequency Atlas 14 of the United States, Volume 11, Version 2.0: Texas.
- (3) DEVELOPMENT APPLICATION means an application required under Title 25 for development, such as an application for subdivision, site plan, or building permit.
- (4) DIRECTOR, when used without a qualifier, means the director of the Watershed Protection Department, or the director's designee.
- (5) DRAINAGE EASEMENT means an easement or right-of-way for a drainage facility required by Section 25-7-152 (Dedication of Easements and Rights-of-Way).
- (6) EROSION HAZARD ZONE means an area where future stream channel erosion is predicted to result in damage to or loss of property, buildings, infrastructure, utilities, or other valued resources.
- (7) FEMA means the Federal Emergency Management Agency.
- (8) FEMA FLOODPLAIN means a special flood hazard area delineated on a flood insurance rate map.
- (9)

FLOOD INSURANCE RATE MAP means an official map of a community on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

- (10) 100-YEAR FLOODPLAIN means an area within a floodplain subject to a one percent or greater chance of flooding in any year as calculated in accordance with Section 25-7-6 (*Determination of the 100-Year Floodplain*).
- (11) 25-YEAR FLOODPLAIN means an area within a floodplain subject to a four percent or greater chance of flooding in any year as calculated in accordance with Section 25-7-7 (*Determination of the 25-Year Floodplain*).
- (12) WATERWAY means a watercourse, drainage way, branch, creek, or stream including, but not limited to, the limits of the 100-year and 25-year floodplains.

Source: Ord. 20131017-046; Ord. No. 20191114-064, Pts. 3, 4, 11-25-19.

§ 25-7-3 - OBSTRUCTION OF WATERWAYS PROHIBITED.

Unless authorized by a development application approved under Title 25, a person may not place, or cause to be placed, an obstruction in a waterway.

Source: Ord. 20131017-046.

§ 25-7-4 - DUTY TO MAINTAIN UNOBSTRUCTED WATERWAYS.

The person in control of real property traversed by a waterway shall keep the waterway free from an obstruction that is not authorized by a development application approved under Title 25.

Source: Ord. 20131017-046.

§ 25-7-5 - STANDING WATER DECLARED A NUISANCE.

A pool of standing water in a waterway that is caused by an unauthorized obstruction in the waterway is declared to be a nuisance.

Source: Ord. 20131017-046.

25-7-6 - DETERMINATION OF THE 100-YEAR FLOODPLAIN.

For purposes of this chapter, the 100-year floodplain shall be:

- (A) For areas amended to incorporate Atlas 14 data, the 100-year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual as amended to incorporate Atlas 14 data;
- (B) For areas not yet amended to incorporate Atlas 14 data, the 500-year floodplain either as depicted on the FEMA Flood Insurance Rate Map as of January 6, 2016, as subsequently revised, or as calculated under existing conditions as prescribed by the Drainage Criteria Manual using data predating Atlas 14; or
- (C) For the Colorado River, the 100-year floodplain as depicted on the FEMA Flood Insurance Rate Map dated January 6, 2016, as subsequently revised.

Source: Ord. No. 20191114-064, Pt. 6, 11-25-19.

§ 25-7-7 - DETERMINATION OF THE 25-YEAR FLOODPLAIN.

For purposes of this chapter, the 25-year floodplain shall be:

- (A) For areas amended to incorporate Atlas 14 data, the 25-year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual as amended to incorporate Atlas 14 data;
- (B) For areas not yet amended to consider Atlas 14 data, the 100-year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual using data predating Atlas 14; or
- (C) For the Colorado River, the 25-year floodplain as calculated under exiting conditions as prescribed by the Drainage Criteria Manual using data predating Atlas 14.

Source: Ord. No. 20191114-064, Pt. 6, 11-25-19.

§ 25-7-8 - COMPUTATION OF STORMWATER RUNOFF.

- (A) Except as provided in Subsection (B), stormwater runoff shall be computed on the basis of a fully developed contributing drainage area or watershed as determined under the Drainage Criteria Manual.
- (B) When determining the runoff generated from the 500-year flood for the purpose of determining the 100-year floodplain under Subsection (B) of Section 25-7-6 (*Determination of the 100-Year Floodplain*), stormwater runoff shall be computed on the basis of an existing developed contributing drainage area or watershed.

Source: Ord. 20131017-046; Ord. No. [20191114-064](#), Pt. 5, 11-25-19.

ARTICLE 2. - DRAINAGE STUDIES; EROSION HAZARD ANALYSIS; FLOODPLAIN DELINEATION.

§ 25-7-31 - REQUIREMENT FOR DRAINAGE STUDIES.

- (A) For a preliminary plan or plat application to demonstrate that the proposed development would not result in an adverse impact to adjacent properties, the director may require the owner of real property to provide, at the owner's expense, a drainage study for the total area to be developed to demonstrate compliance with applicable drainage regulations.
- (B) For all other applications, the director may require the owner of real property to provide, at the owner's expense and as a condition for development application approval, a drainage study for the total area to be ultimately developed.
- (C) The drainage study must be in accordance with the Drainage Criteria Manual.
- (D) If a drainage study is required under this section, the City may not accept for review a development application for any portion of the proposed development until the director has received the required drainage study.

Source: Ord. 20131017-046; [Ord. No. 20230831-141](#), Pt. 43, 9-11-23.

§ 25-7-32 - EROSION HAZARD ZONE ANALYSIS REQUIREMENT.

- (A) For a preliminary plan or plat application to demonstrate that the development proposed in a preliminary plan or plat application does not create negative erosion impacts, the owner of real property may provide, at the owner's expense, an erosion hazard zone analysis.
- (B) An erosion hazard analysis is not required for:
 - (1) a minor, unoccupied residential appurtenance to a residential use;
 - (2) a hard-surfaced trail located between 100 and 200 feet of the ordinary high water mark of the Colorado River downstream from Longhorn Dam, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*); or
 - (3) development on a property separated from the triggering waterway by a public roadway.
- (C) For all other development applications, the director may require the owner of real property to provide, at the owner's expense and as a condition for development application approval, an analysis to establish the erosion hazard zone if the proposed development is:
 - (1) within 100 feet of the centerline of a waterway with a drainage area of 64 acres or greater;
 - (2) within 100 feet of the ordinary high water mark of the Colorado River downstream from Longhorn Dam, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*) and is proposing to add, remodel, or reconstruct a:
 - (a) single-family residential use,
 - (b) duplex residential use,
 - (c) two-unit residential use, or
 - (d) three-unit residential use.
 - (3) within 100 feet of the ordinary high water mark of the Colorado River downstream from Longhorn Dam, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*) and a residential building permit for a manufactured home;
 - (4) within 200 feet of the ordinary high water mark of the Colorado River downstream from Longhorn Dam, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*); or
 - (5) located where significant erosion is present.
- (D) The erosion hazard zone analysis must be in accordance with the Drainage Criteria Manual.
- (E) If an erosion hazard zone analysis is required under this section, the City may not accept for review a development application for any portion of the proposed development until the director has received the required erosion hazard zone analysis.

Source: Ord. 20131017-046; [Ord. No. 20170615-102](#), Pt. 4, 6-15-17; [Ord. No. 20230831-141](#), Pt. 44, 9-11-23; [Ord. No. 20250327-084](#), Pt. 1, 4-7-25.

§ 25-7-33 - FLOODPLAIN MAPS, DELINEATION, AND DEPICTION.

- (A) The director shall designate and maintain official floodplain maps.
- (B) If an official floodplain map is not delineated, the owner of property to be developed shall calculate the boundaries of the 100-year floodplain in accordance with the Drainage Criteria Manual and submit the calculation to the director for approval.
- (C) If the director determines that FEMA regulations require a submission to the agency of a request for a flood insurance rate map revision, the director may require that the revision request to FEMA be submitted by the owner of property to be developed.
- (D) A person who files a development application shall depict, as applicable:
 - (1) on a preliminary plan or subdivision construction plan:
 - (a) a 100-year floodplain;

- (b) a FEMA floodplain; and
 - (c) a drainage easement or proposed drainage easement;
 - (2) on a final plat:
 - (a) a drainage easement; and
 - (b) a portion of a FEMA floodplain that is outside a drainage easement;
 - (3) on a site plan, including site plan exemption or general permit:
 - (a) a 100-year floodplain;
 - (b) a FEMA floodplain; and
 - (c) a drainage easement; or
 - (4) on a residential building permit:
 - (a) a 100-year floodplain;
 - (b) a FEMA floodplain; and
 - (c) a drainage easement.
- (E) If a portion of a FEMA floodplain is outside a drainage easement, the owner of property to be developed shall, on a final plat:
- (1) identify the portion of the FEMA floodplain that is outside the drainage easement, including the community and panel number of the flood insurance rate map; and
 - (2) include a note that:
 - (a) refers the reader to federal regulations governing development in a FEMA floodplain;
 - (b) states that flood insurance may be required; and
 - (c) describes efforts to revise the flood insurance rate map.

Source: Ord. 20131017-046.

ARTICLE 3. - REQUIREMENTS FOR APPROVAL.

§ 25-7-61 - CRITERIA FOR APPROVAL OF DEVELOPMENT APPLICATIONS.

- (A) A development application may not be approved unless:
 - (1) the proposed development application demonstrates sufficient capacity for the design flood, as determined under the Drainage Criteria Manual;
 - (2) each proposed improvement is sufficiently strong to resist:
 - (a) external pressure caused by earth or building; and
 - (b) internal pressure or abrasion caused by water or debris;
 - (3) the proposed grades will not permit water to gather in a pool that may become stagnant, excluding variable pools in creek beds as a result of natural channel design;
 - (4) temporary and permanent measures to control erosion are sufficient to minimize siltation of the waterway, as determined under the Environmental Criteria Manual; and
 - (5) the proposed development:
 - (a) will not result in additional adverse flooding impact on other property;
 - (b) to the greatest extent feasible, preserves the natural and traditional character of the land and the waterway located within the 100-year floodplain;
 - (c) except as provided by Subsection (B), includes on-site control of the two-year peak flow, as determined under the Drainage Criteria Manual and the Environmental Criteria Manual;
 - (d) will not result in additional erosion impacts on other property; and
 - (e) locates all proposed improvements outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (B) A proposed development may provide off-site control of the two-year peak flow, if the off-site control will not cause:
 - (1) an adverse water quality impact from increased in-stream peak flow; or
 - (2) streambank erosion.

Source: Ord. 20131017-046.

§ 25-7-62 - CERTIFICATE OF PROFESSIONAL ENGINEER REQUIRED FOR CERTAIN ALTERATIONS AND IMPROVEMENTS.

- (A) The director may not accept any plan or specification for a proposed alteration or improvement of a bed or bank of a waterway unless the plan or specification is accompanied by a certificate bearing the seal of a Texas professional engineer certifying that:
 - (1) the hydraulic and structural design is adequate; and
 - (2) the proposed alteration or improvement complies with the ordinances of this City, the Drainage Criteria Manual, and the laws of this state.
- (B) Subsection (A) does not prohibit the director from accepting a plan or specification for a minor alteration or improvement that, in the judgment of the director, does not require certification by a Texas professional engineer.

Source: Ord. 20131017-046.

§ 25-7-63 - APPROVAL OF CERTAIN PERMITS AND CERTIFICATES.

If a development application requires the completion or partial completion of a drainage improvement before a building may be constructed on a lot, a building permit or certificate of compliance may not be issued for the lot unless the director of the Planning and Development Review Department approves the issuance.

Source: Ord. 20131017-046.

§ 25-7-64 - DESIGN AND CONSTRUCTION OF DRAINAGE FACILITIES AND IMPROVEMENTS.

The design and construction of a drainage facility or improvement must:

- (1) be in accordance with the Drainage Criteria Manual; and
- (2) provide for maintenance and protection from erosion in accordance with the Environmental Criteria Manual.

Source: Ord. 20131017-046.

§ 25-7-65 - ENCLOSED STORM DRAINS, BRIDGES, AND CULVERTS.

- (A) The director of the Planning and Development Review Department must approve the plans and specifications for a storm drain, bridge, or culvert.
- (B) The City Manager may inspect the construction of each storm drain, bridge, or culvert.

Source: Ord. 20131017-046.

§ 25-7-66 - SUPPLEMENTAL REQUIREMENTS FOR DEVELOPMENT APPLICATIONS IN CERTAIN PLANNING AREAS.

- (A) The requirements of this section supplement the criteria in Section 25-7-61 (Criteria for Approval of Development Applications) for development within the area bound by Oltorf to the north, the Union Pacific railroad tracks to the east, Highway 290/Ben White Boulevard to the south, and South Lamar and Manchaca Road to the west.
- (B) The director may determine that a development will have no adverse flooding impact to other property, as required by Section 25-7-61(A)(5) (Criteria for Approval of Development Applications), only if the director finds that:
 - (1) for development that will alter or impact stormwater flow, the determination is substantiated by detailed hydraulic and hydrologic analyses, submitted by a licensed engineer under seal, that models downstream impacts, within a scope deemed appropriate by the director based on the scale and intensity of the development; and is submitted by a licensed engineer under seal; and
 - (2) existing peak flow rate will be reduced by at least 10% for proposed development or redevelopment that would exceed 45% impervious cover, as calculated based on gross site area.
- (C) In addition to all other applicable requirements, a development application must comply with the requirements of this section.
 - (1) Except as provided in Paragraph (C)(2), an application for development of a new or existing duplex, single-family attached, two-family residential, secondary apartment, or condominium residential use must include scaled drawings and a grading plan identifying:
 - (a) finished floor elevations;
 - (b) driveway and sidewalk locations;
 - (c) building footprint; and
 - (d) location of all stormwater discharge.
 - (2) The requirements of Paragraph (C)(1) do not apply to development of a single-family residential use on a platted lot if impervious cover will not exceed 45%, as calculated based on gross site area.
 - (3) For development of a single-family residential subdivision:
 - (a) the construction plans for subdivision infrastructure must include a concept plan identifying building footprints and the location of sidewalks and driveways for each lot within the subdivision; and
 - (b) a grading plan for each lot, consistent with the subdivision construction plans, if applicable, must be provided at the time of development and building permit review.
- (D) The requirements of this section do not:

- (1) affect implementation of the Regional Stormwater Management Program, as prescribed by the Drainage Criteria Manual; or
- (2) prohibit the director from waiving detention requirements, as prescribed in the Drainage Criteria Manual, if an applicant provides offsite improvements that result in an overall improvement of flooding conditions within the affected watershed.

Source: Ord. No. 20141211-200, Pt. 1, 12-11-14; Ord. No. 20171214-096, Pt. 2, 12-14-17.

Note— Part 3 of Ordinance No. 20141214-096 states, "The City Manager is directed to adopt administrative rules that are determined to be necessary for implementation of this ordinance. The requirements of this ordinance control in the event of a conflict with the Drainage Criteria Manual, including but not limited to § 1.2.2(G), the Environmental Criteria Manual, or other administrative rules."

Part 6 of Ordinance No. 20171214-096 states, "This ordinance expires on December 14, 2019."

§ 25-7-67 - MODIFIED DRAINAGE STANDARDS FOR RESIDENTIAL INFILL.

- (A) This section applies to a residential infill project.
- (B) A development application is not required to comply with Section 25-7-61 (Criteria for Approval of Development Applications), Section 25-7-151 (Stormwater Conveyance and Drainage Facilities), or Section 25-7-152 (Dedication of Easements and Right-of-Way) if:
 - (1) The application is a resubdivision that does not exceed a gross site area of 17,780 square feet; or
 - (2) The applicant provides a drainage plan demonstrating that all stormwater runoff from the development will be discharged:
 - (a) to an existing storm drainage system; or
 - (b) into right-of-way.
- (C) A development application must demonstrate all proposed improvements will be outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (D) The owner of real property proposed to be developed shall be required to provide an easement for stormwater flow to the limits of the 100-year floodplain, as prescribed in the Drainage Criteria Manual.

Source: Ord. No. 20250306-037, Pt. 4, 5-23-25.

ARTICLE 4. - SPECIAL REQUIREMENTS IN ZONING JURISDICTION.

§ 25-7-91 - APPLICABILITY OF ARTICLE.

This article applies in the zoning jurisdiction.

Source: Ord. 20131017-046.

§ 25-7-92 - ENCROACHMENT ON FLOODPLAIN PROHIBITED.

- (A) Except as provided in Section 25-7-96 (Exceptions in the 25-Year Floodplain), a development application may not be approved if a proposed building or parking area encroaches on the 25-year floodplain.
- (B) Except as provided in Sections 25-7-93 (General Exceptions), 25-7-94 (Exceptions in Central Business Area), and 25-7-95 (Exceptions for Parking Areas), a development application may not be approved if a proposed building or parking area encroaches on the 100-year flood plain.
- (C) The director may grant a variance to Subsection (A) or (B) if the director determines that:
 - (1) the finished floor elevation of a proposed building is at least two feet above the 100-year floodplain;
 - (2) normal access to a proposed building is by direct connection with an area above the regulatory flood datum, as prescribed by Chapter 25-12, Article 1 (Building Code);
 - (3) a proposed building complies with the requirements in Chapter 25-12, Article 3 (Flood Hazard Areas);
 - (4) the development compensates for the floodplain volume displaced by the development;
 - (5) the development improves the drainage system by exceeding the requirements of Section 25-7-61 (Criteria for Approval of Development Applications), as demonstrated by a report provided by the applicant and certified by an engineer registered in Texas;
 - (6) the variance is required by unique site conditions; and
 - (7) development permitted by the variance does not result in additional adverse flooding impact on other property.
- (D) The director shall prepare written findings to support the grant or denial of a variance request under this section.

Source: Ord. 20131017-046; Ord. No. 20210603-059, Pt. 5, 9-1-21.

§ 25-7-93 - GENERAL EXCEPTIONS.

- (A) A development application with a proposed building or parking area that encroaches on the 100-year floodplain may be approved if the encroachment is:

- (1) a parking area that is smaller than 5,000 square feet or an unoccupied structure that has an area of less than 1,000 square feet, and the director determines that the proposed development:
 - (a) will not have an adverse effect on the 100-year floodplain or surrounding properties; and
 - (b) otherwise complies with the requirements of this title;
- (2) a new building for residential use that replaces an existing legally constructed building for residential use on the same property and that does not increase the number of legal dwelling units on the property;
- (3) a new building for commercial use that replaces an existing legally constructed building for commercial use on the same property; and
 - (a) does not increase the building square footage on the property;
 - (b) does not include the following uses as they are defined in the International Building Code:
 - (i) E (Educational);
 - (ii) F (Factory);
 - (iii) H (High Hazard); or
 - (iv) I (Institutional); and
 - (c) does not increase the flood level of parking spaces within the 100-year floodplain unless additional parking is required by another section of this title;
- (4) a building authorized by a waterway development permit issued under Chapter 9-10 before September 25, 1983; or
- (5) a building in the 100-year floodplain of:
 - (a) Lady Bird Lake;
 - (b) the Colorado River downstream from Longhorn Dam;
 - (c) Lake Austin; or
 - (d) Lake Travis.

(B) To be approved under this section, development must:

- (1) be no lower than two feet above the 100-year floodplain, as measured from the lowest floor elevation of any proposed building;
- (2) comply with the requirements in Chapter 25-12, Article 3 (*Flood Hazard Areas*);
- (3) compensate for the floodplain volume displaced by the development; and
- (4) result in no additional adverse flooding impact on other properties, as determined by the director.

Source: Ord. 20131017-046; Ord. No. 20140626-113, Pt. 17, 7-7-14; Ord. No. 20191114-064, Pt. 7, 11-25-19; Ord. No. 20210603-059, Pt. 5, 9-1-21; Ord. No. 20220901-098, Pt. 1, 9-12-22.

§ 25-7-94 - REQUIREMENTS IN CENTRAL BUSINESS AREA.

- (A) This section establishes requirements that apply in the central business area.
- (B) In this section, central business area means the area bounded by Interstate Highway 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.
- (C) A development application with a proposed building or parking area that encroaches on the 100-year floodplain may be approved if:
 - (1) the floor slab of a proposed building is at least two feet above the 100-year floodplain;
 - (2) normal access to that building is by direct connection with an area above the regulatory flood datum, as defined in Chapter 25-12, Article 3 (*Flood Hazard Areas*);
 - (3) development associated with construction of the building compensates for any floodplain volume displaced by that construction; and
 - (4) the applicant demonstrates by means of a study certified by a Texas registered professional engineer that the construction of the building and development activities associated with that building improves the drainage system by exceeding the minimum requirements of Sections 25-7-3 (Obstruction of Waterways Prohibited), 25-7-4 (Duty to Maintain Unobstructed Waterways), and 25-7-5 (Standing Water Declared a Nuisance).
- (D) The director may waive a requirement of Subsection (C) if:
 - (1) the applicant submits:
 - (a) a written request identifying the requirement to be waived; and
 - (b) a justification for the waiver prepared by a Texas registered engineer certifying that waiving the requirement will not result in additional adverse flooding of other property; and
 - (2) the director determines that:
 - (a) the waiver is required by unique site conditions;
 - (b) the waiver is a minimum departure from the requirements of Subsection (C); and
 - (c) waiving the requirement will not result in additional adverse flooding of other property.
- (E)

A development application that may be approved under this section must comply with the flood proofing requirements in [Chapter 25-12](#), Article 3 (*Flood Hazard Areas*).

Source: Ord. 20131017-046; [Ord. No. 20210603-059](#), Pt. 5, 9-1-21.

§ 25-7-95 - REQUIREMENTS FOR PARKING AREAS.

- (A) This section establishes requirements that apply to the development of a parking area.
- (B) A development application with a proposed parking area that encroaches on the 100-year floodplain may be approved if:
 - (1) the level of water detention or waterflow in the parking area during the 100-year storm does not exceed:
 - (a) an average depth of eight inches; or
 - (b) a maximum depth of 12 inches at any point; and
 - (2) appropriate signs, approved by the director, are posted to notify persons that the water detention or waterflow in the parking lot may exceed a depth of eight inches.
- (C) Notwithstanding the requirements of Subsection (B), a development application with a proposed parking area that encroaches on the 25-year floodplain or the 100-year floodplain may be approved if the parking area is accessory to a building approved under [Section 25-7-93 \(General Exceptions\)](#) or [Section 25-7-96 \(Requirements in the 25-year Floodplain\)](#).

Source: Ord. 20131017-046; [Ord. No. 20191114-064](#), Pt. 8, 11-25-19.

§ 25-7-96 - REQUIREMENTS IN THE 25-YEAR FLOODPLAIN.

- (A) This section establishes requirements that apply to development in the 25-year floodplain.
- (B) A development application with a proposed building or parking area that is located on parkland, a golf course, or other public or recreational land and that encroaches on the 25-year floodplain may be approved if:
 - (1) the building, if any, is:
 - (a) a restroom or bath facility, concession stand, tool shed, or pump house, with an area of less than 1,000 square feet; or
 - (b) a dock that is located in the 25-year floodplain of Lady Bird Lake, Lake Walter E. Long, or Lake Austin and constructed, or proposed to be constructed, in compliance with the regulations of this title; and
 - (2) the parking area, if any, is smaller than 5,000 square feet.
- (C) A development application for a proposed new building for residential use that replaces an existing legally constructed building for residential use may be approved if the building is:
 - (1) on the same property; and
 - (2) not increasing the number of legal dwelling units on the property.
- (D) A development application for a proposed new building for commercial use that replaces an existing legally constructed building for commercial use may be approved if the building is:
 - (1) on the same property;
 - (2) not increasing the building square footage on the property;
 - (3) not including the following uses as they are defined in the International Building Code;
 - (i) E (Educational);
 - (ii) F (Factory);
 - (iii) H (High Hazard); or
 - (iv) I (Institutional); and
 - (4) not increasing the flood level of parking spaces within the 25-year floodplain unless additional parking is required by another section of this title.
- (E) To be approved under this section, development must:
 - (1) be no lower than two feet above the 100-year floodplain, as measured from the lowest floor elevation of any proposed building;
 - (2) comply with the requirements in [Chapter 25-12](#), Article 3 (*Flood Hazard Areas*);
 - (3) compensate for the floodplain volume displaced by the development;
 - (4) result in no additional adverse flooding impact on other properties, as determined by the director; and
 - (5) Otherwise comply with the requirements of this title, as determined by the director.

Source: Ord. 20131017-046; [Ord. No. 20140626-113](#), Pt. 18, 7-7-14; [Ord. No. 20191114-064](#), Pt. 9, 11-25-19; [Ord. No. 20210603-059](#), Pt. 5, 9-1-21; [Ord. No. 20220901-098](#), Pt. 2, 9-12-22.

ARTICLE 5. - RESPONSIBILITIES OF OWNER OR DEVELOPER.

§ 25-7-151 - STORMWATER CONVEYANCE AND DRAINAGE FACILITIES.

- (A) The owner or developer of property to be developed is responsible for the conveyance of all stormwater flowing through the property, including stormwater that:
 - (1) is directed to the property by other developed property; or
 - (2) naturally flows through the property because of the topography.
- (B) Future upstream development shall be accounted for as determined under the Drainage Criteria Manual.
- (C) If the construction or improvement of a storm drainage facility is required along a property line that is common to more than one property owner, the owner proposing to develop the property is, at the time the property is developed, responsible for each required facility on either side of the common property line.
- (D) The responsibility of the owner proposing to develop the property includes the responsibility to dedicate or obtain the dedication of any right-of-way or easement necessary to accommodate the required construction or improvement of the storm drainage facility.
- (E) If an owner of property proposes to develop only a portion of that property, a stormwater drainage facility to serve that portion of the property proposed for immediate development or use is required, unless the director determines that construction or improvement of a drainage facility outside that portion of the property to be developed is essential to the development or use of the property to be developed.
- (F) The owner or developer shall provide adequate off-site drainage improvements to accommodate the full effects of the development. The city may assist the owner or developer in the acquisition of an interest in property necessary to provide an off-site improvement, if the owner or developer:
 - (1) by affidavit, certifies that a bona fide attempt to provide the off-site drainage improvements has not been successful; and
 - (2) provides an adequate guarantee that the owner or developer will:
 - (a) finance the entire cost of acquiring the necessary property interest; and
 - (b) retain full responsibility for construction of the required off-site improvement.

Source: Ord. 20131017-046.

§ 25-7-152 - DEDICATION OF EASEMENTS AND RIGHTS-OF-WAY.

- (A) The owner of real property proposed to be developed shall dedicate to the public an easement or right-of way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain, as prescribed in the Drainage Criteria Manual.
- (B) An easement or right-of-way required by Subsection (A) must be of sufficient width to provide continuous access for the operation, maintenance, or repair of a drainage facility as prescribed in the Drainage Criteria Manual.
- (C) The owner of the property shall dedicate any additional easement or right-of-way that is necessary to allow continuous access for the operation, maintenance, or rehabilitation of a drainage facility.
- (D) A part of a lot or tract of land that is located in an easement or right-of-way required by this section may be included as part of the area of the lot or tract of land in the calculation of density or impervious cover.
- (E) For property in the full-purpose limits of the city, the director may grant a variance to Subsection (A) if the director determines:
 - (1) development with the variance does not result in additional adverse flooding of other property; and
 - (2) the development:
 - (a) is permitted by a variance granted under Section 25-7-92(C) (Encroachments on Floodplain Prohibited);
 - (b) is permitted in a floodplain under Section 25-7-93 (General Exceptions), Section 25-7-94 (Exceptions in Central Business Area), Section 25-7-95 (Exceptions for Parking Areas), or Section 25-7-96 (Exceptions in the 25-Year Floodplain);
 - (c) is not a building or parking area; or
 - (d) is a non-conforming use, as defined by Chapter 25-12, Article 3 (Flood Hazard Areas).

Source: Ord. 20131017-046; Ord. No. 20210603-059, Pt. 5, 9-1-21.

§ 25-7-153 - DETENTION BASIN MAINTENANCE AND INSPECTION.

- (A) In this section:
 - (1) COMMERCIAL DEVELOPMENT means all development other than Residential Development.
 - (2) COMMERCIAL BASIN means a required detention basin or appurtenance that receives stormwater runoff from a Commercial Development.
 - (3) DCM STANDARDS means the provisions in the Drainage Criteria Manual regarding maintenance of a required detention basin or appurtenance.
 - (4) RESIDENTIAL DEVELOPMENT means development of two dwelling units or less per lot.
 - (5) RESIDENTIAL BASIN means a required detention basin or appurtenance that receives stormwater runoff from a residential development.
- (B)

The record owner of a commercial development shall maintain the commercial basin serving the commercial development in accordance with the DCM standards, whether or not the commercial basin is located on the same property as the commercial development. The record owner shall provide the City proof of the right to access and maintain the commercial basin if it is not located on the same property as the commercial development.

- (C) If more than one commercial development is served by a single commercial basin, the record owners of the commercial basin and all commercial developments served by the commercial basin shall be jointly and severally responsible for maintenance of the commercial basin in accordance with the DCM standards.
- (D) The director may authorize an alternative arrangement for maintenance of a residential or commercial basin in accordance with the DCM standards. If an alternative arrangement is approved by the director, the City Attorney shall determine whether an agreement is necessary; the agreement must be approved by the City Attorney and filed of record.
- (E) The City shall inspect each commercial basin that is not a subsurface basin at least once every three years to ensure that the commercial basin is being maintained in accordance with the DCM standards. If the commercial basin fails inspection requiring an additional inspection, the director may charge a re-inspection fee.
- (F) The record owner of a subsurface commercial basin must provide the Watershed Protection Department with a maintenance plan and an annual report from a registered engineer verifying that the basin is in proper operating condition.
- (G) Until the City accepts a residential basin for maintenance, the record owner(s) of the residential basin and the residential development served shall maintain the residential basin in accordance with the DCM standards.
- (H) The City shall be responsible for maintenance of a residential basin only after the residential basin has been accepted for maintenance by the City. The City will accept a residential basin upon determining that it meets all requirements of the Drainage Criteria Manual.

Source: Ord. 20131017-046.

CHAPTER 25-8. - ENVIRONMENT.

SUBCHAPTER A. - WATER QUALITY.

ARTICLE 1. - GENERAL PROVISIONS.

Division 1. - Definitions; Descriptions of Regulated Areas.

§ 25-8-1 - DEFINITIONS.

In this subchapter:

- (1) BARTON SPRINGS means the springs that comprise the Barton Springs complex associated with Barton Springs Pool, and includes Upper Barton, Old Mill, Eliza, and Parthenia springs.
- (2) BLUFF means a vertical change in elevation of more than 40 feet and an average gradient greater than 400 percent.
- (3) CANYON RIMROCK means a rock substrate that:
 - (a) has a gradient that exceeds 60 percent for a vertical distance of at least four feet; and
 - (b) is exposed for at least 50 feet horizontally along the rim of the canyon.
- (4) COMMERCIAL DEVELOPMENT means all development other than open space and residential development.
- (5) CLUSTER HOUSING means a residential housing development that maximizes common open space by grouping housing units to minimize individual yards and has a maximum lot area of fifteen thousand (15,000) square feet for detached residential development.
- (6) CRITICAL ENVIRONMENTAL FEATURES means features that are of critical importance to the protection of environmental resources, and includes bluffs, canyon rimrocks, caves, faults and fractures, seeps, sinkholes, springs, and wetlands.
- (7) DIRECTOR, when used without a qualifier, means the director of the Watershed Protection Department, or the director's designee.
- (8) EROSION HAZARD ZONE means an area where future stream channel erosion is predicted to result in damage to or loss of property, buildings, infrastructure, utilities, or other valued resources.
- (9) FAULTS AND FRACTURES means significant fissures or cracks in rock that may permit infiltration of surface water to underground cavities or channels.
- (10) FLOODPLAIN MODIFICATION means development that results in any vertical or horizontal change in the cross section of the 100-year floodplain as determined under Section 25-7-6 (Determination of the 100-Year Floodplain).
- (11) IMPERVIOUS COVER means the total area of any surface that prevents the infiltration of water into the ground, such as roads, parking areas, concrete, and buildings.
- (12) MULTI-USE TRAIL means a facility designated for the use of pedestrians, bicycles, and/or other non-motorized users and associated bridges.

- (13) OPEN SPACE means a public or private park, multi-use trail, golf cart path, the portions of a golf course left in a natural state, and an area intended for outdoor activities which does not significantly alter the existing natural vegetation, drainage patterns, or increase erosion. OPEN SPACE does not include parking lots.
- (14) OWNER includes a lessee.
- (15) POINT RECHARGE FEATURE means a cave, sinkhole, fault, joint, or other natural feature that lies over the Edwards Aquifer recharge zone and that may transmit a significant amount of surface water into the subsurface strata.
- (16) WATER QUALITY CONTROL means a structure, system, or feature that provides water quality benefits by treating stormwater run-off.
- (17) WETLAND means a transitional land between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and conforms to the Army Corps of Engineers' definition.

Source: Section 13-7-3; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 5, 6-15-17; Ord. No. 20191114-064, Pt. 10, 11-25-19; Ord. No. 20221027-045, Pt. 4, 11-7-22.

§ 25-8-2 - DESCRIPTIONS OF REGULATED AREAS.

- (A) This section describes the watersheds, aquifers, and other water quality protection zones that are regulated by this subchapter. A map of these areas is maintained by the Watershed Protection Department and made available for reference online and at the offices of the Development Services Department.
- (B) The director shall determine the boundaries of the areas described in Subsection (D).
- (C) The director may require an applicant to verify the boundary of an area described in Subsection (D). For property within 1,500 feet of an Edwards Aquifer recharge zone boundary, the director may require that an applicant provide a certified report from a geologist or hydrologist verifying the boundary location.
- (D) In this subchapter:
 - (1) BARTON SPRINGS ZONE means the Barton Creek watershed and all watersheds that contribute recharge to Barton Springs, including those portions of the Williamson, Slaughter, Onion, Bear and Little Bear Creek watersheds located in the Edwards Aquifer recharge or contributing zones.
 - (2) BARTON CREEK WATERSHED means the land area that drains to Barton Creek, including Little Barton Creek watershed.
 - (3) EDWARDS AQUIFER is the water-bearing substrata that includes the stratigraphic rock units known as the Edwards Group and Georgetown Formation.
 - (4) EDWARDS AQUIFER CONTRIBUTING ZONE means all land generally to the west and upstream of the Edwards Aquifer recharge zone that provides drainage into the Edwards Aquifer recharge zone.
 - (5) EDWARDS AQUIFER RECHARGE ZONE means all land over the Edwards Aquifer that recharges the aquifer, as determined by the surface exposure of the geologic units comprising the Edwards Aquifer, including the areas overlain with quaternary terrace deposits.
 - (6) SOUTH EDWARDS AQUIFER RECHARGE ZONE means the portion of the Edwards Aquifer recharge zone that is located south of the Colorado River and north of the Blanco River.
 - (7) SUBURBAN WATERSHEDS include all watersheds not otherwise classified as urban, water supply suburban, or water supply rural watersheds, and include:
 - (a) the Brushy, Buttercup, Carson, Cedar, Cottonmouth, Country Club East, Country Club West, Decker, Dry Creek East, Elm Creek, Elm Creek South, Gilleland, Harris Branch, Lake, Lockwood, Maha, Marble, North Fork Dry, Plum, Rattan, Rinard, South Boggy, South Fork Dry, South Brushy, Walnut, and Wilbarger creek watersheds;
 - (b) the Colorado River watershed downstream of U.S. 183; and
 - (c) those portions of the Onion, Bear, Little Bear, Slaughter, and Williamson creek watersheds not located in the Edwards Aquifer recharge or contributing zones.
 - (8) URBAN WATERSHEDS include:
 - (a) the Blunn, Buttermilk, Boggy, East Bouldin, Fort, Harper Branch, Johnson, Little Walnut, Shoal, Tannehill, Waller, and West Bouldin creek watersheds;
 - (b) the north side of the Colorado River watershed from Johnson Creek to U.S. 183; and
 - (c) the south side of the Colorado River watershed from Barton Creek to U.S. 183.
 - (9) WATER SUPPLY RURAL WATERSHEDS include:
 - (a) the Lake Travis watershed;
 - (b) the Lake Austin watershed, excluding the Bull Creek watershed and the area to the south of Bull Creek and the east of Lake Austin; and
 - (c) the Bear West, Bee, Bohl's Hollow, Cedar Hollow, Coldwater, Commons Ford, Connors, Cuernavaca, Harrison Hollow, Hog Pen, Honey, Little Bee, Panther Hollow, Running Deer, St. Stephens, Steiner, and Turkey Creek watersheds.
 - (10) WATER SUPPLY SUBURBAN WATERSHEDS include:
 - (a) the Bull, Eanes, Dry Creek North, Huck's Slough, Taylor Slough North, Taylor Slough South, and West Bull creek watersheds;
 - (b) the Lady Bird Lake watershed on the south side of Lady Bird Lake from Barton Creek to Tom Miller Dam;

- (c) the Lady Bird Lake watershed on the north side of Lady Bird Lake from Johnson Creek to Tom Miller Dam; and
- (d) the Lake Austin watershed on the east side of Lake Austin from Tom Miller Dam to Bull Creek.

Source: Section 13-7-3 and 13-2-500(d); Ord. 990225-70; Ord. 000309-39; Ord. 010329-18; Ord. 031211-11; Ord. 20060209-037; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 6, 6-15-17; Ord. No. 20221027-045, Pt. 5, 11-7-22.

Division 2. - Applicability; Exemptions; Exceptions.

§ 25-8-21 - APPLICABILITY.

- (A) Except as provided in Subsection (B), this subchapter applies in the planning jurisdiction.
- (B) For a preliminary plan, final plat, or subdivision construction plan in the portion of the city's extraterritorial jurisdiction that is within Travis County:
 - (1) this subchapter does not apply; and
 - (2) Title 30 (Austin/Travis County Subdivision Regulations) governs.

Source: Section 13-1-4 and 13-7-2(a); Ord. 990225-70; Ord. 031211-11; Ord. 031211-42.

§ 25-8-22 - DEVELOPMENT BY CITY.

The requirements of this subchapter apply to land development by the City.

Source: Section 13-7-2(b); Ord. 990225-70; Ord. 031211-11.

§ 25-8-23 - CONDEMNATION AND ACCESSIBILITY EXCEPTIONS.

- (A) This subsection applies to property that has existing development or that is included in an approved site plan if the development on the property is reconfigured as a result of right-of-way condemnation.
 - (1) The accountable official may approve the replacement of development that existed in the condemned area of the property onto the remainder of the property.
 - (2) For development that may be replaced under Subsection (A)(1), the director of the Watershed Protection Department may vary the requirements of this subchapter for development in the water quality transition zone and the critical water quality zone and the limitations of this subchapter on impervious cover after making a determination that the replacement development will not increase the pollutant loading.
- (B) For property that had existing development or that was included in a released site plan on March 10, 1996, the accountable official may approve additional development that exceeds the impervious cover limitations of this title if the director determines that the increased impervious cover is necessary to comply with the accessibility standards of the Americans With Disabilities Act or the Uniform Building Code.

Source: Sections 13-7-2(d) and (f); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046.

§ 25-8-24 - SPECIAL EXCEPTIONS; LIMITED ADJUSTMENT.

- (A) Except as prohibited by Article 13 (*Save Our Springs Initiative*), a special exception from the requirements of this subchapter may be granted in accordance with Chapter 25-1 (General Requirements and Procedures).
- (B) If a three-quarters majority of the City Council concludes, or a court of competent jurisdiction renders a final judgment concluding that identified sections of this subchapter, as applied to a specific development project or proposal violate the United States Constitution or the Texas Constitution or are inconsistent with federal or state statutes that may preempt a municipal ordinance or the Austin City Charter, the City Council may, after a public hearing, adjust the application of this subchapter to that project to the minimum extent required to comply with the conflicting law. Any adjustment shall be structured to provide the maximum protection of water quality.

Source: Sections 13-2-503(a) and 13-7-6; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

§ 25-8-25 - REDEVELOPMENT EXCEPTION IN URBAN AND SUBURBAN WATERSHEDS.

- (A) This section applies to property located in an urban or suburban watershed that has existing development if:
 - (1) any development constructed without a permit after January 1, 1992, will be removed from the site and the area restored to pre-development conditions; and
 - (2) the applicant files a site plan application or concurrent subdivision and site plan applications and elects to be governed by this section.
- (B) The requirements of this subchapter do not apply to the redevelopment of the property if the redevelopment:
 - (1) does not increase the existing amount of impervious cover on the site;
 - (2) removes existing impervious cover from within 50 feet of a classified waterway or 50 feet from the shoreline of a lake and revegetates the area as prescribed by the Environmental Criteria Manual;
 - (3)

provides the level of water quality treatment prescribed by current regulations for the redeveloped area or an equivalent area on the site;

- (4) does not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 25-8-281 (Critical Environmental Features), or Section 25-8-282 (Wetland Protection);
- (5) complies with Article 3 (*Environmental Resource Inventory; Pollutant Attenuation Plan*) and all construction phase environmental standards in effect at the time of construction, including Article 5 (*Erosion and Sedimentation Control; Overland Flow*); and
- (6) does not place redevelopment within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.

Source: Ord. 000406-88; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 7, 6-15-17; Ord. No. 20221027-045, Pt. 6, 11-7-22.

§ 25-8-26 - REDEVELOPMENT EXCEPTION IN THE BARTON SPRINGS ZONE.

- (A) This section applies to property located in the Barton Springs Zone that has existing commercial development if:
 - (1) no unpermitted development occurred on the site after January 1, 1992, and
 - (2) the property owner files a site plan application and an election for the property to be governed by this section.
- (B) For property governed by this section, this section supersedes Article 13 (*Save Our Springs Initiative*), to the extent of conflict.
- (C) In this section:
 - (1) STANDARD POND means water quality controls that comply with Section 25-8-213 (Water Quality Control Standards) or are approved under Section 25-8-151 (Innovative Management Practices); and
 - (2) SOS POND means water quality controls that comply with all requirements of Section 25-8-213 (Water Quality Control Standards) and the pollutant removal requirements of Section 25-8-514(A) (Pollution Prevention Required).
- (D) The requirements of this subchapter do not apply to the subdivision of property if at the time of redevelopment under this section subdivision and site plan applications are filed concurrently.
- (E) The requirements of this subchapter do not apply to the redevelopment of property if the redevelopment meets all of the following conditions:
 - (1) The redevelopment may not increase the existing amount of impervious cover on the site.
 - (2) The redevelopment may not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 25-8-281 (Critical Environmental Features), Section 25-8-282 (Wetland Protection), or Section 25-8-482 (Water Quality Transition Zone).
 - (3) The redevelopment must comply with Section 25-8-121 (Environmental Resource Inventory Requirement) and all construction phase environmental requirements in effect at the time of construction, including Chapter 25-8, Article 5 (*Erosion and Sedimentation Control; Overland Flow*) and Section 25-8-234 (Fiscal Security in the Barton Springs Zone).
 - (4) The water quality controls on the redevelopment site must provide a level of water quality treatment that is equal to or greater than that which was previously provided.
 - (5) For a commercial or multifamily redevelopment, the owner or operator must obtain a permit under Section 25-8-233 (Barton Springs Zone Operating Permit) for both standard ponds and SOS ponds.
 - (6) For a site with more than 40 percent net site area impervious cover, the redevelopment must have:
 - (a) standard ponds for the entire site; or
 - (b) SOS ponds for a portion of the site, and standard ponds for the remainder of the redeveloped site.
 - (7) For a site with 40 percent or less net site area impervious cover, the redevelopment must have SOS ponds for the entire site.
 - (8) The property owner must mitigate the effects of the redevelopment, if required by and in accordance with Subsection (H).
 - (9) Redevelopment may not be located within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (F) City Council approval of a redevelopment in accordance with Subsection (G) is required if the redevelopment:
 - (1) includes more than 25 dwelling units;
 - (2) is located outside the City's zoning jurisdiction;
 - (3) is proposed on property with an existing industrial or civic use;
 - (4) is inconsistent with a neighborhood plan; or
 - (5) will generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property.
- (G) City Council shall consider the following factors in determining whether to approve a proposed redevelopment:
 - (1) benefits of the redevelopment to the community;
 - (2) whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;
 - (3) the effects of offsite infrastructure requirements of the redevelopment; and
 - (4) compatibility with the City's comprehensive plan.
- (H) Redevelopment of property under this section requires the purchase or restriction of mitigation land if the site has a sedimentation/filtration pond.
 - (1)

The combined gross site area impervious cover of the mitigation land and the portion of the redevelopment site treated by sedimentation/filtration ponds may not exceed 20 percent.

- (2) The mitigation requirement may be satisfied by:
 - (a) paying into the Barton Springs Zone Mitigation Fund a non-refundable amount established by ordinance;
 - (b) transferring to the City in accordance with Paragraph (3) mitigation land approved by the director of the Watershed Protection Department within a watershed that contributes recharge to Barton Springs, either inside or outside the City's jurisdiction;
 - (c) placing restrictions in accordance with Paragraph (3) on mitigation land approved by the director of the Watershed Protection Department within a watershed that contributes recharge to Barton Springs, either inside or outside the City's jurisdiction; or
 - (d) a combination of the mitigation methods described in Subparagraphs (a)–(c), if approved by the director of the Watershed Protection Department.
- (3) A person redeveloping under this section shall pay all costs of restricting the mitigation land or transferring the mitigation land to the City, including the costs of:
 - (a) an environmental site assessment without any recommendations for further clean-up, certified to the City not earlier than the 120th day before the closing date transferring land to the City;
 - (b) a category 1(a) land title survey, certified to the City and the title company not earlier than the 120th day before the closing date transferring land to the City;
 - (c) a title commitment with copies of all Schedules B and C documents, and an owner's title policy;
 - (d) a fee simple deed, or, for a restriction, a restrictive covenant approved as to form by the city attorney;
 - (e) taxes prorated to the closing date;
 - (f) recording fees; and
 - (g) charges or fees collected by the title company.

- (I) The Watershed Protection Department shall adopt rules to identify criteria for director approval under this section to ensure that the proposed mitigation, manner of development, and water quality controls offset the potential environmental impact of the redevelopment.

Source: Ord. 20071108-121; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 8, 6-15-17; Ord. No. 20221027-045, Pt. 7, 11-7-22.

§ 25-8-27 - REDEVELOPMENT EXCEPTION IN THE WATER SUPPLY RURAL AND WATER SUPPLY SUBURBAN WATERSHEDS.

- (A) This section applies to property located in a water supply rural or water supply suburban watershed that has existing commercial development or existing residential development with greater than two dwelling units per lot if:
 - (1) any development constructed without a permit after January 1, 1992, will be removed from the site and the area restored to pre-development conditions; and
 - (2) the applicant files a site plan application or concurrent subdivision and site plan applications and elects to be governed by this section.
- (B) In this section, STANDARD POND means water quality controls that comply with Section 25-8-213 (Water Quality Control Standards) or are approved under Section 25-8-151 (Innovative Management Practices).
- (C) The requirements of this subchapter do not apply to the redevelopment of property if the redevelopment meets all of the following conditions:
 - (1) The redevelopment may not increase the existing amount of impervious cover on the site.
 - (2) The redevelopment may not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 25-8-281 (Critical Environmental Features), Section 25-8-282 (Wetland Protection), Section 25-8-422 (Water Quality Transition Zone), or Section 25-8-452 (Water Quality Transition Zone).
 - (3) The redevelopment must remove any existing impervious cover from within 50 feet of the centerline of a classified waterway or 50 feet from the shoreline of a lake, unless necessary for allowable shoreline access, boat dock, or shoreline modification, and revegetate the area as prescribed in the Environmental Criteria Manual.
 - (4) The redevelopment must comply with Article 3 (*Environmental Resource Inventory; Pollutant Attenuation Plan*) and all construction phase environmental requirements in effect at the time of construction, including Chapter 25-8, Article 5 (*Erosion and Sedimentation Control; Overland Flow*).
 - (5) The water quality controls for the redeveloped areas or an equivalent area on the site must provide a level of water quality treatment that is equal to or greater than that which was previously provided. At a minimum, the site must provide standard ponds for the redeveloped area or an equivalent area on the site.
 - (6) The applicant must mitigate the effects of the redevelopment, if required by and in accordance with Subsection (D).
 - (7) Redevelopment may not be located within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (D) Redevelopment of property under this section requires the purchase or restriction of mitigation land.
 - (1)

The combined impervious cover of the mitigation land and the portion of the redevelopment treated by sedimentation/filtration ponds may not exceed 20 percent of gross site area if in a water supply rural watershed or 40 percent of gross site area if in a water supply suburban watershed.

- (2) The mitigation requirement may be satisfied by:
 - (a) paying into the Water Supply Mitigation Fund a nonrefundable amount established by ordinance;
 - (b) transferring to the City in accordance with Paragraph (3) mitigation land approved by the director within a water supply rural or water supply suburban watershed, either inside or outside the City's jurisdiction;
 - (c) placing restrictions in accordance with Paragraph (3) on mitigation land approved by the director within a water supply rural or water supply suburban watershed, either inside or outside the City's jurisdiction; or
 - (d) a combination of the mitigation methods described in Subparagraphs (a)–(c), if approved by the director.
 - (3) An applicant redeveloping under this section shall pay all costs of restricting the mitigation land or transferring the mitigation land to the City, including the costs of:
 - (a) an environmental site assessment without any recommendations for further clean-up, certified to the City not earlier than the 120th day before the closing date transferring land to the City;
 - (b) a category 1(a) land title survey, certified to the City and the title company not earlier than the 120th day before the closing date transferring land to the City;
 - (c) a title commitment with copies of all Schedules B and C documents, and an owner's title policy;
 - (d) a fee simple deed, or, for a restriction, a restrictive covenant approved as to form by the City Attorney;
 - (e) taxes prorated to the closing date;
 - (f) recording fees; and
 - (g) charges or fees collected by the title company.
- (H) The Watershed Protection Department shall adopt rules to identify criteria under this section to ensure that the proposed mitigation, manner of development, and water quality controls offset the potential environmental impact of the redevelopment.

Source: Ord. 20131017-046; Ord. No. 20170615-102, Pt. 9, 6-15-17; Ord. No. 20221027-045, Pt. 8, 11-7-22.

Division 3. - Variances.

§ 25-8-41 - LAND USE COMMISSION VARIANCES.

- (A) It is the applicant's burden to establish that the findings described in this Section have been met. Except as provided in Subsections (B) and (C), the Land Use Commission may grant a variance from a requirement of this subchapter after determining that:
 - (1) the requirement will deprive the applicant of a privilege available to owners of other similarly situated property with approximately contemporaneous development subject to similar code requirements;
 - (2) the variance:
 - (a) is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;
 - (b) is the minimum deviation from the code requirement necessary to allow a reasonable use of the property; and
 - (c) does not create a significant probability of harmful environmental consequences; and
 - (3) development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
- (B) The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Section 25-8-482 (Water Quality Transition Zone), Section 25-8-652 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that:
 - (1) the criteria for granting a variance in Subsection (A) are met;
 - (2) the requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and
 - (3) the variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
- (C) The Land Use Commission may not grant a variance from a requirement of Article 13 (*Save Our Springs Initiative*).
- (D) The Land Use Commission shall prepare written findings of fact to support the grant or denial of a variance request under this section.

Source: Section 13-2-505; Ord. 990225-70; Ord. 010607-8; Ord. 030508-60; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20140626-113, Pt. 19, 7-7-14; Ord. No. 20170615-102, Pt. 10, 6-15-17.

§ 25-8-42 - ADMINISTRATIVE VARIANCES.

- (A) A variance under this section may not vary the requirements of Article 13 (*Save Our Springs Initiative*).
- (B)

The director may grant a variance from a requirement of:

- (1) Subsection 25-8-213(C) (*Water Quality Control Standards*);
 - (2) Section 25-8-261 (*Critical Water Quality Zone Development*), only if:
 - (a) necessary to protect public health and safety, or if the type of development requiring the variance directly contributes to a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual;
 - (b) necessary to allow an athletic field in existence on October 28, 2013, to be maintained, improved, or replaced;
 - (c) necessary to allow an athletic field to be located in an area not otherwise allowed under Subsection 25-8-261(B)(5);
 - (d) necessary to allow a hard surfaced trail to be located in an area not otherwise allowed under Subsection 25-8-261(B)(3);
 - (e) necessary to allow the specified green stormwater infrastructure to be located in an area not otherwise allowed under Subsection 25-8-261(H); or
 - (f) except in the Barton Springs Zone, necessary to allow a private driveway or private street to cross a critical water quality zone if the crossing is necessary to provide primary access to the right-of-way or the crossing is required to comply with public health and safety requirements.
 - (3) Section 25-8-261 (*Critical Water Quality Zone Development*), for development within an urban watershed, only if the proposed development:
 - (a) is located not less than 25 feet from the centerline of a waterway;
 - (b) is located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual;
 - (c) does not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 25-8-281 (*Critical Environmental Features*) or Section 25-8-282 (*Wetland Protection*); and
 - (d) restores native vegetation and soils if development is removed from the Critical Water Quality Zone;
 - (4) Subsection 25-8-262(B) (*Critical Water Quality Zone Mobility Crossings*), only outside the Barton Springs Zone;
 - (5) Section 25-8-281 (*Critical Environmental Features*);
 - (6) Section 25-8-322 (*Clearing for a Roadway*);
 - (7) Section 25-8-341 (*Cut Requirements*) or Section 25-8-342 (*Fill Requirements*), for a cut or fill of not more than eight feet:
 - (a) in the desired development zone; or
 - (b) for a public primary or secondary educational facility;
 - (8) Subsection 25-8-343(A) (*Spoil Disposal*);
 - (9) Section 25-8-365 (*Interbasin Diversion*); or
 - (10) Subsection 25-8-392(B)(6) (*Uplands Zone*), Subsection 25-8-392(C)(6) (*Uplands Zone*), Subsection 25-8-423(D) (*Uplands Zone*), or Subsection 25-8-453(E) (*Uplands Zone*).
- (C) It is the applicant's burden to establish that the findings described in this section have been met.
- (D) The director may grant a variance described in Subsection (B) only after determining that development in accordance with the variance meets the objective of the requirement for which the variance is requested and:
- (1) for property in the Barton Springs Zone, the variance will result in water quality that is at least equal to the water quality achievable without the variance;
 - (2) for a variance from Subsection 25-8-213(C), that the proposed water quality control is:
 - (a) necessitated by unique site conditions; or
 - (b) necessary to avoid a loss in residential units or building square footage;
 - (3) for a variance from Section 25-8-261, that the development is necessary to allow a private driveway or private street to cross a critical water quality zone; The applicant must also demonstrate compliance with the following:
 - (a) The crossing must span the active channel or use open bottom culverts as determined by the director.
 - (b) In suburban watersheds, critical water quality zone buffer averaging must be applied to the extent feasible in order to minimize the area of the private driveway within the critical water quality zone impacted by the crossing.
 - (c) The location of the crossing must minimize impacts to critical environmental features, protected and heritage trees, and slopes greater than 15%, and must minimize the amount of cut or fill necessary for construction.
 - (d) The construction is not located in the Barton Springs Zone.
 - (4) for a variance from Subsection 25-8-261(B)(5), that the proposed work on or placement of the athletic field will have no adverse environmental impacts;
 - (5) for a variance from Subsection 25-8-261(H), that the green stormwater infrastructure is:
 - (a) not required for regulatory compliance with 25-8-211 (*Water Quality Control Requirement*);
 - (b) designed to capture runoff from existing, untreated impervious cover; and
 - (c) proposed in a location that is the minimum necessary departure from the code requirement;

- (6) for a variance from Section 25-8-281, that the proposed measures preserve all characteristics of the critical environmental feature;
- (7) for a variance from Section 25-8-341 or Section 25-8-342, the cut or fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
- (8) for a variance from Subsection 25-8-343(A), use of the spoil provides a necessary public benefit. Necessary public benefits include:
 - (a) roadways;
 - (b) stormwater detention facilities;
 - (c) public or private park sites; and
 - (d) building sites that comply with Section 25-8-341 (Cut Requirements), Section 25-8-342 (Fill Requirements), and Chapter 25-7 (Drainage);
- (9) for a variance from Section 25-8-365, there are no adverse environmental or drainage impacts; or
- (10) for a variance from Subsection 25-8-392(B)(6), Subsection 25-8-392(C)(6), Subsection 25-8-423(D), or Subsection 25-8-453(E), the variance:
 - (a) is the minimum deviation needed to provide necessary improvements for a public mobility project in the right-of-way; and
 - (b) does not create significant adverse environmental impacts.

(E) The director shall prepare written findings to support the grant or denial of a variance request under this section.

Source: Section 13-2-506; Ord. 990225-70; Ord. 000406-82; Ord. 010329-18; Ord. 031211-11; Ord. 20120524-083; Ord. 20131017-046; Ord. No. 20160623-090, Pt. 7, 7-4-16; Ord. No. 20170615-102, Pt. 11, 6-15-17; Ord. No. 20220519-094, Pt. 4, 5-30-22; Ord. No. 20221027-045, Pt. 9, 11-7-22; Ord. No. 20221027-045, Pt. 38, 11-1-23.

§ 25-8-43 - SUMMARY OF VARIANCES.

The director shall prepare and maintain for public inspection a written summary of variances granted and denied under Sections 25-8-41 (Land Use Commission Variances) and 25-8-42 (Administrative Variances).

Source: Section 13-2-506(c); Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

Division 4. - Impervious Cover Determinations.

§ 25-8-61 - APPLICABILITY.

- (A) This division applies to the impervious cover requirements of this Subchapter.
- (B) The impervious cover requirements of this Subchapter do not restrict impervious cover on a single-family or duplex lot but apply to the subdivision as a whole.

Source: Section 13-7-3; Ord. 990225-70; Ord. 031211-11; Ord. 20060126-069.

§ 25-8-62 - NET SITE AREA.

- (A) Net site area includes only the portions of a site that lie in an uplands zone and have not been designated for surface or subsurface wastewater irrigation.
- (B) For land described in Subsection (A), net site area is the aggregate of:
 - (1) 100 percent of the land with a gradient of 15 percent or less;
 - (2) 40 percent of the land with a gradient of more than 15 percent and not more than 25 percent; and
 - (3) 20 percent of the land with a gradient of more than 25 percent and not more than 35 percent.
- (C) Net site area does not apply in the urban and suburban watersheds.

Source: Section 13-7-3; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20221027-045, Pt. 10, 11-7-22.

§ 25-8-63 - IMPERVIOUS COVER CALCULATIONS.

- (A) Impervious cover is calculated in accordance with this Section and the Environmental Criteria Manual.
- (B) Impervious cover calculations include:
 - (1) roads;
 - (2) driveways;
 - (3) parking areas;
 - (4) buildings;
 - (5) concrete;
 - (6) impermeable construction covering the natural land surface;
 - (7) for an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, 50 percent of the horizontal area of the deck; and

(8) the portion of a site used for the storage of scrap and metal salvage, including auto salvage.

(C) Impervious cover calculations exclude:

- (1) sidewalks in a public right-of-way or public easement;
- (2) multi-use trails open to the public and located on public land or in a public easement;
- (3) water quality controls, excluding subsurface water quality controls;
- (4) detention basins, excluding subsurface detention basins;
- (5) ground level rainwater harvesting cisterns, excluding subsurface cisterns;
- (6) drainage swales and conveyances;
- (7) the water surface area of ground level pools, fountains, and ponds;
- (8) areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base;
- (9) porous pavement designed in accordance with the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer Recharge Zone;
- (10) fire lanes designed as prescribed by the Environmental Criteria Manual, that consist of interlocking pavers, and are restricted from routine vehicle access;
- (11) an access ramp for an existing single-family and duplex residential unit if:
 - (a) a person with a disability requires access to a dwelling entrance that meets the requirements of the Residential Code, Section R320.6 (*Visible dwelling entrance*);
 - (b) the building official determines that the ramp will not pose a threat to public health and safety;
 - (c) the ramp:
 - (i) is no wider than 48 inches, except that any portion of a landing for the ramp required for turns may be no wider than 60 inches; and
 - (ii) may have a hand railing, but may not have a roof or walls; and
 - (d) the ramp is located in a manner that utilizes existing impervious cover to the greatest extent possible if:
 - (i) impervious cover on the property is at or above the maximum amount of impervious cover allowed by this title; or
 - (ii) if placement of the ramp would result in the property exceeding the maximum amount of impervious cover allowed by this title; and
- (12) a subsurface portion of a parking structure if the director determines that:
 - (a) the subsurface portion of the structure:
 - (i) is located within an urban or suburban watershed;
 - (ii) is below the grade of the land that existed before construction of the structure;
 - (iii) is covered by soil with a minimum depth of two feet and an average depth of not less than four feet; and
 - (iv) has an area not greater than fifteen percent of the site;
 - (b) the structure is not associated with a use regulated by Section 1.2.2 of Subchapter F of Chapter 25-2 (Residential Design and Compatibility Standards);
 - (c) the applicant submits an assessment of the presence and depth of groundwater at the site sufficient to determine whether groundwater will need to be discharged or impounded;
 - (d) the applicant submits documentation that the discharge or impoundment of groundwater from the structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property; and
- (13) for purposes of residential building permit review only, no more than two feet of elevated, projecting elements such as eaves, overhangs, cantilevered portions of structures, balconies, awnings, and bay windows. This exemption does not apply to site plans or the calculation of the drainage charge under Section 15-2-5 (*Impervious Cover Calculation*).

Source: Subsections 13-2-595 (a), (b), and (g); Ord. 990225-70; Ord. 000406-85; Ord. 010329-18; Ord. 031211-11; Ord. 20060831-068; Ord. 20131017-046; Ord. No. 20140522-078, Pt. 2, 6-2-14; Ord. No. 20170615-102, Pt. 12, 6-15-17; Ord. No. 20221027-045, Pt. 11, 11-7-22.

§ 25-8-64 - IMPERVIOUS COVER ASSUMPTIONS.

(A) This section applies to impervious cover calculations for duplex or single-family lots.

(B) Except as provided in Subsection (C):

- (1) for each lot greater than three acres in size, 10,000 square feet of impervious cover is assumed;
- (2) for each lot greater than one acre and not more than three acres in size, 7,000 square feet of impervious cover is assumed;
- (3) for each lot greater than 15,000 square feet and not more than one acre in size, 5,000 square feet of impervious cover is assumed;
- (4) for each lot greater than 10,000 square feet and not more than 15,000 square feet in size, 3,500 square feet of impervious cover is assumed;
- (5) for each lot greater than 5,750 square feet and not more than 10,000 square feet in size, 2,500 square feet of impervious cover is assumed; and
- (6)

for each residential lot not more than 5,750 square feet in size, the amount of impervious cover assumed is;

- (a) the maximum amount of impervious cover allowed under the applicable zoning district regulations; or
- (b) for lots in the extraterritorial jurisdiction, 2,500 square feet of impervious cover.
- (C) For a lot that is restricted to a lesser amount of impervious cover than prescribed by this section, the lesser amount of impervious cover is assumed. The manner in which the lot is restricted is subject to the approval of the director.
- (D) Except as provided in Subsection (C), this section does not restrict impervious cover on an individual lot.

Source: Ord. 000406-85; Ord. 010329-18; Ord. 031211-11; Ord. 20060126-069; Ord. No. 20221027-045, Pt. 12, 11-7-22; Ord. No. 20230831-141, Pt. 45, 9-11-23; Ord. No. 20250306-037, Pt. 5, 5-23-25.

§ 25-8-65 - COMMERCIAL IMPERVIOUS COVER.

- (A) This section applies to impervious cover calculations for commercial developments.
- (B) An application for a commercial development must demonstrate that once fully constructed, the development will not exceed applicable maximum impervious cover limitations.
- (C) Subsection (B) does not apply to an application for a roadway improvement with less than 8,000 square feet of new impervious cover. For the purposes of this Section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.

Source: Ord. 20131017-046; Ord. No. 20170615-102, Pt. 13, 6-15-17.

ARTICLE 2. - WATERWAYS CLASSIFIED; ZONES ESTABLISHED.

§ 25-8-91 - WATERWAY CLASSIFICATIONS.

- (A) This section classifies the waterways according to drainage area.
- (B) In all watersheds except urban:
 - (1) a minor waterway has a drainage area of at least 64 acres and not more than 320 acres;
 - (2) an intermediate waterway has a drainage area of more than 320 acres and not more than 640 acres; and
 - (3) a major waterway has a drainage area of more than 640 acres.

Source: Sections 13-2-521, 13-2-541, 13-2-561, and 13-2-581; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

§ 25-8-92 - CRITICAL WATER QUALITY ZONES ESTABLISHED.

- (A) In the water supply rural watersheds, water supply suburban watersheds, and Barton Springs Zone, a critical water quality zone is established along each waterway classified under Section 25-8-91 (Waterway Classifications).
 - (1) The boundaries of a critical water quality zone coincide with the boundaries of the 100-year flood plain as determined under Section 25-7-6 (Determination of the 100-Year Floodplain), except:
 - (a) for a minor waterway, the boundaries of the critical water quality zone are located not less than 50 feet and not more than 100 feet from the centerline of the waterway;
 - (b) for an intermediate waterway, the boundaries of the critical water quality zone are located not less than 100 feet and not more than 200 feet from the centerline of the waterway;
 - (c) for a major waterway, the boundaries of the critical water quality zone are located not less than 200 feet and not more than 400 feet from the centerline of the waterway; and
 - (d) for the main channel of Barton Creek, the boundaries of the critical water quality zone are located 400 feet from the centerline of the creek.
 - (2) Notwithstanding the provisions of Subsections (A)(1)(a), (b), and (c), a critical water quality zone does not apply to a drainage ditch located parallel and adjacent to a railroad or public roadway right-of-way if the ditch:
 - (a) was designed and constructed primarily to serve the adjacent railroad or public roadway;
 - (b) is not a segment or modification of a natural waterway;
 - (c) does not possess any natural and traditional character; and
 - (d) cannot reasonably be restored to a natural condition due to existing site constraints.
- (B) In the suburban watersheds, a critical water quality zone is established along each waterway classified under Section 25-8-91 (Waterway Classifications).
 - (1) For a minor waterway, the boundaries of the critical water quality zone are located 100 feet from the centerline of the waterway.
 - (2) For an intermediate waterway, the boundaries of the critical water quality zone are located 200 feet from the centerline of the waterway.
 - (3) For a major waterway, the boundaries of the critical water quality zone are located 300 feet from the centerline of the waterway.

- (4) The critical water quality zone boundaries may be reduced to not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, 150 feet from the centerline of a major waterway if the overall surface area of the critical water quality zone is the same or greater than the surface area that would be provided without the reduction, as prescribed in the Environmental Criteria Manual.
- (5) Notwithstanding the provisions of Subsections (B)(1), (2), and (3), a critical water quality zone does not apply to a drainage ditch located parallel and adjacent to a railroad or public roadway right-of-way if the ditch:
 - (a) was designed and constructed primarily to serve the adjacent railroad or public roadway;
 - (b) is not a segment or modification of a natural waterway;
 - (c) does not possess any natural and traditional character; and
 - (d) cannot reasonably be restored to a natural condition due to existing site constraints.
- (C) In an urban watershed, a critical water quality zone is established along each waterway with a drainage area of at least 64 acres. This does not apply in the area bounded by IH-35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.
 - (1) The boundaries of the critical water quality zone coincide with the boundaries of the 100-year floodplain as determined under Section 25-7-6 (*Determination of the 100-Year Floodplain*), provided that the boundary is not less than 50 feet and not more than 400 feet from the centerline of the waterway.
 - (2) Notwithstanding the provisions of Subsection (C)(1), a critical water quality zone does not apply to a drainage ditch located parallel and adjacent to a railroad or public roadway right-of-way if the ditch:
 - (a) was designed and constructed primarily to serve the adjacent railroad or public roadway;
 - (b) is not a segment or modification of a natural waterway;
 - (c) does not possess any natural and traditional character; and
 - (d) cannot reasonably be restored to a natural condition due to existing site constraints.
- (D) Critical water quality zones are established to include the inundated areas that constitute Lake Walter E. Long, Lake Austin, Lady Bird Lake, and the Colorado River downstream of Lady Bird Lake.
- (E) Critical water quality zones are established along and parallel to the shorelines of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long.
 - (1) The shoreline boundary of a critical water quality zone:
 - (a) for Lake Travis, coincides with the 681.0 foot contour line;
 - (b) for Lake Austin, coincides with the 492.8 foot contour line;
 - (c) for Lady Bird Lake, coincides with the 429.0 foot contour line; and
 - (d) for Lake Walter E. Long, coincides with the 554.5 foot contour line.
 - (2) The width of a critical water quality zone, measured horizontally inland, is:
 - (a) 100 feet; or
 - (b) for a detached single-family residential use, 75 feet.
- (F) Critical water quality zones are established along and parallel to the shorelines of the Colorado River downstream of Lady Bird Lake.
 - (1) The shoreline boundary of a critical water quality zone coincides with the river's ordinary high water mark, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*).
 - (2) The inland boundary of a critical water quality zone coincides with the boundary of the 100-year floodplain as determined under Section 25-7-6 (*Determination of the 100-Year Floodplain*) except that the width of the critical water quality zone, measured horizontally inland, is not less than 200 feet and not more than 400 feet.

Source: Subsections 13-7-23(a), (b), (c), (d), (f), and (g); Ord. 990225-70; Ord. 990819-99; Ord. 031211-11; Ord. 20080228-116; Ord. 20101209-075; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 14, 6-15-17; Ord. No. 20191114-064, Pt. 11, 11-25-19; Ord. No. 20221027-045, Pt. 13, 11-7-22.

§ 25-8-93 - WATER QUALITY TRANSITION ZONES ESTABLISHED.

- (A) In the water supply rural watersheds, water supply suburban watersheds, and in the Barton Springs zone, excluding Lake Austin, Lake Travis, and Lady Bird Lake, a water quality transition zone is established adjacent and parallel to the outer boundary of each critical water quality zone.
- (B) The width of a water quality transition zone is:
 - (1) for a minor waterway, 100 feet;
 - (2) for an intermediate waterway, 200 feet; and
 - (3) for a major waterway, 300 feet.

Source: Sections 13-2-523(a), 13-2-543(a), 13-2-563(a), and 13-2-583(a); Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

§ 25-8-94 - UPLANDS ZONES ESTABLISHED.

An uplands zone includes all land and waters not included in a critical water quality zone or a water quality transition zone.

Source: Section 13-7-3; Ord. 990225-70; Ord. 031211-11.

ARTICLE 3. - ENVIRONMENTAL RESOURCE INVENTORY; POLLUTANT ATTENUATION PLAN.

§ 25-8-121 - ENVIRONMENTAL RESOURCE INVENTORY REQUIREMENT.

- (A) For an application for a preliminary plan or plan, an applicant may provide an environmental resource inventory in accordance with this section to demonstrate compliance with applicable regulations.
- (B) For all other applications, an applicant shall file an environmental resource inventory with the director for proposed development located on a tract:
 - (1) within the Edwards Aquifer recharge zone;
 - (2) containing a critical water quality zone;
 - (3) with a gradient of more than 15 percent; or
 - (4) containing, or within 150 feet of, a potential or verified wetland feature as identified in a map maintained by the Watershed Protection Department and made available for reference online and at the offices of the Development Services Department.
- (C) An environmental resource inventory must:
 - (1) identify critical environmental features and propose protection measures for the features;
 - (2) provide an environmental justification for spoil disposal locations or roadway alignments;
 - (3) propose methods to achieve overland flow;
 - (4) describe proposed industrial uses and the pollution abatement program; and
 - (5) be completed as prescribed by the Environmental Criteria Manual.
- (D) An environmental resource inventory must include:
 - (1) a hydrogeologic report in accordance with Section 25-8-122 (Hydrogeologic Report);
 - (2) a vegetation report in accordance with Section 25-8-123 (Vegetation Report); and
 - (3) a wastewater report in accordance with Section 25-8-124 (Wastewater Report).
- (E) The director of the Watershed Protection Department may permit an applicant to exclude from an environmental resource inventory information required by this section after determining that the information is unnecessary because of the scope and nature of the proposed development.

Source: Section 13-7-28; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 15, 6-15-17; Ord. No. 20191114-064, Pt. 12, 11-25-19; Ord. No. 20221027-045, Pt. 14, 11-7-22; Ord. No. 20230831-141, Pt. 46, 9-11-23.

§ 25-8-122 - HYDROGEOLOGIC REPORT.

A hydrogeologic report must:

- (1) generally describe the topography, soils, and geology of the site;
- (2) identify springs and significant point recharge features on the site;
- (3) demonstrate that proposed drainage patterns will protect the quality and quantity of recharge at significant point recharge features; and
- (4) identify all recorded and unrecorded water wells, both on the site and within 150 feet of the boundary of the site.

Source: Section 13-7-28(1); Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

§ 25-8-123 - VEGETATION REPORT.

A vegetation report must:

- (1) demonstrate that the proposed development:
 - (a) preserves to the greatest extent practicable the significant trees and vegetation on the site; and
 - (b) provides maximum erosion control and overland flow benefits from the vegetation;
- (2) include one of the following:
 - (a) a tree survey of all trees with a diameter of at least eight inches measured four and one-half feet above natural grade level; or
 - (b) on approval of the city arborist, stereo aerial photographs that are nine inches by nine inches in size, are at a scale of one inch to 400 feet or larger, and were photographed between the months of April and November; and
- (3) for a commercial or multifamily site, include a vegetation survey that shows the approximate locations and types of all significant vegetation.

Source: Section 13-7-28(2); Ord. 990225-70; Ord. 031211-11.

§ 25-8-124 - WASTEWATER REPORT.

A wastewater report must:

- (1) provide environmental justification for a sewer line location in a critical water quality zone;
- (2) address construction techniques and standards for wastewater lines;
- (3) include calculations of drainfield or wastewater irrigation areas;
- (4) describe alternative wastewater disposal systems used over the Edwards Aquifer recharge zone; and
- (5) address on-site collection and treatment systems, their treatment levels, and effects on receiving watercourses or the Edwards Aquifer.

Source: Section 13-7-28(3); Ord. 990225-70; Ord. 031211-11.

§ 25-8-125 - POLLUTANT ATTENUATION PLAN.

An applicant proposing an industrial use that is not completely enclosed in a building shall provide a pollutant attenuation plan in accordance with the Environmental Criteria Manual.

Source: Section 13-7-32; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

ARTICLE 4. - MANAGEMENT PRACTICES; ENGINEER'S CERTIFICATION.

§ 25-8-151 - INNOVATIVE MANAGEMENT PRACTICES.

- (A) An innovative water quality control is a practice that is not specifically prescribed in the Environmental Criteria Manual, but is designed to address the requirements of Article 6 (*Water Quality Controls*).
- (B) An innovative runoff management practice is a practice that is designed to address the requirements of Section 25-8-281 (Critical Environmental Features), enhance the recharge of groundwater and the discharge of springs, and maintain the function of critical environmental features.
- (C) A proposal for an innovative water quality control or runoff management practice proposal must be reviewed and approved by the Watershed Protection Department. Review and approval is based on:
 - (1) technical merit;
 - (2) compliance with the requirements of this title for water quality protection and improvement;
 - (3) resource protection and improvement;
 - (4) advantages over standard practices; and
 - (5) anticipated maintenance requirements.

Source: Section 13-7-17; Ord. 990225-70; Ord. 031211-11.

§ 25-8-152 - ENGINEER'S CERTIFICATION.

A civil engineer registered in Texas must certify a plan or plat as complete, accurate, and in compliance with the requirements of this subchapter. The director may waive this requirement after making a determination that the plan or plat includes only minor alterations or improvement that do not require the services of an engineer.

Source: Section 13-7-4; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046.

ARTICLE 5. - EROSION AND SEDIMENTATION CONTROL; OVERLAND FLOW.

§ 25-8-181 - EROSION AND SEDIMENTATION CONTROL.

Temporary erosion and sedimentation controls:

- (1) are required for all development until permanent revegetation has been established; and
- (2) must be removed after permanent revegetation has been established.

Source: Sections 13-7-14(a) and (b); Ord. 990225-70; Ord. 031211-11.

§ 25-8-182 - DEVELOPMENT COMPLETION.

- (A) Development is not completed until:
 - (1) permanent revegetation is established; and
 - (2) the director:

- (a) receives the engineer's concurrence letter; and
 - (b) certifies installation of the vegetation for acceptance.
- (B) Development must be completed under Subsection (A) before the City may accept maintenance responsibility for streets, drainage facilities, or utilities, or issue a certificate of occupancy or compliance, unless the City and the applicant enter into an agreement to ensure completion of the revegetation within a named period.

Source: Section 13-7-14(c); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20221027-045, Pt. 15, 11-7-22.

§ 25-8-183 - MODIFICATION OF EROSION CONTROL AND CONSTRUCTION SEQUENCING PLANS.

A City inspector may modify an erosion control plan or construction sequencing plan in the field:

- (1) without notice to the permit holder, if the modification is a minor change to upgrade erosion controls or reflect construction progress; and
- (2) after two days written notice to the permit holder, if:
 - (a) the inspector determines that an erosion control or the construction sequencing is inappropriate or inadequate; and
 - (b) the director has confirmed in writing the inspector's determination.

Source: Section 13-7-14(d); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046.

§ 25-8-184 - ADDITIONAL EROSION AND SEDIMENTATION CONTROL REQUIREMENTS IN THE BARTON SPRINGS ZONE.

- (A) This section provides additional erosion and sedimentation control requirements for development in the Barton Springs Zone.
- (B) A temporary erosion and sedimentation control plan and a water quality plan certified by a registered professional engineer and approved by the director is required.
 - (1) The plans must describe the temporary structural controls, site management practices, or other approved methods that will be used to control off-site sedimentation until permanent revegetation is certified as completed under Section 25-8-182 (Development Completion).
 - (2) The temporary erosion control plan must be phased to be effective at all stages of construction. Each temporary erosion control method must be adjusted, maintained, and repaired as necessary.
- (C) The director may require a modification of the temporary erosion control plan after determining that the plan does not adequately control off-site sedimentation from the development. Approval by the director and the engineer who certified the plan is required for a major modification of the plan.
- (D) The owner shall designate a project manager who is responsible for compliance with the erosion and sedimentation control and water quality plan requirements during development.
- (E) The length of time between clearing and final revegetation of development may not exceed 18 months, unless extended by the director.
- (F) If an applicant does not comply with the deadline in Subsection (E), or does not adequately maintain the temporary erosion and sedimentation controls, the director shall notify the applicant in writing that the City will repair the controls or revegetate the disturbed area at the applicant's expense unless the work is completed or revegetation is begun not later than the 15th day after the date of the notice.
- (G) A person commits an offense if the person allows sediment from a construction site to enter a waterway by failing to maintain erosion controls or failing to follow the approved sequence of construction.

Source: Section 13-7-14(e); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20221027-045, Pt. 16, 11-7-22.

§ 25-8-185 - OVERLAND FLOW.

- (A) Drainage patterns must be designed to:
 - (1) prevent erosion;
 - (2) maintain infiltration and recharge of local seeps, springs, and waterways;
 - (3) attenuate the harm of contaminants collected and transported by stormwater;
 - (4) where feasible, maintain and restore overland sheet flow, maintain natural drainage features and patterns, and disperse runoff back to sheet flow; and
 - (5) where feasible, direct stormwater to landscape areas including islands, medians, peninsulas, and other similar areas. Exceptions to this requirement include:
 - (a) perimeter landscape areas that are not required to drain to a stormwater control measure;
 - (b) impervious areas on which the land use or activity may generate highly contaminated runoff, as prescribed by the Environmental Criterial Manual; and
 - (c) impervious areas used for parking or driving of vehicles if located within the Edwards Aquifer recharge zone.
- (B) The applicant shall design an enclosed storm drain to mitigate potential adverse impacts on water quality by using methods to prevent erosion and dissipate discharges from outlets. Applicant shall locate discharges to maximize overland flow through buffer zones or grass-lined swales wherever practicable.

Source: Section 13-7-29; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20221027-045, Pt. 17, 11-7-22.

§ 25-8-186 - FISCAL SECURITY.

A site plan may be approved only if the applicant provides fiscal security for:

- (1) installing and maintaining erosion and sedimentation controls throughout construction on the site;
- (2) revegetating the site; and
- (3) performing on-site and off-site cleanup.

Source: Ord. 20131017-046.

ARTICLE 6. - WATER QUALITY CONTROLS.

Division 1. - Requirement and Standards.

§ 25-8-211 - WATER QUALITY CONTROL REQUIREMENT.

- (A) In the Barton Springs Zone, water quality controls are required for all development.
- (B) In a watershed other than a Barton Springs Zone watershed, water quality controls are required for development:
 - (1) located in the water quality transition zone;
 - (2) of a golf course, play field, or similar recreational use, if fertilizer, herbicide, or pesticide is applied; or
 - (3) if the total of new and redeveloped impervious cover exceeds 8,000 square feet.
- (C) All new development must provide for removal of floating debris from stormwater runoff.
- (D) The water quality control requirements in this division do not require water quality controls on a single-family or duplex lot but apply to the residential subdivision as a whole.
- (E) The water quality control requirements in this division do not require water quality controls for a roadway improvement with less than 8,000 square feet of new impervious cover. For the purposes of this section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.
- (F) For a public mobility project in the right-of-way, the calculation of impervious cover for compliance with Subsection (B)(3) or Subsection (E) in any watershed shall:
 - (1) be determined on a watershed basis for development applications that span multiple watersheds; and
 - (2) deduct existing impervious cover that is removed by the same project if the area with removed impervious cover is:
 - (i) decompacted and revegetated as prescribed in the Environmental Criteria Manual and the Standard Specifications Manual; and
 - (ii) located within the same watershed.

Source: Sections 13-7-18 and 13-7-19; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 16, 6-15-17; Ord. No. 20220519-094, Pt. 5, 5-30-22.

§ 25-8-212 - PREVIOUS WAIVERS AND SPECIAL EXCEPTIONS.

Water quality controls in accordance with Section 25-8-213 (Water Quality Control Standards) are required for a commercial or multifamily development with more than 20 percent impervious cover that has been granted a waiver of previous water quality requirements or a special exception under this subchapter.

Source: Section 13-2-503(c); Ord. 990225-70; Ord. 031211-11.

§ 25-8-213 - WATER QUALITY CONTROL STANDARDS.

- (A) A water quality control must be designed in accordance with the Environmental Criteria Manual.
 - (1) The control must provide at least the treatment level of a sedimentation/filtration system under the Environmental Criteria Manual.
 - (2) An impervious liner is required for structural water quality controls over the Edwards Aquifer recharge zone. If a liner is required and there are multiple controls in series, liners are only required for the first control in the series.
 - (3) The control must be accessible for maintenance and inspection as prescribed in the Environmental Criteria Manual.
- (B) A water quality control must capture and treat the water draining to the control from the contributing area. The required capture volume is:
 - (1) the first one-half inch of runoff; and
 - (2) for each 10 percent increase in impervious cover over 20 percent of gross site area, an additional one-tenth of an inch of runoff.
- (C) The required water quality treatment must be provided using green stormwater control measures, as prescribed in the Environmental Criteria Manual.
- (D) Notwithstanding Subsection (C), all or part of the required water quality treatment may be provided using other water quality controls for:

- (1) areas with land uses or activities that may generate highly contaminated runoff, as described in the Environmental Criteria Manual;
 - (2) a project that provides water quality treatment for currently untreated, developed off-site areas of at least ten acres in size; or
 - (3) sites with impervious cover of greater than 90 percent gross site area.
- (E) The location of a water quality control:
- (1) must avoid recharge features to the greatest extent possible;
 - (2) must be shown on the slope map, preliminary plan, site plan, or subdivision construction plan, as applicable; and
 - (3) in a water supply rural watershed, may not be in the 40 percent buffer zone, unless the control disturbs less than 50% of the buffer, and is located to maximize overland flow and recharge in the undisturbed remainder of the 40 percent buffer zone.
- (F) This subsection provides additional requirements for the Barton Springs Zone.
- (1) Approval by the Watershed Protection Department is required for a proposed water quality control that is not described in the Environmental Criteria Manual. The applicant must substantiate the pollutant removal efficiency of the proposed control with published literature or a verifiable engineering study.
 - (2) Water quality controls must be placed in sequence if necessary to remove the required amount of pollutant. The sequence of controls must be:
 - (a) based on the Environmental Criteria Manual or generally accepted engineering principles; and
 - (b) designed to minimize maintenance requirements.

Source: Sections 13-7-18, 13-7-19, and 13-7-34; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046; [Ord. No. 20221027-045](#), Pt. 18, 11-7-22.

§ 25-8-214 - OPTIONAL PAYMENT INSTEAD OF STRUCTURAL CONTROLS.

- (A) The director shall identify and prioritize water quality control facilities for the urban watersheds in an Urban Watersheds Structural Control Plan. The Environmental Commission shall review the plan annually.
- (B) An Urban Watersheds Structural Control Fund is established for use in the design and construction of water quality control facilities in the urban watershed.
- (C) Instead of providing the water quality controls required under [Section 25-8-211 \(Water Quality Control Requirement\)](#), in an urban watershed an applicant may request approval to deposit with the City a nonrefundable cash payment, based on a formula established by the council. The director shall review the request and accept or deny the request based on the standards in the Environmental Criteria Manual.
- (D) The director shall deposit a payment made under Subsection (C) in the Urban Watersheds Structural Control Fund.
- (E) A Suburban and Water Supply Watersheds Structural Control Fund is established for use in the design and construction of water quality control facilities.
- (F) For a public mobility project in the right-of-way that is located in a suburban, water supply suburban, or water supply rural watershed, an applicant may request approval to deposit a nonrefundable cash payment, based on a formula established by the council, with the City instead of providing the water quality controls required under [Section 25-8-211 \(Water Quality Control Requirement\)](#). The director shall review the request and accept or deny the request based on the standards in the Environmental Criteria Manual.
- (G) The director shall deposit a payment made under Subsection (F) in the Suburban and Water Supply Watersheds Structural Control Fund.

Source: Section 13-7-19.1; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046; [Ord. No. 20220519-094](#), Pt. 6, 5-30-22; [Ord. No. 20221027-045](#), Pt. 19, 11-7-22.

§ 25-8-215 - COST RECOVERY PROGRAM.

A person who redevelops property in an urban watershed and is required to construct a water quality control may qualify for cost participation by the City for:

- (1) construction of the water quality control; or
- (2) optional payment instead of construction of the water quality control under [Section 25-8-214 \(Optional Payment Instead of Structural Controls in Urban Watersheds\)](#).

Source: Section 13-7-19(g); Ord. 990225-70; Ord. 031211-11.

Division 2. - Maintenance and Inspection.

§ 25-8-231 - WATER QUALITY CONTROL MAINTENANCE AND INSPECTION.

- (A) In this section:
- (1) COMMERCIAL DEVELOPMENT means all development other than Residential Development.
 - (2) COMMERCIAL POND means a required water quality control or appurtenance that receives stormwater runoff from a Commercial Development.
 - (3) ECM STANDARDS means the provisions in the Environmental Criteria Manual regarding maintenance of a required water quality control or appurtenance.

- (4) RESIDENTIAL DEVELOPMENT means development of two dwelling units or less per lot.
- (5) RESIDENTIAL POND means a required water quality control or appurtenance that receives stormwater runoff from a Residential Development.
- (B) The record owner of a commercial development shall maintain the commercial pond serving the commercial development in accordance with the ECM standards, whether or not the commercial pond is located on the same property as the commercial development. The record owner shall provide the City proof of the right to access and maintain the commercial pond if it is not located on the same property as the commercial development.
- (C) If more than one commercial development is served by a single commercial pond, the record owners of the commercial pond and all commercial developments served by the commercial pond shall be jointly and severally responsible for maintenance of the commercial pond in accordance with the ECM standards.
- (D) The director of the Watershed Protection Department may authorize an alternative arrangement for maintenance of a residential or commercial pond in accordance with the Environmental Criteria Manual standards. If an alternative arrangement is approved by the director, the city attorney shall determine whether an agreement is necessary; the agreement must be approved by the city attorney and filed of record.
- (E) The City shall inspect each commercial pond that is not a subsurface pond at least once every three years to ensure that the commercial pond is being maintained in accordance with the ECM standards. If the commercial pond fails inspection requiring an additional inspection, the director of the Watershed Protection Department may charge a re-inspection fee.
- (F) The record owner of a subsurface commercial pond must provide the Watershed Protection Department with a maintenance plan and an annual report from a registered engineer verifying that the pond is in proper operating condition.
- (G) Until the City accepts a residential pond for maintenance, the record owner(s) of the residential pond and the residential development served shall maintain the residential pond in accordance with the ECM standards.
- (H) The City shall be responsible for maintenance of a residential pond only after the residential pond has been accepted for maintenance by the city. The city will accept a residential pond upon determining that it meets the requirements of the Environmental Criteria Manual and, if applicable, Section 25-8-234 (Fiscal Security In The Barton Springs Zone).

Source: Sections 13-7-9 and 13-7-11(a); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20090820-060; Ord. 20131017-046.

§ 25-8-232 - DEDICATED FUND.

- (A) The director of the Finance Department shall establish a dedicated fund to:
 - (1) monitor water quality controls; and
 - (2) maintain water quality controls for single-family and duplex residential development.
- (B) An applicant shall pay the required fee into the fund:
 - (1) for development that does not require a site plan, when the applicant posts fiscal security for the subdivision or requests that the director of the Development Services Department record the subdivision plat, whichever occurs first; or
 - (2) for development that requires a site plan, when the site plan is approved.
- (C) The director of the Watershed Protection Department shall administer the fund, allocate the fund for appropriate projects, and report annually to the council regarding the status of the fund and the monitoring and maintenance program described in this section.

Source: Section 13-7-10; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20221027-045, Pt. 20, 11-7-22.

§ 25-8-233 - BARTON SPRINGS ZONE OPERATING PERMIT.

- (A) In the Barton Springs Zone, the owner or operator of a commercial or multifamily development is required to obtain an annual operating permit for the required water quality controls.
- (B) To obtain an annual operating permit, an applicant must:
 - (1) provide the director with:
 - (a) a maintenance plan; and
 - (b) the information necessary to verify that the water quality controls are in proper operating condition; and
 - (2) pay the required, nonrefundable fee.
- (C) The director may verify that a water quality control is in proper operating condition by either inspecting the water quality control or accepting a report from a registered engineer.
- (D) The director shall issue an operating permit after determining that:
 - (1) the applicant has complied with the requirements of Subsection (B); and
 - (2) the water quality controls are in proper operating condition.
- (E) The director shall transfer an operating permit to a new owner or operator if, not later than 30 days after a change in ownership or operation, the new owner or operator:
 - (1) signs the operating permit;
 - (2) accepts responsibility for the water quality controls; and

- (3) documents the transfer on a form provided by the director.

Source: Subsections 13-7-11(b), (c), and (d); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20221027-045, Pt. 21, 11-7-22.

§ 25-8-234 - FISCAL SECURITY IN THE BARTON SPRINGS ZONE.

- (A) For development in the Barton Springs Zone, an applicant shall provide the City with fiscal security to ensure that water quality controls are maintained properly. The director shall calculate the amount of fiscal security in accordance with the formula in the Environmental Criteria Manual.
- (B) The director may not return the fiscal security to the applicant until:
 - (1) the expiration of one year after the completion of the development; and
 - (2) the director receives verification that the controls are constructed in accordance with the approved design by:
 - (a) the applicant's delivery of a certified engineering concurrence letter; and
 - (b) a report from a City inspector.

Source: Section 13-7-7(b); Ord. 990225-70; Ord. 031211-11.

ARTICLE 7. - REQUIREMENTS IN ALL WATERSHEDS.

Division 1. - Waterway and Floodplain Protection.

§ 25-8-261 - CRITICAL WATER QUALITY ZONE DEVELOPMENT.

In all watersheds, development is prohibited in a critical water quality zone except as provided in this Division. Development allowed in the critical water quality zone under this Division shall be revegetated and restored within the limits of construction as prescribed by the Environmental Criteria Manual.

- (A) A fence that does not obstruct flood flows is permitted in a critical water quality zone.
- (B) Open space is permitted in a critical water quality zone if a program of fertilizer, pesticide, and herbicide use is approved by the Watershed Protection Department, subject to the conditions in this Subsection.
 - (1) In a water supply rural watershed, water supply suburban, or the Barton Springs Zone, open space is limited to sustainable urban agriculture or a community garden if the requirements in Subsection (B)(4) are met, multi-use trails, picnic facilities, and outdoor facilities, excluding stables, corrals for animals and athletic fields.
 - (2) A park with a council-adopted plan may include recreational development other than that described in Subsection (B)(1).
 - (3) A hard surfaced trail may cross the critical water quality zone pursuant to Section 25-8-262 (Critical Water Quality Zone Mobility Crossings). A hard surfaced trail that does not cross the critical water quality zone may be located within the critical water quality zone only if:
 - (a) designed in accordance with the Environmental Criteria Manual;
 - (b) located outside the erosion hazard zone unless protective works are provided as prescribed in the Drainage Criteria Manual;
 - (c) limited to 12 feet in width plus one-foot compacted sub-grade shoulders, unless a wider trail is designated in a Council-adopted plan;
 - (d) located not less than 25 feet from the centerline of a waterway if within an urban watershed;
 - (e) located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if within a watershed other than an urban watershed;
 - (f) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in Section 25-8-92; and
 - (g) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam.
 - (4) Open space may include sustainable urban agriculture or a community garden only if:
 - (a) in an urban watershed and located not less than 25 feet from the centerline of a waterway, or in a watershed other than an urban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
 - (b) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in Section 25-8-92;
 - (c) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
 - (d) designed in accordance with the Environmental Criteria Manual; and
 - (e) limited to garden plots and paths, with no storage facilities or other structures over 500 square feet.
 - (5) In a suburban or urban watershed, open space may include an athletic field only if:
 - (a) in an urban watershed and located not less than 25 feet from the centerline of a waterway, or in a suburban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;

- (b) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in Section 25-8-92;
 - (c) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam; and
 - (d) the owner of the athletic field submits to the Watershed Protection Department a maintenance plan to keep the athletic field well vegetated and minimize compaction, as prescribed in the Environmental Criteria Manual.
- (C) The requirements of this subsection apply along Lake Travis, Lake Austin, Lake Walter E. Long, and Lady Bird Lake.
- (1) A dock, public boat ramp, bulkhead or marina, and necessary access and appurtenances, are permitted in a critical water quality zone subject to compliance with Chapter 25-2, Subchapter C, Article 12 (*Docks, Bulkheads, and Shoreline Access*). For a single-family residential use, necessary access may not exceed the minimum area of land disturbance required to construct a single means of access from the shoreline to a dock.
 - (2) Disturbed areas must be restored in accordance with the Environmental Criteria Manual and the following requirements:
 - (a) Within a lakefront critical water quality zone, or an equivalent area within 25 feet of a shoreline, restoration must include:
 - (i) at least one native shade tree and one native understory tree, per 500 square feet of disturbed area; and
 - (ii) one native shrub per 150 square feet of disturbed area; and
 - (b) Remaining disturbed areas must be restored per standard specifications for native restoration.
 - (3) Within the shoreline setback area defined by Section 25-2-551 (*Lake Austin (LA) District Regulations*) and within the overlay established by Section 25-2-180 (*Lake Austin (LA) Overlay District*), no more than 30 percent of the total number of shade trees of 8 inches or greater, as designated in the Environmental Criteria Manual, may be removed.
 - (4) Before a building permit may be issued or a site plan released, approval by the Watershed Protection Department is required for chemicals used to treat building materials that will be submerged in water.
 - (5) Bank erosion above the 100-year-flood plain may be stabilized within a lakefront critical water quality zone if the restoration meets the requirements of Subsection (B)(2) of this section.
 - (6) A retaining wall, bulkhead, or other erosion protection device must be designed and constructed to minimize wave return and wave action in compliance with the Environmental Criteria Manual. A shoreline modification within the wave action zone with a greater than 45 degree vertical slope for any portion greater than one foot in height is not allowed on or adjacent to the shoreline of a lake, unless the shoreline modification is located within an existing man-made channel.
 - (7) A retaining wall, bulkhead, or other erosion protection device may not capture or recapture land from a lake unless doing so is required to restore the shoreline to whichever of the following boundaries would encroach the least into the lake:
 - (a) the shoreline as it existed 10 years before the date of application, with documentation as prescribed by the Environmental Criteria Manual; or
 - (b) the lakeside boundary of the subdivided lot line.
 - (8) A bulkhead may be replaced in front of an existing bulkhead once, if:
 - (a) the existing bulkhead was legally constructed;
 - (b) construction of the replacement bulkhead does not change the location of the shoreline by more than 6 inches; and
 - (c) the director determines that there is no reasonable alternative to replacement of the bulkhead in the location of the existing bulkhead.
 - (9) Dredging is prohibited unless:
 - (a) the area of dredging is less than 25 cubic yards; and
 - (b) the dredging is necessary for navigation safety.
- (D) A utility line, including a storm drain, is prohibited in the critical water quality zone, except as provided in Subsection (E) or for a necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if:
- (1) the utility line follows the most direct path into or across the critical water quality zone to minimize disturbance, unless boring or tunneling is the proposed method of installation for the entire crossing and all bore pits are located outside of the critical water quality zone;
 - (2) the depth of the utility line and location of associated access shafts are not located within an erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual;
 - (3) in the Barton Springs Zone, the crossing is approved by the director.
- (E) In the urban and suburban watersheds, a utility line may be located parallel to and within the critical water quality zone if:
- (1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
 - (2) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in Section 25-8-92;
 - (3) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
 - (4) designed in accordance with the Environmental Criteria Manual;
 - (5) located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and
 - (6)

the project includes either riparian restoration of an area within the critical water quality zone equal in size to the area of disturbance in accordance with the Environmental Criteria Manual, or payment into the Riparian Zone Mitigation Fund of a non-refundable amount established by ordinance.

- (F) In-channel detention basins and in-channel wet ponds are allowed in the critical water quality zone only if:
 - (1) proposed as part of a public capital improvement project or public private partnership;
 - (2) no alternative location is feasible; and
 - (3) designed in accordance with the Environmental Criteria Manual.
- (G) Floodplain modification is prohibited in the critical water quality zone unless the modification proposed:
 - (1) is necessary to address an existing threat to public health and safety, as determined by the director;
 - (2) is designed solely to improve floodplain health as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual; or
 - (3) is the minimum necessary for development allowed in the critical water quality zone under Section 25-8-261 (Critical Water Quality Zone Development) or Section 25-8-262 (Critical Water Quality Zone Mobility Crossings) as prescribed by the Environmental Criteria Manual.
- (H) In the urban and suburban watersheds, vegetative filter strips, rain gardens, biofiltration ponds, areas used for irrigation or infiltration of stormwater, or other controls as prescribed by rule are allowed in the critical water quality zone if:
 - (1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located no less than 50 feet from the centerline of a minor waterway, no less than 100 feet from the centerline of an intermediate waterway, and no less than 150 feet from the centerline of a major waterway;
 - (2) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in Section 25-8-92;
 - (3) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
 - (4) located outside the 100-year floodplain; and
 - (5) located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (I) Development associated with power generation, transmission, or distribution at the Decker Creek Power Station is allowed in the critical water quality zone.
- (J) A residential lot that is 5,750 square feet or less in size may not include any portion of a critical water quality zone.
- (K) Any segment of trail that is a part of the Ann and Roy Butler Hike and Bike Trail, as defined by the Parks and Recreation Department, is not subject to Paragraph (B)(3)(c) or Subdivision (C)(2) and may be located within 50 feet of Lady Bird Lake if:
 - (1) restoration, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual, includes a restored area at a minimum ratio of 1:1 and a maximum ratio of 2:1 of restored area to disturbed area, or
 - (2) alternative compliance as approved by the director is provided.

Source: Sections 13-7-23(e) and (h); Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20140626-113, Pt. 20, 7-7-14; Ord. No. 20160922-048, Pt. 5, 10-3-16; Ord. No. 20170615-102, Pt. 17, 6-15-17; Ord. No. 20211202-056, Pt. 1, 12-13-21; Ord. No. 20221027-045, Pt. 23, 11-7-22; Ord. No. 20240307-036, Pt. 1, 3-18-24.

§ 25-8-262 - CRITICAL WATER QUALITY ZONE MOBILITY CROSSINGS.

- (A) In an urban watershed, an arterial street, collector street, residential street, or rail line may cross a critical water quality zone of any waterway.
- (B) This subsection applies in a watershed other than an urban watershed.
 - (1) A major waterway critical water quality zone may be crossed by a Level 3, 4, or 5 street or rail line identified in the Transportation Plan.
 - (2) An intermediate waterway critical water quality zone may be crossed by a Level 2, 3, 4, or 5 street or rail line, except:
 - (a) a Level 2 street crossing must be at least 2,500 feet, measured along the centerline of the waterway, from a Level 2, 3, 4, or 5 street crossing on the same waterway; or
 - (b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a Level 2 street crossing must be at least one mile, measured along the centerline of the waterway, from a Level 2, 3, 4, or 5 street crossing on the same waterway.
 - (3) A minor waterway critical water quality zone may be crossed by a Level 2, 3, 4, or 5 street or rail line, except:
 - (a) a Level 2 street crossing must be at least 900 feet, measured along the centerline of the waterway, from a Level 2, 3, 4, or 5 street crossing on the same waterway; or
 - (b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a Level 2 street crossing must be at least 2,000 feet, measured along the centerline of the waterway, from a Level 2, 3, 4, or 5 street crossing on the same waterway.
 - (4) A minor waterway critical water quality zone may be crossed by a Level 1 or 2 street if necessary to provide access to property that cannot otherwise be safely accessed.
- (C) In all watersheds, multi-use trails may cross a critical water quality zone of any waterway if:
 - (1) designed in compliance with the Environmental Criteria Manual; and

- (2) the development demonstrates no additional adverse impact from flood or erosion potential.
- (D) Notwithstanding Subsections (A) and (B) and except in the Barton Springs Zone, a street or driveway may cross the critical water quality zone if the street or driveway is located in a center or corridor as identified on the growth concept map of the Imagine Austin Comprehensive Plan, as adopted by Ordinance No. 20120614-058, and if the proposed crossing:
 - (1) is necessary to facilitate the development or redevelopment of a designated corridor or center as recommended in the Imagine Austin Comprehensive Plan, Chapter 4 (*Shaping Austin: Building the Complete Community*), growth concept map and related definitions; and
 - (2) maintains the quality and quantity of recharge if located in a center or corridor designated as a sensitive environmental area in the Edwards Aquifer recharge zone, Edwards Aquifer contributing zone, or the South Edwards Aquifer recharge zone, as determined by the director of the Watershed Protection Department.

Source: Sections 13-7-23(e) and (h); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 18, 6-15-17; Ord. No. 20220519-094, Pt. 7, 5-30-22; Ord. No. 20221027-045, Pt. 24, 11-7-22.

§ 25-8-263 - FLOODPLAIN MODIFICATION.

- (A) All floodplain modifications must:
 - (1) be designed to accommodate existing and fully-vegetated hydraulic conditions;
 - (2) apply sound engineering and ecological practices, prevent and reduce degradation of water quality, and demonstrate the stability and integrity of floodplains and waterways, as prescribed in the Environmental Criteria Manual;
 - (3) restore floodplain health, or provide mitigation if restoration is infeasible, to support natural functions and processes as prescribed in the floodplain modification criteria in the Environmental Criteria Manual; and
 - (4) comply with the requirements of Chapter 25-7 (Drainage), the Drainage Criteria Manual, and the Environmental Criteria Manual.
- (B) Floodplain modification within a critical water quality zone is prohibited except as allowed under Section 25-8-261 (Critical Water Quality Zone Development).
- (C) Floodplain modification outside a critical water quality zone is allowed only if the modification proposed:
 - (1) is necessary to protect public health and safety by addressing an existing threat, as determined by the director;
 - (2) is designed solely to improve floodplain health, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual;
 - (3) is located within a floodplain area classified as in fair or poor condition, as determined by a functional assessment of floodplain health, and provides restoration or mitigation in accordance with the ratios and specifications prescribed in the Environmental Criteria Manual; or
 - (4) is the minimum modification necessary for development allowed under Section 25-8-261 (Critical Water Quality Development) or 25-8-262 (Critical Water Quality Zone Mobility Crossings).
- (D) If on-site restoration, as prescribed in the Environmental Criteria Manual, is infeasible and mitigation is required under this section, it may be satisfied by:
 - (1) paying into the Riparian Zone Mitigation Fund a nonrefundable amount established by ordinance;
 - (2) transferring in fee simple or placing restrictions on mitigation land approved by the director and meeting the following conditions:
 - (a) located within the same watershed classification;
 - (b) in accordance with the procedures in Subsection (H)(3) of Section 25-8-26 (Redevelopment Exception in the Barton Springs Zone);
 - (c) dedicated to or restricted for the benefit of the City, or another entity approved by the director, and which the City or other approved entity accepts; and
 - (d) an amount proportionate to the amount of area within the existing floodplain that is proposed to be modified, as prescribed in the Environmental Criteria Manual; or
 - (3) a combination of the mitigation methods described in Subsections (D)(1) and (D)(2), if approved by the director.

Source: Ord. No. 20221027-045, Pt. 25, 11-7-22.

Division 2. - Protection for Special Features.

§ 25-8-281 - CRITICAL ENVIRONMENTAL FEATURES.

- (A) Drainage patterns for proposed development must be designed to protect critical environmental features from the effects of runoff from developed areas, and to maintain the catchment areas of recharge features in a natural state. Special controls must be used where necessary to avoid the effects of erosion, or sedimentation, or high rates of flow.
- (B) A residential lot may not include a critical environmental feature or a critical environmental feature buffer zone and may not be located within 50 feet of a critical environmental feature.
- (C) This subsection prescribes the requirements for critical environmental feature buffer zones.

- (1) A buffer zone is established around each critical environmental feature described in this subchapter.
 - (a) Except as provided in Subsection (C)(1)(b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature.
 - (b) For a point recharge feature, the buffer zone coincides with the topographically defined catchment basin, except that the width of the buffer zone from the edge of the critical environmental feature is:
 - (i) not less than 150 feet;
 - (ii) not more than 300 feet; and
 - (iii) calculated in accordance with the Environmental Criteria Manual.
 - (2) Within a buffer zone described in this subsection:
 - (a) the natural vegetative cover must be retained to the maximum extent practicable;
 - (b) construction is prohibited; and
 - (c) wastewater disposal or irrigation is prohibited.
 - (3) If located at least 50 feet from the edge of the critical environmental feature, the prohibition of Subsection (C)(2)(b) does not apply to:
 - (a) a hiking trail;
 - (b) a recharge basin approved under Section 25-8-213 (Water Quality Control Standards) that discharges to a point recharge feature; or
 - (c) an innovative runoff management practice approved under Section 25-8-151 (Innovative Management Practices) that is designed to address the standards of this section, enhance the recharge of groundwater and the discharge of springs, and maintain the function of critical environmental features.
 - (4) Perimeter fencing with not less than one access gate must be installed at the outer edge of the buffer zone for all point recharge features. The fencing must comply with the Standard Specifications Manual.
 - (5) The owner must maintain the buffer zone in accordance with standards in the Environmental Criteria Manual to preserve the water quality function of the buffer.
 - (6) All critical environmental feature locations and required setbacks must be shown on preliminary subdivision plans, site plans, and other permits as determined by the director.
 - (7) All critical environmental feature locations must be shown on final plats.
- (D) When voids in the rock substrate are uncovered during development, the following protocol must be followed:
- (1) construction in the area of the void must cease while the applicant conducts a preliminary investigation of the void as prescribed by the Environmental Criteria Manual.
 - (2) The applicant shall contact a City of Austin Environmental Inspector to schedule further investigation by the City of the void as prescribed by the Environmental Criteria Manual if the preliminary investigation indicates that the void:
 - (a) is at least one square foot in total area;
 - (b) blows air from within the substrate;
 - (c) consistently receives water during any rain event; or
 - (d) potentially transmits groundwater.
 - (3) Construction may only proceed after mitigation measures are reviewed and approved by the Watershed Protection Department.

Source: Section 13-7-21; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20120524-083; Ord. 20131017-046; Ord. No. 20221027-045, Pt. 26, 11-7-22.

§ 25-8-282 - WETLAND PROTECTION.

- (A) Wetlands must be protected in all watersheds except for wetlands located within the area bounded by Interstate 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street that are not associated with the critical water quality zone of Lady Bird Lake.
- (B) Protection methods for wetlands require the approval of the director, and may include:
 - (1) appropriate setbacks that preserve the wetlands or wetland functions;
 - (2) wetland mitigation, including wetland replacement; or
 - (3) wetland restoration or enhancement.

Source: Section 13-7-21; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20221027-045, Pt. 27, 11-7-22.

Division 3. - Construction on Slopes.

§ 25-8-301 - CONSTRUCTION OF A ROADWAY OR DRIVEWAY.

- (A) A person may not construct a roadway or driveway on a slope with a gradient of more than 15 percent unless the construction is necessary to provide primary access to:

- (1) at least two contiguous acres with a gradient of 15 percent or less; or
 - (2) building sites for at least five residential units.
- (B) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.

Source: Section 13-2-590(a); Ord. 990225-70; Ord. 031211-11.

§ 25-8-302 - CONSTRUCTION OF A BUILDING OR PARKING AREA.

- (A) A person may not construct:
 - (1) a building or parking structure on a slope with a gradient of more than 25 percent; or
 - (2) except for a parking structure, a parking area on a slope with a gradient of more than 15 percent.
- (B) A person may construct a building or parking structure on a slope with a gradient of more than 15 percent and not more than 25 percent if the requirements of this subsection are met.
 - (1) Impervious cover on slopes with a gradients of more than 15 percent may not exceed 10 percent of the total area of the slopes.
 - (2) The terracing techniques in the Environmental Criteria Manual are required for construction that is uphill or downhill of a slope with a gradient of more than 15 percent.
 - (3) Hillside vegetation may not be disturbed except as necessary for construction, and disturbed areas must be restored with native and adapted vegetation as prescribed in the Environmental Criteria Manual.
 - (4) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.

Source: Section 13-2-590(b); Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

§ 25-8-303 - SUBDIVISION NOTES.

- (A) A preliminary subdivision plan that proposes a single family residential lot on a slope with a gradient of more than 15 percent must include a plan note identifying the lot and describing the requirements of Subsection (B).
- (B) A final plat that proposes a single family residential lot on a slope with a gradient of more than 15 percent must include a plat note:
 - (1) identifying the lot; and
 - (2) stating the impervious cover and construction requirements for the lot.

Source: Section 13-2-590(c); Ord. 990225-70; Ord. 031211-11.

§ 25-8-304 - APPLICABILITY.

This division does not apply in an urban watershed.

Source: Ord. 000406-84; Ord. 031211-11.

Division 4. - Clearing.

§ 25-8-321 - CLEARING OF VEGETATION.

- (A) Clearing of vegetation is prohibited unless the director determines that the clearing:
 - (1) is in accordance with a released site plan or subdivision construction plan;
 - (2) is permitted under this section or Section 25-8-322 (Clearing for a Roadway); or
 - (3) is not development, as that term is defined in Chapter 25-1 (General Requirements and Procedures).
- (B) Clearing of vegetation for agricultural operations is prohibited if an application to develop for a non-agricultural use has been granted or is pending. The director may waive this prohibition after determining that the clearing has a bona fide agricultural purpose and is unrelated to the proposed development or sale of the land for non-agricultural uses.
- (C) A person may clear an area up to 15 feet wide or remove a tree with a diameter of not more than eight inches to perform surveying or geologic testing in preparation for site plan or final plat approval.

Source: Section 13-7-15; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. No. 20170615-102, Pt. 19, 6-15-17.

§ 25-8-322 - CLEARING FOR A ROADWAY.

- (A) A person may clear an area for road construction after site plan or final plat approval under this section.
- (B) Roadway clearing width may not exceed:

- (1) twice the roadway surface width, or the width of the dedicated right-of-way, whichever is less; or
- (2) for road construction problem areas of less than 300 feet in length, two and one-half times the roadway width.
- (C) The director may grant an administrative variance to Subsection (B) if required by unusual topographic conditions.
- (D) If clearing on slopes could result in materials sliding onto areas beyond the clearing widths described in Subsection (B), retaining walls or other preventative methods are required.
- (E) The length of time between rough cutting and final surfacing of roadways may not exceed 18 months.
- (F) If the applicant does not meet the deadline described in Subsection (E), the city manager shall notify the applicant in writing that the City will finish the roadways or revegetate the disturbed area at the applicant's expense unless the work is completed not later than the 60th day after the date of the notice.

Source: Section 13-7-15; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-8-323 - TEMPORARY STORAGE AREAS; TOPSOIL PROTECTION.

- (A) The site plan or subdivision construction plan must designate the areas to be cleared for temporary storage of spoils or construction equipment. Areas cleared for temporary storage must be located and restored in accordance with the Environmental Criteria Manual.
- (B) During and after site grading operations, the topsoil must be protected and vegetation left in place to the maximum extent practicable.
- (C) For areas on the site that are to remain pervious after development, any soils that are compacted during site grading and construction operations must be decompacted in compliance with the Environmental Criteria Manual and the Standard Specifications Manual.

Source: Section 13-7-15; Ord. 990225-70; Ord. 031211-11; Ord. No. 20221027-045, Pt. 28, 11-7-22.

Division 5. - Cut, Fill, and Spoil.

§ 25-8-341 - CUT REQUIREMENTS.

- (A) Cuts on a tract of land may not exceed four feet of depth, except:
 - (1) in an urban watershed;
 - (2) in a roadway right-of-way;
 - (3) for construction of a building foundation or swimming pool;
 - (4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:
 - (a) the design and location of the facility within the site minimize the amount of cut over four feet;
 - (b) the cut is the minimum necessary for the appropriate functioning of the facility; and
 - (c) the cut is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
 - (5) for utility construction or a wastewater drain field, if the area is restored to natural grade;
 - (6) in a state-permitted sanitary landfill or a sand or gravel excavation located in the extraterritorial jurisdiction, if:
 - (a) the cut is not in a critical water quality zone;
 - (b) the cut does not alter a 100-year floodplain;
 - (c) the landfill or excavation has an erosion and restoration plan approved by the City; and
 - (d) all other applicable City Code provisions are met.
 - (7) for any cut associated with construction of a multi-use trail, if:
 - (a) the cut is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
 - (b) the cut is limited to no more than eight feet in depth;
 - (c) the cut is located in a public right-of-way or public easement; and
 - (d) the trail is designed in accordance with the Environmental Criteria Manual; or
 - (8) for construction of a street or driveway necessary to provide primary access if:
 - (a) the construction complies with Division 3 (*Construction on Slopes*) of this article;
 - (b) the cut is not within a critical water quality zone;
 - (c) the cut is limited to no more than eight feet in depth;
 - (d) the cut over four feet is the minimum amount necessary to comply with safety access requirements and the horizontal and vertical curve requirements of the Transportation Criteria Manual; and
 - (e) there is no other feasible alternative for the street or driveway location.

Source: Subsections 13-7-16(b), (c), and (e); Ord. 990225-70; Ord. 031211-11; Ord. No. 20170615-102, Pt. 20, 6-15-17; Ord. No. 20211202-056, Pt. 2, 12-13-21; Ord. No. 20220519-094, Pt. 8, 5-30-22; Ord. No. 20221027-045, Pt. 29, 11-7-22.

§ 25-8-342 - FILL REQUIREMENTS.

- (A) Fill on a tract of land may not exceed four feet of depth, except:
 - (1) in an urban watershed;
 - (2) in a roadway right-of-way or rail line right-of-way;
 - (3) under a foundation with sides perpendicular to the ground, or with pier and beam construction;
 - (4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:
 - (a) the design and location of the facility within the site minimize the amount of fill over four feet;
 - (b) the fill is the minimum necessary for the appropriate functioning of the facility; and
 - (c) the fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
 - (5) for utility construction or a wastewater drain field;
 - (6) in a state-permitted sanitary landfill located in the extraterritorial jurisdiction, if:
 - (a) the fill is derived from the landfill operation;
 - (b) the fill is not placed in a critical water quality zone or a 100-year floodplain;
 - (c) the landfill operation has an erosion and restoration plan approved by the City; and
 - (d) all other applicable City Code provisions are met; or
 - (7) for fill associated with construction of a multi-use trail, if:
 - (a) the fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
 - (b) the fill is limited to no more than eight feet in depth;
 - (c) the fill is located in a public right-of-way or public easement; and
 - (d) the trail is designed in accordance with the Environmental Criteria Manual.
 - (8) for construction of a street or driveway necessary to provide primary access if:
 - (a) the construction complies with Division 3 (*Construction on Slopes*) of this article;
 - (b) the fill is not within a critical water quality zone;
 - (c) the fill is limited to no more than eight feet in depth;
 - (d) the fill over four feet is the minimum amount necessary to comply with safety access requirements and the horizontal and vertical curve requirements of the Transportation Criteria Manual; and
 - (e) there is no other feasible alternative for the street or driveway location.
- (B) A fill area must be restored and stabilized.
- (C) Fill for a roadway must be contained within the roadway clearing width described in Section 25-8-322 (Clearing for a Roadway).

Source: Subsections 13-7-16(a), (b), (c), and (e); Ord. 990225-70; Ord. 031211-11; Ord. No. 20170615-102, Pt. 21, 6-15-17; Ord. No. 20211202-056, Pt. 3, 12-13-21; Ord. No. 20220519-094, Pt. 9, 5-30-22; Ord. No. 20221027-045, Pt. 30, 11-7-22.

§ 25-8-343 - SPOIL DISPOSAL.

- (A) A spoil disposal site may not be located in a 100-year floodplain or on a slope with a gradient of more than 15 percent.
- (B) The location of a spoil disposal site must be reasonably accessible. An access route:
 - (1) must use existing and approved roadways, if possible; and
 - (2) may not be located in a waterway, unless:
 - (a) a reasonable alternative is not available; or
 - (b) the access route is for the construction of a water quality control.
- (C) A spoil disposal site and an access route shall be restored and revegetated in accordance with the Environmental Criteria Manual.

Source: Section 13-7-20; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046.

Division 6. - Other Restrictions.

§ 25-8-361 - WASTEWATER RESTRICTIONS.

- (A) A lot in the Edwards Aquifer recharge zone with private on-site sewage facilities must demonstrate compliance with City Code Chapter 15-5 (*Private Sewage Facilities*).
- (B) Land application of treated wastewater effluent is prohibited:
 - (1) on a slope with a gradient of more than 15 percent;
 - (2) in a critical water quality zone;
 - (3) in a 100-year floodplain;
 - (4) on the trunk of trees required to be surveyed as prescribed in the Environmental Criteria Manual;
 - (5) in the buffer zone established around a critical environmental feature under [Section 25-8-281 \(Critical Environmental Features\)](#); or
 - (6) during wet weather conditions.

Source: Section 13-7-30; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20131017-046; [Ord. No. 20170615-102](#), Pt. 22, 6-15-17.

§ 25-8-362 - STORM SEWER DISCHARGE.

A certificate of occupancy may not be issued for development subject to this subchapter unless the development is in compliance with Chapter 6-5, Article 5 (*Discharges Into Storm Sewers or Watercourses*).

Source: Section 13-7-24; Ord. 990225-70; Ord. 031211-11.

§ 25-8-363 - BLASTING PROHIBITED.

- (A) Blasting on property located in the Edwards Aquifer recharge zone is prohibited in a critical water quality zone or a water quality transition zone, unless the applicant demonstrates that a feasible alternative does not exist.
- (B) Blasting is prohibited within 300 feet of a critical environmental feature, unless the applicant demonstrates that a feasible alternative does not exist.

Source: Section 13-7-31; Ord. 990225-70; Ord. 031211-11.

§ 25-8-364 - RESERVED.

Editor's note— [Ord. No. 20221027-045](#), Pt. 31, adopted November 7, 2022, repealed § 25-8-364, which pertained to floodplain modification and derived from Ord. 20131017-046; Ord. No. [20160922-048](#), Pt. 6, 10-3-16; [Ord. No. 20170615-102](#), Pt. 23, 6-15-17.

§ 25-8-365 - INTERBASIN DIVERSION.

- (A) Development may not divert stormwater from one watershed to another, except as authorized by this section.
- (B) A proposed diversion of less than 20 percent of the site based on gross site area or less than 1 acre, whichever is smaller, may be allowed if the applicant demonstrates that:
 - (1) existing drainage patterns are maintained to the extent feasible; and
 - (2) there are no adverse environmental or drainage impacts.

Source: Ord. 20131017-046.

§ 25-8-366 - IMPERVIOUS COVER RESTRICTIONS FOR EDUCATIONAL FACILITIES.

- (A) This section establishes impervious cover restrictions for development of a public primary or secondary educational facility.
- (B) In watersheds other than an urban watershed or the Barton Spring Zone, the maximum impervious cover in an upland zone is 50 percent of net site area or 60 percent of net site area, if transfer of impervious cover is authorized and used.
- (C) In an urban watershed, maximum impervious cover is the greater of:
 - (1) 65 percent gross site area; or
 - (2) the impervious cover allowed under [Section 25-2-492 \(Site Development Regulations\)](#) for the base zoning district in which the educational facility is located.
- (D) In the Barton Springs Zone, maximum impervious cover is established under Article 13 (*Save Our Springs*).

Source: [Ord. No. 20160623-090](#), Pt. 8, 7-4-16.

Division 7. - Reserved.

Footnotes:

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Editor's note— [Ord. No. 20221027-045](#), Pts. 32, 33, adopted November 7, 2022, repealed §§ 25-8-367, 25-8-368, which pertained to shoreline relocation and lakefill and derived from Sections 13-7-49, 13-7-50; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046; Ord. 20131017-079; [Ord. No. 20140626-113](#), Pt. 21, 7-7-14; [Ord. No. 20160922-048](#), Pt. 7, 10-3-16.

§§ 25-8-367, 25-8-368 - Reserved.

ARTICLE 8. - URBAN WATERSHED REQUIREMENTS.

§ 25-8-371 - APPLICABILITY; COMPLIANCE.

- (A) This article applies to development in an urban watershed.
- (B) A person who develops in an urban watershed must comply with the requirements of this article.

Source: Ord. 20131017-046.

§ 25-8-372 - UPLANDS ZONE.

- (A) This section applies to development in an uplands zone. Impervious cover limits in this section are expressed as percentages of gross site area.
- (B) Maximum impervious cover for development within the City's zoning jurisdiction is established in [Section 25-2-492 \(Site Development Regulations\)](#).
- (C) Maximum impervious cover for development outside the City's zoning jurisdiction is 80 percent.
- (D) Maximum impervious cover for a public mobility project in the right-of-way is 100 percent.

Source: Ord. 20131017-046; [Ord. No. 20220519-094](#), Pt. 10, 5-30-22.

ARTICLE 9. - SUBURBAN WATERSHED REQUIREMENTS.

§ 25-8-391 - APPLICABILITY; COMPLIANCE.

- (A) This article applies to development in a suburban watershed.
- (B) A person who develops in a suburban watershed must comply with the requirements of this article.

Source: Section 13-2-520; Ord. 990225-70; Ord. 031211-11.

§ 25-8-392 - UPLANDS ZONE.

- (A) This section applies to development in an uplands zone. Impervious cover limits in this section are expressed as percentages of gross site area.
- (B) This subsection applies in the extraterritorial jurisdiction and in the portions of the Lake, Rattan, Buttercup, South Brushy, and Brushy Creek watersheds that are in the zoning jurisdiction.
 - (1) Impervious cover for a single-family residential use with a minimum lot size of 5,750 square feet may not exceed:
 - (a) 45 percent; or
 - (b) if development intensity is transferred under [Section 25-8-393 \(Transfer of Development Intensity\)](#), 50 percent.
 - (2) Impervious cover for a duplex or single-family residential use with a lot smaller than 5,750 square feet in size may not exceed:
 - (a) 55 percent; or
 - (b) if development intensity is transferred under [Section 25-8-393 \(Transfer of Development Intensity\)](#), 60 percent.
 - (3) Impervious cover for a multifamily residential use may not exceed:
 - (a) 60 percent; or
 - (b) if development intensity is transferred under [Section 25-8-393 \(Transfer of Development Intensity\)](#), 65 percent.
 - (4) Impervious cover for a commercial use may not exceed:
 - (a) 65 percent; or
 - (b) if development intensity is transferred under [Section 25-8-393 \(Transfer of Development Intensity\)](#), 70 percent.
 - (5) Impervious cover for mixed use may not exceed:
 - (a) the limits in subsection (B)(3) for the portion of the ground floor that is multifamily residential;
 - (b) the limits in subsection (B)(4) for the portion of the ground floor that is commercial; and
 - (c) impervious cover for the entire site shall be based on the ratios determined on the ground floor.
 - (6) Impervious cover for a public mobility project in the right-of-way may not exceed 90 percent.
- (C) This subsection applies in the portion of the zoning jurisdiction that is outside the Lake, Rattan, Buttercup, South Brushy, and Brushy Creek watersheds.
 - (1) Impervious cover for a single-family residential use with a minimum lot size of 5,750 square feet may not exceed:
 - (a) 50 percent; or

- (b) if development intensity is transferred under Section 25-8-393 (Transfer of Development Intensity), 60 percent.
- (2) Impervious cover for a duplex or single-family residential use with a lot smaller than 5,750 square feet in size may not exceed:
 - (a) 55 percent; or
 - (b) if development intensity is transferred under Section 25-8-393 (Transfer of Development Intensity), 60 percent.
- (3) Impervious cover for a multifamily residential use may not exceed:
 - (a) 60 percent; or
 - (b) if development intensity is transferred under Section 25-8-393 (Transfer of Development Intensity), 70 percent.
- (4) Impervious cover for a commercial use may not exceed:
 - (a) 80 percent; or
 - (b) if development intensity is transferred under Section 25-8-393 (Transfer of Development Intensity), 90 percent.
- (5) Impervious cover for mixed use may not exceed:
 - (a) the limits in Subsection (C)(3) for the portion of the ground floor that is multifamily residential;
 - (b) the limits in Subsection (C)(4) for the portion of the ground floor that is commercial; and
 - (c) impervious cover for the entire site shall be based on the ratios determined on the ground floor.
- (6) Impervious cover for a public mobility project in the right-of-way may not exceed 90 percent.

Source: Section 13-2-524; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20220519-094. Pt. 11, 5-30-22.

§ 25-8-393 - TRANSFER OF DEVELOPMENT INTENSITY.

- (A) An applicant who complies with a provision of this subsection qualifies for the development intensity transfer described in the provision, subject to the requirements in Subsection (B) and the impervious cover limitations in Section 25-8-392 (Uplands Zone).
 - (1) The applicant may transfer 20,000 square feet of impervious cover to an uplands zone for each acre of land in a critical water quality zone:
 - (a) dedicated to the City or another entity approved by the Watershed Protection Department director in fee simple and which the City or other approved entity accepts; or
 - (b) on which restrictions are placed to the benefit of the City or other approved entity and which the City or other approved entity accepts; and
 - (c) the applicant does not include in impervious calculations elsewhere.
 - (2) The applicant may transfer 20,000 square feet of impervious cover to an uplands zone for each acre of land in an uplands zone:
 - (a) located either in the 100-year floodplain or in an environmentally sensitive area as determined by environmental resource inventory and approved by the director of the Watershed Protection Department; and
 - (b) dedicated to the City or another entity approved by the Watershed Protection Department director in fee simple and which the City or other approved entity accepts; or
 - (c) on which restrictions are placed to the benefit of the City or other approved entity and which the City or other approved entity accepts; and
 - (d) the applicant does not include in impervious calculations elsewhere.
 - (3) Land dedicated in fee simple to the City under this subsection may also be credited toward the parkland dedication requirements of Chapter 25-4, Article 3, Division 5 (Parkland Dedication).
- (B) An applicant who qualifies for a development intensity transfer under subsection (A) must comply with requirements of this subsection to effect the transfer.
 - (1) For transfers between two subdivided tracts:
 - (a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.
 - (b) An applicant must concurrently plat the transferring and receiving tracts and must transfer all development intensity at that time.
 - (c) An applicant must note the development intensity transfer on the plats of the transferring and receiving tracts, in a manner determined by the director.
 - (d) An applicant must file in the deed records a restrictive covenant, approved by the city attorney, that runs with the transferring tract and describes the development intensity transfer.
 - (2) For transfers between two site plans:
 - (a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.
 - (b) The transfer must be noted on the receiving and transferring site plans;
 - (c)

An applicant must file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract and describes the development intensity transfer.

- (d) The transfer must occur before the receiving and transferring site plans are released.
- (3) For transfers within a single site plan, an applicant must file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract and describes the development intensity transfer.

Source: Section 13-2-525; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

ARTICLE 10. - WATER SUPPLY SUBURBAN WATERSHED REQUIREMENTS.

§ 25-8-421 - APPLICABILITY; COMPLIANCE.

- (A) This article applies to development in a water supply suburban watershed.
- (B) A person who develops in a water supply suburban watershed must comply with the requirements of this article.

Source: Section 13-2-540; Ord. 990225-70; Ord. 031211-11.

§ 25-8-422 - WATER QUALITY TRANSITION ZONE.

- (A) Development is prohibited in a water quality transition zone that lies over the South Edwards Aquifer recharge zone, except for:
 - (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*); and
 - (2) minor drainage facilities or water quality controls that comply with Section 25-8-263 (Floodplain Modification) and the floodplain modification criteria in the Environmental Criteria Manual.
- (B) In a water quality transition zone that does not lie over the South Edwards Aquifer recharge zone, the impervious cover of the land area of a site may not exceed 18 percent. This limit on impervious cover does not apply to a public mobility project in the right-of-way allowed to cross a critical water quality zone under Section 25-8-262 (Critical Water Quality Zone Mobility Crossings). In determining land area, land in the 100 year floodplain is excluded.
- (C) Water quality controls may be located in a water quality transition zone that does not lie over the South Edwards Aquifer recharge zone.

Source: Sections 13-2-543(b), (c), and (d); Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20220519-094, Pt. 12, 5-30-22; Ord. No. 20221027-045, Pt. 34, 11-7-22.

§ 25-8-423 - UPLANDS ZONE.

- (A) This section applies to development in an uplands zone. Impervious cover limits in this section are expressed as percentages of net site area.
- (B) Impervious cover for a duplex or single-family residential use may not exceed:
 - (1) 30 percent; or
 - (2) if development intensity is transferred under Section 25-8-424 (Transfer of Development Intensity), 40 percent.
- (C) Impervious cover for a commercial, multifamily residential use, or mixed use may not exceed:
 - (1) 40 percent; or
 - (2) if development intensity is transferred under Section 25-8-424 (Transfer of Development Intensity), 55 percent.
- (D) Impervious cover for a public mobility project in the right-of-way may not exceed 65 percent.

Source: Section 13-2-544; Ord. 990225-70; Ord. 990819-99; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20220519-094, Pt. 13, 5-30-22.

§ 25-8-424 - TRANSFER OF DEVELOPMENT INTENSITY.

- (A) An applicant who complies with a provision of this section qualifies for the development intensity transfer described in the provision, subject to the requirements in subsection (B) and the impervious cover limitations in Section 25-8-423 (Uplands Zone).
 - (1) The applicant may transfer 15,000 square feet of impervious cover to an uplands zone for each acre of land in a critical water quality zone or water quality transition zone:
 - (a) dedicated to the City or another entity approved by the Watershed Protection Department director in fee simple and which the City or other approved entity accepts; or
 - (b) on which restrictions are placed to the benefit of the City or other approved entity and which the City or other approved entity accepts; and
 - (c) the applicant does not include in impervious calculations elsewhere.
 - (2) Land dedicated in fee simple to the City under this subsection may also be credited toward the parkland dedication requirements of Chapter 25-4, Article 3, Division 5 (Parkland Dedication).
- (B) An applicant who qualifies for a development intensity transfer under Subsection (A) must comply with requirements of this subsection to effect the transfer.

- (1) For transfers between two subdivided tracts:
 - (a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.
 - (b) An applicant must concurrently plat the transferring and receiving tracts and must transfer all development intensity at that time.
 - (c) An applicant must note the development intensity transfer on the plats of the transferring and receiving tracts, in a manner determined by the director.
 - (d) An applicant must file in the deed records a restrictive covenant, approved by the city attorney, that runs with the transferring tract and describes the development intensity transfer.
- (2) For transfers between two site plans:
 - (a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.
 - (b) The transfer must be noted on the receiving and transferring site plans;
 - (c) An applicant must file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract and describes the development intensity transfer.
 - (d) The transfer must occur before the receiving and transferring site plans are released.
- (3) For transfers within a single site plan, an applicant must file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract and describes the development intensity transfer.

Source: Section 13-2-545; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

ARTICLE 11. - WATER SUPPLY RURAL WATERSHED REQUIREMENTS.

§ 25-8-451 - APPLICABILITY; COMPLIANCE.

- (A) This article applies to development in a water supply rural watershed.
- (B) A person who develops in a water supply rural watershed must comply with the requirements of this article.

Source: Section 13-2-560; Ord. 990225-70; Ord. 031211-11.

§ 25-8-452 - WATER QUALITY TRANSITION ZONE.

- (A) Development is prohibited in a water quality transition zone that lies over the South Edwards Aquifer recharge zone, except for:
 - (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*); and
 - (2) minor drainage facilities or water quality controls that comply with Section 25-8-263 (Floodplain Modification) and the floodplain modification criteria in the Environmental Criteria Manual.
- (B) Development is prohibited in a water quality transition zone that lies outside the South Edwards Aquifer recharge zone, except for:
 - (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*);
 - (2) streets or public mobility projects in the right-of-way;
 - (3) minor drainage facilities or water quality controls that comply with Section 25-8-263 (Floodplain Modification) and the floodplain modification guidelines of the Environmental Criteria Manual; and
 - (4) duplex or single-family residential development with a minimum lot size of two acres and a density of not more than one unit for each three acres, excluding acreage in the 100-year flood plain.
- (C) A lot that lies within a critical water quality zone must also include at least two acres in a water quality transition zone or uplands zone.

Source: Sections 13-2-563(b), (c), (d), and (e); Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20220519-094, Pt. 14, 5-30-22; Ord. No. 20221027-045, Pt. 35, 11-7-22.

§ 25-8-453 - UPLANDS ZONE.

- (A) This section applies to development in an uplands zone. Density and impervious cover limits are based on net site area.
- (B) For a duplex or single family residential use, density may not exceed:
 - (1) one unit for each two acres, with a minimum lot size of three-quarters acre; or
 - (2) if development intensity is transferred under Section 25-8-454 (Transfer of Development Intensity), one unit for each acre, with a minimum lot size of one-half acre.
- (C) This subsection applies to cluster housing.

- (1) Density may not exceed:
 - (a) one unit for each acre; or
 - (b) if development intensity is transferred under Section 25-8-454 (Transfer of Development Intensity), two units for each acre.
- (2) At least 40 percent of the uplands area of a site must be retained in or restored to its natural state to serve as a buffer. The buffer must be contiguous to the development, and must receive overland drainage from the developed areas of the site unless a water quality control is provided. Use of the buffer is limited to fences, water quality controls that comply with Subdivision 25-8-213(C)(3) (Water Quality Control Standards), utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction. A wastewater disposal area may not be located in the buffer.
- (D) This subsection applies to a commercial, multifamily residential use, or mixed use.
 - (1) Impervious cover may not exceed:
 - (a) 20 percent; or
 - (b) if development intensity is transferred under Section 25-8-454 (Transfer of Development Intensity), 25 percent.
 - (2) At least 40 percent of the uplands area of a site must be retained in or restored to its natural state to serve as a buffer. The buffer must be contiguous to the development, and must receive overland drainage from the developed areas of the site unless a water quality control is provided. Use of the buffer is limited to fences, water quality controls that comply with Subdivision 25-8-213(C)(3) (Water Quality Control Standards), utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction. A wastewater disposal area may not be located in the buffer.
- (E) Impervious cover for a public mobility project in the right-of-way may not exceed 55 percent.

Source: Section 13-2-564; Ord. 990225-70; Ord. 990819-99; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 24, 6-15-17; Ord. No. 20220519-094, Pt. 15, 5-30-22.

§ 25-8-454 - TRANSFER OF DEVELOPMENT INTENSITY.

- (A) An applicant who complies with a provision of this section qualifies for the development intensity transfer described in the provision, subject to the requirements in Subsection (B) and the impervious cover limitations in Section 25-8-453 (Uplands Zone).
 - (1) The applicant may transfer one single-family residential housing unit or 6,000 square feet of impervious cover for commercial or multifamily development to an uplands zone for each acre of land in a critical water quality zone or water quality transition zone:
 - (a) dedicated to the City or another entity approved by the Watershed Protection Department director in fee simple and which the City or other approved entity accepts; or
 - (b) on which restrictions are placed to the benefit of the City or other approved entity and which the City or other approved entity accepts; and
 - (c) the applicant does not include in impervious calculations elsewhere.
 - (2) Land dedicated in fee simple to the City under this subsection may also be credited toward the parkland dedication requirements of Chapter 25-4, Article 3, Division 5 (Parkland Dedication).
- (B) An applicant who qualifies for a development intensity transfer under Subsection (A) must comply with requirements of this subsection to effect the transfer.
 - (1) For transfers between two subdivided tracts:
 - (a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.
 - (b) An applicant must concurrently plat the transferring and receiving tracts and must transfer all development intensity at that time.
 - (c) An applicant must note the development intensity transfer on the plats of the transferring and receiving tracts, in a manner determined by the director.
 - (d) An applicant must file in the deed records a restrictive covenant, approved by the city attorney, that runs with the transferring tract and describes the development intensity transfer.
 - (2) For transfers between two site plans:
 - (a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.
 - (b) The transfer must be noted on the receiving and transferring site plans.
 - (c) An applicant must file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract and describes the development intensity transfer.
 - (d) The transfer must occur before the receiving and transferring site plans are released.
 - (3)

For transfers within a single site plan, an applicant must file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract and describes the development intensity transfer.

Source: Section 13-2-565; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. 20131017-046.

ARTICLE 12. - BARTON SPRINGS ZONE REQUIREMENTS.

§ 25-8-481 - APPLICABILITY; COMPLIANCE.

- (A) This article applies to development in the Barton Springs Zone.
- (B) A person who develops in the Barton Springs Zone must comply with the requirements of:
 - (1) this article; and
 - (2) Article 13 (*Save Our Springs Initiative*).

Source: Section 13-2-580 and 15-2-584; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

§ 25-8-482 - WATER QUALITY TRANSITION ZONE.

- (A) Development is prohibited in a water quality transition zone that lies over the Edwards Aquifer recharge zone, except for:
 - (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*); and
 - (2) minor drainage facilities or water quality controls that comply with Section 25-8-263 (Floodplain Modification) and the floodplain modification criteria of the Environmental Criteria Manual.
- (B) Development is prohibited in a water quality transition zone that lies outside the Edwards Aquifer recharge zone, except for:
 - (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*);
 - (2) minor drainage facilities or water quality controls that comply with Section 25-8-263 (Floodplain Modification) and the floodplain modification guidelines of the Environmental Criteria Manual;
 - (3) streets; and
 - (4) duplex or single-family residential housing with a minimum lot size of two acres and a density of not more than one unit for each three acres, excluding acreage in the 100-year floodplain.

Source: Sections 13-2-583(b) and (c); Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046; Ord. No. 20221027-045, Pt. 36, 11-7-22.

§ 25-8-483 - TRANSFER OF DEVELOPMENT INTENSITY.

Development intensity may not be transferred in the Barton Springs Zone except as part of an adjustment under Section 25-8-518 (Limited Adjustment to Resolve Possible Conflicts with Other Laws).

Source: Section 13-2-585; Ord. 990225-70; Ord. 031211-11; Ord. 20131017-046.

ARTICLE 13. - SAVE OUR SPRINGS INITIATIVE.

§ 25-8-511 - TITLE AND PURPOSE.

- (A) This article, to be known as the Save Our Springs Initiative, (SOS hereafter) sets out special requirements for development of land in watersheds within the City's planning jurisdiction which contribute to Barton Springs.
- (B) This article codifies the Save Our Springs Initiative Petition Ordinance as adopted by popular vote on August 8, 1992 and amended by the council.

Source: Section 13-7-36.1; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045.

§ 25-8-512 - AMENDMENT.

This article may be repealed or amended only by an affirmative vote of a three-quarters majority of the city council.

Source: Section 13-7-36.2; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045; Ord. 20131017-046.

§ 25-8-513 - DECLARATION OF INTENT.

The people of the City declare their intent to preserve a clean and safe drinking water supply, to prevent further degradation of the water quality in Barton Creek, Barton Springs, and the Barton Springs Edwards Aquifer, to provide for fair, consistent, and cost effective administration of the City's watershed protection ordinances, and to promote the public health, safety, and welfare. The City recognizes that the Barton Springs Edwards Aquifer is more vulnerable to pollution from

urban development than any other major groundwater supply in Texas, and that the measures set out in this article are necessary to protect this irreplaceable natural resource.

Source: Section 13-7-36.3; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045.

§ 25-8-514 - POLLUTION PREVENTION REQUIRED.

- (A) In the watersheds contributing to Barton Springs, no development nor any revision, extension, or amendment thereof, may be approved unless it is designed, carried out, and maintained on a site-by-site basis to meet the pollution prevention requirements set forth below for the life of the project. In order to prevent pollution, impervious cover for all such development shall be limited to a maximum of 15 percent in the entire recharge zone, 20 percent of the contributing zone within the Barton Creek watershed, and 25 percent in the remainder of the contributing zone. The impervious cover limits shall be calculated on a net site area basis. In addition, runoff from such development shall be managed through water quality controls and onsite pollution prevention and assimilation techniques so that no increases occur in the respective average annual loadings of total suspended solids, total phosphorus, total nitrogen, chemical oxygen demand, total lead, cadmium, E. coli, volatile organic compounds, pesticides, and herbicides from the site. For a given project, impervious cover shall be reduced if needed to assure compliance with these pollutant load restrictions.
- (B) Within the watersheds contributing to Barton Springs, Section 25-8-92 (Critical Water Quality Zones Established) of the Land Development Code is amended so that in no event shall the boundary of the critical water quality zone be less than 200 feet from the centerline of a major waterway or be less than 400 feet from the centerline of the main channel of Barton Creek. No pollution control structure, or residential or commercial building, may be constructed in the critical water quality zone in these watersheds.

Source: Section 13-7-36.4; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 25, 6-15-17.

§ 25-8-515 - NO EXEMPTIONS, SPECIAL EXCEPTIONS, WAIVERS OR VARIANCES.

The requirements of this article are not subject to the exemptions, special exceptions, waivers, or variances allowed by Article 1 (*General Provisions*). Adjustments to the application of this article to a specific project may be granted only as set out in Section 25-8-518 (Limited Adjustment To Resolve Possible Conflicts With Other Laws) below.

Source: Section 13-7-36.5; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045.

§ 25-8-516 - APPLICATION TO EXISTING TRACTS, PLATTED LOTS, AND PUBLIC SCHOOLS.

- (A) This article does not apply to development on a single platted lot or a single tract of land that is not required to be platted before development if the lot or tract existed on November 1, 1991 and the development is either:
 - (1) construction, renovation, additions to, repair, or development of a single-family, single-family attached, or a duplex structure used exclusively for residential purposes, and construction of improvements incidental to that residential use; or
 - (2) development of a maximum of 8,000 square feet of impervious cover, including impervious cover existing before and after the development.
- (B) This article does not apply to development of public primary or secondary educational facilities if the City and the school district enter into a development agreement approved by a three-quarters vote of the city council protecting water quality pursuant to Section 13-2-502(n)(7) of the Land Development Code.
- (C) This article does not apply to the replacement of development which is removed as a result of right-of-way condemnation.
- (D) This article does not apply to a roadway improvement with less than 8,000 square feet of new impervious cover. For the purposes of this Section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.

Source: Section 13-7-36.6; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045; Ord. 20131017-046; Ord. No. 20170615-102, Pt. 26, 6-15-17.

§ 25-8-517 - EXPIRATION OF PRIOR APPROVALS.

Within the watersheds contributing to Barton Springs, the following provisions shall govern the expiration of certain prior approvals:

- (1) Previously Approved Preliminary Subdivision Plan:
 - (a) Unless it has or will have expired sooner, a preliminary subdivision plan initially approved before the effective date of this article expires one year after the effective date of this article, or two years after its initial approval whichever date is later, unless an application for final plat approval is filed before this expiration date and a final plat is approved no later than 180 days after filing.
 - (b) No approved preliminary plan, and no portion of an approved preliminary plan, shall be valid or effective after the expiration date established by this part, or shall be extended, revised, or renewed to remain effective after the expiration date, except according to Subsection (3) of this section.
- (2) Previously Approved Site Plan:
 - (a) Unless it has or will have expired sooner, a site plan or phase or portion thereof initially approved before the effective date of this article shall expire one year after the effective date of this article, or three years after its initial approval, whichever date is later, unless:
 - (i)

An application is filed before this expiration date for building permits for all structures shown on the site plan or phase or portion thereof and designed for human occupancy, and the building permits are approved and remain valid and certificates of occupancy are issued no later than two years after this expiration date; or

- (ii) If no building permits are required to construct the structures shown on a site plan described in Subsection (2)(a) of this section, construction begins on all buildings shown on the site plan or portion or phase thereof before this expiration date, and the buildings are diligently constructed and completed, and certificates of compliance or certificates of occupancy are issued no later than two years after this expiration date.
- (b) No approved site plan, and no separate phase or portion of an approved site plan, shall be valid or effective after the expiration date established by this part, or shall be extended, revised, or renewed to remain effective after the expiration date, except according to Subsection (3) of this section.
- (3) Approved Plans Which Comply: An approved preliminary subdivision plan, portion of a preliminary plan, approved site plan, or separate phase or portion of an approved site plan that complies with this article or that is revised to comply with this article does not expire under Subsection (1) or (2) of this section and remains valid for the period otherwise established by law.

Source: Section 13-7-36.7; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045.

§ 25-8-518 - LIMITED ADJUSTMENT TO RESOLVE POSSIBLE CONFLICTS WITH OTHER LAWS.

- (A) This article is not intended to conflict with the United States Constitution or the Texas Constitution or to be inconsistent with federal or state statutes that may preempt a municipal ordinance or the Austin City Charter.
- (B) The terms of this article shall be applied consistently and uniformly. If a three-quarters majority of the city council concludes, or a court of competent jurisdiction renders a final judgment concluding that this article, as applied to a specific development project or proposal violates a law described in Subsection (A) of this section, the city council may, after a public hearing, adjust the application of this article to that project to the minimum extent required to comply with the conflicting law. Any adjustment shall be structured to provide the maximum protection of water quality.

Source: Section 13-7-36.8; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045.

§ 25-8-519 - CONSTRUCTION OF ORDINANCE.

This article is intended to be cumulative of other City ordinances. In case of irreconcilable conflict in the application to a specific development proposal between a provision of this article and any other ordinance, the provision which provides stronger water quality controls on development shall govern. If a word or term used in this article is defined in the Austin City Code of 1981, as that code was in effect on November 1, 1991, that word or term shall have the meaning established by the Austin City Code of 1981 in effect on that date, unless modified in this article.

Source: Section 13-7-36.9; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045.

§ 25-8-520 - REDUCE RISK OF ACCIDENTAL CONTAMINATION.

Within one year of the effective date of this article the City of Austin Environmental and Conservation Services Department shall complete a study, with citizen input, assessing the risk of accidental contamination by toxic or hazardous materials of the Barton Springs Edwards Aquifer and other streams within the City and its extraterritorial jurisdiction. The assessment shall inventory the current and possible future use and transportation of toxic and hazardous materials in and through the City, and shall make recommendations for City actions to reduce the risk of accidental contamination of the Barton Springs Edwards Aquifer and of other water bodies. Within 60 days of completion of the study, and following a public hearing, the city council shall take such actions deemed necessary to minimize risk of accidental contamination of city waters by hazardous or toxic materials.

Source: Section 13-7-36.10; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045.

§ 25-8-521 - EFFICIENT AND COST-EFFECTIVE WATER QUALITY PROTECTION MEASURES.

In carrying out City efforts to reduce or remedy runoff pollution from currently developed areas or to prevent runoff pollution from currently developed or developing areas, the city council shall assure that funds for remedial, retrofit or runoff pollution prevention measures shall be spent so as to achieve the maximum water quality benefit, and shall assure that the need for future retrofit is avoided whenever feasible.

Source: Section 13-7-36.11; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045.

§ 25-8-522 - SEVERABILITY.

If any provision, section, subsection, sentence, clause, or phrase of this article, or the application of the same to any person, property, or set of circumstances is for any reason held to be unconstitutional, void, or otherwise invalid, the validity of the remaining portions of this article shall not be affected by that invalidity; and all provisions of this article are severable for that purpose.

Source: Section 13-7-36.12; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045.

§ 25-8-523 - ADOPTION OF WATER QUALITY MEASURES.

The adoption of this article is not intended to preclude the adoption, at any time, by a majority vote of the city council of stricter water quality requirements upon development in the watersheds contributing to Barton Springs or of further measures to restore and protect water quality.

Source: Section 13-7-36.13; Ord. 990225-70; Ord. 031211-11; Ord. 20060216-045.

SUBCHAPTER B. - TREE AND NATURAL AREA PROTECTION; ENDANGERED SPECIES.

ARTICLE 1. - TREE AND NATURAL AREA PROTECTION.

Division 1. - General Provisions.

§ 25-8-601 - APPLICABILITY.

- (A) Except as provided in Subsection (B), this article applies in the zoning jurisdiction.
- (B) For a preliminary plan, final plat, or subdivision construction plan in the portion of the city's extraterritorial jurisdiction that is within Travis County:
 - (1) this article does not apply; and
 - (2) *Title 30 (Austin/Travis County Subdivision Regulations)* governs.

Source: Section 13-7-37(d); Ord. 990225-70; Ord. 031211-11; Ord. 031211-42.

§ 25-8-602 - DEFINITIONS.

In this article:

- (1) HERITAGE TREE means a tree that has a diameter of 24 inches or more, measured four and one-half feet above natural grade, and is one of the following species:
 - (a) Ash, Texas
 - (b) Cypress, Bald
 - (c) Elm, American
 - (d) Elm, Cedar
 - (e) Madrone, Texas
 - (f) Maple, Bigtooth
 - (g) All Oaks
 - (h) Pecan
 - (i) Walnut, Arizona
 - (j) Walnut, Eastern Black

This list of eligible heritage tree species may be supplemented, but not reduced, as prescribed by rule.

- (2) OWNER includes a lessee.
- (3) PROTECTED TREE means a tree with a diameter of 19 inches or more, measured four and one-half feet above natural grade.
- (4) REMOVAL means an act that causes or may be reasonably expected to cause a tree to die, including:
 - (a) uprooting;
 - (b) severing the main trunk;
 - (c) damaging the root system; and
 - (d) excessive pruning.

Source: Section 13-7-38; Ord. 990225-70; Ord. 031211-11; Ord. 20100204-038.

§ 25-8-603 - ADMINISTRATION.

- (A) A city arborist, appointed by the director of the Planning and Development Review Department, shall implement this article.
- (B) The Planning and Development Review Department shall adopt administrative rules for the implementation of this subchapter.
- (C) The rules shall:
 - (1) describe methods to protect trees against damage during development;
 - (2) identify actions that will constitute removal;
 - (3) identify the root areas that require protection against soil compaction or the effects of impervious paving; and

- (4) identify mitigation measures and methods of calculation for fiscal security to ensure performance of mitigation measures that may be required under article 1 of this subchapter.

Source: Section 13-7-39; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20100204-038.

§ 25-8-604 - DEVELOPMENT APPLICATION REQUIREMENTS.

- (A) An application for site plan approval must:
 - (1) include a grading and tree protection plan, as prescribed by the Administrative Manual and the Environmental Criteria Manual; and
 - (2) demonstrate that the design will preserve the existing natural character of the landscape, including the retention of trees eight inches or larger in diameter to the extent feasible.
- (B) If development under a proposed site plan will remove a tree eight inches or larger in diameter, the City may require mitigation, including the planting of replacement trees, as a condition of site plan approval. The director may not release the site plan until the applicant satisfies the condition or posts fiscal security to ensure performance of the condition.
- (C) For an application for preliminary plan, final plat, building permit, or site plan approval that proposes the removal of a protected tree, the city arborist must review the application and make a recommendation before the application may be administratively approved or presented to the Land Use Commission or city council.
- (D) For an application for preliminary plan, final plat, building permit, or site plan approval that proposes the removal of a heritage tree, the applicant must file a request for a variance to remove the heritage tree under Division 3 of this Article before the application may be administratively approved or presented to the Land Use Commission or City Council.

Source: Sections 13-7-40, 13-7-46(c), and 13-7-48; Ord. 990225-70; Ord. 000309-39; Ord. 010607-8; Ord. 031211-11; Ord. 20100204-038.

§ 25-8-605 - WAIVER AND MODIFICATION OF CITY REQUIREMENTS.

- (A) If enforcement of a City department policy, rule, or design standard will result in removal of a protected or heritage tree, the Planning and Development Review Department may request that the responsible City department waive or modify the policy, rule, or design standard to the extent necessary to save the tree.
- (B) The responsible City department may waive or modify the policy, rule, or design standard after determining that a waiver or modification will not result in a serious or imminent adverse effect.
- (C) The city manager shall resolve differences of opinion between the Planning and Development Review Department and another City department under this section.

Source: Section 13-7-43; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20100204-038.

§ 25-8-606 - REPORTS.

The city arborist shall report annually to the Environmental Commission. The report shall include, but is not limited to, impacts to protected or heritage trees, tree promotional programs, and urban forestry planning efforts.

Source: Ord. 20100204-038; Ord. No. 20141211-204, Pt. 24, 7-1-15; Ord. No. 20170615-102, Pt. 27, 6-15-17.

§ 25-8-607 - APPLICABILITY TO CITY.

The requirements of this subchapter apply to land development and other actions by the City.

Source: Ord. 20100204-038.

Division 2. - Protected Trees.

§ 25-8-621 - PERMIT REQUIRED FOR REMOVAL OF PROTECTED TREES; EXCEPTIONS.

- (A) Except as otherwise provided in this section, a person may not remove a protected tree unless the Planning and Development Review Department has issued a permit for the removal under this division.
- (B) A person may, without a permit, remove a damaged protected tree that is an imminent hazard to life or property if the tree is removed within seven days of being damaged. The Planning and Development Review Department may extend this deadline for widespread and extensive storm damage.
- (C) A person may, without a permit, remove a protected tree if the tree is identified for removal on an approved preliminary plan, final plat or site plan.

Source: Section 13-7-46; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20100204-038.

§ 25-8-622 - APPLICATION FOR REMOVAL.

- (A) For a protected tree located on public property or a public street or easement, an application for removal of the tree may be filed by:
 - (1) a City department, public utility, or political subdivision with the authority to install utility lines or other public facilities in or above the property, street, or easement; or
 - (2) the owner of property adjoining the site of the tree.
- (B) For a protected tree located on private property, an application for removal of the tree may be filed by:
 - (1) the owner of the property on which the tree is located; or
 - (2) the city arborist, if the tree is seriously diseased or is a safety hazard.
- (C) An application for removal of a protected tree must:
 - (1) be filed with the director of the Planning and Development Review Department; and
 - (2) include the information prescribed by the Administrative Manual.
- (D) An application fee is not required if the application is for removal under Subsection 25-8-624(A)(3), (4), or (5) (Approval Criteria).

Source: Section 13-7-47; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20100204-038.

§ 25-8-623 - INSPECTION BY CITY ARBORIST.

The city arborist shall promptly inspect a tree for which removal is requested.

Source: Section 13-7-41(a); Ord. 990225-70; Ord. 031211-11.

§ 25-8-624 - APPROVAL CRITERIA.

- (A) The Planning and Development Review Department may approve an application to remove a protected tree only after determining that the tree:
 - (1) prevents reasonable access to the property;
 - (2) prevents a reasonable use of the property;
 - (3) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree;
 - (4) is dead;
 - (5) is diseased, and:
 - (a) restoration to sound condition is not practicable; or
 - (b) the disease may be transmitted to other trees and endanger their health; or
 - (6) for a tree located on public property or a public street or easement:
 - (a) prevents the opening of necessary vehicular traffic lanes in a street or alley; or
 - (b) prevents the construction of utility or drainage facilities that may not feasibly be rerouted.
- (B) If an application filed by a political subdivision of the state is approved under Subsection (A)(2), the Land Use Commission may, in its discretion, review the approval.
- (C) For an application to remove a protected tree located on private property, an applicant must request a variance, waiver, exemption, modification, or alternative compliance that would eliminate the reason for removal of the tree.
 - (1) The application to remove the protected tree may not be approved unless the request is denied.
 - (2) An application fee is not required for a variance, waiver, exemption, modification, or alternative compliance request required by this subsection.
 - (3) This subsection does not apply to an application that may be approved under Subsection (A)(3), (4), or (5).
 - (4) The body considering the variance, waiver, exemption, modification or alternative compliance will consider the benefit of preserving the protected tree in determining whether to grant or deny the request for a variance, waiver, exemption, modification or alternative compliance from another City Code provision.
 - (5) This subsection does not require an applicant to request a variance, waiver, exemption, modification, or alternative compliance if the director determines that to do so would endanger the public health and safety.
- (D) The Planning and Development Review Department shall require mitigation as a condition of application approval. A removal permit may not be issued until the applicant satisfies the condition or posts fiscal security to ensure performance of the condition within one year.

Source: Section 13-7-41(b), (c), (d), and (f); Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 20100204-038.

§ 25-8-625 - ACTION ON APPLICATION.

- (A) The Planning and Development Review Department shall take action on an application to remove a protected tree:
 - (1) not later than the 10th working day after the complete application is filed; or
 - (2)

if a variance, waiver, exemption, modification, or alternative compliance request is required by Subsection [25-8-624\(C\) \(Approval Criteria\)](#), not later than the 10th working day after the request is denied.

- (B) An application to remove a tree that is not associated with a pending subdivision, site plan, or building permit application submitted to the City is automatically granted if the Planning and Development Review Department does not take action on the application before the expiration of the applicable deadline in Subsection (A).

Source: Section 13-7-41(a); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20100204-038.

§ 25-8-626 - EFFECTIVE DATE AND EXPIRATION OF APPROVAL.

- (A) Approval of an application to remove a protected tree is effective immediately.
- (B) An approval to remove a protected tree expires:
 - (1) one year after its effective date, provided that the mitigation conditions in the permit remain in effect until the conditions are met; or
 - (2) for a development described in Subsection [25-8-621\(C\) \(Permit Required for Removal of Protected Trees; Exceptions\)](#), when the development plan expires.

Source: Section 13-7-41(e); Ord. 990225-70; Ord. 031211-11; Ord. 20100204-038.

§ 25-8-627 - APPEAL.

An applicant may appeal the denial of an application to remove a protected tree to the Land Use Commission.

Source: Section 13-7-42; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

Division 3. - Heritage Trees.

§ 25-8-641 - REMOVAL PROHIBITED.

- (A) Removal of a heritage tree is prohibited unless the Planning and Development Review Department has issued a permit for the removal under this division.
- (B) A permit to remove a heritage tree may be issued only if a variance is approved under [Section 25-8-642 \(Administrative Variance\)](#) or [25-8-643 \(Land Use Commission Variance\)](#).
- (C) The requirements in this division apply to trees on private and public property. To the extent of conflict with another section of the Code, this division applies.
- (D) A person may, without a variance, remove a damaged heritage tree that is an imminent hazard to life or property if the tree is removed within seven days of being damaged. The director may extend this deadline for widespread and extensive storm damage.

Source: Ord. 20100204-038.

§ 25-8-642 - ADMINISTRATIVE VARIANCE.

- (A) The director of the Planning and Development Review Department may grant a variance from [Section 25-8-641 \(Removal Prohibited\)](#) to allow removal of a heritage tree only after determining, based on the city arborist's recommendation, that the heritage tree:
 - (1) is dead;
 - (2) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree; or
 - (3) is diseased and:
 - (a) restoration to sound condition is not practicable; or
 - (b) the disease may be transmitted to other trees and endanger their health.
- (B) No application fee and no mitigation are required for a variance request under subsection (A).
- (C) The director of the Planning and Development Review Department may grant a variance from [Section 25-8-641 \(Removal Prohibited\)](#) to allow removal of a heritage tree that does not have at least one stem that is 30 inches in diameter or larger measured four and one-half feet above natural grade only after determining, based on the city arborist's recommendation, that the heritage tree meets the criteria in [Section 25-8-624\(A\) \(Approval Criteria\)](#) and that:
 - (1) the applicant has applied for and been denied a variance, waiver, exemption, modification, or alternative compliance from another City Code provision which would eliminate the need to remove the heritage tree, as required in [Section 25-8-646 \(Variance Prerequisite\)](#); and
 - (2) removal of the heritage tree is not based on a condition caused by the method chosen by the applicant to develop the property, unless removal of the heritage tree will result in a design that will allow for the maximum provision of ecological service, historic, and cultural value of the trees on the site.
- (D) A variance granted under this section:
 - (1) shall be the minimum change necessary;

- (2) shall require mitigation as a condition of variance approval for variances requested under Subsection (C) of this section; and
 - (3) may not be issued until the applicant has satisfied the mitigation conditions required under this Subsection (D)(2) or posted fiscal security adequate to ensure performance of the mitigation conditions not later than one year after issuance of the variance.
- (E) The director of the Planning and Development Review Department shall prepare written findings to support the grant or denial of a variance request under Subsection (C) of this Section.

Source: Ord. 20100204-038.

§ 25-8-643 - LAND USE COMMISSION VARIANCE.

- (A) The Land Use Commission may grant a variance from Section 25-8-641 (Removal Prohibited) to allow removal of a heritage tree that has at least one stem that is 30 inches or larger in diameter measured four and one-half feet above natural grade only after determining, based on the city arborist's recommendation, that the heritage tree meets the criteria in Section 25-8-624(A) (*Approval Criteria*), and that:
 - (1) the applicant has applied for and been denied a variance, waiver, exemption, modification, or alternative compliance from another City Code provision which would eliminate the need to remove the heritage tree, as required in Section 25-8-646 (*Variance Prerequisites*); and
 - (2) removal of the heritage tree is not based on a condition caused by the method chosen by the applicant to develop the property, unless removal of the heritage tree will result in a design that will allow for the maximum provision of ecological service, historic, and cultural value of the trees on the site.
- (B) A variance granted under this section:
 - (1) shall be the minimum change necessary;
 - (2) shall require mitigation as a condition of variance approval; and
 - (3) may not be issued until the applicant has satisfied the mitigation conditions required under this Subsection (B)(2) or posted fiscal security adequate to ensure performance of the mitigation conditions not later than one year after issuance of the variance.
- (C) Consideration of a variance under this section requires review by the Environmental Commission.

Source: Ord. 20100204-038; Ord. No. 20141211-204, Pt. 24, 7-1-15; Ord. No. 20170615-102, Pt. 28, 6-15-17.

§ 25-8-644 - APPEAL.

- (A) An applicant may appeal denial of an administrative variance under Section 25-8-642 to the Land Use Commission.
- (B) An appeal under this section requires review by the Environmental Commission.

Source: Ord. 20100204-038; Ord. No. 20141211-204, Pt. 24, 7-1-15; Ord. No. 20170615-102, Pt. 29, 6-15-17.

§ 25-8-645 - APPLICATION FOR VARIANCE.

- (A) For a heritage tree located on public property or a public street or easement, an application requesting a variance to allow removal of the heritage tree may be filed by:
 - (1) a City department, public utility, or political subdivision with the authority to install utility lines or other public facilities in or above the property, street, or easement; or
 - (2) the owner of property adjoining the site of the tree.
- (B) For a heritage tree located on private property, an application requesting a variance to allow removal of the heritage tree may be filed by:
 - (1) the owner of the property on which the tree is located; or
 - (2) the city arborist, if the tree is seriously diseased or is a safety hazard.
- (C) An application requesting a variance to allow removal of a heritage tree must:
 - (1) be filed with the director of the Planning and Development Review Department; and
 - (2) include the fee prescribed by ordinance; and
 - (3) include the information prescribed by the Administrative Criteria Manual.
- (D) The application fee is not required if the application is based solely on the criteria in Subsections 25-8-624(A)(3), (4) or (5).

Source: Ord. 20100204-038.

§ 25-8-646 - VARIANCE PREREQUISITE.

- (A) If a variance, waiver, exemption, modification, or alternative compliance from another City Code provision would eliminate the need for a variance from Section 25-8-641 (*Removal Prohibited*), before requesting a variance to allow removal of a heritage tree on private property the applicant must:
 - (1) request a variance, waiver, exemption, modification or alternative compliance from the Code provisions that would eliminate the need to remove the heritage tree; and
 - (2) obtain a grant or denial of the variance, waiver, exemption, modification or alternative compliance that would eliminate the need to remove the heritage tree.

- (B) The request for a variance to allow removal of a heritage tree may not be considered unless the variance, waiver, exemption, modification or alternative compliance from other City Code provisions is denied.
- (C) The application fee for a variance from another City Code provision required under this section is waived.
- (D) This section does not apply to an application for a variance to remove a heritage tree based on the criteria in Subsections [25-8-624\(A\)\(3\), \(4\) or \(5\)](#).
- (E) The body considering the variance, waiver, exemption, modification, or alternative compliance will consider the benefit of preserving the heritage tree in determining whether to grant or deny the request for a variance, waiver, exemption, modification or alternative compliance from another City Code provision.
- (F) This subsection does not require an applicant to request a variance, waiver, exemption, modification, or alternative compliance if the director determines that to do so would endanger the public health and safety.

Source: Ord. 20100204-038.

§ 25-8-647 - ACTION ON APPLICATION.

- (A) The director of the Planning and Development Review Department shall take action on a variance request to allow removal of a heritage tree:
 - (1) not later than the 10th working day after the complete application is filed; or
 - (2) if a variance, waiver, exemption, modification, or alternative compliance from another City Code provision is required under Subsection [25-8-646 \(Variance Prerequisite\)](#), not later than the 10th working day after the request is denied.
- (B) If the application is based on a damaged heritage tree constituting an immediate hazard to life or property, the application shall be approved or denied within 24 hours and no application fee is required.
- (C) An application to remove a tree that is not associated with a pending subdivision, site plan, or building permit application submitted to the City is automatically granted if the director does not act on the application before the expiration of the applicable deadline.

Source: Ord. 20100204-038.

§ 25-8-648 - VARIANCE EFFECTIVE DATE AND EXPIRATION.

- (A) Approval of a variance request to allow removal of a heritage tree is effective immediately.
- (B) A variance to allow removal of a heritage tree expires:
 - (1) one year after its effective date, provided that the mitigation conditions in the variance remain in effect until the conditions are met; or
 - (2) for an application that is associated with a pending subdivision, site plan, or building permit submitted to the City, when the development permit expires.

Source: Ord. 20100204-038.

ARTICLE 2. - THREATENED OR ENDANGERED SPECIES NOTIFICATION.

Footnotes:

--- (2) ---

Editor's note— [Ord. No. 20221027-045](#), § 37, effective November 7, 2022, repealed the former Art. 2, §§ 25-8-691—25-8-696, and enacted a new Art. 2 as set out herein. The former Art. 2 pertained to endangered species and derived from Sections 13-7-72(a)(1), (b), 13-7-72(a)(2), (b), 13-7-72(a), 13-7-73, 13-7-74, 13-7-80; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20131017-046; [Ord. No. 20170615-102](#), Pts. 30—32, 6-15-17.

§ 25-8-691 - THREATENED OR ENDANGERED SPECIES NOTIFICATION.

- (A) This section applies in areas of the planning jurisdiction that may contain habitat for federally listed threatened or endangered species identified in the map maintained by the City online or available for inspection in the office of the Development Services Department.
- (B) On submission of an application for a subdivision or site plan in an area described in Subsection (A), the applicant must give notice of the application to the appropriate authority, including:
 - (1) United States Fish and Wildlife Service;
 - (2) Balcones Canyonlands Conservation Plan Coordinating Committee Secretary; and
 - (3) Hays, Travis, or Williamson County, as applicable depending on project location.
- (C) The notice must include a statement that the development could cause the loss of threatened or endangered species habitat.

Source: [Ord. No. 20221027-045](#), Pt. 37, 11-7-22.

SUBCHAPTER C. - COMPATIBILITY BUFFERS

§ 25-8-700 - MINIMUM REQUIREMENTS FOR COMPATIBILITY BUFFERS.

- (A) Applicability; Intent.
- (1) This section applies to a site that is required to provide a compatibility buffer.
 - (2) The intent of these requirements is to create a visual barrier between uses and to improve the urban environment for the future occupants of the development and surrounding neighbors while balancing these objectives with the provision of housing.
- (B) In this section,
- (1) PROPERTY LINE means the property line that is shared with a triggering property; and
 - (2) TRIGGERING PROPERTY means a property that:
 - (a) includes at least one dwelling unit but less than four dwelling units; and
 - (b) is zoned Urban Family Residence (SF-5) or more restrictive.
- (C) This subsection applies in all compatibility buffers.
- (1) Except as provided in this section, a compatibility buffer may not include vertical structures.
 - (2) A compatibility buffer may include stormwater control measures and retaining walls.
 - (3) A restricted zone within a compatibility buffer may include:
 - (a) landscaping or gardens;
 - (b) fences, walls, or berms;
 - (c) surface parking lots, driveways, alleys, or fire lanes;
 - (d) paths, walkways, or public use trails, including associated lighting;
 - (e) utility infrastructure;
 - (f) refuse receptacles;
 - (g) bike racks, benches, and water fountains;
 - (h) ground-floor private common and private personal open space; and
 - (i) mechanical equipment.
 - (4) A windowsill, belt course, cornice, flue, chimney, eave, box window, cantilevered bay window, or balcony may project two feet into the restricted zone.
- (5) A screening zone may include:
- (a) landscaping or gardens;
 - (b) fences, walls, or berms;
 - (c) paths, walkways, or public use trails, including associated lighting and gates;
 - (d) utility infrastructure if a utility provider determines that it is necessary;
 - (e) bike racks, benches, and water fountains; and
 - (f) ground-floor private common and private personal open space.
- (6) In a compatibility buffer, vegetation must be:
- (a) listed in Appendix N of the Environmental Criteria Manual; and
 - (b) irrigated, maintained, and certified in accordance with the Environmental Criteria Manual.
- (7) Nothing in this section requires an applicant to remove healthy and existing vegetation located within the screening zone.
- (8) If existing conditions or proposed utility infrastructure or easements prevent full compliance with the requirements of this section, the director may approve an applicant's request for alternative methods of compliance that aligns with the intent of this section.
- (D) A compatibility buffer that is at least 25 feet in width must comply with this subsection.
- (1) The compatibility buffer shall include a screening zone and restricted zone.
 - (2) Screening Zone.
 - (a) The screening zone is parallel to the property line, begins at the property line, and extends ten feet into the property.
 - (b) At 25 linear feet intervals parallel to the property line that is shared with a triggering property, the screening zone must include a minimum of:
 - (i) 1 large shade tree;
 - (ii) 1 small understory tree; and
 - (iii) 10 shrubs.
 - (3) Restricted Zone. The restricted zone is parallel to the property line, begins at the edge of the screening zone, and extends an additional 15 feet into the property.
- (E) A compatibility buffer that is more than 15 feet but less than 25 feet in width must comply with this subsection.
- (1) The compatibility buffer shall include a screening zone and restricted zone.
 - (2) Screening Zone.

- (a) The screening zone is parallel to the property line, begins at the property line, and extends ten feet into the property.
 - (b) At 25 linear feet intervals parallel to the property line that is shared with a triggering property, a screening zone must include a minimum of:
 - (i) 1 large shade tree;
 - (ii) 1 small understory tree; and
 - (iii) 10 shrubs.
 - (3) Restricted Zone. The restricted zone is parallel to the property line, begins at the edge of the screening zone, and extends into the property to the maximum width of the compatibility buffer.
- (F) A compatibility buffer that is at least 10 feet but no more than 15 feet in width must comply with this subsection.
- (1) The compatibility buffer shall include a screening zone.
 - (2) The screening zone is parallel to the property line, begins at the property line, and extends ten feet into the property.
 - (3) At 25 linear feet intervals parallel to the property line that is shared with a triggering property, the screening zone must include a minimum of:
 - (a) two small understory trees; and
 - (b) 10 shrubs.
 - (4) Restricted Zone. The restricted zone is parallel to the property line, begins at the edge of the screening zone, and extends into the property to the maximum width of the compatibility buffer.
- (G) A compatibility buffer that is less than 10 feet in width includes a screening zone that extends the width of the compatibility buffer and is parallel to the property line that is shared with a triggering property.

Source: [Ord. No. 20240229-073](#), Pt. 4, 3-11-24; [Ord. No. 20240530-136](#), Pt. 1, 6-10-24.

CHAPTER 25-9. - WATER AND WASTEWATER.

ARTICLE 1. - UTILITY SERVICE.

Division 1. - General Provisions.

§ 25-9-1 - APPLICABILITY.

This article applies in the planning jurisdiction of the City unless stated otherwise in this article.

Source: Section 13-3-1; Ord. 990225-70; Ord. 031211-11.

§ 25-9-2 - SERVICE AREA OF AUSTIN WATER UTILITY.

The service area of the Austin Water Utility is coterminous with the water and wastewater impact fee service area established by the council under [Chapter 25-9](#), Article 3 (Water And Wastewater Capital Recovery Fees), including each amendment or revision of the area.

Source: Section 13-3-5; Ord. 990225-70; Ord. 031211-11; Ord. 20090820-061.

§ 25-9-3 - SERVICE OUTSIDE SERVICE AREA PROHIBITED.

The City may not provide water or wastewater service outside the service area of the Austin Water Utility unless the council by ordinance waives the prohibition.

Source: Section 13-3-5(b); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. 20090820-061.

§ 25-9-4 - RESERVED.

§ 25-9-5 - REGULATION OF A WASTEWATER TREATMENT PLANT BY THE HEALTH AUTHORITY.

In accordance with Sections 26.173 and 26.177 of the Texas Water Code, the Health Authority:

- (1) may inventory, monitor, and periodically inspect and test the discharge from a wastewater treatment plant; and
- (2) shall impose on the owner of a plant an annual fee for inspecting and sampling the discharge.

Source: Section 13-3-2(b) and (c); Ord. 990225-70; Ord. 031211-11.

Division 2. - Extension of Service.

Subpart A. - General Provisions.

§ 25-9-31 - APPLICABILITY.

This subpart does not apply to a service extension that is constructed as part of a project serving a property for which the Director determines that the water or wastewater system that will serve the property can provide suitable and sufficient service in accordance with the Utilities Criteria Manual, and:

- (1) the nearest point on the property's boundary is 100 feet or less from an accessible water or wastewater system; or
- (2) the Director determines that a suitable service connection can be made in compliance with the Utilities Criteria Manual to a water or wastewater main on the opposite side of an undivided city or county roadway.

Source: Section 13-3-9(a); Ord. 990225-70; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-32 - DEFINITIONS.

In this division:

- (1) CONSTRUCTION, with reference to a facility, means only the actual physical construction of the facility. The term does not include the engineering and project management for a facility.
- (2) COST PARTICIPATION means a calculated percentage, as set forth in Section 25-9-62 (Amount of Cost Participation), of hard costs, plus up to 15% of the calculated percentage of hard costs to reimburse soft costs. The City would pay the sum of these amounts to the entity executing the agreement identified in Section 25-9-67 (Agreement).
- (3) DECENTRALIZED WASTEWATER SYSTEM means a wastewater system other than one that is connected to a City wastewater treatment plant, and includes an on-site wastewater disposal system, a cluster wastewater system, or a small wastewater treatment plant.
- (4) DIRECTOR means the director, or his designee, of the City's Austin Water department or successor department.
- (5) FACILITY means an apparatus or improvement that is used in conjunction with a water or wastewater main that provides water or wastewater service to a property, regardless of where the facility is located. The term includes a lift station, force main, wastewater treatment plant, pump station, reservoir, Pressure Reducing Valve station, a decentralized wastewater system component, alternative wastewater system, or an addition to an existing facility that increases the capability of the existing facility to provide water or wastewater service.
- (6) HARD COSTS means the actual cost of construction and materials determined after completion and final acceptance of a project.
- (7) OVERRSIZE, with reference to a water or wastewater main or facility, means an increase in the size or capacity of the main or facility above the minimum size or capacity required by the Utilities Criteria Manual, including fire flow requirements, that is necessary to provide utility service to meet the projected demands of the property to be served.
- (8) SERVICE EXTENSION means a water or wastewater main or facility that provides new or additional water or wastewater service to a property.
- (9) SOFT COSTS means the cost of preliminary engineering reports, surveying, geotechnical studies, design, and project management of the construction and installation of a main or facility. This term does not include costs such as financing, interest, fiscal security, permitting, accounting, insurance, governmental fees (including inspection fees), legal services, easements, and all other soft costs associated with the construction of a main or facility.
- (10) SUITABLE AND SUFFICIENT SERVICE means the ability of the existing water and wastewater system at the property to appropriately serve the property and meet the size and capacity criteria as defined in the Utilities Criteria Manual.
- (11) WATER means potable water or reclaimed water as defined by Section 210.3(24) of Title 30 of the Texas Administrative Code.
- (12) WATER OR WASTEWATER MAIN means an appurtenance to a water distribution or wastewater collection system. The term includes all components and equipment necessary to make the water distribution or wastewater collection system operable in compliance with the design criteria and standards in the Utilities Criteria Manual, or the equivalent design criteria and standards as determined by the Director.
- (13) WATER OR WASTEWATER SERVICE LINE means the branch of pipe extending from the water or wastewater main to the approximate location of the property or easement boundary intended to provide direct retail service to a property.
- (14) WASTEWATER INTERCEPTOR means a wastewater main generally considered to be 18-inches in diameter or larger and to which direct connections for retail service to a property are not allowed, unless an exception is approved by the Director.
- (15) WATER TRANSMISSION MAIN means a potable water main generally considered to be 24-inches in diameter or larger and to which direct connections for retail service to a property are not allowed, unless an exception is approved by the Director.

Source: Section 13-3-9(b); Ord. 990225-70; Ord. 000406-87; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065; Ord. No. 20240307-037, Pt. 6, 3-18-24.

§ 25-9-33 - SERVICE EXTENSION APPLICATION.

- (A) A service extension request application is required to:
 - (1) connect a property to a City utility system if an accessible water or wastewater main is more than 100 feet from the property's boundary;
 - (2) connect a property to a water transmission or wastewater interceptor within 100 feet of the property's boundary, unless an exception is approved by the Director;

- (3) provide utility service to a property if an existing main or facility is unsuitable or insufficient to provide service to the property;
 - (4) provide service from a decentralized wastewater system to a property where the Director recommends the City operate and maintain that decentralized wastewater system.
- (B) A person must submit an application for a service extension to the Director. The Director may not accept an application if the application is not complete and the applicant has not paid the required non-refundable fee.
- (C) An application for approval of a service extension must:
- (1) include a general description of the location, size, and capacity of the service extension;
 - (2) be accompanied by a request for annexation of the property by the City if the land is not covered by the City's certificate of convenience and necessity; and
 - (3) include other information as required by the Director.
- (D) If either water or wastewater service is to be provided by an entity other than the City, the applicant may be required to submit evidence of a commitment from the other entity to provide the appropriate level of service required for the proposed land use. The evidence must be in the form of:
- (1) a contract with the entity;
 - (2) a letter from the entity; or
 - (3) the minutes of the relevant meeting of the governing body of the entity.
- (E) Except as provided by Section 25-9-3 (Service Outside Service Area Prohibited), the Director may not accept an application for a service extension if the property to be served by the service extension is not in the service area of Austin Water.

Source: Sections 13-3-9(b), 13-3-10(a), (b), and (d), and 13-3-11(a), (d), and (e); Ord. 990225-70; Ord. 000406-87; Ord. 031211-11; Ord. 20050929-077; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-34 - REVIEW AND APPROVAL PROCESS.

- (A) **Administrative Review.** An administrative review will be conducted to determine the completeness of a service extension applications. Within a time period established by state law, notification will be sent to an applicant indicating whether an application is administratively complete or if additional information is required.
 - (B) **Technical Review.** After an application is determined to be administratively complete, a technical review will be conducted. Technical review may include, but is not limited to, a determination of the service requirements for the subject property, the system capacity, cost participation, and type of improvements necessary to provide service to the property. Additional information may be required from the applicant for completion of technical review.
- During technical review a professional engineer employed by Austin Water shall determine the size of a water or wastewater main or the capacity of a facility that is roughly proportionate to the size or capacity that is required to serve the proposed development in accordance with Section 212.904 of the Texas Local Government Code (*Apportionment of Municipal Infrastructure Costs*).
- (C) **Notification of Approval.** Upon completion of the technical review, and subject to the approval requirements of Section 25-9-35 (Approval of Service Extension Request), notification of approval of the service extension request will be sent to the applicant.
 - (D) **Deficient or Inactive Applications.** Unless approved by the Director, a service extension application is deemed rejected on the first anniversary of the date the Director provides initial written notice to the applicant stating that:
- (1) the application is administratively incomplete or is technically deficient; or
 - (2) due to the applicant's inactivity, the Director has placed the application on inactive status.

Source: 20090820-061; Ord. 20130321-065.

§ 25-9-35 - APPROVAL OF A SERVICE EXTENSION REQUEST.

- (A) Except as provided in Subsection (B), city council approval of a service extension request or amendment of an unexpired, approved service extension request is required.
 - (B) The Director may approve an application for a service extension request or amendment of an unexpired service extension request if:
- (1) the Director determines that sufficient capacity exists or will be available to meet the projected demands of the property to be served; and
 - (2) the property is located:
 - (a) in the desired development zone; or
 - (b) in the drinking water protection zone and within the full purpose corporate limits.

Source: Section 13-3-10(c) and (d); Ord. 990225-70; Ord. 000406-87; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-36 - ENVIRONMENTAL ASSESSMENTS.

- (A) An applicant for a service extension request shall perform an environment assessment if required by the Director.

(B) An applicant is responsible for the cost of the environmental assessment.

Source: Section 13-3-11(c); Ord. 990225-70; Ord. 000406-87; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-37 - APPROVAL OF IMPROVEMENTS.

(A) After a request for a service extension has been approved, an applicant must submit the construction plans for needed improvements and a copy of the approved service extension request to the Director for review and approval of the size, capacity, routing, and location of the improvements.

(B) The Director may approve the size, capacity, routing, and location of an improvement only if it complies with the Utilities Criteria Manual, or equivalent standards as determined by the Director, and with each applicable City requirement.

Source: Section 13-3-11(b); Ord. 990225-70; Ord. 000406-87; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-38 - CONSTRUCTION OF IMPROVEMENTS.

An applicant for a service extension request shall provide information determined by the Director to be necessary to demonstrate that construction of the service extension complies with the requirements of the City.

Source: Section 13-3-11(c); Ord. 990225-70; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-39 - EXPIRATION OF SERVICE EXTENSION REQUEST APPROVAL.

(A) This subsection applies to a service extension request approved before April 17, 2000.

(1) Unless extended under this subsection or Subsection (D), the approval of a service extension request remains in effect until the latest of:

(a) the date on which the preliminary plan expires for the property to be served by the service extension;

(b) the second anniversary of the date on which the service extension request was approved if, on or before that date:

(i) a preliminary plan for the property to be served has not been approved; and

(ii) construction of the service extension has not begun; or

(c) the third anniversary of the date on which the service extension request was approved, if:

(i) on or before that date a preliminary plan for the property to be served has not been approved; and

(ii) construction of the service extension began before the second anniversary of the date on which the service extension request was approved but, on or before the third anniversary of that date, construction of the service extension has not been completed and accepted for operation and maintenance by the City.

(2) If construction of a service extension begins while the approval is in effect under Paragraph (1), the Director may extend the approval of a service extension request for the period of time estimated to be necessary to complete construction of the service extension.

(B) This subsection applies to a service extension request approved after April 17, 2000, and on or before March 31, 2013.

(1) Except as set forth in Paragraph(2) of this subsection, an approved service extension request expires on the latest of:

(a) 120 days after the date of its approval;

(b) for a project with a pending development application, the date the application expires; or

(c) for a project with an approved development application, the date the approval expires.

(2) For a project with a recorded plat, the service extension request does not expire.

(3) If a project's intensity, proposed land uses, or anticipated water or wastewater demands change, any such change must be reported to the Director and there must be an application for the amended service extension request unless the Director determines the change is not so substantial as to require an amendment.

(C) This subsection applies to a service extension request approved on or after April 1, 2013.

(1) Except as set forth in Paragraph (2) of this subsection, an approved service extension request expires on the latest of:

(a) 180 days after the date of its approval;

(b) for a project with a pending development application, the date the application expires; or

(c) for a project with an approved development application, the date the approval expires.

(2) For a project with a recorded plat, the service extension request does not expire for the portion of the property that was platted.

(3) If a project's intensity, proposed land uses, lot configuration, or anticipated water or wastewater demands change, any such change must be reported to the Director and there must be an application for the amended service extension request unless the Director determines the change is not so substantial as to require an amendment.

(D) Under this section, if the approval of a service extension request requires cost participation from the City under a cost participation contract approved by the council:

(1) construction of the service extension begins on the date that fiscal security is posted or money is deposited in compliance with the contract; and

(2)

the service extension request approval is extended until construction of the service extension is complete and the City accepts the mains and facilities constructed under the contract.

Source: Section 13-3-12(b), (d), and (e); Ord. 990225-70; Ord. 000406-87; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-40 - SERVICE COMMITMENT TRANSFER NOT PERMITTED.

A service commitment may not be transferred from one property to another.

Source: Ord. 000406-87; Ord. 031211-11; Ord. 20130321-065.

§ 25-9-41 - DEVELOPMENT COMPLIANCE.

Development of a project for which a service extension request is approved must comply with the terms of the approved service extension request and all City requirements pertaining to water conservation.

Source: Ord. 000406-87; Ord. 031211-11; Ord. 20090820-061.

Subpart B. - Cost Participation.

§ 25-9-61 - ELIGIBLE PROJECTS.

- (A) An entity that agrees to construct a water or wastewater main or a facility that on acceptance will become part of the City water and wastewater system may apply to the City for cost participation in a water or wastewater main or a facility if the main or facility is oversized at the request of the City to serve additional property. Cost participation is not permitted for a wastewater main or facility that provides service within the drinking water protection zone.
- (B) Under this Section cost participation will apply:
 - (1) if the improvement is a water main and has a diameter of more than 8 inches;
 - (2) if the improvement is a wastewater main and has a diameter of more than 8 inches; or
 - (3) if the improvement is a pump station, reservoir, lift station, force main or wastewater treatment plant.

Source: Section 13-3-15(b), (c), and Table 2; Ord. 990225-70; Ord. 000309-39; Ord. 000406-87; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-62 - AMOUNT OF COST PARTICIPATION.

Tables 1 and 2 below set forth the percentage of cost participation in the hard costs of an oversized water or wastewater main. The percentage of cost participation is based on the increased percentage in pipe diameter due to oversizing established under Section 25-9-64 (Request for Cost Participation). Cost participation is determined by multiplying the percentage set forth in Table 1 and Table 2 by the hard costs of an oversized line.

- (A) The following table sets forth the amount of cost participation for the hard costs associated with an oversized water main:

Table 1: Amount of Cost Participation (Water)

| Minimum Required Pipe Diameter for the Property (inches) | Percentage of Cost Participation Based on Oversized Pipe Diameter | | | | | | | |
|---|---|-----|-----|-----|-----|-----|-----|-----|
| | 8 | 12 | 16 | 24 | 30 | 36 | 42 | 48 |
| 8 | 0% | 33% | 50% | 66% | 73% | 78% | 81% | 83% |
| 12 | - | 0% | 25% | 50% | 60% | 66% | 71% | 75% |
| 16 | - | - | 0% | 33% | 47% | 56% | 62% | 66% |
| 24 | - | - | - | 0% | 20% | 33% | 43% | 50% |
| 30 | - | - | - | - | 0% | 17% | 29% | 37% |
| 36 | - | - | - | - | - | 0% | 14% | 25% |
| 42 | - | - | - | - | - | - | 0% | 12% |
| 48 | - | - | - | - | - | - | - | 0% |

(B) The following table sets forth the amount of cost participation for the hard costs associated with an oversized wastewater main:

Table 2: Amount of Cost Participation (Wastewater)

| Minimum Required Pipe Diameter for the Property (inches) | Percentage of Cost Participation Based on Oversized Pipe Diameter | | | | | | | | | |
|--|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| | 8 | 12 | 15 | 18 | 21 | 24 | 30 | 36 | 42 | 48 |
| 8 | 0% | 33% | 47% | 56% | 62% | 66% | 73% | 78% | 81% | 83% |
| 12 | - | 0% | 20% | 33% | 43% | 50% | 60% | 66% | 71% | 75% |
| 15 | - | - | 0% | 17% | 29% | 37% | 50% | 58% | 64% | 69% |
| 18 | - | - | - | 0% | 14% | 25% | 40% | 50% | 57% | 62% |
| 21 | - | - | - | - | 0% | 12% | 30% | 42% | 50% | 56% |
| 24 | - | - | - | - | - | 0% | 20% | 33% | 43% | 50% |
| 30 | - | - | - | - | - | - | 0% | 17% | 29% | 37% |
| 36 | - | - | - | - | - | - | - | 0% | 14% | 25% |
| 42 | - | - | - | - | - | - | - | - | 0% | 12% |
| 48 | - | - | - | - | - | - | - | - | - | 0% |

(C) The amount of cost participation for hard costs for pump stations, reservoirs, wastewater treatment plants, lift stations, force mains and other facilities will be calculated on the percentage of oversizing of the treatment capacity or pumping capacity.

(D) The amount of cost participation for soft costs may not exceed 15% of the hard costs calculated under subsections (A), (B) and (C) of this section.

(E) Notwithstanding the above, under no circumstance shall cost participation under this section exceed the amount authorized by council, unless council provides authorization for additional cost participation.

Source: Section 13-3-15(d); Ord. 990225-70; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-63 - REQUEST FOR COST PARTICIPATION.

During the technical review of the application, a determination by the City will be made on whether oversizing of water or wastewater mains or facilities serving additional property in the area will be necessary. If oversizing of any water or wastewater mains or facilities is necessary, the applicant will be required to submit a written request for City cost participation to the Director prior to approval of a service extension request.

Source: Section 13-3-17(a); Ord. 990225-70; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-64 - APPROVAL PROCESS FOR COST PARTICIPATION.

(A) The Director shall review each request for cost participation.

(B) The Director may recommend approval of a request for cost participation only if the Director determines that:

- (1) the property to be served is in the service area of Austin Water;
- (2) the size of each proposed main or facility complies with the planning criteria of Austin Water and final design and routing will comply with the Utilities Criteria Manual;
- (3) funds for cost participation are available from an identified source or that funds will be available to meet the proposed payment schedule; and
- (4) the proposed main or facility is an appropriate extension or addition to the water and wastewater utility system.

(C) During the technical review the Director, in consideration of a construction cost estimate provided by the applicant's engineer, will establish the terms of the cost participation. The Director will provide a recommended not-to-exceed amount for cost participation, which amount will be an estimate based on the percentages for cost participation in Section 25-9-62 (Amount of Cost Participation).

(D) The Water and Wastewater Commission shall make a recommendation on the request for cost participation.

(E) The Director shall forward the request and the Water and Wastewater Commission recommendation to the council for final action.

Source: Section 13-3-17; Ord. 990225-70; Ord. 000406-87; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-65 - COST PARTICIPATION REQUIREMENTS.

(A) An entity constructing a water or wastewater main or a facility that is eligible for cost participation may not receive a cost participation payment for the main or facility unless the entity complies with each requirement or regulation of the City, including but not limited to requirements relating to:

- (1) the public advertising of the main or facility;
- (2) the bidding on the main or facility;
- (3) a performance or payment bond for the main or facility;
- (4) posting of fiscal security as set forth in the developer agreement required by Section 25-9-67 (Agreement);
- (5) completion and acceptance; and
- (6) a warranty on the main or facility.

(B) The entity constructing the main or facility is not entitled to receive a cost participation payment until the entity submits documentation showing the entity's compliance with each requirement described by Subsection (A).

Source: Section 13-3-15(e); Ord. 990225-70; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-66 - COST PARTICIPATION PAYMENT.

(A) Desired Development Zone. For cost participation relating to an improvement associated with a service extension request in the desired development zone, the City shall pay its portion of the cost 90 days after the date the City accepts the improvement.

(B) Drinking Water Protection Zone. For cost participation relating to a water improvement associated with a water service extension request to a tract in the drinking water protection zone, the City shall pay its portion of the cost in four equal annual installments, without interest, with the first payment to be made on March 1 of the second year after the year in which the City accepts the improvement.

Source: Ord. 000406-87; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

§ 25-9-67 - AGREEMENT.

(A) An applicant for cost participation must enter into an agreement with the City before the City may make a cost participation payment.

(B) The Director shall determine the terms of the agreement.

Source: Ord. 000406-87; Ord. 031211-11; Ord. 20090820-061; Ord. 20130321-065.

Division 3. - Tap Permits.

§ 25-9-91 - TAP PERMIT REQUIRED.

A person may not connect a property to the City's water or wastewater utility system unless the person holds a tap permit issued by the director of the Water and Wastewater Utility approving the connection.

Source: Section 13-3-6(A); Ord. 990225-70; Ord. 031211-11.

§ 25-9-92 - PROPERTY REQUIRED TO BE IN UTILITY SERVICE AREA.

The director of the Water and Wastewater Utility may not issue a tap permit for property that is located outside the City's water and wastewater utility service area unless the council by ordinance waives the prohibition.

Source: Section 13-3-6(E); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-9-93 - APPLICATION FOR TAP PERMIT; FEES; CAPACITY.

(A) An applicant for a tap permit must apply to the Water and Wastewater Utility on a form approved by the director of the Water and Wastewater Utility.

(B) An application for a tap permit must include:

- (1) the name, title, address and telephone number of the applicant;
- (2) a description of the property for which the tap permit is to be issued;
- (3) documentation demonstrating that the property that is the subject of the tap permit application is:
 - (a) a legal lot under state law and local subdivision requirements; and

- (b) located in:
- (i) the City's water and wastewater impact fee service area; or
 - (ii) an area covered by an agreement for the wholesale sale of water between the City and another utility service provider that authorizes the City to issue tap permits under the agreement;
- (4) if applicable, documentation that the applicant's service extension has been approved; and
- (5) other information that the director of the Water and Wastewater Utility determines is necessary to process the application.
- (C) An application for a tap permit must be accompanied by the payment of:
- (1) the tap permit fee, connection fee, and capital recovery fee set by the council under separate ordinance; and
 - (2) other fees required to be paid at the time the director of the Water and Wastewater Utility issues the permit.
- (D) The director of the Water and Wastewater Utility may not approve an application for a tap permit if existing facilities do not have actual capacity to serve the new connection.

Source: Sections 13-3-6(B), (C), and (D), and 13-3A-8(i); Ord. 990225-70; Ord. 031211-11.

§ 25-9-94 - ACTION ON APPLICATION FOR TAP PERMIT.

- (A) On approval of an application for a tap permit, the director of the Water and Wastewater Utility shall issue a written tap permit to the applicant.
- (B) If the director of the Water and Wastewater Utility denies a tap permit, the director of the Water and Wastewater Utility must be notify the applicant of the denial in writing, stating the grounds for the denial.

Source: Section 13-3-6(F); Ord. 990225-70; Ord. 031211-11.

§ 25-9-95 - TAP PERMIT NOT TRANSFERABLE.

A water or wastewater tap permit issued under this division is issued for a specific property or service address. The permit may not be transferred to another property or service address.

Source: Section 13-3-6(G); Ord. 990225-70; Ord. 031211-11.

§ 25-9-96 - CONNECTION DELAY.

- (A) The director of the Water and Wastewater Utility may delay an applicant's connection of an exchange or septic tank cutover if the system does not have sufficient capacity for the connection.
- (B) If a connection is delayed under Subsection (A), the director of the Water and Wastewater Utility shall extend the time for connection until there is sufficient capacity.

Source: Section 13-3A-10(k); Ord. 990225-70; Ord. 031211-11.

§ 25-9-97 - EXPIRATION OF TAP PERMIT.

- (A) Except as provided in Section 25-9-96 (Connection Delay) and Subsection (B), a tap permit expires on the second anniversary of the date on which the permit is issued unless:
 - (1) the connection authorized by the permit is made before the second anniversary date; or
 - (2) on the second anniversary date the permit holder has a plumbing permit for the property or service address for which the tap permit is issued.
- (B) The director of the Water and Wastewater Utility may extend a tap permit if, before the second anniversary of the date the permit was issued, the permit holder submits a written application for the extension that demonstrates that good cause exists for the extension.
- (C) The director of the Water and Wastewater Utility may not extend a tap permit for more than 90 days beyond the second anniversary of the date the permit is issued.
- (D) Under Subsection (B), "good cause" means circumstances of financial hardship or a danger to human health or safety.

Source: Section 13-3-6(l); Ord. 990225-70; Ord. 031211-11.

§ 25-9-98 - REFUND OF TAP PERMIT FEE.

- (A) The director of the Water and Wastewater Utility may refund a tap permit fee.
- (B) To obtain a refund of a tap permit fee, a permit holder, before the expiration date of the permit, must:
 - (1) submit an application for the refund to the director of the Water and Wastewater Utility stating the grounds for the refund;
 - (2) tender the tap permit at the time the refund application is submitted;
 - (3) submit documentation of the amount of the tap permit fee and the payment of the fee;
 - (4) submit other information the director of Water and Wastewater Utility considers necessary to process the application; and

- (5) tender a canceled building permit if a building permit was issued.

Source: Section 13-3-6(J); Ord. 990225-70; Ord. 031211-11.

§ 25-9-99 - TEMPORARY TAP PERMITS FOR A CITY-SUPPORTED COMMUNITY GARDEN.

- (A) In this section, city-supported community garden and garden permit have the meanings assigned by Section 14-7-1 (Definitions).
- (B) A tap permit issued for a city-supported community garden is a temporary permit. A tap permit issued for a city-supported community garden remains valid only while the garden permit is valid.
- (C) If the garden permit terminates and the parcel of land is no longer exempt under Section 25-4-3 (Temporary Exemption From Platting Requirements), the Water and Wastewater Utility shall remove the tap from the city-supported community garden.
- (D) If the garden permit terminates and the parcel of land is a legal lot, the Water and Wastewater Utility shall remove the tap from the city-supported community garden unless:
 - (1) the owner or the user of the legal lot submits an application for a tap; and
 - (2) the director of the Water and Wastewater Utility approves a tap permit.
- (E) An applicant under Subsection (D) must pay the fees for each tap for which an application is submitted, including any impact fee.

Source: Section 13-3-6(L); Ord. 990225-70; Ord. 031211-11; Ord. 20110210-018.

ARTICLE 2. - WATER DISTRICTS.

Division 1. - General Provisions.

§ 25-9-131 - APPLICABILITY.

This article applies to:

- (1) the creation of a water district in the planning jurisdiction of the City;
- (2) the request by an existing water district to annex or include territory in a water district;
- (3) an amendment to a water district consent document or an agreement with a water district; and
- (4) a water district bond issuance.

Source: Sections 13-1-320, 13-4-1 and 13-4-7; Ord. 990225-70; Ord. 031211-11.

§ 25-9-132 - DEFINITIONS.

In this article:

- (1) LAND USE PLAN means a map showing proposed and existing land uses in a water district.
- (2) MUNICIPAL UTILITY DISTRICT means a water district created and operating under the authority of:
 - (a) Section 59, Article XVI, Texas Constitution; and
 - (b) Chapters 49, 50 and 54, Texas Water Code.
- (3) PETITION means the written request to the city for consent to the creation of or annexation to a water district required by the Texas Water Code and any document required by City rules.
- (4) WATER DISTRICT means a district or authority, including a municipal utility district and a water control and improvement district, that is created under:
 - (a) Section 52, Article III, Texas Constitution, or Section 59, Article XVI, Texas Constitution; and
 - (b) Title 4, Texas Water Code.

Source: Sections 13-1-321 and 13-4-2; Ord. 990225-70; Ord. 031211-11.

§ 25-9-133 - MINIMUM LAND REQUIREMENTS; ECONOMIC VIABILITY.

- (A) A water district may not contain less than 100 acres of territory.
- (B) A water district must contain an amount of territory sufficient to assure the economic viability of the water district.
- (C) An applicant seeking consent to the creation of a water district or to include territory in an existing water district must submit information to demonstrate the economic viability of the proposed or existing water district.

Source: Section 13-4-3(a) and (c); Ord. 990225-70; Ord. 031211-11.

§ 25-9-134 - CREATION OF WATER DISTRICT INSIDE CITY.

- (A) A water district may be created inside the municipal limits of the City only if:
 - (1) the written consent of the City is obtained;
 - (2) creation of the water district complies with this article.
- (B) Territory located inside the full purpose municipal boundary of the City may be included in a proposed water district only if:
 - (1) the territory is 1,000 feet or less from a major thoroughfare; and
 - (2) the area of the territory does not exceed five percent of the total amount of territory in the proposed water district.

Source: Sections 13-4-3(b) and 13-4-10; Ord. 990225-70; Ord. 031211-11.

Division 2. - Procedure for Creation.

§ 25-9-151 - REVIEW OF A PETITION.

- (A) The City shall review a petition filed with the City for the City's consent to:
 - (1) the creation of a water district; or
 - (2) the annexation of territory to a water district.
- (B) The review by the City of the petition must comply with this division.

Source: Sections 13-1-325 and 13-1-331; Ord. 990225-70; Ord. 031211-11.

§ 25-9-152 - PREAPPLICATION REVIEW.

- (A) A person who intends to file a petition for the creation of a water district may discuss the proposed water district in a preapplication review with City employees before the petition is filed.
- (B) To request a preapplication review, a person must notify the city manager of the person's intent to file a petition in writing at least 30 days before the date the person files the petition with the City.

Source: Section 13-1-326; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-153 - PETITION FILED; NOTICE OF PETITION.

- (A) A petition for the creation of a water district must be filed with the city manager.
- (B) The city manager shall give notice under Section 25-1-133(A) (Notice Of Applications And Administrative Decisions) of a petition filed under this section.

Source: Section 13-1-327; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-154 - DESIGNATION AS CITY SERVICE OR NON-CITY SERVICE DISTRICT.

On the filing of a request for the consent of the City to the creation of a municipal utility district, the city manager shall designate the proposed district as a city service district or a non-city service district.

Source: Section 13-4-4; Ord. 990225-70; Ord. 031211-11.

§ 25-9-155 - REVIEW OF PETITION BY CITY EMPLOYEES.

- (A) Employees of the appropriate City departments shall:
 - (1) review the petition; and
 - (2) prepare a report on the petition.
- (B) A report prepared under Subsection (A) may include appropriate recommendations.
- (C) The city manager shall send a copy of each report prepared under Subsection (A) to:
 - (1) the city clerk;
 - (2) the person who filed the petition;
 - (3) each department that participated in the review; and
 - (4) each member of the:
 - (a) Water and Wastewater Commission;
 - (b) Planning Commission;
 - (c) Environmental Board;
 - (d) Parks and Recreation Board; and

- (e) Urban Transportation Commission.

Source: Section 13-1-327; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-156 - REVIEW BY CERTAIN BOARDS AND COMMISSIONS.

Each board and commission identified in Section 25-9-155(C)(5) (Review Of Petition By City Employees) shall review the petition and prepare a recommendation on the petition.

Source: Section 13-1-328; Ord. 990225-70; Ord. 031211-11.

§ 25-9-157 - DISTRIBUTION OF REPORTS.

- (A) The city manager shall:

- (1) compile the City department reports and board and commission recommendations into one volume; and
- (2) send a copy of the compilation to:
 - (a) each member of the council;
 - (b) the city clerk;
 - (c) the city attorney;
 - (d) each department that reviewed the petition; and
 - (e) the person who filed the petition.

- (B) The copy of the compilation sent to the city clerk is available for public inspection.

Source: Section 13-1-328; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-158 - PUBLIC HEARING BEFORE CITY COUNCIL.

- (A) The council shall set and hold a public hearing on the petition before the expiration of the period established by state law.
- (B) A public hearing required by Subsection (A) must be held during a regularly scheduled council meeting.

Source: Section 13-1-329(a); Ord. 990225-70; Ord. 031211-11.

§ 25-9-159 - INITIAL ACTION BY CITY COUNCIL.

- (A) After the conclusion of the public hearing required by Section 25-9-158 (Public Hearing Before City Council) and before the expiration of the period state law establishes for review of the petition, the council by resolution may:
 - (1) deny consent to the creation of the water district; or
 - (2) grant initial consent to creation of the water district, specifying each condition necessary for final consent.
- (B) If the council grants initial consent to the creation of a water district, the council shall instruct the city attorney to prepare the documents required for final consent by the council, including a consent ordinance and required agreements.
- (C) The city attorney shall:
 - (1) draft the required documents; and
 - (2) before the time the council is scheduled to grant final consent, send a copy of the documents to the:
 - (a) Council;
 - (b) city clerk; and
 - (c) person who filed the petition.

Source: Section 13-1-329(b) and (c); Ord. 990225-70; Ord. 031211-11.

§ 25-9-160 - COPIES OF LAND USE PLAN REQUIRED.

- (A) Before the 15th day after the date the council grants final consent to the creation of a water district, the person who filed the petition for creation shall provide to the city manager 26 copies of the land use plan approved by the council.
- (B) Each copy of the approved land use plan must state on its face the date that the council approved the land use plan. One copy of the approved land use plan must be on mylar and capable of being reproduced.

Source: Section 13-1-330; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-161 - COUNCIL ACTION ON ANNEXATION PETITION.

The council shall act on a petition for consent to the annexation of territory by a water district before the 91st day after the date the petition is filed, except as may be otherwise required by state law.

Source: Section 13-1-331; Ord. 990225-70; Ord. 031211-11.

§ 25-9-162 - REQUEST FOR UTILITY SERVICE AFTER CITY CONSENT DENIED.

- (A) If the council does not grant consent to the creation of or annexation of territory to a water district, the person who filed the creation or annexation petition may request the City to provide the water or wastewater service that the water district proposed to provide.
- (B) A request under Subsection (A) must be filed with the city manager.
- (C) The City and the person filing the request shall enter into a negotiation to agree to terms of a contract under which the City shall provide the requested water or wastewater service.
- (D) A contract negotiated under Subsection (C) must be reviewed by the Water and Wastewater Commission and the Planning Commission. Each commission shall make a recommendation on the proposed contract to the council.
- (E) The council shall act on the proposed contract before the 121st day after the date the request for City service is filed.

Source: Section 13-1-332; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-163 - SUBDIVISION APPROVAL.

The Land Use Commission may not approve a preliminary plan or final plat of subdivision in a water district that does not comply with a resolution or ordinance adopted in connection with the consent by the City to the creation of the water district or an agreement entered into in connection with the consent of the City to the creation of the water district.

Source: Section 13-4-5(c)(4); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-9-164 - CONSTRUCTION OF ARTICLE.

- (A) To the extent of conflict between this division and another regulation of the Code, the other Code regulation prevails.
- (B) This article does not exempt any development located in the territory of a water district or undertaken on behalf of a water district from any applicable provision of this Code.

Source: Section 13-4-11; Ord. 990225-70; Ord. 031211-11.

Division 3. - Conditions and Restrictions on Consent to Creation of Water District.

§ 25-9-191 - GENERAL PROVISIONS.

- (A) The council may impose a condition or restriction on a water district in connection with the consent of the City to the creation of a water district in accordance with this division and applicable state law.
- (B) A condition or restriction imposed in connection with the consent of the City to the creation of a water district must be included in a resolution, agreement, or ordinance that pertains to the water district.

Source: Section 13-4-5(a) and (b); Ord. 990225-70; Ord. 031211-11.

§ 25-9-192 - CONDITIONS AND RESTRICTIONS GENERALLY.

- (A) This section applies to each water district.
- (B) The plans and specifications for a facility to be financed or constructed by or on behalf of a water district must be approved by the City before construction begins. Fees may be charged for the review and approval of the plans and specifications. The facility must be constructed in accordance with the approved plans and specifications.
- (C) The City may inspect the construction of a facility financed or constructed by or on behalf of a water district as determined necessary by the City to ensure compliance with the approved plans and specifications and any applicable requirement. The City may charge a fee for an inspection.
- (D) A water district shall prepare and file with the city manager:
 - (1) a certified copy of each annual audit of the water district; and
 - (2) an annual report describing the status of construction by or on behalf of the water district.
- (E) A water district may not provide any service outside the boundary of the water district without the approval of the City.
- (F) A water district may not annex territory to or exclude territory from the water district without the approval of council.
- (G) All territory and each easement for a water district facility must be dedicated to the public, the water district, and each successor of the water district.

Source: Section 13-4-5(c)(1) to (3) and (5) to (7); Ord. 990225-70; Ord. 031211-11.

§ 25-9-193 - CONDITIONS AND RESTRICTIONS APPLICABLE TO A CITY SERVICE WATER DISTRICT.

- (A) This section applies to a city service water district.
- (B) If a water district receives or will receive water or wastewater service from the City, the water district shall adopt and enforce as a water district rule Chapter 6-4 (Water Conservation Regulations), Chapter 15-10 (Wastewater Regulations), and Chapter 25-12, Article 6 (Plumbing Code).
- (C) A city service district may not support or encourage:
 - (1) an attempt to incorporate a municipality in the district; or
 - (2) an attempt by a municipality other than the City to annex territory in the district.
- (D) A wastewater treatment plant constructed by or on behalf of a city service water district must irrigate plant effluent, if the plant would otherwise discharge:
 - (1) over the Edwards Aquifer recharge zone; or
 - (2) in the Barton Creek watershed.
- (E) A city service water district shall concurrently submit to the city manager a certified copy of each document the water district submits to the Texas Natural Resource Conservation Commission or another agency of the state.

Source: Section 13-4-5(d); Ord. 990225-70; Ord. 031211-11.

§ 25-9-194 - BOND-RELATED PROVISIONS.

- (A) The following provisions must be included in a water district consent agreement.
 - (1) A water district must pledge the revenue and ad valorem taxes of the water district to the payment of the principal of and interest on all bonds issued by the district.
 - (2) A bond may be issued by a water district only for a purpose authorized by state law.
 - (3) A bond issued by a water district for one purpose may not be used for another purpose.
 - (4) The City, to insure the economic vitality of a water district and to the extent authorized by the laws of this state, may limit the amount of bonds the water district may issue.
 - (5) To insure compliance by a water district with each applicable condition or restriction imposed in connection with the consent of the City to the creation of the water district, the council is entitled to approve the issuance or sale of a water district bond before the water district issues a bid invitation for the bond. If the water district is not in compliance with each applicable condition:
 - (a) the council may not approve the issuance or sale of the bond; and
 - (b) the water district may not issue or sell the bond.
 - (6) Each bond issued by a water district must include a call provision that permits the water district to redeem the bond at par.
 - (7) A water district may not spend the proceeds of a bond or incur any indebtedness for the purpose of providing service to territory outside the boundary of the water district without the approval of the Council.
 - (8) The net effective interest rate of a bond issued by a water district may not exceed 102 percent of the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one month period preceding the date that notice of sale is given.
- (B) In consenting to the creation of a water district, the City may impose an additional condition or restriction on the terms, provisions, or sale of a bond or note of the water district. A condition or restriction imposed under this subsection may not cause the bond or note to be unmarketable.

Source: Section 13-4-6; Ord. 990225-70; Ord. 031211-11.

§ 25-9-195 - UTILITY RATES IN A MUNICIPAL UTILITY DISTRICT.

- (A) The consent of the City to the creation of a municipal utility district shall be conditioned on a contract between the City and the municipal utility district. The contract must:
 - (1) include adequate detail as required by the laws of this state; and
 - (2) provide that at the time the City annexes the territory of the municipal utility district, water and wastewater rates established for property in the municipal utility district shall be sufficient to fully compensate the City for assuming the indebtedness of the municipal utility district after the municipal utility district is dissolved.
- (B) A water or wastewater rate established under a contract required by Subsection (A) shall be based on the water or wastewater rate established for other customers in the boundary of the City and shall include a component based on the monthly debt retirement payment assumed by the City. A water or wastewater rate may be recalculated as provided in the contract.
- (C) A water or wastewater rate established under a contract required by Subsection (A) must remain in effect until:
 - (1) the bonded indebtedness of the water district is fully retired; and
 - (2) the City is fully compensated, regardless of whether a bond of the water district is called.
- (D) The written consent of the City to the creation of a municipal utility district shall specify the date by which at least 90 percent of the water, wastewater, drainage, and road improvements for which bonds of the municipal utility district are issued must be installed or completed.

Source: Section 13-4-8; Ord. 990225-70; Ord. 031211-11.

§ 25-9-196 - ANNEXATION BY CITY OF WATER DISTRICT TERRITORY.

- (A) The consent of the City to the creation of a water district may include a provision relating to the timing and conditions of annexation by the City, for full or limited purposes, of the territory in the water district.
- (B) The consent of the City to the creation of a municipal utility district may provide that the City and the municipal utility district shall enter into an allocation agreement relating to annexation by the City of the territory in the municipal utility district. An allocation agreement entered into under this subsection:
 - (1) must be in compliance with the applicable law of this state; and
 - (2) may include a term or condition that is determined by the City to be necessary.
- (C) On annexation of the territory in a water district, the City may:
 - (1) permit the water district to continue to exist in accordance with the laws of the state;
 - (2) dissolve the water district in accordance with the laws of the state; or
 - (3) permit the water district to continue to exist in accordance with an allocation agreement entered into in compliance with the laws of the state.

Source: Section 13-4-9; Ord. 990225-70; Ord. 031211-11.

Division 4. - Out-of-district Service.

§ 25-9-221 - APPLICATIONS NOT COVERED BY THIS DIVISION.

- (A) This division does not apply to an application requesting that a water district provide water or wastewater utility service to a site outside of the boundaries of the water district if the site proposed to be served by the water district:
 - (1) is located in the service area of the Water and Wastewater Utility;
 - (2) is separated geographically from City water or wastewater facilities by the water district; and
 - (3) can be served by a facility:
 - (a) financed by contract bonds; and
 - (b) located in or immediately adjacent to the water district.
- (B) A person requesting service described in Subsection (A) must apply under Article 1, Division 2 (Extension of Service).

Source: Section 13-1-360(b); Ord. 990225-70; Ord. 031211-11.

§ 25-9-222 - APPLICATION FOR OUT-OF-DISTRICT SERVICE.

- (A) An application requesting that a water district provide water or wastewater utility service to a site outside of the boundary of the water district must be filed with the city manager by the person receiving the service.
- (B) An application filed under this division includes each document required by City rules.

Source: Sections 13-1-360(a) and 13-1-362; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-223 - NOTICE OF APPLICATION.

On receipt of an application filed under this division, the city manager shall notify the:

- (1) Council;
- (2) City clerk; and
- (3) presiding officer of the Planning Commission.

Source: Section 13-1-362; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-224 - BOARD AND COMMISSION REVIEW; COUNCIL ACTION.

- (A) This section does not apply to an application filed under this division that meets the criteria established in Section 25-9-225(A) (Administrative Approval Of Out-Of-District Service Application).
- (B) The city manager shall submit an application filed under this division to each of the following boards and commissions determined by the city manager to have an interest in the application:
 - (1) Parks and Recreation Board;
 - (2) Urban Transportation Commission;
 - (3) Water and Wastewater Commission; or

- (4) Environmental Board.
- (C) The city manager shall submit an application filed under this division to the Planning Commission.
- (D) Each department, board, or commission that reviews an application filed under this division shall send its recommendation on the application to the council not later than the 60th day after the date the application is filed with the city manager.
- (E) The council shall act on an application filed under this division not later than the date of the second regular Thursday meeting of the council that is to be held after the date that the council receives the final recommendations required by Subsection (D).

Source: Section 13-1-362; Ord. 990225-70; Ord. 000309-39; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-225 - ADMINISTRATIVE APPROVAL OF AN OUT-OF-DISTRICT SERVICE APPLICATION.

- (A) The director of the Transportation, Planning, and Sustainability Department may approve an application filed under this division if:
 - (1) the site that is to receive the proposed water or wastewater service is not:
 - (a) in or proposed to be brought into the service area of the Water and Wastewater Utility;
 - (b) in an area:
 - (i) that could be served by a facility for which the issuance of a water or wastewater bond by the City or water district has been authorized; or
 - (ii) in which the City or a water district has called an election on the issuance of a water or wastewater bond; or
 - (c) in a water district or the certificated service area of a private utility approved by the Texas Natural Resources Conservation Commission unless the water district or private utility has released the site; and
 - (2) the water district proposing to provide the water or wastewater service is not connected or proposed to be connected to:
 - (a) the water or wastewater system of the City; or
 - (b) a water or wastewater facility to which the City has made a capital contribution.
- (B) An applicant requesting administrative approval of an application filed under this division must submit:
 - (1) documentation demonstrating that the proposed water or wastewater service complies with Subsection (A); and
 - (2) 10 copies of each document required by City rules to accompany the application.
- (C) The director of the Transportation, Planning, and Sustainability Department must approve or deny an application filed under this division before the 15th day after the date the application is filed.

Source: Section 13-1-364; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-226 - EMERGENCY OUT-OF-DISTRICT SERVICE.

- (A) To prevent or alleviate a danger to the public health and safety, the city manager may approve a request that a water district provide water or wastewater utility service to a site outside of the boundary of the water district.
- (B) The council shall review a request made under Subsection (A) during the first regular Thursday meeting of the council that is held after the city manager approves the request.

Source: Section 13-1-365; Ord. 990225-70; Ord. 031211-11.

Division 5. - Amendment to a Consent Document or an Agreement with a Water District.

§ 25-9-251 - APPLICATION FOR AMENDMENT OF AGREEMENT.

- (A) An application to amend a consent document or an agreement between a water district and the City must be filed with the city manager by a party to the document or agreement or a successor in interest to that party.
- (B) An application filed under this section includes each document required by City rules.

Source: Sections 13-1-360(a) and 13-1-362; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-252 - NOTICE OF APPLICATION.

- (A) On receipt of an application filed under this division, the city manager shall notify the:
 - (1) Council;
 - (2) city clerk; and
 - (3) presiding officer of the Planning Commission.
- (B) If the application filed under this division requests a revision of a land use plan, the city manager shall give notice of the application under Section 25-1-133(A) (Notice Of Applications And Administrative Decisions).

Source: Sections 13-1-361 and 13-1-362; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-253 - BOARD AND COMMISSION REVIEW; COUNCIL ACTION.

- (A) This section does not apply to an application for a revision to a land use plan that meets the criteria established in Section 25-9-254(A) (*Administrative Approval Of A Revision To A Land Use Plan*).
- (B) The city manager shall submit an application filed under this division to the Planning Commission.
- (C) The city manager shall submit an application filed under this division to each of the following boards and commissions determined by the city manager to have an interest in the application:
 - (1) Parks and Recreation Board;
 - (2) Urban Transportation Commission;
 - (3) Water and Wastewater Commission; or
 - (4) Environmental Board.
- (D) Each department, board, or commission that reviews an application filed under this division shall send its recommendation on the application to the council not later than the 60th day after the date the application is filed with the city manager.
- (E) The council shall act on an application filed under this division not later than the date of the second regular Thursday meeting of the council that is to be held after the date that the council receives the final recommendations required by Subsection (D).

Source: Section 13-1-362; Ord. 990225-70; Ord. 000309-39; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-254 - ADMINISTRATIVE APPROVAL OF A REVISION TO A LAND USE PLAN.

- (A) The city manager shall approve a revision to an approved land use plan if the proposed revision:
 - (1) includes only land uses shown on the approved land use plan, unless the city manager determines that a proposed use would be a permitted use in the most restrictive zoning district of the City that would permit the use on the site covered by the revision; and
 - (2) will not:
 - (a) increase residential density above the maximum residential density established by the approved land use plan;
 - (b) increase the area of nonresidential land use above the maximum established by the approved land use plan;
 - (c) increase development intensity in a water quality zone above the intensity shown on the approved land use plan;
 - (d) increase the City's commitment for water and wastewater service above the level required to serve the uses identified on the approved land use plan or the level established in an agreement with the City;
 - (e) require an amendment to the Transportation Plan or result in the misalignment of a road connecting to land adjacent to land in an approved preliminary plan or final plat; or
 - (f) in the opinion of the city manager:
 - (i) increase traffic above the capacity of existing or funded roadways in the territory of the water district;
 - (ii) be incompatible with land uses in or adjacent to the water district; or
 - (iii) negatively affect a publicly dedicated parkland or a greenbelt area.
- (B) Under Subsection (A)(2)(b), land that is dedicated or used for a public purpose or a civic use is considered to be a residential land use.

Source: Section 13-1-363(a); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-255 - CONTENTS OF APPLICATION FOR REVISION OF LAND USE PLAN.

An applicant requesting administrative approval of a revision of a land use plan must submit:

- (1) documentation demonstrating that the proposed revision complies with Section 25-9-254(A) (*Administrative Approval of a Revision to a Land Use Plan*);
- (2) a tabular comparison of the approved and proposed land use plan comparing:
 - (a) each utility requirement as described in the relevant consent agreement;
 - (b) land uses by acreage;
 - (c) the number of dwelling units by residential category; and
 - (d) residential density in each residential category; and
- (3) 15 folded copies of the proposed land use plan.

Source: Section 13-1-363(b); Ord. 990225-70; Ord. 031211-11.

§ 25-9-256 - ADMINISTRATIVE ACTION ON APPLICATION TO REVISE APPROVED LAND USE PLAN.

- (A) The city manager must approve or deny a revision to an approved land use plan before the 15th day after the date the application was filed.
- (B) On approval of a revision to an approved land use plan, the person who applied for approval of the revision shall submit a copy of the revised land use plan to the city manager. The copy must be on mylar and capable of being reproduced.
- (C) The effective date of a revised land use plan approved under this section is the date that the plan is signed by the city manager.

Source: Section 13-1-363 (c); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

Division 6. - Water District Bond Issuance.

§ 25-9-281 - APPLICABILITY.

This division applies to a water district created with the consent of the City after March 20, 1980, that issued bonds after December 19, 1985.

Source: Section 13-1-372; Ord. 990225-70; Ord. 031211-11.

§ 25-9-282 - CITY APPROVAL REQUIRED.

A water district may not issue a bond unless the council approves the issuance of the bond.

Source: Section 13-1-370; Ord. 990225-70; Ord. 031211-11.

§ 25-9-283 - APPLICATION FOR APPROVAL OF A DISTRICT BOND.

A water district that proposes to issue bonds must file an application for approval of the issuance with the city manager. An application filed under this section includes all documents required by City rules.

Source: Section 13-1-370; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-284 - NOTICE OF APPLICATION.

On receipt of an application filed under Section 25-9-283 (*Application For Approval of a District Bond*) the city manager shall:

- (1) notify the council and the presiding officer of the Water and Wastewater Commission of the application; and
- (2) send one copy of the application to the presiding officer of the Water and Wastewater Commission.

Source: Section 13-1-371; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-9-285 - DEPARTMENT AND COMMISSION REVIEW.

- (A) The city manager shall designate departments of the City to review the application.
- (B) Each designated department shall complete its review of the application not later than the 45th day after the date the application is filed.

Source: Section 13-1-371; Ord. 990225-70; Ord. 031211-11.

§ 25-9-286 - AUDITOR REVIEW; RELEASE OF OFFICIAL STATEMENT.

- (A) An independent certified public auditor shall review the preliminary and final official statements of the water district that include the City's financial statements and audited opinion.
- (B) Until the independent certified public auditor completes the required review, an official statement described in Subsection (A) may not be disclosed to a person, other than:
 - (1) an employee of the City; or
 - (2) a consultant who is assisting the water district to structure the issuance of a water district bond.

Source: Section 13-1-371; Ord. 990225-70; Ord. 031211-11; Ord. No. 20240215-034, Pt. 11, 2-26-24.

§ 25-9-287 - ACTION ON APPLICATION BY CITY COUNCIL.

The council shall act on an application filed under this division not later than the date of the second regular Thursday meeting of the council held after the date the council receives the recommendations of the Water and Wastewater Commission and each designated department of the City.

Source: Section 13-1-371; Ord. 990225-70; Ord. 031211-11.

ARTICLE 3. - WATER AND WASTEWATER CAPITAL RECOVERY FEES

Division 1. - General Provisions.

§ 25-9-311 - APPLICABILITY.

- (A) Except as provided by this section, this article applies to new development in the water and wastewater impact fee service area.
- (B) The impact fee applicable to new development outside the water and wastewater impact fee service area shall be set by agreement. The agreement may provide the amount of the fee, the method of collection of the fee, and other terms and conditions.
- (C) A contract for water or wastewater service to a wholesale customer or other political subdivision of the State of Texas shall provide for collection of impact fees and transmittal of collections to the City in accordance with this article.
- (D) This article does not supersede a contract with a political subdivision or wholesale customer that was in effect on June 18, 1990, and which provides for the collection of impact fees and the transmittal of collections to the City.

Source: Section 13-3A-1(b) and 13-3A-20; Ord. 990225-70; Ord. 031211-11.

§ 25-9-312 - DEFINITIONS.

- (A) Except as provided in this section, words and phrases in this article that are defined in Chapter 395 of the Local Government Code have the same meaning in this article that they have in Chapter 395.
- (B) In this article:
 - (1) CITY-SUPPORTED COMMUNITY GARDEN has the meaning assigned by Section 14-7-1 (Definitions).
 - (2) NEW DEVELOPMENT means the subdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units for water or wastewater service, and includes the sale of water or wastewater taps resulting from the conversion of an individual well, or of an individual waste disposal system, to the City's water or wastewater utility.
 - (3) TAP PERMIT means a permit for a connection to the City's water or wastewater system under Article 1, Division 3 (Tap Permits).
 - (4) WASTEWATER IMPACT FEE means an impact fee for wastewater service.
 - (5) WATER AND WASTEWATER IMPACT FEE SERVICE AREA means the water and wastewater impact fee service area designated by separate ordinance.
 - (6) WATER IMPACT FEE means an impact fee for water supply service.
 - (7) WHOLESALE CUSTOMER means a customer of the City's water and wastewater utility who purchases service for resale to a retail customer.

Source: Section 13-3A-1(f); Ord. 990225-70; Ord. 031211-11; Ord. 20110210-018.

§ 25-9-313 - ADOPTIONS BY REFERENCE.

- (A) The following are adopted and incorporated by reference:
 - (1) Impact Fee Land Use Assumptions;
 - (2) the designation of the water and wastewater impact fee service area; and
 - (3) Impact Fee Capital Improvements Plan for Water and Wastewater Facilities.
- (B) Documents adopted by reference shall be kept on file by the city clerk.

Source: Sections 13-3A-2, 13-3A-3, and 13-3A-4; Ord. 990225-70; Ord. 031211-11.

§ 25-9-314 - ACCOUNTS.

- (A) The director of the Financial and Administrative Services Department shall establish accounting controls to ensure compliance with Section 395.024 of the Local Government Code.
- (B) The director of the Financial and Administrative Services Department shall establish separate interest-bearing accounts for impact fees collected for water facilities and for impact fees collected for wastewater facilities.
- (C) Funds may be disbursed as reasonably necessary to carry out the purposes of this article; provided that a fee shall be expended within a reasonable period of time, not to exceed 10 years, from the date the fee is deposited into the account.
- (D) The director of the Financial and Administrative Services Department shall maintain records for each account that:
 - (1) show the source and disbursement of fees;
 - (2) the number of service units for which fees are received; and
 - (3) ensure that refunds from each account are properly made.

Source: Section 13-3A-12; Ord. 990225-70; Ord. 031211-11.

Division 2. - Fee Established.

§ 25-9-321 - ASSESSMENT AND COLLECTION OF IMPACT FEES AUTHORIZED.

- (A) This article levies a water impact fee and a wastewater impact fee to be assessed and collected in accordance with Chapter 395 of the Local Government Code.
- (B) The director of the Water and Wastewater Utility shall collect the water impact fee and the wastewater impact fee on new development in accordance with Chapter 395 of the Local Government Code and this article.

Source: Section 13-3A-7(a); Ord. 990225-70; Ord. 031211-11.

§ 25-9-322 - ASSESSMENT.

- (A) This section applies to the assessment of the water impact fee and the wastewater impact fee.
- (B) This article assesses an impact fee on new development at the time of final plat approval.
- (C) If an applicant obtains a final approval for replatting, this article assesses an impact fee at the time of the replatting.
- (D) For a development which received final plat approval before June 18, 1990, and which is not replatted, this article assesses an impact fee as of June 20, 1990.
- (E) An application for an amended plat made under Local Government Code Section 212.016 or the City's subdivision rules is not subject to a reassessment of the impact fee.

Source: Section 13-3A-7 and 13-3A-1(e); Ord. 990225-70; Ord. 031211-11.

§ 25-9-323 - AMOUNT OF FEE.

The amount of the impact fee to be assessed for each service unit and the amount of the impact fee to be collected for each service unit shall be set by ordinance.

Source: Section 13-3A-6(c); Ord. 990225-70; Ord. 031211-11.

§ 25-9-324 - COMPUTATION OF IMPACT FEES TO BE COLLECTED.

- (A) The impact fees to be collected for new development are calculated by:
 - (1) adding the number of service units attributable to all meters purchased for the development;
 - (2) multiplying the total number of service units by the fee to be collected for each service unit for water or wastewater service; and
 - (3) subtracting any applicable credits or discounts allowable under this article for water or wastewater service from the product derived under Subsection (A)(2).
- (B) If the property owner increases the number of service units for a development, the additional impact fees to be collected for the new service units shall be determined using the method set out in this section, and the fees and credits or discounts in effect at the time the additional meters are purchased. The additional fee shall be collected at the time the additional meters are purchased.
- (C) If the property owner decreases the number of service units for a development, the property owner is entitled to a refund of the impact fee for the amounts represented by the decrease in service units based on the fee to be collected for each service unit and credits or discounts in effect at the time the fee was paid.

Source: Section 13-3A-8(b), (d) and (e); Ord. 990225-70; Ord. 031211-11.

§ 25-9-325 - COLLECTION OF FEE.

- (A) Except as provided by Section 25-9-326 (Installment Payment Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new development shall be collected:
 - (1) at the time the City issues a building permit; or
 - (2) for land platted outside the corporate boundaries of the City, at the time an application for a tap permit is filed.
- (B) A tap permit may not be issued unless the applicant has paid the impact fee.

Source: Section 13-3A-8(a) and 13-3A-9(a) - (c); Ord. 990225-70; Ord. 030731-54; Ord. 031211-11.

§ 25-9-326 - INSTALLMENT PAYMENT OF IMPACT FEE.

- (A) The director of the Water and Wastewater Utility may allow an applicant to make installment payments of an impact fee in accordance with this section.
- (B) The applicant must make written application for approval to make payment of an impact fee on an installment basis on a form promulgated for this purpose by the director of the Water and Wastewater Utility.

- (C) The applicant must be:
- (1) the owner of a single family residence occupied by the applicant as a homestead; or
 - (2) a community garden that is not a qualified community garden.
- (D) The applicant must demonstrate that the payment of the full amount of the impact fee at the time the tap permit is approved will cause the applicant undue financial hardship in accordance with standards promulgated by the director of the Water and Wastewater Utility.
- (E) The property for which connection is sought:
- (1) may not be used for a commercial or industrial purpose;
 - (2) must be within the City's impact fee service area; and
 - (3) must be a legal lot in compliance with applicable state law and local subdivision requirements.
- (F) An applicant who is eligible under this section to pay an impact fee on an installment basis shall:
- (1) pay a minimum of 10 percent of the applicable impact fee and all connection fees at the time the tap permit is approved; and
 - (2) execute an installment payment agreement on a form promulgated by the director of the Water and Wastewater Utility and approved by the city attorney which must contain, at a minimum, the following provisions:
 - (a) the written promise of the applicant to pay the balance of the impact fee owed in equal annual installments over a payment term not to exceed five years at an interest rate of seven percent with each installment due and payable on the anniversary date of the approval of the tap permit until paid;
 - (b) terms and conditions as the city attorney shall deem favorable, necessary, or required to enforce the agreement in the event of a default, including the right to accelerate the balance due under the contract and require immediate payment of the full remaining balance, to disconnect service upon default, to file a utility lien against the property and enforce the terms of the lien according to law, to file suit to collect the remaining balance together with interest and reasonable attorney's fees; and
 - (c) other provisions the city attorney considers necessary to document the transaction, protect the interests of the City, and comply with applicable law.

Source: Section 13-3A-9(d) - (f); Ord. 990225-70; Ord. 031211-11.

Division 3. - Determination of Service Units.

§ 25-9-331 - SERVICE UNITS WHERE A METER IS PURCHASED.

- (A) This section applies to the determination of service units for both water and wastewater service.
- (B) Service units shall be determined by the size and type of the water meter purchased according to the following schedule:

| Meter Size (Inch) | Type | Service Units |
|-------------------|----------|---------------|
| 5/8 | Simple | 1 |
| 3/4 | Simple | 1.5 |
| 1 | Simple | 2.5 |
| 1 1/2 | Simple | 5 |
| 2 | Simple | 8 |
| 2 | Compound | 8 |
| 2 | Turbine | 10 |
| 3 | Compound | 16 |
| 3 | Turbine | 24 |
| 4 | Compound | 25 |
| 4 | Turbine | 42 |

| | | |
|----|----------|-----|
| 6 | Compound | 50 |
| 8 | Compound | 80 |
| 6 | Turbine | 92 |
| 10 | Compound | 115 |
| 8 | Turbine | 160 |
| 10 | Turbine | 250 |
| 12 | Turbine | 330 |

Source: Section 13-3A-5(a) and (b); Ord. 990225-70; Ord. 031211-11.

§ 25-9-332 - NO METER OR NONSTANDARD METER.

- (A) If a water meter is not purchased for a connection, service units shall be determined by a professional engineer licensed in the State of Texas subject to the approval of the director of the Water and Wastewater Utility.
- (B) If a water meter falls between two meter sizes set forth in [Section 25-9-331](#) (Service Units Where A Meter Is Purchased), the calculation shall be made for the next larger size.

Source: Section 13-3A-5(e) and (f); Ord. 990225-70; Ord. 031211-11.

§ 25-9-333 - PRESSURE ANOMALIES.

If a larger or smaller meter is required solely due to abnormally low or high pressure in the City's main, the director of the Water and Wastewater Utility or his designee may adjust the number of service units to reflect more accurately the flow rate and system pressure conditions.

Source: Section 13-3A-5(c); Ord. 990225-70; Ord. 031211-11.

§ 25-9-334 - FIRE DEMAND METERS.

- (A) No service units shall be attributed to a tap that provides only fire protection capacity.
- (B) If a fire demand meter composed of a combination of independent units in separate housings monitoring both fire and domestic use is purchased, the number of service units shall be determined according to the largest independent unit for the fire demand meter that provides only domestic service to the property. For purposes of this section, only a simple or compound meter shall be used to calculate the number of service units.
- (C) If the fire protection capacity of the fire demand meter is routinely used for domestic purposes, as evidenced by the registration of consumption recorded on the City's meter-reading and billing systems, the owner of the property shall pay the current fee for the fire protection capacity that has been converted to domestic capacity by routine use.

Source: Section 13-3A-5(d); Ord. 990225-70; Ord. 031211-11.

Division 4. - Exemptions.

§ 25-9-341 - EXEMPTIONS FROM IMPACT FEE.

- (A) An impact fee may not be collected for a connection that is used to provide only fire protection capacity.
- (B) An impact fee may not be collected for a connection for a state owned building or property that is entirely occupied by a state agency.
- (C) An impact fee may not be collected for non-residential construction funded, wholly or partly, by the City's community development block grant program.
- (D) An impact fee may not be collected for:
 - (1) the exchange of an existing 5/8-inch meter serving an existing duplex residence for two $\frac{5}{8}$ -inch meters serving the two dwelling units of the duplex residence, provided there are no additions or modifications to the existing duplex residence other than those necessary to comply with this article; or
 - (2) the exchange of a connection for another connection, if the exchange will result in an equivalent or lesser number of service units on the property for which the connection was originally purchased. The number of service units to be exchanged shall be determined in accordance with [Section 25-9-331](#) (Service Units Where A Meter Is Purchased.)
- (E)

If one ¾-inch meter is serving more than one single-family detached residence, the owner of one of the single-family detached residences being served by the existing meter may obtain a separate 5/8-inch meter without paying an additional impact fee.

Source: Section 13-3A-10(d), (e), (f), (i), and (j); Ord. 990225-70; Ord. 031211-11.

§ 25-9-342 - CENTRAL SYSTEM CUTOVER EXEMPTION.

(A) A water impact fee may not be collected for a development that receives service from a central water supply system that is:

- (1) owned by a person other than the City; and
- (2) is to be connected to the City's water system.

(B) A wastewater impact fee may not be collected for a development that receives service from a wastewater treatment plant that is:

- (1) owned by a person other than the City; and
- (2) is to be connected to the City's wastewater system.

Source: Section 13-3A-10(b); Ord. 990225-70; Ord. 031211-11.

§ 25-9-343 - WASTEWATER IMPACT FEE EXEMPTION FOR CONSUMPTION METER.

A wastewater impact fee may not be collected for a meter used to monitor water that is used exclusively for consumption or that cannot enter the City's wastewater system.

Source: Section 13-3A-10(c); Ord. 990225-70; Ord. 031211-11.

§ 25-9-344 - WATER IMPACT FEE EXEMPTIONS FOR RECENTLY ANNEXED PROPERTY.

(A) A water impact fee may not be collected on a water connection for property that is:

- (1) annexed for full purposes by the City;
- (2) served by an existing on-site water well; and
- (3) within 100 feet of a City owned water line at the time of annexation; if
- (4) a tap permit authorizing the connection of the property to the City's water system is obtained by the property owner on or before the second anniversary of the date of annexation.

(B) A water impact fee may not be collected on a water connection for property that is:

- (1) annexed for full purposes by the City;
- (2) served by an existing water well; and
- (3) within 100 feet of a point to which a City owned water line is extended after the date of annexation; if
- (4) a tap permit authorizing the connection of the property to the City's water system is obtained by the property owner on or before the later of:
 - (a) the second anniversary of the date of annexation; or
 - (b) the second anniversary of the date that the water line was extended to within 100 feet of the property.

Source: Section 13-3A-10(l) and (m); Ord. 990225-70; Ord. 031211-11.

§ 25-9-345 - WASTEWATER IMPACT FEE EXEMPTIONS FOR RECENTLY ANNEXED PROPERTY.

(A) A wastewater impact fee may not be collected on a wastewater connection for property that is:

- (1) annexed for full purposes by the City;
- (2) served by an existing septic system; and
- (3) within 100 feet of a City-owned centralized sanitary sewer line at the time of annexation; if
- (4) a tap permit authorizing the connection of the property to the City's water system is obtained by the property owner on or before the second anniversary of the date of annexation.

(B) A wastewater impact fee may not be collected on a wastewater connection for property that is:

- (1) annexed for full purposes by the City;
- (2) served by an existing septic system; and
- (3) within 100 feet of a point to which a City owned centralized sanitary sewer line is extended after the date of annexation; if
- (4) a tap permit authorizing the connection of the property to the City's water system is obtained by the property owner on or before the later of:
 - (a) the second anniversary of the date of annexation; or
 - (b) the second anniversary of the date that the sewer line was extended to within 100 feet of the property.

Source: Section 13-3A-10(g) and (h); Ord. 990225-70; Ord. 031211-11.

§ 25-9-346 - EXEMPTION FOR CITY-SUPPORTED COMMUNITY GARDENS.

- (A) In this section, city-supported community garden and garden permit have the meanings assigned by Section 14-7-1 (Definitions) of the City Code.
- (B) An impact fee may not be assessed on a city-supported community garden.
- (C) The director of the department designated under Section 14-7-1 (Definitions) shall determine if the parcel of land is issued a garden permit.
- (D) If the garden permit on a parcel of land terminates, the director of the department designated under Section 14-7-1 (Definitions) shall notify the director of the Water and Wastewater Utility and the director of the Planning and Development Review Department of the change in status.
- (E) After a garden permit terminates on a parcel of land and if the tap is not removed in accordance with Section 25-9-99 (Temporary Tap Permit for a City-Supported Community Garden):
 - (1) a user of the parcel of land shall pay any impact fees on the parcel of land within 30 calendar days; and
 - (2) if the impact fee is not paid as required under Paragraph (1), the director of the Water and Wastewater Utility must notify the user that:
 - (a) if the parcel of land had a temporary exemption from the platting requirements before the garden permit was terminated, the user must plat the parcel of land before the Water and Wastewater Utility can continue service;
 - (b) the delinquent impact fee on the parcel of land must be paid within 15 calendar days; and
 - (c) the failure to secure legal lot status or to pay the impact fee is grounds for terminating water service; and
 - (3) if, following the notice under Paragraph (2), legal lot status is not obtained or the impact fee is not paid as required under Paragraph (2), the water service may be disconnected.

Source: Section 13-3A-10(n); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20110210-018.

§ 25-9-347 - EXEMPTION FOR CERTAIN AFFORDABLE HOUSING.

- (A) The community development officer may exempt not more than 1,500 service units of affordable housing constructed each fiscal year from the requirement to pay impact fees under this article. Service units of affordable housing within the development known as the Robert Mueller Municipal Airport development that are granted exemptions from paying impact fees do not count against the annual cap of 1,500.
- (B) The community development officer shall establish guidelines for the selection of the service units to receive an exemption under this section. The guidelines must include a requirement for a written application.
- (C) To be eligible for an exemption under this section, affordable housing must:
 - (1) meet design and construction guidelines established by the community development officer for habitability, affordability, accessibility, water conservation, and energy efficiency;
 - (2) be served by existing City infrastructure and services; and
 - (3) be a newly constructed single family home or multifamily housing unit located within the corporate limits of the City that is:
 - (a) approved for assistance under an affordable housing program funded with Community Development Block Grant or federal HOME program assistance funds administered by the City;
 - (b) approved for assistance under a program for affordable housing construction funding or down payment assistance administered by the Austin Housing Finance Corporation; or
 - (c) approved under guidelines for non-assisted affordable housing units established by the community development officer that meet the requirements of this section.
- (D) To receive an exemption under this section, an applicant who is approved for an exemption must provide to the community development officer an agreement, a restrictive covenant, a deed of trust, a promissory note, or other documents determined to be necessary by the city attorney to establish an enforceable obligation by the applicant to:
 - (1) pay to the City an amount equal to the impact fee otherwise applicable to the housing unit if the applicant does not comply with this section and applicable guidelines;
 - (2) reserve by covenant the applicable affordable dwelling units for the duration of the affordability period prescribed by Subsection (E); and
 - (3) pay liquidated damages that will fairly compensate the City for any breach.
- (E) To retain an exemption under this section, a unit of affordable housing must comply with the requirements of this subsection.
 - (1) Except as provided in Paragraphs (2) and (3), a unit must be available for occupancy by a person whose gross household income does not exceed 80 percent of the median household income for the Austin Standard Metropolitan Statistical Area for the following affordability period:
 - (a) in the university neighborhood overlay district, a period of no less than 15 years; or
 - (b) outside the university neighborhood overlay district:
 - (i) for rental housing, a period of no less than five years; or
 - (ii) for owner-occupied housing a period of no less than one year, unless the owner is receiving federal housing assistance, in which case, a period of no less than five years.
 - (2)

A unit within a Vertical Mixed Use building must comply with the affordability requirements for the affordability period under Chapter 25-2, Subchapter E, Section 4.3.3.F (Affordability Requirements).

- (3) In Downtown Mixed Use (DMU) or Central Business District (CBD) base zoning district:
 - (a) an owner-occupied unit must be available for occupancy for a period of not less than 99 years by an occupant whose gross household income does not exceed 120 percent of the median family income for the Austin Standard Metropolitan Statistical Area; or
 - (b) a rental unit must be available for occupancy for a period of not less than 40 years by an occupant whose gross household income does not exceed 80 percent of the median family income for the Austin Standard Metropolitan Statistical Area.
- (4) An affordability period prescribed by this subsection begins on the date that an affordable unit is available for occupancy.
- (F) If an applicant who receives an exemption under this section does not comply with Subsection (E), defaults on its obligations under documents executed under Subsection (D), or does not perform in accordance with the conditions for receipt of the exemption, the City may initiate legal proceedings to recover the impact fees that would have applied to the housing unit and damages. Funds recovered for impact fees shall be deposited in the impact fee account of the Water Utility. Damages collected to compensate the City for loss of affordable housing units shall be deposited into the S.M.A.R.T. Housing CIP Fund account of the Neighborhood Housing and Community Development Department.
- (G) Before the director of the Water Utility may issue a tap permit authorizing connection to the City water or wastewater system for a property receiving an exemption under this section, the community development officer must provide a written certification to the director of the Water Utility identifying the service address of the affordable housing unit.
- (H) The community development officer may revoke a certification under Subsection (G) if the applicant does not finish construction of the approved affordable housing unit:
 - (1) within 15 months after certification; or
 - (2) for a multifamily housing unit, 24 months after certification.
- (I) This section does not require a refund by the Water Utility of impact fees previously paid.
- (J) An exemption under this section may not be assigned or transferred by the applicant to another property.

Source: Section 13-3A-10(o); Ord. 990225-70; Ord. 000420-77; Ord. 031211-11; Ord. 20051103-032; Ord. 20071129-100.

Division 5. - Discounts and Adjustments.

§ 25-9-351 - RESERVED.

§ 25-9-352 - REFUNDS.

- (A) If a refund is made under Section 395.025 of the Local Government Code, the tap permit shall be cancelled and all connection fees previously collected shall be refunded. If a building permit has been issued for the property, the canceled building permit must be presented before the refund may be made.
- (B) If a previously purchased but uninstalled water meter for which the impact fee has been paid is replaced with a smaller meter, the City shall refund a portion of impact fee payments based on the difference in service units of the two meter sizes and the fee for each service unit at the time of the original fee payment.
- (C) A request for a refund shall be submitted to the director of the Water and Wastewater Utility on a form provided by the City. The director of the Water and Wastewater Utility must respond to the requestor in writing with a decision on the request not later than the 31st day after the receipt of the request. The response must include the reasons for the decision. If a refund is due to the requestor, the director of the Water and Wastewater Utility shall notify the director of Financial and Administrative Services that a refund payment is due to the requestor.

Source: Section 13-3A-14(d)(4)and (5), (e), and (f); Ord. 990225-70; Ord. 031211-11.

§ 25-9-353 - EXPIRATION OF TAP PERMIT.

- (A) An impact fee may not be refunded if the tap permit for which it is paid expires.
- (B) If the tap permit or building permit for a property for which an impact fee has been paid expires, and a new application is filed for the same property, the applicant is entitled to receive a credit in the amount of the fee paid.
- (C) Except as provided by Subsection (B), an impact fee is not transferable to a property or service unit other than the one for which it is paid.

Source: Section 13-3A-8(f), (g), (h); Ord. 990225-70; Ord. 031211-11.

ARTICLE 4. - RECLAIMED WATER.

§ 25-9-381 - APPLICABILITY.

This article applies in the planning jurisdiction of the City except as otherwise provided in this article.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-382 - DEFINITIONS.

In this article:

- (1) APPROVED USE means an application of reclaimed water authorized by a reclaimed water agreement.
- (2) APPROVED USE AREA means a site designated in a reclaimed water agreement to receive reclaimed water for an approved use.
- (3) COMMISSION means the Texas Natural Resources Conservation Commission.
- (4) DRAWINGS mean plans, working drawings, detail drawings, profiles, typical cross sections, or reproductions that show locations, character, dimensions, or details of work related to a reclaimed water system and its components.
- (5) INDUSTRIAL USE means an approved use of reclaimed water for industrial or commercial processes as defined by 30 Texas Administrative Code, Chapter 210.
- (6) IRRIGATION USE means an approved use of reclaimed water for landscape, horticultural, or agricultural irrigation as defined by 30 Texas Administrative Code, Chapter 210.
- (7) MUNICIPAL WASTEWATER means wastewater collected from dwelling units, commercial buildings, and institutions including process wastes of industry, groundwater infiltration, miscellaneous waste liquids, spent water from building water supply, and waste materials from bathrooms, kitchens and laundries.
- (8) OFFSITE FACILITIES means reclaimed water distribution, storage, or delivery facilities upstream of the point of connection to an approved use area.
- (9) ONSITE FACILITIES means reclaimed water distribution facilities downstream of the point of connection to an approved use area.
- (10) POINT OF CONNECTION means a location where offsite facilities connect to onsite facilities, at the downstream end of the Utility's reclaimed water service meter.
- (11) RECLAIMED WATER SERVICE means furnishing reclaimed water to a user through a metered connection to onsite facilities.
- (12) RECLAIMED WATER means reclaimed municipal wastewater that is under the direct control of the City treatment plants, satellite facilities, or a treatment plant with which the City contracts, and that has been treated to a quality that meets or exceeds 30 Texas Administrative Code, Chapter 210 requirements.
- (13) SATELLITE FACILITY means a package wastewater treatment plant.
- (14) SERVICE AREA means the territory within the City and within its extraterritorial jurisdiction.
- (15) STORAGE FACILITY means an impoundment or structural tank that receives reclaimed water from a producer.
- (16) USER means a party to a reclaimed water agreement with the City.
- (17) UTILITY means the Water and Wastewater Utility.
- (18) UTILITY STANDARD means a design criterion of the City, American Water Works Association, or the Commission.
- (19) WATER RIGHT means a real property right to divert, use, or consume water flowing to, over, or under land.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-383 - AVAILABILITY OF RECLAIMED WATER SERVICE.

- (A) The director of the Water and Wastewater Utility may make reclaimed water available to properties within the service area as the Utility extends the reclaimed water distribution system.
- (B) The director of the Water and Wastewater Utility shall prescribe design requirements for reclaimed water facilities, the manner of construction, the method of operation, and conditions of service.
- (C) The director of the Water and Wastewater Utility may refuse to provide service for the following reasons:
 - (1) reclaimed water service would be detrimental to the potable water system;
 - (2) City supply of treated wastewater is inadequate to meet the anticipated needs of the proposed use area;
 - (3) required fees have not been paid;
 - (4) reclaimed water service to the area would not benefit the City;
 - (5) the proposed use is inappropriate for reclaimed water; or
 - (6) known safeguards are not in place to protect the public health or the environment.
- (D) In determining whether to provide reclaimed water service to an applicant, the director of the Water and Wastewater Utility may consider the following factors:
 - (1) the existence of a reclaimed water main adjacent to or near the premises of an applicant; and
 - (2) the applicant's offer to pay the cost of service extension.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-384 - RECLAIMED WATER SERVICE APPLICATION.

An applicant for a subdivision plat, building permit, site plan, water service extension, or water connection within the service area may submit an application to use reclaimed water. The director of the Water and Wastewater Utility shall prescribe an application form for reclaimed water service.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-385 - APPLICATION REVIEW.

- (A) The director of the Water and Wastewater Utility shall review an application for reclaimed water service and investigate the proposed service. The investigation may include a site visit with the user to determine the feasibility of reclaimed water service.
- (B) The director of the Water and Wastewater Utility shall determine whether the application meets the requirements of this article and of the Commission.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-386 - APPROVAL REQUIRED FOR SYSTEM DESIGN AND OPERATION.

- (A) A user must submit design drawings and specifications to the director of the Water and Wastewater Utility for approval before the user may construct or retrofit an onsite facility that will use or receive reclaimed water.
- (B) A user must submit to the Utility drawings of the final installed onsite reclaimed water system and the entire approved use area before beginning operation.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-387 - BACKFLOW PREVENTION.

A user must install a backflow prevention assembly on the reclaimed water service line before the director may provide reclaimed water service.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-388 - STORAGE.

A user must design storage facilities used for storing reclaimed water in accordance with 30 Texas Administrative Code, Chapter 210.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-389 - RECLAIMED WATER AGREEMENT.

- (A) If the director of the Water and Wastewater Utility approves the application, the Utility may enter a reclaimed water service agreement with a user.
- (B) A reclaimed water agreement must incorporate the requirements of this article and additional utility standards, if any, prescribed by the director of the Water and Wastewater Utility.
- (C) The user must sign the reclaimed water agreement acknowledging that the user is responsible for onsite activities and must agree to hold the City harmless from claims arising out of user's operation and maintenance of reclaimed water service.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-390 - DISCONTINUANCE OF SERVICE.

- (A) The City may discontinue reclaimed and potable water service to a user if the user:
 - (1) violates this article;
 - (2) fails to pay water bills;
 - (3) tampers with the service;
 - (4) cross-connects with a potable water source;
 - (5) refuses to permit an authorized city representative to enter its premises to inspect the user's reclaimed water system; or
 - (6) performs an act that may be detrimental to the water or wastewater system.
- (B) A user who seeks to discontinue service must pay for the reclaimed water used until the service is discontinued.
- (C) A user may not reconnect a discontinued service without the director of the Water and Wastewater Utility's approval.
- (D) If a user reconnects a discontinued service without the director of the Water and Wastewater Utility's approval, the Utility may remove the service and charge an additional fee.
- (E) The Utility may not charge a fee for discontinued reclaimed water service.
- (F) A user may apply for reinstatement of service after paying the fees or charges authorized by this article.
- (G) The director of the Water and Wastewater Utility shall charge a fee for service reinstatement.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-391 - UTILITY RESPONSIBILITIES.

- (A) The Utility and its authorized agents, employees, or contractors are responsible for the operation, management, and control of the offsite facilities and the oversight of reclaimed water.
- (B) The Utility shall:
 - (1) obtain necessary Commission permits for the offsite use of reclaimed water under 30 Texas Administrative Code, Chapter 210;
 - (2) conduct reclaimed water quality assessments to comply with the requirements of the regulatory agencies; and
 - (3) inspect the user's onsite facilities and their operations for conformance with this article.
- (C) Before the Utility requests council approval to construct new reclaimed water satellite facilities the Utility shall request the recommendations of the Water and Wastewater Commission, Environmental Board, and Land Use Commission.

Source: Ord. 001214-70; Ord. 010607-8; Ord. 031211-11.

§ 25-9-392 - USER RESPONSIBILITIES.

- (A) A user may not make a connection to existing Utility facilities without the approval of the director of the Water and Wastewater Utility.
- (B) A user is responsible for constructing an onsite service line to an established point of connection.
- (C) A user shall provide supervision of onsite facilities to assure compliance with this article and Chapter 15-1 (Cross-Connection Regulations) of the City Code.
- (D) A user shall provide access at reasonable times for inspections.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-393 - USE OF RECLAIMED WATER.

- (A) A user may use reclaimed water for the following purposes:
 - (1) turf and general landscape irrigation;
 - (2) non-food processing industrial processes;
 - (3) non-residential toilet and urinal flushing;
 - (4) construction activities;
 - (5) vehicle washing;
 - (6) air conditioning cooling towers; and
 - (7) other uses authorized by the director of the Water and Wastewater Utility.
- (B) A user may use reclaimed water only in areas authorized by the director of the Water and Wastewater Utility.
- (C) A user may not give, sell, trade, or transfer reclaimed water to another area without the written approval of the director of the Water and Wastewater Utility.
- (D) A user may not discharge airborne or surface reclaimed water from the user's property, other than to a wastewater treatment system or wastewater collection system, without obtaining a permit from the Commission authorizing the discharge. The user must notify the Utility of the permit application.
- (E) A user who uses reclaimed water for cooling or processing must discharge the water to a sanitary sewer or use another method of discharge approved by the director of the Water and Wastewater Utility.
- (F) A user may not interrupt reclaimed water service in a portion of the Utility system without the approval of the director of the Water and Wastewater Utility. The director of the Water and Wastewater Utility may direct, inspect, and determine the time for an interruption of service to an existing system.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-394 - INSPECTION OF RECLAIMED WATER CONSTRUCTION.

- (A) The Utility may inspect, remove, or secure devices installed by the user to control reclaimed water.
- (B) Utility personnel may inspect during normal business hours without notice to the user.
 - (1) The Utility and regulatory agencies may make periodic unannounced inspections of the onsite reclaimed water system.
 - (2) The user and its operations personnel shall cooperate with inspectors and assist in performing operational tests.
- (C) An onsite reclaimed water system must pass an operational test before the Utility may approve the system.
- (D) The director of the Water and Wastewater Utility may grant user final approval for reclaimed water service if:
 - (1) the director of the Water and Wastewater Utility approves the drawings;
 - (2) the system passes an inspection and cross connection control test; and

- (3) the user makes corrections required by the Utility.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-395 - IDENTIFICATION OF RECLAIMED WATER FACILITY.

A user must identify reclaimed water facilities in accordance with utility standards.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-396 - PROHIBITIONS.

A user may not:

- (1) use reclaimed water for a purpose not approved in the reclaimed water agreement;
- (2) use or apply reclaimed water for a purpose, including approved uses, directly or by windblown spray, to an area other than that approved in the reclaimed water agreement;
- (3) use hose bibs on an onsite reclaimed water system unless the director approves the use of hose bibs; or
- (4) allow obstructions to impede access to meter boxes or other facilities.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-397 - RATES AND CHARGES.

(A) The Utility shall charge the rate provided by separate ordinance for the following:

- (1) reclaimed water fee;
- (2) tap fee;
- (3) meter set charges;
- (4) engineering or inspection fees;
- (5) reconnection fee; and
- (6) service reinstatement fee.

(B) A user of reclaimed water service must pay an additional fee set by separate ordinance for discharge of reclaimed water to the sanitary sewer.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-398 - METER READINGS.

If a reclaimed water meter fails to register or registers inaccurately, the Utility may charge an average daily consumption rate based on a reading of the meter when in use and registering accurately during the same season or as close to the same season as is reasonably possible.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-399 - BILLING.

- (A) The Utility may bill for reclaimed water monthly.
- (B) An active account becomes delinquent when full payment is not received in the Utility customer service office by the due date on the bill.
- (C) The Utility may discontinue a delinquent account, regardless of location, until the billing is paid.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-400 - WATER RIGHT.

The delivery of reclaimed water by the Utility and the acceptance and use of the reclaimed water by the user is not a transfer by the Utility or an acquisition by the user of a water right.

Source: Ord. 001214-70; Ord. 031211-11.

§ 25-9-401 - OFFENSES.

- (A) A person commits an offense if the person knowingly violates any provision of this article.
- (B) An offense under this subsection is a Class C misdemeanor punishable by a fine not to exceed \$2,000.
- (C) Each instance of a violation of this article is a separate offense.

Source: Ord. 001214-70; Ord. 031211-11.

ARTICLE 5. - ADDITIONAL WATER CONSERVATION REQUIREMENTS.

Footnotes:

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Editor's note—Ord. No. 20210930-117, Pt. 5, effective 12-1-21 added article 5 to read as herein set out.

§ 25-9-410 - APPLICABILITY.

This article applies to a site that includes multi-family and non-residential buildings and that receives retail water service from Austin Water or a successor department.

Source: Ord. No. 20240307-037, Pt. 2, 3-18-24.

§ 25-9-411 - DEFINITIONS.

In this article:

- (1) COMMERCIAL BUILDING means a building that is developed for industry, commerce, trade, recreation, business, or municipal, institutional, or civic use.
- (2) DIRECTOR means the director of Austin Water.
- (3) LARGE DEVELOPMENT PROJECT means the construction of one or more multi-family, mixed use, or commercial buildings on one or more parcels in accordance with a phased plan or approved site plan, with a total gross floor area for the building(s) of 250,000 square feet or more.
- (4) MIXED USE BUILDING means a building developed for any combination of commercial and multi-family building uses.
- (5) MULTI-FAMILY BUILDING means a building that contains five or more residential housing units.
- (6) ONSITE WATER REUSE SYSTEM means a system that collects, treats, and uses alternative water sources for non-potable uses at the building to district or neighborhood scale, generally at a location near the point of generation.
- (7) SMALL DEVELOPMENT PROJECT means the construction of one or more multi-family, mixed use, or commercial buildings on one or more parcels in accordance with a phased plan or approved site plan, with a total gross floor area for the building(s) of less than 250,000 square feet.
- (8) WATER BENCHMARKING APPLICATION means the form approved by the director that provides information on a proposed development project's anticipated water usage by source, and that provides a water balance calculation for the project.

Source: Ord. No. 20210930-117, Pt. 1, 12-1-21; Ord. No. 20240307-037, Pts. 1, 3, 3-18-24.

§ 25-9-412 - RECLAIMED WATER CONNECTION REQUIREMENTS.

- (A) A small development project with a property boundary located within 250 feet in horizontal distance of a reclaimed water line, measured based on the closest practicable access route, shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing, and other significant non-potable water uses identified in the water balance calculator.
- (B) A large development project with a property boundary located within 500 feet in horizontal distance of a reclaimed water line, measured based on the closest practicable access route, shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing and other significant non-potable water uses identified in the water balance calculator.
- (C) The director may grant a variance for the requirements of this section for:
 - (1) small development projects if site conditions are such that compliance would represent a significant financial hardship to the applicant; or
 - (2) uses associated with public health and safety.
- (D) The director shall grant a variance for the requirements of this section for a large development with a multifamily component that is more than 250 feet from and within 500 feet of a reclaimed water line until April 1, 2024.
- (E) A development is not required to connect to a reclaimed water line or use reclaimed water when the director of the Housing Department certifies the development is participating in a city, state, or federal program that requires:
 - (1) A minimum of fifty percent on-site income-restricted dwelling units for 60% or lower median family income for rental units; or
 - (2) A minimum of fifty percent on-site income-restricted dwelling units for 80% or lower median family income for ownership units.

Source: Ord. No. 20210930-117, Pt. 2, 12-1-21; Ord. No. 20231130-086, Pt. 1, 12-11-23; Ord. No. 20240307-037, Pts. 1, 4, 3-18-24.

§ 25-9-413 - DEVELOPMENT PROJECT REQUIREMENTS.

- (A) Water Benchmarking Application.

- (1) Applicability. This subsection applies to a small or large development project for which a site plan application is submitted under Chapter 25-5 (Site Plans).

- (2) Director's Review and Approval.
 - (a) A site plan application must include a completed water benchmarking application.
 - (b) Approval of the water benchmarking application by the director is required as a condition of site plan approval.
- (B) Director Consultation Required. In addition to the requirements in Subsection (A), an applicant requesting approval of a large development project must meet with the director prior to site plan release to discuss water efficiency code requirements, water use benchmarking data, and incentives and rebates for alternative water use.

Source: [Ord. No. 20210930-117](#), Pt. 3, 12-1-21; Ord. No. [20240307-037](#), Pt. 1, 3-18-24.

§ 25-9-414 - ONSITE WATER REUSE SYSTEM REQUIREMENT.

- (A) Except as provided in Subsection (B), an onsite water reuse system is required for a large development project for which a site plan application is submitted under [Chapter 25-5 \(Site Plans\)](#) as specified in Chapter 15-13 (*Regulation of Onsite Water Reuse Systems*).
- (B) A development is not required to have an onsite water reuse system when:
 - (1) the director approves a fee in lieu of providing an onsite water reuse system under Subsection (C); or
 - (2) the director of the Housing Department certifies the development is participating in a city, state, or federal program that requires:
 - (a) a minimum of fifty percent on-site income-restricted dwelling units for 60% or lower median family income for rental units; or
 - (b) a minimum of fifty percent on-site income-restricted dwelling units for 80% or lower median family income for ownership units.
- (C) Fee in Lieu of Providing On-site Water Reuse System.
 - (1) The director may approve the payment of a fee in lieu of providing an on-site water reuse system if:
 - (a) the applicant submits a written request in a manner prescribed by the director at the time of site plan submittal; and
 - (b) the director determines that the qualifying multi-family building is more than 500 feet from the centralized reclaimed system; and
 - (c) the applicant installs separate distribution plumbing to all non-potable fixtures within the project for a future centralized connection in accordance with the Utilities Criteria Manual before issuance of a certificate of occupancy.
 - (2) The amount of the fee in lieu shall be established by separate ordinance.
 - (3) For a site plan application filed on or after April 1, 2024, the fee in lieu shall be calculated using the rate set forth in the fee schedule in effect at the time the site plan application was filed.

Source: [Ord. No. 20210930-117](#), Pt. 4, 12-1-23; Ord. No. [20240307-037](#), Pts. 1, 5, 3-18-24.

CHAPTER 25-10. - SIGN REGULATIONS.

ARTICLE 1. - GENERAL PROVISIONS.

§ 25-10-1 - PURPOSE AND APPLICABILITY.

- (A) This chapter establishes a comprehensive system for the regulation of signs within the City of Austin and its extraterritorial jurisdiction, to serve the following purposes:
 - (1) To protect the health, safety, and general welfare of the City and its residents and to implement the policies of the City's Comprehensive Plan.
 - (2) To allow adequate opportunity for free speech in the form of messages or images displayed on signs, while balancing that interest against public safety and aesthetic concerns impacted by signs.
 - (3) To ensure that the design, location, construction, illumination, installation, repair, and maintenance of signs:
 - (a) Does not interfere with traffic safety or otherwise endanger public safety;
 - (b) Enhances and protects the aesthetic value of the City by reducing visual clutter that is potentially harmful to property values, economic development, and quality of life; and
 - (c) Is consistent with the character of districts in which the signs are located, including areas specially designated for historic, scenic or architectural value.
 - (4) To protect the safety and efficiency of the City's transportation system by reducing confusion and distractions to pedestrians and motorists, while enhancing motorists' ability to see pedestrians, obstacles, other vehicles, and traffic signs.
 - (5) Recognizing the unique impact of off-premise advertising on public safety, visual aesthetics, and quality of life, to restrict new off-premise signs and minimize the impact of existing off-premise signs.
 - (6) To prevent the inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech based on its content.

(B) The requirements of this chapter apply to signs within the planning jurisdiction.

Source: Section 13-2-850, 13-2-851(a), and 13-2-851(d); Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. No. 20170817-072, Pt. 1, 8-28-17.

§ 25-10-2 - NONCOMMERCIAL MESSAGE SUBSTITUTION.

- (A) Signs containing noncommercial speech are permitted anywhere that signs regulated by this chapter are permitted, subject to the same regulations applicable to the type of sign used to display the noncommercial message. No provision of this chapter prohibits an ideological, political, or other noncommercial message on a sign otherwise allowed and lawfully displayed under this chapter.
- (B) The owner of any sign allowed and lawfully displayed under this chapter may substitute non-commercial speech in lieu of any other commercial or non-commercial speech, with no permit or other approval required from the City solely for the substitution of copy.
- (C) This section does not authorize the substitution of an off-premise commercial message in place of a noncommercial or on-premise commercial message.

Source: Ord. No. 20170817-072, Pt. 1, 8-28-17

§ 25-10-3 - COMPLIANCE REQUIRED.

- (A) A person may not install, move, structurally alter, structurally repair, maintain, or use a sign except in accordance with the provisions of this chapter and other applicable Code provisions.
- (B) The primary beneficiary of a sign installed, moved, structurally altered, structurally repaired, maintained, or used in violation of this Code is presumed to have authorized the installation, movement, structural alteration, structural repair, maintenance, or use of the sign in violation of this Code.
- (C) A person who violates Subsection (A) or (B) commits an offense.

Source: Section 13-2-851; Ord. 990225-70; Ord. 031211-11; Ord. No. 20170817-072, Pt. 1, 8-28-17.

§ 25-10-4 - DEFINITIONS.

In this chapter:

- (1) CORE TRANSIT CORRIDOR means a roadway designated under "Core Transit Corridors" in Article 5 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).
- (2) FLAG means a piece of fabric attached to a flag pole or other support on one side, where the length at right angles to the support is at least as long as the length of the attached side.
- (3) FUTURE CORE TRANSIT CORRIDOR means a roadway designated under "Core Transit Corridors, Future" in Article 5 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).
- (4) FREESTANDING SIGN means a sign not attached to a building, but permanently supported by a structure extending from the ground and permanently attached to the ground.
- (5) MAINTENANCE means the cleaning, painting, repairing, or replacing of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign, but does not include changing the design of the sign's support construction, changing the type of component materials, or increasing the illumination.
- (6) MOBILE BILLBOARD means a sign installed or displayed on a motorized vehicle operating in the public right-of-way for the purpose of advertising a business or entity that is unrelated to the owner of the vehicle's primary business. The term does not include a sign that is displayed or installed on:
 - (a) a non-motorized vehicle, including but not limited to pedi-cabs;
 - (b) a bus that is used primarily for the purpose of transporting multiple passengers;
 - (c) a taxicab or transportation network provider operator, if the sign complies with the requirements of City Code Section 13-2-488 (*Advertising on Taxicabs Permitted*); or
 - (d) a vehicle operated in the normal course of the vehicle owner's business, if the sign contains advertising or identifying information directly related to the business and is not used to display advertising that is unrelated to the business.
- (7) MULTI-TENANT CENTER SIGN means a sign associated with two or more uses with common facilities.
- (8) NONCONFORMING SIGN means a sign that was lawfully installed at its current location but does not comply with the requirements of this chapter.
- (9) OFF-PREMISE SIGN means a sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located. For purposes of this definition, any portion of a lawfully permitted special event where public streets have been closed to traffic in accordance with Title 14 (*Use of Streets and Public Property*) shall be considered a single premises.
- (10) ON-PREMISE SIGN means a sign that is not an off-premise sign.
- (11) PROJECTING SIGN means a wall sign that extends over street right-of-way for a distance of more than 18 perpendicular inches from the building facade.
- (12) PROJECTED SPECIAL EVENT SIGN means an image or series of images displayed on a building façade and conveyed to the building façade via beams of light in connection with a special event.

- (13) PUBLIC RIGHT-OF-WAY means land dedicated or reserved for street right-of-way, utilities, or other public facilities.
- (14) RIGHT-OF-WAY INSTALLATION means a legally permitted bicycle kiosk, bus stop, or transit facility that is located in the public right-of-way.
- (15) ROOF SIGN means a sign installed over or on the roof of a building.
- (16) SEARCHLIGHT SIGN means a sign consisting of a bright light source that projects a beam.
- (17) SIDEWALK SIGN means a sign located on a sidewalk, either within street right-of-way or on private property within a unified development.
- (18) SIGN means a display surface, structure, light device, banner, plaque, poster, billboard, pennant, figure, painting, drawing, flag, or other thing, whether mounted on land, air, or water, that is designed, intended, or used to display or draw attention to a communicative visual or graphic image, whether or not the image includes lettering, and that is visible from any portion of the public right-of-way open to vehicular or pedestrian traffic. A sign includes both on- and off-premise signs, including billboards, and any moving part, lighting, sound equipment, framework, background material, structural support, or other part thereof. Notwithstanding the generality of the foregoing definition, the following are not signs for purposes of this chapter:
 - (a) An image displayed on the interior wall of a building;
 - (b) Decorative or architectural features of buildings or onsite landscape features which do not include lettering, trademarks, or moving parts and which do not perform a communicative function;
 - (c) Foundation stones and cornerstones which are permanent in nature and incapable or not intended for modification once installed;
 - (d) Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;
 - (e) Identifying marks on tangible products that customarily remain attached to the product even after sale;
 - (f) Merchandise on public display and presently available for purchase on-site;
 - (g) News racks and newsstands;
 - (h) Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, or similar accessories, other than commercial mascots or hand-held placards or appliances worn for the principal purpose of holding a placard; or
 - (i) Vending machines, product dispensing devices, and automated product intake devices which do not display off-premise commercial messages, including depositories for recycled materials, slots for returning lent books, media, or other material, laundry boxes, and similar depositories.
- (19) SPECIAL EVENT means an event that:
 - (a) has 100 or more attendees per day at a city facility, other than the Austin Convention Center, Long Center, City Hall, or Palmer Events Center;
 - (b) impacts a city street, sidewalk, alley, walkway, or other city public right-of-way other than as permitted under Chapter 14-6 (*Temporary Street Closure*); or
 - (c) is temporary, involves 100 or more attendees per day, and
 - (i) is inconsistent with the permanent use to which the property may legally be used, or the occupancy levels permitted on the property; and
 - (ii) includes one of the following:
 - Set up of temporary structures including, but not limited to tents, stages, or fences;
 - Sound equipment, as defined in Section 9-2-1 (Definitions); or
 - Consumption of food or alcohol.
- (20) STREET BANNER means a fabric sign hung over a street maintained by the City.
- (21) STREET RIGHT-OF-WAY means the entirety of a public street right-of-way, including the roadway and pedestrianway.
- (22) WALL SIGN means a sign attached to the exterior of a building or a freestanding structure with a roof but not walls.

Source: Sections 13-2-850, 13-2-854(a), 13-2-869(b), 13-2-873(a), 13-2-874(a), and 13-2-875(a); Ord. 990225-57; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 20080605-076; Ord. 20090827-032; Ord. 20100610-064; Ord. 20140213-088, Pt. 2, 2-24-14; Ord. No. 20140828-146, Pt. 1, 9-8-14; Ord. No. 20170817-072, Pts. 1, 2, 8-28-17.

§ 25-10-5 - SIGN AREA CALCULATIONS.

- (A) For a wall sign, the sign area is the lesser of:
 - (1) the area of the smallest rectangle within which the face of the sign can be enclosed; or
 - (2) the smallest area of not more than three contiguous rectangles enclosing different sections of the sign.
- (B) For a single sign having two faces with only one face visible from any point, the sign area is measured using only one face.
- (C) For a three-dimensional sign, the sign area is the smallest rectangle within which the largest silhouette of the sign can be enclosed.
- (D) Sign area includes a sign apron or similar feature and an area displaying a sign company name or symbol. Sign area does not include a supporting structure, pole cover, or landscape feature unless used to convey a message.
- (E) A door surface sign is not included in calculating maximum allowable sign area.
- (F)

For a sign on a corner site whose allowable sign area is based on linear feet of street frontage, the maximum sign area is calculated using only the single largest street frontage.

Source: Sections 13-2-885 and 13-2-867; Ord. 990225-70; Ord. 031211-11; Ord. 040205-29; Ord. No. [20170817-072](#), Pt. 1, 8-28-17.

§ 25-10-6 - CLEARANCE AND HEIGHT CALCULATIONS.

(A) Sign clearance is calculated by measuring the smallest vertical distance between the grade of the adjacent street pavement or curb and the lowest point of the sign. Sign framework and embellishment are included in the measurement, and sign supports are excluded.

(B) Sign height is calculated by measuring the vertical distance above grade, street pavement, or building facade to the highest point of the sign.

Source: Section 13-2-850; Ord. 990225-70; Ord. 031211-11; Ord. No. [20170817-072](#), Pt. 1, 8-28-17.

§ 25-10-7 - SCENIC ROADWAYS DESCRIBED.

The following are scenic roadways:

- (1) Arterial 8 (Adelaide Drive/Forsythia Drive);
- (2) Barton Springs Road;
- (3) Loop 1 (MoPac);
- (4) Loop 360 (Capital of Texas Highway), south of US 183;
- (5) RM 620, from SH 71 to Anderson Mill Road (FM 2769);
- (6) RM 2222, west of MoPac only;
- (7) RM 2244;
- (8) Lake Austin Boulevard;
- (9) West Cesar Chavez Street;
- (10) Riverside Drive;
- (11) Spicewood Springs Road, from Mesa Drive to Loop 360;
- (12) William Cannon Drive, from Brodie Lane to Southwest Parkway;
- (13) Escarpment Boulevard, from William Cannon Drive to Arterial 11 (SH 45);
- (14) Arterial 5 (McKinney Falls Parkway) from US 183 to William Cannon Drive;
- (15) FM 973 from SH 71 to US 183;
- (16) SH 71 east of IH-35;
- (17) US 183 south of SH 71;
- (18) Cameron Road, north of US 183;
- (19) Parmer Lane, except for the area between Loop 1 (MoPac) and IH-35;
- (20) Stassney Lane, east of IH-35;
- (21) Slaughter Lane;
- (22) Old Spicewood Springs Road, from Loop 360 to Old Lampasas Trail; and
- (23) SH 130.

Source: Section 13-2-1; Ord. 990225-70; Ord. 000511-110; Ord. 031211-11; Ord. 20060112-058; Ord. No. [20170817-072](#), Pt. 1, 8-28-17.

ARTICLE 2. - ENFORCEMENT.

§ 25-10-21 - ENFORCEMENT AND IMPLEMENTATION.

The building official shall:

- (1) enforce and implement this chapter;
- (2) issue permits and collect fees required by this chapter;
- (3) conduct inspections to insure compliance with this chapter;
- (4) institute legal proceedings to insure compliance with this chapter, including suits for injunctive relief; and
- (5) investigate complaints of alleged violations of this chapter.

Source: Section 13-2-852(a); Ord. 990225-70; Ord. 031211-11.

§ 25-10-22 - AUTHORIZATION TO EXCEED SIZE OR HEIGHT RESTRICTION.

- (A) The building official may authorize installation of a sign that exceeds the applicable size or height restriction by up to 20 percent of the maximum size or height prescribed by this chapter after determining that:
- (1) the sign owner or user has demonstrated the existence of practical difficulties in complying with this chapter;
 - (2) a unique circumstance exists that makes compliance with the requirements of this chapter impractical;
 - (3) the modification is in conformity with the purposes of this chapter; and
 - (4) the modification does not lessen public safety requirements.

(B) The building official shall record the details of a modification authorized under this section in the City files.

Source: Section 13-2-852(b); Ord. 990225-70; Ord. 031211-11.

§ 25-10-23 - HAZARDOUS SIGNS DESCRIBED AND PROHIBITED.

- (A) A sign installed, maintained, or used in violation of Subsection (B) is a hazardous sign.
- (B) A person may not install, maintain, or use a sign that:
- (1) obstructs a fire escape, required exit, window, or door used as a means of escape;
 - (2) interferes with a ventilation opening, except that the sign may cover a transom window if the window and the sign comply with the Building Code and Fire Code;
 - (3) substantially obstructs the lighting of public right-of-way or other public property, or interferes with a public utility or traffic control device;
 - (4) contains or uses a supporting device placed on public right-of-way or other public area within the full purpose boundaries of the city, unless the use of the public right-of-way or other public area has been approved by city council;
 - (5) is illuminated in a manner that creates a hazard to pedestrian or vehicular traffic;
 - (6) creates a traffic hazard by restricting visibility at a curb cut;
 - (7) has less than nine feet of clearance and is located within a triangle formed by connecting the intersection point of two streets and the points 45 feet from the intersection point on the street frontage property line of each intersecting street;
 - (8) violates a requirement of the Electric Code;
 - (9) does not comply with a requirement of Section 25-10-191 (Sign Setback Requirements); or
 - (10) is determined by the building official to be dangerous because of a condition or defect described in Section 302 of the Dangerous Buildings Code.

Source: Section 13-2-888; Ord. 990225-70; Ord. 031211-11.

§ 25-10-24 - ABATEMENT OF A HAZARDOUS SIGN.

- (A) The building official shall give notice that abatement of a hazardous sign is required to the sign owner, sign user, or property owner. The notice must:
- (1) be sent by certified mail, return receipt requested, or hand-delivery; and
 - (2) include a statement that the building official may exercise the powers granted by Subsection (C) if the hazardous sign is not abated.
- (B) The recipient of a notice described in Subsection (A) shall remove, modify, or repair the hazardous sign and abate the hazardous condition within a reasonable period of time established by the building official, not to exceed 10 days after receipt of the notice.
- (C) If the hazardous condition is not abated in accordance with Subsection (B), the building official may enter the premises and abate the hazardous condition. The reasonable cost of abating the hazardous sign, together with interest on the unpaid balance at an interest rate of six percent, shall be taxed as a lien against the record owner of the property on which the sign is located.
- (D) If the building official removes a sign under Subsection (C), the building official shall retain the sign for at least 10 days before disposing of the sign. If during this period the sign owner pays the storage fee established by the city council, the building official shall return the sign to its owner.

Source: Section 13-2-853; Ord. 990225-70; Ord. 031211-11.

ARTICLE 3. - VARIANCES.

§ 25-10-41 - BOARD OF ADJUSTMENT POWERS.

The Board of Adjustment may grant a variance in accordance with this article.

Source: Section 13-2-921(a); Ord. 990225-70; Ord. 020207-35; Ord. 031211-11; Ord. No. 20141211-204, 7-1-15.

§ 25-10-42 - FILING; REVIEW.

- (A) To apply for a variance a person must file an application for a variance with the building official.
- (B) The Board of Adjustment may establish guidelines for its review of variances.

Source: Sections 13-2-921(d) and (e); Ord. 990225-70; Ord. 020207-35; Ord. 031211-11; Ord. No. 20141211-204, Pt. 23, 7-1-15.

§ 25-10-43 - ACTION ON VARIANCE.

- (A) The Board of Adjustment may grant a variance from a requirement of this chapter after determining that granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated; and
 - (1) the variance is necessary because enforcement of the requirement prevents any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site including its dimensions, landscaping, or topography;
 - (2) granting the variance will not have a substantially adverse effect on neighboring properties; or
 - (3) granting the variance will not substantially conflict with the purposes of this chapter.
- (B) The Board of Adjustment shall hold a public hearing on an application for a variance not later than the 45th day after the date the application is filed.

Source: Sections 13-2-921(b) and (c); Ord. 990225-70; Ord. 020207-35; Ord. 031211-11; Ord. 20050804-044; Ord. No. 20141211-204, Pt. 23, 7-1-15.

§ 25-10-44 - APPEAL TO CITY COUNCIL.

An interested party may appeal to the city council the Board of Adjustment's action under Section 25-10-43 (Action On Variance Or Appeal).

Source: Section 13-2-921(f); Ord. 990225-70; Ord. 031211-11; Ord. No. 20141211-204, Pt. 23, 7-1-15.

ARTICLE 4. - SIGN DISTRICTS.

§ 25-10-81 - SIGN DISTRICTS DESCRIBED; HIERARCHY ESTABLISHED.

Sign districts are described and established in the following hierarchy, with the historic sign district as the first district and the commercial sign district as the last district.

- (1) The historic sign district includes land in:
 - (a) a designated historic landmark or historic district; or
 - (b) a National Register District.
- (2) The expressway corridor sign district includes land within 200 feet of the street right-of-way of:
 - (a) IH-35; and
 - (b) those portions of U.S. Highway 183, U.S. Highway 290, and State Highway 71 that are developed as a limited access highway, or have been designated by the Texas Department of Transportation as a limited access highway and for which there is a construction contract.
- (3) The scenic roadway sign district includes:
 - (a) land in a Hill Country Roadway corridor;
 - (b) land that would be in a Hill Country Roadway corridor if it were in the zoning jurisdiction;
 - (c) land within 200 feet of a scenic arterial; and
 - (d) land in a tract that is partially within 200 feet of a scenic roadway and that has frontage on and direct access to the scenic roadway.
- (4) The neighborhood sign district includes land located:
 - (a) in a traditional neighborhood zoning district; or
 - (b) in a neighborhood plan combining district, and that is used for:
 - (i) a corner store special use;
 - (ii) a neighborhood mixed use building special use;
 - (iii) a residential infill special use; or
 - (iv) a neighborhood urban center special use.
- (5) The low-density residential sign district includes land in a zoning district that is more restrictive than a townhouse and condominium residence (SF-6) zoning district.
- (6) The multifamily residential sign district includes land in the following zoning districts:
 - (a) townhouse and condominium residence (SF-6);
 - (b) multifamily residence limited density (MF-1);
 - (c) multifamily residence low density (MF-2);
 - (d) multifamily residence medium density (MF-3);
 - (e) multifamily residence moderate-high density (MF-4);
 - (f) multifamily residence high density (MF-5);

- (g) multifamily residence highest density (MF-6);
 - (h) mobile home residence (MH);
 - (i) neighborhood office (NO);
 - (j) agricultural (AG); and
 - (k) development reserve (DR).
- (7) The neighborhood commercial sign district includes land in the LO, LR, CR, or W/LO zoning districts.
- (8) The downtown sign district includes land in the CBD and the DMU zoning districts.
- (9) The commercial sign district includes land that is not in any other sign district.

Source: Section 13-2-861; Ord. 990225-70; Ord. 000406-81; Ord. 030306-48A; Ord. 031030-11; Ord. 031211-11.

§ 25-10-82 - DETERMINATION OF APPLICABLE SIGN DISTRICT.

- (A) Except as otherwise provided in this section, the sign regulations for a sign district apply to all land in the sign district.
- (B) If a sign is located in more than one sign district, the regulations for the sign district that first appears in the hierarchy described in Section 25-10-81 (Sign Districts Described And Established) apply to the sign.
- (C) A nonconforming use is in the sign district that would apply if that nonconforming use were located in the most restrictive zoning district in which that nonconforming use is a permitted use.
- (D) For property that is not permanently zoned, the building official shall:
 - (1) determine the use or proposed use and determine which base zoning district would be the most restrictive base zoning district in which that use would be a permitted use; and
 - (2) designate the property as a sign district in accordance with the determination under Subsection (D)(1).

Source: Sections 13-2-860 and 13-2-861(b) and (c); Ord. 990225-70; Ord. 031211-11.

ARTICLE 5. - REGULATIONS APPLICABLE TO ALL SIGN DISTRICTS.

§ 25-10-101 - GENERAL ON-PREMISE SIGNS.

- (A) Purpose and Applicability. This section establishes general requirements for on-premise signs associated with particular land uses. A sign allowed under this section:
 - (1) must comply with all applicable regulations of this chapter and the Building Code, but may be installed or modified without obtaining a permit or other approval from the City; and
 - (2) is in addition to other signs allowed by this section or by another provision of this chapter.
- (B) Signs for Commercial, Multi-Family, Civic and Industrial Uses. Unless specifically limited to a particular use, the following signs are allowed on a site containing any lawfully permitted commercial, multi-family, civic, or industrial use:
 - (1) A freestanding or wall sign, such as those typically used to direct the movement or placement of vehicular or pedestrian traffic, provided that:
 - (a) no more than one sign is allowed for each building or curb cut;
 - (b) sign area may not exceed 12 square feet; and
 - (c) sign height may not exceed:
 - (i) four feet, for a freestanding sign; or
 - (ii) the height of the building facade, for a wall sign.
 - (2) Outside of the low-density or multifamily residential sign districts, one or more small wall signs, such as emblems and decals typically associated with on-premise goods, services or facilities, which may not exceed a total of six square feet per site.
 - (3) For a permitted restaurant use that includes drive-through service, no more than two signs for each drive-through lane that:
 - (a) may not exceed:
 - (i) 32 square feet in area per sign; or
 - (ii) a height of eight feet above grade; and
 - (b) must be located within or adjacent to a drive-through lane and substantially screened from view of the street right-of-way.
 - (4) For a permitted retail use, a sign accompanying the display of an item for sale or affixed to a product dispenser.
 - (5) For a civic use, one or more signs such as a bulletin board, directory, or other changeable copy sign, that may not exceed:
 - (a) a height of six feet above grade; or
 - (b) a total area of 32 square feet for all signs.
- (C) Signs for Residential Uses. Unless otherwise specified, the following signs are allowed on a site containing any lawfully permitted residential use:

- (1) One or more non-illuminated signs that:
 - (a) have no moving parts; and
 - (b) may not exceed:
 - (i) a height of eight feet; or
 - (ii) a total area of 36 square feet for all signs.
- (2) Within a single-family zoning district, flags that meet the following requirements:
 - (a) The maximum number of flags may not exceed three flags per acre of site area, rounded up to the nearest whole acre.
 - (b) The maximum area of a flag may not exceed 15 square feet.
- (D) Signs for All Land Uses. Unless otherwise specified, the following signs are allowed on any property:
 - (1) Outside of the historic, low-density residential, or traditional neighborhood sign districts:
 - (a) One or more wall signs that:
 - (i) are non-electrical and are securely affixed to a building, fence, or wall;
 - (ii) may not exceed a total of 32 square feet in area for all wall signs associated with an individual building or, if a site contains no building, a total area of 32 square feet; and
 - (iii) may not exceed a thickness of 3 inches.
 - (b) One freestanding sign that:
 - (i) is non-electrical; and
 - (ii) may not exceed 20 square feet in area or a height of eight feet above grade.
 - (2) Outside of a single-family zoning district, flags that meet the following requirements:
 - (a) Except as provided in Paragraph (2)(b):
 - (i) the maximum number of flags may not exceed two flags per 25 feet of frontage up to a maximum of eight flags per premises; and
 - (ii) the maximum area of a flag may not exceed 25 square feet.
 - (b) For an automotive rentals or sales use, one small flag may be attached to each vehicle, provided that the flag may not exceed:
 - (i) one square foot in area; or
 - (ii) a height of two feet above the vehicle or other item, measured as if it were displayed at grade level.
 - (3) An engraved sign, such as those traditionally associated with building name, provided that the sign:
 - (a) is cut into a building surface or inlaid to become part of the building; and
 - (b) does not exceed an area of ten percent of the building's facade; and
 - (c) when aggregated with all other wall signs on the building, does not exceed a total area of 32 square feet.
 - (4) One or more non-electrical electrical signs, such as those typically used to identify an address or occupant, which may not exceed a total of three square feet in area for each site associated with the address on which the sign is located.

Source: Ord. No. 20170817-072, Pt. 4, 8-28-17.

Editor's note— Ord. No. 20170817-072, Pt. 4, effective August 28, 2017, repealed the former § 25-10-101, and enacted a new § 25-10-101 as set out herein. The former § 25-10-101 pertained to signs allowed in all sign districts without an installation permit. See Code Comparative Table for complete derivation.

§ 25-10-102 - TEMPORARY ON-PREMISE SIGNS.

- (A) Purpose and Applicability. This section establishes general requirements for signs that are allowed on a temporary basis. A sign allowed under this section:
 - (1) must comply with all applicable regulations of this chapter and the Building Code, but may be installed or modified without obtaining a permit or other approval from the City; and
 - (2) is in addition to other signs allowed by this section or by another provision of this chapter.
- (B) Signs Associated with Activity Affecting Real Property.
 - (1) For purposes of this subsection, an "activity affecting real property" means the construction, remodeling, improvement, development, sale, or lease of a building or the land on which the building is located.
 - (2) One freestanding or wall sign that meets the following requirements may be displayed no sooner than 30 days before an activity affecting real property begins and no later than 30 days after that same activity ends:
 - (a) No more than one sign for each lot is allowed or, for a unified development, one sign for each access point.
 - (b) For a freestanding sign, the maximum sign area is the lesser of:
 - (i) 128 square feet;
 - (ii) in a low-density residential sign district, 12 square feet; or

- (iii) in a multifamily residential sign district, 48 square feet.
- (c) For a wall sign, the maximum sign area is ten percent of the area of the building façade.
- (d) The height of a freestanding or wall sign may not exceed:
 - (i) 22 feet above grade; or
 - (ii) for a low-density residential sign district, six feet above grade.
- (C) Decorative Signs. A decoration, such as those which displayed during a holiday season, that would otherwise not be allowed under this chapter may be displayed on a property for no more than 45 consecutive days or 90 days per year.
- (D) Signs Associated with Commercial Events, Sales, Products, and Services. A wall sign, such as those typically associated with a commercial event, sale, or similar activity that does not normally occur on a property, is allowed if:
 - (1) the property contains a commercial use;
 - (2) the sign is displayed for not more than 30 days, at least one of which must be a day on which a lawfully permitted special event, sale, or other activity that does not normally occur on the property is scheduled to occur; and
 - (3) limited to a maximum sign area of:
 - (a) 96 square feet, for a sign attached to a building; or
 - (b) 30 percent of the window area, for a sign displayed in a window.
- (E) Signs Associated with Residential Garage Sales and Neighborhood Meetings. A sign, such as those typically associated with a garage sale, yard sale, neighborhood meeting, or similar activity that does not normally occur on a property, is allowed if:
 - (1) the property contains a residential use; and
 - (2) the sign is displayed for no more than seven consecutive days, at least one of which must be a day on which a lawfully permitted activity or event that does not normally occur on the property is scheduled to occur.
- (F) Signs Associated with Political Elections. A freestanding or wall sign that meets the following requirements may be displayed no sooner than 60 days before, and no later than 10 days after, an election is held for any federal, state or local political office representing citizens of the City:
 - (1) For each premise, the total sign area of the signs described in this subsection may not exceed 36 square feet.
 - (2) A sign described in this subsection may not:
 - (a) exceed eight feet in height;
 - (b) have a moving part.
- (G) Signs Associated with School Events. A sign or banner located on a site containing a public primary or secondary educational facility may be placed on a lawfully permitted building or fence located on the facility's property, but may not be displayed for more than 150 consecutive days.

Source: Ord. No. 20170817-072, Pt. 4, 8-28-17.

§ 25-10-103 - SIGNS PROHIBITED IN ALL SIGN DISTRICTS.

Unless the accountable official determines that the sign is a nonconforming sign, the following signs are prohibited:

- (1) an off-premise sign, unless the sign is authorized by another provision of this chapter;
- (2) a sign placed on a vehicle or trailer that is parked or located for the primary purpose of displaying the sign;
- (3) a festoon, including tinsel, strings of ribbon, small commercial flags, streamers, and pinwheels;
- (4) a sign not permanently affixed to a building, structure, or the ground that is designed or installed in a manner allowing the sign to be moved or relocated without any structural or support changes, excluding a sidewalk sign described in Section 25-10-153 (Sidewalk Sign In Downtown Sign District);
- (5) a tethered, pilotless balloon or other gas-filled device used as a sign;
- (6) a sign that uses an intermittent or flashing light source to attract attention, excluding an electronically controlled changeable-copy sign; and
- (7) a mobile billboard within the City's full-purpose jurisdiction.

Source: Section 13-2-863; Ord. 990225-57; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 20080605-076; Ord. No. 20170817-072, Pt. 5, 8-28-17.

§ 25-10-104 - SIGNS PROHIBITED IN PUBLIC EASEMENTS AND RIGHT-OF-WAY.

- (A) A person may not cause or authorize a sign to be installed, used, or maintained on or over public right-of-way or other public property, including any public easement or other public encumbrance over private property, except as authorized by this chapter.
- (B) The primary beneficiary of any sign installed in violation of this section is presumed to have authorized or caused the installation, use, or maintenance of the sign in violation of this section and commits an offense.
- (C) Proof of a culpable mental state is not required for conviction of an offense under this section.
- (D) An offense under this section is punishable by a fine of not less than:
 - (1)

- \$ 50 for a first conviction;
- (2) \$ 200 for a second conviction within any 24-month period; and
- (3) \$ 400 for a third or subsequent conviction within any 24-month period.
- (E) To determine the minimum fine under Subsection (D), one or more fines assessed during a 24-hour period beginning at midnight and ending at 11:59 p.m. constitute a single conviction.
- (F) A person who commits an offense under Subsection (A) shall remove the object. In addition to other enforcement remedies, a person who fails to remove an object within 48 hours after being notified of the offense in writing by an authorized City representative is subject to a civil penalty of \$200 per day for every day or part of a day the object is in place.
- (G) The city manager may remove a sign or other advertising device installed, used, or maintained on or over any public property or public right-of-way in violation of this chapter. Notice is not required to be given to the owner or beneficiary of a sign removed under this section, either before the removal or before the disposition or destruction of the sign.
- (H) This section does not prohibit the installation, use, or maintenance in the right-of-way of:
 - (1) a sidewalk sign;
 - (2) a projecting sign in the downtown sign district;
 - (3) a street banner;
 - (4) a wall sign that is mounted flat against the building and extends not more than 18 inches from the facade of a building and into right-of-way; or
 - (5) a sign installed by a governmental agency for a governmental purpose.
- (I) A sign installed, used, or maintained on or over public property or public right-of-way is presumed to be abandoned, unless the sign is authorized by this chapter. Chapter 9-1 (*Abandoned Property And Vehicles*) does not apply to a sign abandoned under this section.
- (J) The remedies authorized under this section are cumulative. If the City files a civil or criminal action, it is not precluded from pursuing any other action or remedy.

Source: Section 13-2-864; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 040422-49; Ord. 20100610-064; Ord. No. 20170817-072, Pt. 6, 8-28-17.

ARTICLE 6. - REGULATIONS APPLICABLE TO CERTAIN SIGN DISTRICTS.

§ 25-10-121 - HISTORIC SIGN DISTRICT REGULATIONS.

- (A) Notwithstanding any other provision in this chapter, a person may not install a sign in the historic sign district, except:
 - (1) for a sidewalk sign; or
 - (2) in compliance with the requirements of Section 25-10-122 (Historic Landmark Commission Review).
- (B) The following are prohibited in the historic sign district:
 - (1) a sign, or any portion of a sign, that rotates; and
 - (2) a roof sign.
- (C) A person may not place a handbill, poster, placard, or other temporary sign on a structure in the historic sign district, except inside a window or on a bulletin board with the consent of the owner or tenant.

Source: Section 13-2-866; Ord. 990225-70; Ord. 031211-11; Ord. No. 20170817-072, Pt. 7, 8-28-17.

§ 25-10-122 - HISTORIC LANDMARK COMMISSION REVIEW.

- (A) If a person files an application for a sign permit in the historic sign district and the application complies with all applicable regulations of this chapter and the Building Code, the building official shall immediately notify the historic preservation officer.
- (B) The historic preservation officer shall review the application and determine whether it complies with the historic sign district guidelines described in Subsection (F), if any. If the application complies with the guidelines, the historic preservation officer shall approve the application. Otherwise, the historic preservation officer shall:
 - (1) immediately notify the presiding officer of the Historic Landmark Commission of the application; and
 - (2) give at least 10 days' written notice to the applicant and land owner of the date, time, and place of the meeting at which the Landmark Commission will consider the application.
- (C) The applicant or land owner may waive the 10 day notice of the hearing.
- (D) In reviewing a sign permit application, the Historic Landmark Commission shall consider:
 - (1) the proposed size, color, and lighting of the sign;
 - (2) the material from which the sign is to be constructed;
 - (3) the proliferation of signs on a building or lot;

- (4) the proposed orientation of the sign with respect to structures; and
 - (5) other factors that are consistent with the Historic Landmark Preservation Plan, the character of the National Register District, and the purpose of historic landmark regulations.
- (E) The Historic Landmark Commission shall approve a sign permit application if it determines that the proposed sign:
- (1) will not adversely affect a significant architectural or historical feature of the historic sign district; and
 - (2) as applicable, is consistent with the Historic Landmark Preservation Plan, the character of the National Register District, and the purpose of the historic landmark regulations.
- (F) The Historic Landmark Commission may adopt historic sign district guidelines that describe typical signs that comply with the criteria prescribed by Subsections (D) and (E).
- (G) If the Historic Landmark Commission does not review a sign permit application by the 40th day after the date the application is filed, the application is considered approved by the Historic Landmark Commission.
- (H) The applicant or land owner may appeal a decision of the Historic Landmark Commission under this section to the city council in accordance with [Chapter 25-1](#), Article 7, Division 1 (*Appeals*).

Source: Section 25-10-866; Ord. 990225-70; Ord. 031211-11; Ord. 041202-16; Ord. No. [20170817-072](#), Pt. 8, 8-28-17.

§ 25-10-123 - EXPRESSWAY CORRIDOR SIGN DISTRICT REGULATIONS.

- (A) This section applies to an expressway corridor sign district.
- (B) This subsection prescribes regulations for freestanding signs.
 - (1) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under [Section 25-10-131 \(Additional Freestanding Signs Permitted\)](#).
 - (2) The sign area may not exceed:
 - (a) on a lot with not more than 86 linear feet of street frontage, 60 square feet; or
 - (b) on a lot with more than 86 linear feet of street frontage, the lesser of:
 - (i) 0.7 square feet for each linear foot of street frontage; or
 - (ii) 300 square feet.
 - (3) The sign height may not exceed the greater of:
 - (a) 35 feet above frontage street pavement grade; or
 - (b) 20 feet above grade at the base of the sign.
- (C) A roof sign may be permitted instead of a freestanding sign under [Section 25-10-132 \(Roof Sign Instead Of Freestanding Sign\)](#).
- (D) Wall signs are permitted.
- (E) One flag for each curb cut is permitted.
- (F) For signs other than freestanding signs or roof signs, the total sign area for a lot may not exceed 20 percent of the facade area of the first 15 feet of the building.

Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11; Ord. No. [20170817-072](#), Pt. 9, 8-28-17.

§ 25-10-124 - SCENIC ROADWAY SIGN DISTRICT REGULATIONS.

- (A) This section applies to a scenic roadway sign district.
- (B) One freestanding sign is permitted on a lot.
 - (1) The sign area may not exceed the lesser of:
 - (a) 0.4 square feet for each linear foot of street frontage; or
 - (b) 64 square feet.
 - (2) The sign height may not exceed 12 feet.
- (C) Wall signs are permitted.
- (D) For signs other than freestanding signs, the total sign area for a lot may not exceed 10 percent of the facade area of the first 15 feet of the building.
- (E) In a Hill Country Roadway corridor, a spotlight on a sign or exterior lighting of a sign must be concealed from view and oriented away from adjacent properties and roadways.
- (F) Internal lighting of signs is prohibited, except for the internal lighting of individual letters.
- (G) In addition to the sign setback requirements established by [Section 25-10-191 \(Sign Setback Requirements\)](#), a sign or sign support must be installed at least 12 feet from the street right-of-way, or at least 25 feet from street pavement or curb in the right-of-way, whichever setback is the lesser distance from the street. This subsection does not apply to a sign permitted by [Section 25-10-102\(F\) \(Signs Associated with Political Elections\)](#).

Source: Sections 13-2-867 and 13-2-868; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. No. 20170817-072, Pt. 10, 8-28-17.

§ 25-10-125 - NEIGHBORHOOD SIGN DISTRICT REGULATIONS.

- (A) Except as otherwise provided in this chapter, a sign in a neighborhood sign district must comply with this section.
- (B) A sign may be a wall sign, an awning sign, a berm sign, or a hanging sign.
- (C) The area of a hanging sign may not exceed eight square feet, and there must be not less than eight feet clearance between the bottom of the sign and the finished grade.
- (D) A building in a Neighborhood Center Area of a traditional neighborhood zoning district or used for a neighborhood urban center special use in a neighborhood plan combining district may have not more than three signs with a total sign area of not more than 24 square feet.
- (E) A commercial building in a Mixed Residential Area of a traditional neighborhood zoning district or used for a residential infill special use in a neighborhood plan combining district may have not more than two signs with a total sign area of not more than 12 square feet.
- (F) A townhouse, condominium, or multifamily building within a Mixed Residential Area of a traditional neighborhood zoning district or used for a residential infill special use in a neighborhood plan combining district may have not more than two signs with a total sign area of not more than eight square feet.
- (G) A spotlight on a sign or exterior lighting of a sign must be concealed from view and oriented away from adjacent properties and roadways.
- (H) Internal lighting of a sign is prohibited, except for the internal lighting of individual letters.

Source: Section 13-2-867.1; Ord. 990225-70; Ord. 000406-81; Ord. 031211-11.

§ 25-10-126 - LOW DENSITY RESIDENTIAL SIGN DISTRICT REGULATIONS.

The only signs permitted in a low density residential sign district are those authorized under Section 25-10-101 (Signs Allowed In All Sign Districts Without An Installation Permit) and Articles 8 (*Special Signs*) and 9 (*Street Banners*) of this chapter.

Source: Section 13-2-865; Ord. 990225-70; Ord. 031211-11.

§ 25-10-127 - MULTIFAMILY RESIDENTIAL SIGN DISTRICT REGULATIONS.

- (A) This section applies to a multifamily residential sign district.
- (B) One freestanding sign for each curb cut is permitted.
 - (1) The sign height may not exceed six feet.
 - (2) The sign area may not exceed 35 square feet.
- (C) Wall signs are permitted.
- (D) One flag for each curb cut is permitted. The sign height may not exceed 30 feet.
- (E) For signs other than freestanding signs, the total sign area for a lot may not exceed the lesser of:
 - (1) 0.5 square feet for each linear foot of street frontage; or
 - (2) 35 square feet.

Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11; Ord. No. 20170817-072, Pt. 11, 8-28-17.

§ 25-10-128 - NEIGHBORHOOD COMMERCIAL SIGN DISTRICT REGULATIONS.

- (A) This section applies to a neighborhood commercial sign district.
- (B) One freestanding sign is permitted on a lot.
- (C) Wall signs are permitted.
- (D) One flag for each curb cut is permitted.
- (E) This subsection prescribes the maximum sign area.
 - (1) For a freestanding sign, the total sign area for a lot may not exceed the lesser of:
 - (a) 0.3 square feet for each linear foot of street frontage; or
 - (b) 100 square feet.
 - (2) For signs other than freestanding signs, the sign area may not exceed 10 percent of the facade area of the first 15 feet of building height.
- (F) The sign height may not exceed the greater of:
 - (1) 20 feet above frontage street pavement grade; or
 - (2) six feet above grade at the base of the sign.

Source: Section 13-2-867; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. No. 20170817-072, Pt. 12, 8-28-17.

§ 25-10-129 - DOWNTOWN SIGN DISTRICT REGULATIONS.

- (A) This section applies to a downtown sign district.
- (B) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under Section 25-10-131 (Additional Freestanding Signs Permitted).
- (C) Wall signs are permitted.
- (D) A wall sign may be a projecting sign if the sign complies with this subsection.
 - (1) One projecting sign for each building facade is permitted.
 - (2) The sign area of a projecting sign may not exceed 35 square feet.
 - (3) A sign may extend from the building facade not more than the lesser of:
 - (a) six feet; or
 - (b) a distance equal to two-thirds the width of the abutting sidewalk.
 - (4) For a sign that projects over state right-of-way, the state must approve the sign.
- (E) One flag for each curb cut is permitted. A flag may be suspended over public right-of-way.
- (F) This subsection prescribes the maximum sign area.
 - (1) For signs other than freestanding signs, the total sign area for a lot may not exceed 20 percent of the facade area of the first 15 feet of the building.
 - (2) For a freestanding sign, the sign area may not exceed the lesser of
 - (a) 0.5 square feet for each linear foot of street frontage; or
 - (b) 200 square feet.
- (G) The sign height may not exceed:
 - (1) for a freestanding sign, six feet; or
 - (2) for a commercial flag, 30 feet.

Source: Sections 13-2-867 and 13-2-869; Ord. 990225-70; Ord. 031211-11; Ord. No. 20170817-072, Pt. 13, 8-28-17.

§ 25-10-130 - COMMERCIAL SIGN DISTRICT REGULATIONS.

- (A) This section applies to a commercial sign district.
- (B) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under Section 25-10-131 (Additional Freestanding Signs Permitted).
- (C) A roof sign may be permitted instead of a freestanding sign under Section 25-10-132 (Roof Sign Instead of Freestanding Sign).
- (D) Wall signs are permitted.
- (E) One flag for each curb cut is permitted.
- (F) This subsection prescribes the maximum sign area.
 - (1) For signs other than freestanding signs, the total sign area for a lot may not exceed 20 percent of the facade area of the first 15 feet of the building.
 - (2) For a freestanding sign, the sign area may not exceed the lesser of
 - (a) 0.7 square feet for each linear foot of street frontage; or
 - (b) for a sign other than a multi-tenant sign, 200 square feet; or
 - (c) for a multi-tenant sign, 250 square feet.
- (G) The sign height may not exceed the greater of:
 - (1) 30 feet above frontage street pavement grade; or
 - (2) 6 feet above grade at the base of the sign.

Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11; Ord. No. 20170817-072, Pt. 14, 8-28-17.

§ 25-10-131 - ADDITIONAL FREESTANDING SIGNS PERMITTED.

- (A) This section applies in the expressway corridor, downtown, and commercial sign districts.
- (B) In this section, "lot" includes contiguous lots used for a single use or unified development.
- (C) For a lot with total street frontage of more than 400 feet, two freestanding signs are permitted.
- (D) For a lot fronting on two streets, one freestanding sign is permitted on each street.
- (E) For a pad site within a unified development, one freestanding sign is permitted in addition to the other freestanding signs permitted by this chapter.

Source: Section 13-2-870; Ord. 990225-70; Ord. 031211-11.

§ 25-10-132 - ROOF SIGN INSTEAD OF FREESTANDING SIGN.

- (A) This section applies in the expressway corridor and commercial sign districts.
- (B) A roof sign may be substituted for a freestanding sign.
- (C) A roof sign may not exceed the lesser height of:
 - (1) five feet above the building facade; or
 - (2) five feet above the maximum height permitted for a freestanding sign.

Source: Section 13-2-871; Ord. 990225-70; Ord. 031211-11.

§ 25-10-133 - UNIVERSITY NEIGHBORHOOD OVERLAY ZONING DISTRICT SIGNS.

- (A) This section applies to property that is:
 - (1) within the university neighborhood overlay (UNO) zoning district; and
 - (2) outside a historic sign district.
- (B) This section supersedes the other provisions of this article to the extent of conflict.
- (C) A sign may not exceed 150 square feet of sign area, except that this limitation does not apply along the following roadways:
 - (1) Guadalupe Street, from Martin Luther King, Jr. Blvd. to West 29th Street;
 - (2) West 24th Street, from Guadalupe Street to Leon Street;
 - (3) Martin Luther King, Jr. Blvd., from Pearl Street to the alley one block east of University Avenue; and
 - (4) West 29th Street, from Guadalupe Street to Rio Grande Street.
- (D) A freestanding sign is prohibited.
- (E) A roof sign is prohibited.
- (F) A wall sign is permitted if the sign complies with this subsection.
 - (1) One projecting sign for each building facade is permitted.
 - (2) The sign area of a projecting sign may not exceed 35 square feet.
 - (3) A sign may extend from the building facade not more than the lesser of:
 - (a) six feet; or
 - (b) a distance equal to two-thirds the width of the abutting sidewalk.
 - (4) For a sign that projects over state right-of-way, the state must approve the sign.
- (G) A sign may not contain electronic images or moving parts.

Source: Ord. 20070726-132; Ord. No. 20170817-072, Pt. 15, 8-28-17; Ord. No. 20191114-067, Pt. 8, 11-25-19; Ord. No. 20230921-082, Pt. 1, 9-21-23.

ARTICLE 7. - SPECIAL SIGNS.

§ 25-10-151 - SEARCHLIGHT SIGNS.

- (A) A person may use a searchlight sign if the building official issues a permit for the use.
- (B) Except as provided in Subsection (C), the building official shall issue a permit for the use of a searchlight sign if the applicant demonstrates compliance with this subsection.
 - (1) Not more than four beams of light may be projected from a lot.
 - (2) The aggregate light intensity of searchlight signs on a lot may not exceed 1,600 million foot candles.
 - (3) A searchlight sign located within 25 feet of street right-of-way may not project beams at an angle of less than 30 degrees above grade.
 - (4) A searchlight sign may not:
 - (a) project a beam at a street right-of-way or adjoining property; or
 - (b) impair the vision of a driver of a vehicle.
 - (5) A searchlight sign may not be operated between the hours of 1:00 a.m. and 7:00 a.m.
 - (6) A searchlight sign may not be operated on a lot for more than 10 consecutive days.
- (C) The building official may not issue a permit to operate a searchlight sign at a location at which a searchlight sign was used within the two months preceding the date of the permit application.

Source: Section 13-2-873; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. No. 20170817-072, Pt. 16, 8-28-17.

§ 25-10-152 - NONCONFORMING SIGNS.

- (A) A person may continue or maintain a nonconforming sign at its existing location.
- (B) A person may not change or alter a nonconforming sign except as provided in this subsection.
 - (1) The face of the sign may be changed.
 - (2) The sign may be changed or altered if the change or alteration does not:
 - (a) increase the degree of the existing nonconformity;
 - (b) change the method or technology used to convey a message; or
 - (c) increase the illumination of the sign.
 - (3) The sign may be relocated on a tract, if the building official determines that the relocated sign will not be hazardous, and the sign is:
 - (a) located on a tract that is partially taken by condemnation or partially conveyed under threat of condemnation; or
 - (b) moved to comply with other regulations.
 - (4) A nonconforming sign may be modified or replaced in the same location, if the modification or replacement reduces:
 - (a) the sign area by at least 20 percent;
 - (b) the height of the sign by at least 20 percent; or
 - (c) both sign area and height of the sign by an amount which, combined, is equal to at least 20 percent of the sign area and height.
- (5) The owner of a nonconforming off-premise sign may relocate the sign to another tract under these provisions if the requirements of this paragraph are met.
 - (a) The original location of the sign must be:
 - (i) in the area bounded by Highway 183 from Burnet Road to Highway 71, Highway 71 from Highway 183 to Lamar Boulevard, Lamar Boulevard from Highway 71 to 45th Street, 45th Street from Lamar Boulevard to Burnet Road, and Burnet Road from 45th Street to Highway 183, or on a tract that abuts the street right-of-way of a boundary street;
 - (ii) in a scenic roadway sign district;
 - (iii) within 500 feet of:
 - 1. a historic sign district; or
 - 2. a residential structure located in a residential base zoning district; or
 - (iv) within the boundaries of a registered neighborhood association that has requested removal of the sign.
 - (b) The sign must be permanently removed from the original tract and may not be replaced. Any tract upon which an off-premise sign has been unlawfully replaced shall not be eligible as a site for a relocated sign.
 - (c) The relocated sign:
 - (i) must be in:
 - 1. an expressway corridor sign district; or
 - 2. for a sign with a sign area of 300 square feet or less, an expressway corridor sign district or a commercial sign district;
 - (ii) may not be on a tract located on a scenic roadway;
 - (iii) may not be within 500 feet of:
 - 1. a historic sign district;
 - 2. a residential dwelling unit;
 - 3. a tract located in a zoning district, other than an interim rural residence (RR) or commercial highway (CH) zoning district, in which:
 - a. a single-family residential use, a multi-family residential use, or a mixed use development is a permitted use; and
 - b. if the tract is developed, the existing uses on that tract include at least one dwelling unit; or
 - 4. a residential lot in a residential subdivision in the extraterritorial jurisdiction; and
 - (iv) if the sign is relocated within the zoning jurisdiction, it must be within a commercial or industrial base zoning district.
 - (d) Sign district restrictions on sign height and face size otherwise applicable to the relocation tract do not apply to the relocated sign, but the face size of the relocated sign may not exceed that of the original sign, and the sign height of the relocated sign may not exceed 42 feet above ground level street pavement.
 - (e) A relocated sign must be permanently removed from the new location not later than 25 years after the date the relocation application is approved unless within the 25 year time period the sign owner permanently removes and does not relocate a second nonconforming off-premise sign from a location described in Paragraph (5)(a).
 - (f) The council may waive or modify, with or without conditions, a requirement of Paragraph (5)(a) - (e) if the council determines that the waiver or modification is justified by the aesthetic benefit to the City.
 - (i) In making the determination, the council may consider:
 - 1. the number of nonconforming off-premises signs to be removed;

2. the characteristics of the sites from which the signs are to be removed;
 3. the characteristics of the site on which the sign is to be relocated; and
 4. other relevant factors.
- (ii) The council shall hold a public hearing before acting on a proposed waiver or modification.
- (iii) The director of the Watershed Protection and Development Review Department shall give notice of the hearing in accordance with Section 25-1-132(B) (Notice Of Public Hearing).
- (g) A sign may not be relocated or removed under this paragraph unless the sign is registered and all registration fees are paid as required by Subsection (F).
- (h) For each non-conforming off-premise sign relocated under this section, the sign owner must install lighting that is energy efficient, as determined by Austin Energy, and meets or exceeds International Dark Sky standards for pollution reduction. The lighting required under this subsection must be installed:
- (i) no later than six months after the effective date of Ordinance No. 20080605-076, if the sign was relocated prior to that date;
 - (ii) upon installation of the relocated sign, if the relocation occurs after the effective date of Ordinance No. 20080605-076; or
 - (iii) for all other off-premise signs, within 36 months after the sign is registered in accordance with Subsection (F).
- (i) An applicant must:
- (i) be the owner of each sign to be relocated or removed;
 - (ii) file an application for sign relocation with the director at least 90 days before relocating the sign; and
 - (iii) include with the application:
 1. a statement from the owner of each tract from which the sign is to be removed agreeing to the permanent removal of the sign; or
 2. a document approved by the city attorney indemnifying the city for all costs and claims arising from the sign relocation, sign removal, or permit issuance and providing that the city attorney may hire counsel for and shall direct the defense of the claims.
- (j) An applicant must relocate a sign not later than one year after the date the director of the Watershed Protection and Development Review Department approves the application.
- (C) This subsection applies to a nonconforming sign that is damaged by accident, natural catastrophe, or the intentional act of a person other than the sign owner or land owner.
- (1) The sign owner or land owner may repair the damaged sign if the cost of repairing the sign does not exceed 60 percent of the cost of installing a new sign of the same type in the same location. Otherwise, the sign owner or land owner shall remove the sign.
- (2) The sign owner or land owner:
- (a) must apply to the building official for a repair permit not later than the 30th day after the date of damage, and shall finish the repairs not later than the 90th day after the date the building official approves the permit application; or
 - (b) shall remove the sign.
- (D) This subsection applies to the replacement or relocation of a nonconforming sign under Subsections (B)(3) through (B)(5).
- (1) The sign owner or land owner may not replace or relocate the sign if it is dismantled before an application for a permit authorizing the replacement or relocation is filed.
- (2) The sign owner or land owner shall:
- (a) finish the replacement or relocation of the sign not later than the 90th day following the date of dismantling; or
 - (b) remove the sign.
- (E) The building official may not issue a permit for maintenance of a nonconforming sign if the maintenance cost exceeds 60 percent of the cost of installing a new sign of the same type in the same location.
- (F) This subsection applies to an off-premise sign.
- (1) This paragraph prescribes registration and identification requirements.
- (a) The owner of the sign must register the sign every year with the director.
 - (b) The sign owner shall, on a form prescribed by the director, provide:
 - (i) information regarding the sign location, height, size, construction type, materials, setback from property boundaries, and illumination; and
 - (ii) the name and address of the sign owner.
- (c) The sign owner shall initially register the sign by August 31, 1999, or within 180 days after the date the sign becomes subject to the City's planning jurisdiction, as applicable, and shall pay a registration fee set by separate ordinance.
- (d) A person who fails to register a sign as required by this paragraph commits an offense.
- (e) A sign owner is prohibited from relocating a sign if the sign owner is in violation of the registration requirements for any sign owned by that sign owner within the City's jurisdiction.
- (f)

The sign owner shall place identifying markers on the sign as required by the director. Such markers shall include, but not be limited to, the applicable registration number and measurement points to assist in verifying the height of a sign.

- (g) A sign owner shall, in a manner prescribed by the director, provide an annual inventory of all signs owned by that sign owner, including but not limited to a description of the sign, the location of the sign, and the owner of the property on which the sign is located.
- (h) The building official shall notify the property owner of the pending expiration of a sign registration, no earlier than 90 days and no later than 30 days prior to the expiration. The director shall provide the same notice to the sign owner if the inventory required under subsection (f) has been provided.
- (2) The director shall mail notice of an application to repair or replace a sign not later than the 7th day after the application is filed to the:
 - (a) applicant;
 - (b) neighborhood organization; and
 - (c) sign owner, if a sign owner is identified in accordance with Paragraph (1).

Source: Section 13-2-854; Ord. 990225-57; Ord. 990225-70; Ord. 010419-11; Ord. 020207-35; Ord. 031211-11; Ord. 040205-29; Ord. 20051117-041; Ord. 20080605-076; Ord. 20091217-141.

§ 25-10-153 - SIDEWALK SIGNS.

- (A) A sidewalk sign is permitted in accordance with the requirements of this section.
- (B) A sidewalk sign may be installed without a permit, but must comply with the requirements of this subsection.
 - (1) The sign must be located:
 - (a) on a sidewalk at least 10 feet in width;
 - (b) directly in front of a building that is not set back from street right-of-way, if the sign is located in the street right-of-way;
 - (c) for a unified development, on a sidewalk directly in front of the business associated with the sign;
 - (d) no closer than 20 feet from a driveway or pedestrian crosswalk; and
 - (e) in coordination with other permitted right-of-way uses, as determined by the building official.
 - (2) The sign must not:
 - (a) narrow the sidewalk to less than 6 feet in width;
 - (b) obstruct the line of sight for oncoming traffic;
 - (c) be more than four feet high; or
 - (d) be wider than the lesser of one-third the width of the sidewalk, or 30 inches.
- (C) The owner or operator of the sign must, upon request, provide the building official with proof of:
 - (1) an insurance policy protecting the City from liability arising from installation, use, or maintenance of the sign, in accordance with the requirements of Section 25-10-235 (Insurance); and
 - (2) indemnification of the City for liability arising from the installation, use or maintenance of the sign.
- (D) A sign may be displayed at a designated location on the sidewalk only during the hours the business it advertises is open to the public.
- (E) A business may not use more than one sidewalk sign.
- (F) Notwithstanding any other provision of this Code to the contrary:
 - (1) a sidewalk sign may contain or use a supporting device placed on street right-of-way; and
 - (2) approval by the city council of a license agreement for the use of street right-of-way is not required for a sidewalk sign.

Source: Section 13-2-875; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 20070726-132.; Ord. 20090423-090; Ord. No. 20140828-148, Pt. 1, 9-8-14.

§ 25-10-154 - SUBDIVISION SIGN.

For each major entry to a multi-lot, master planned subdivision, two permanent signs with combined sign area of not more than 128 square feet are permitted.

Source: Section 13-2-872; Ord. 990225-70; Ord. 031211-11; Ord. No. 20170817-072, Pt. 17, 8-28-17.

§ 25-10-155 - URBAN FARM AND MARKET GARDEN SIGNS.

- (A) For an urban farm use, a non-electrified sign is permitted that:
 - (1) is not more than eight square feet in size;
 - (2) is not more than four feet above grade.
- (B) For a market garden use, a non-electrified sign is permitted that:
 - (1) is not more than four square feet in size; and
 - (2) is not more than four feet above grade.

Source: Ord. 000406-86; Ord. 031211-11; Ord. 20131121-105, Pt. 6, 3-21-14.

§ 25-10-156 - HOME OCCUPATION SIGNS.

- (A) A home occupation that is allowed under Section 25-2-900 (Home Occupations) may display one on-premise sign if the following requirements are met:
 - (1) The home occupation sign and the principal structure associated with the home occupation must both directly front a Core Transit Corridor or Future Core Transit Corridor.
 - (2) The home occupation sign may not exceed:
 - (a) for a sign that is placed on or attached directly to the ground, six square feet in area and three feet in height, as measured from the lower of natural or finished grade adjacent to the principal structure; or
 - (b) for a sign attached to a monopole of four feet in height and up to 12 inches in diameter, three square feet in area and four feet in height, with the height of both the pole and the sign measured from the lower of natural or finished grade adjacent to the principal structure.
 - (3) If an electric home occupation sign is used, the sign must be:
 - (a) non-illuminated or externally illuminated;
 - (b) energy efficient, as determined by Austin Energy; and
 - (c) compliant with International Dark Sky standards for pollution reduction.

- (B) A home occupation sign permitted under this section must be removed if the home occupation ceases to be used or fails to comply with the requirements of this section or Section 25-2-900 (Home Occupations).

Source: 20090827-032; Ord. No. 20170817-072, Pt. 18, 8-28-17.

§ 25-10-157 - SPECIAL EVENTS SIGNS.

- (A) A permit may be issued under this section only for a sign to be used at a permitted special event that meets the criteria specified in Paragraphs (b) and (c) of Section 25-10-3(17) (Definitions) and includes public streets that have been closed to traffic in accordance with Title 14 (*Use of Streets and Public Property*).
- (B) For a special event occurring in the downtown sign district, the director shall issue a permit to install a projected special event sign in accordance with the requirements of this subsection.
 - (1) No more than two projected special event signs are permitted per special event.
 - (2) A projected special event sign may only be displayed on a single façade of a legally permitted building and may not exceed the lesser of:
 - (a) 50% of the area of the façade, or
 - (b) 6,000 square feet.
 - (3) An application for a projected special event sign must be submitted by the special event permit holder and must include letters of approval from the owners of the building where the projected image will appear and the property where the projected image will originate.
 - (4) A projected special event sign may not:
 - (a) shine, either fully or partially, on any property, building, or public right-of-way, including a street or sidewalk other than the building where the image will appear;
 - (b) impair the vision of or distract a driver of a vehicle;
 - (c) be controlled through social media or by any person other than the applicant; or
 - (d) be displayed at any time outside the hours of 7:00 a.m. to 2:00 a.m. during the approved duration of the special event.
- (C) A special event permit holder may install a non-projected special event sign in accordance with the requirements of this subsection.
 - (1) A non-projected special event sign:
 - (a) may not exceed 96 square feet; and
 - (b) must be attached to:
 - (i) a fence located at the boundaries of the special event venue; or
 - (ii) the wall of a legally permitted permanent or temporary structure included within the boundaries of a special event venue, if the owner of the building or structure has agreed to placement of the sign.
 - (2) A non-projected special event sign may not impair the vision of or distract a driver of a vehicle.
 - (D) The director may revoke a permit for a special event sign approved under this section if operation of the sign is deemed to constitute a threat to public health and safety.

Source: Ord. 20140213-088, Pt. 3, 2-24-14; Ord. No. 20170817-072, Pts. 19, 20, 8-28-17.

§ 25-10-158 - IDENTIFICATION SIGNS ON PUBLIC RIGHT-OF-WAY INSTALLATIONS.

- (A) A sign may be installed on a right-of-way installation in accordance with the requirements of this section.
- (B) Signage installed under Subsection (A) of this section must:
 - (1) face away from portions of the right-of-way that are open to automobile traffic;
 - (2) not contain electronic images or lighting; and
 - (3) be limited in total area to the lesser of:
 - (a) 30% of the area of the face of the installation on which it is installed; or
 - (b) 4 square feet.

Source: Ord. No. 20140828-146, Pt. 2, 9-8-14; Ord. No. 20170817-072, Pts. 19, 21, 8-28-17.

ARTICLE 8. - STREET BANNERS.

§ 25-10-171 - PERMITS.

- (A) The building official may issue a permit for display of a street banner advertising a noncommercial or nonpolitical event, including a:
 - (1) charitable, humanitarian, or eleemosynary event;
 - (2) educational, scholastic, or artistic event;
 - (3) community or public interest activity; and
 - (4) the sale of goods or services in conjunction with an event the proceeds of which will primarily benefit a charitable, humanitarian, scholastic, or eleemosynary cause.
- (B) The building official shall issue a street banner display permit after determining that:
 - (1) the street banner advertises an event described in Subsection (A);
 - (2) the proposed display location has been approved under Section 25-10-173 (Location);
 - (3) the street banner and the manner of installation comply with the requirements established by the Electric Utility Department; and
 - (4) installation of the street banner complies with all other applicable requirements of this Code.
- (C) The building official may issue a street banner display permit subject to reasonable conditions concerning the location, mounting, duration, or manner of display.
- (D) For a street banner proposed to be displayed at a location not previously approved under Section 25-10-173 (Location):
 - (1) the application to display the street banner must be accompanied by payment of an evaluation fee established by ordinance; and
 - (2) after evaluation of the location and before the building official may issue a street banner display permit, the applicant shall pay the City a non-refundable fee established by ordinance to reimburse the expenses of labor, materials, and equipment incurred to establish a street banner location.
- (E) The building official may suspend or revoke a street banner display permit for a violation of this Code, the conditions of the permit, or other applicable law.

Source: Sections 13-2-874(b), (c), (d), (h), and (l); Ord. 990225-70; Ord. 031211-11.

§ 25-10-172 - RESTRICTIONS.

- (A) An event or activity may not be advertised at more than three locations. A street banner for an event or activity may not be displayed more than 14 days at one location during a 12 month period.
- (B) A street banner display permit is a license that does not confer a property right on the permittee with respect to occupancy of street right-of-way. A person may not assign or transfer a street banner display permit.

Source: Sections 13-2-874(f) and (d); Ord. 990225-70; Ord. 031030-11; Ord. 031211-11.

§ 25-10-173 - LOCATION.

- (A) The building official, in consultation with the Electric Utility Department, may establish a location for display of a street banner if the building official determines that:
 - (1) display at the proposed location is feasible considering the placement of utility poles, installation of mounting brackets, or other necessary fixtures;
 - (2) display at the proposed location will not produce a public safety hazard;
 - (3) display at the proposed location is consistent with existing land uses in the area;
 - (4) display at the proposed location is consistent with other applicable laws and ordinances, including those regarding scenic views or historic preservation;
 - (5)

the Electric Utility Department has inspected the proposed site and has not found a technical, logistical, or safety problem with display at the proposed location; and

- (6) the applicant has agreed in writing that all accessions or improvements added to establish a display location shall be the property of the Electric Utility Department.

Source: Section 13-2-874(g); Ord. 990225-70; Ord. 031211-11.

§ 25-10-174 - INSTALLATION.

- (A) The Electric Utility Department shall install a street banner after:
 - (1) the applicant delivers the street banner to the Electric Utility Department; and
 - (2) the Electric Utility Department verifies that:
 - (a) the building official has approved the street banner display permit; and
 - (b) the street banner complies with street banner specifications.
- (B) An improvement or accession installed at a display location becomes the property of the Electric Utility Department.

Source: Section 13-2-874(e) and (j); Ord. 990225-70; Ord. 031211-11.

§ 25-10-175 - REMOVAL; DESTRUCTION.

- (A) The building official or the Electric Utility Department may remove a street banner that:
 - (1) is displayed after expiration of the street banner display permit; or
 - (2) in the opinion of the building official or the Electric Utility Department, creates a public safety hazard;
 - (3) was installed in the public right-of-way without a permit; or
 - (4) is illegal.
- (B) The building official may destroy a street banner:
 - (1) after the 10th day following the expiration of the street banner display permit, if the street banner is removed under Subsection (A)(1) or (A)(2) and not reclaimed by the permittee; or
 - (2) immediately, if the street banner is removed under Subsection (A)(3) or (A)(4).

Source: Sections 13-2-874(k) and (l); Ord. 990225-70; Ord. 031211-11.

ARTICLE 9. - SETBACK AND STRUCTURAL REQUIREMENTS.

§ 25-10-191 - SIGN SETBACK REQUIREMENTS.

- (A) A sign installed in compliance with this section is not required to comply with building setback requirements established elsewhere in this title.
- (B) A sign support 12 inches or less in diameter is not required to be set back from a street right-of-way.
- (C) A sign support more than 12 inches and not more than 24 inches in diameter must be set back at least three feet from a street right-of-way.
- (D) A sign support more than 24 inches and not more than 36 inches in diameter must be set back at least five feet from the street right-of-way.
- (E) A sign support more than 36 inches in diameter must be set back at least 12 feet from the street right-of-way.
- (F) Except for a wall sign, a sign within 12 feet of a street right-of-way must have either:
 - (1) a height of not more than 30 inches; or
 - (2) a clearance of at least nine feet.
- (G) This section does not apply to a sign permitted by [Section 25-10-102\(F\) \(Signs Associated with Political Elections\)](#).

Source: Section 13-2-886; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. No. 20170817-072, Pt. 22, 8-28-17.

§ 25-10-192 - STRUCTURAL REQUIREMENTS.

- (A) Except for a wall sign, a sign must be designed, installed, and maintained so that it will withstand a horizontal pressure of 30 pounds per square foot of exposed surface.
- (B) A lighted sign:
 - (1) may not produce glare visible to vehicle drivers; and
 - (2) must be visually separated from traffic signs, signals, and devices.

Source: Section 13-2-887; Ord. 990225-70; Ord. 031211-11.

ARTICLE 10. - INSTALLATION PERMITS.

§ 25-10-211 - SIGN INSTALLATION PERMIT REQUIRED.

- (A) A person may not install, move, structurally alter, or structurally repair a sign unless the building official has issued a sign installation permit. This prohibition does not apply to:
- (1) a sign described in Section 25-10-101 (Signs Allowed In All Sign Districts Without An Installation Permit); or
 - (2) routine maintenance, nonstructural repair, or re-facing of an existing sign.
- (B) The fee for a sign installation permit is established by separate ordinance and is nonrefundable.
- (C) For an electrical sign, an electric permit is required before:
- (1) a person may install, move, structurally alter, or structurally repair the sign; or
 - (2) the building official may issue an installation permit for the sign.
- (D) For a sign to be replaced under Section 25-10-152(B)(5) (Nonconforming Signs), the building official may not issue an installation permit until the required sign removal is completed.

Source: Section 13-2-900; Ord. 990225-70; Ord. 020207-35; Ord. 031211-11.

§ 25-10-212 - EXPIRATION AND EXTENSION OF SIGN INSTALLATION PERMIT.

- (A) Except as provided in Subsection (B), a sign installation permit expires on the 180th day after the permit is granted unless the applicant requests a final inspection before the permit expires.
- (B) The building official may grant a single 90 day extension of a sign installation permit if the applicant requests an extension before the permit expires.
- (C) If an extension is granted under Subsection (B), the permit expires on the 270th day after the permit is granted unless the applicant requests a final inspection before the permit expires.

Source: Section 13-2-902; Ord. 990225-70; Ord. 031211-11.

ARTICLE 11. - REGISTRATION.**§ 25-10-231 - REGISTRATION REQUIRED.**

- (A) Except as provided in this section, a person may not install, move, structurally alter, structurally repair, or maintain a sign unless the person is registered with the building official in accordance with this article.
- (B) The registration requirement of Subsection (A) does not apply to:
- (1) an employee of a person who is registered; or
 - (2) a person who:
 - (a) paints or refaces an existing sign;
 - (b) installs or maintains a sign authorized under Section 25-10-101 (Signs Allowed In All Sign Districts Without An Installation Permit);
 - (c) installs individual components of a wall sign not attached to each other as part of a larger sign, if each component is less than 32 square feet in size, securely affixed to a building, fence, or wall, and not more than three inches thick;
 - (d) installs or maintains a freestanding sign that is not more than eight feet in height; or
 - (e) installs a sidewalk sign.

Source: Sections 13-2-905 and 13-2-875(d)(2); Ord. 990225-70; Ord. 031211-11.

§ 25-10-232 - REGISTRATION FEE.

An applicant must pay a registration fee in the amount established by separate ordinance when the applicant files an application for the registration required by this article.

Source: Section 13-2-910; Ord. 990225-70; Ord. 031211-11.

§ 25-10-233 - PREREQUISITES; EXPIRATION; NONTRANSFERABLE.

- (A) The indemnification agreement and proof of insurance required by this article is a prerequisite to registration.
- (B) Registration expires on December 31 of each calendar year.
- (C) Registration under this article is not transferable.

Source: Section 13-2-906; Ord. 990225-70; Ord. 031211-11.

§ 25-10-234 - INDEMNIFICATION.

A registrant shall:

- (1) indemnify the City from all liability arising from the person's activities or operations; and
- (2) pay all expenses incurred in defending against a claim made against the City.

Source: Section 13-2-907; Ord. 990225-70; Ord. 031211-11.

§ 25-10-235 - INSURANCE.

A registrant shall purchase and maintain at all times insurance for bodily injury and property damage liability in amounts and with the coverages, terms, and conditions required by rules promulgated by the city manager in accordance with Chapter 1-2 (*Adoption Of Rules*) of the Code.

Source: Section 13-2-908; Ord. 990225-70; Ord. 031211-11.

§ 25-10-236 - REVOCATION AND SUSPENSION.

(A) The Board of Adjustment may suspend or revoke the registration of a person after determining that the person is guilty of:

- (1) fraud or deceit in registering under this article;
- (2) allowing a person other than the registrant who obtained the sign installation permit, or an employee acting under the direct supervision of that person, to perform work for which that permit is required;
- (3) gross negligence, incompetency, or misconduct in the performance of sign work;
- (4) intentionally making a false or misleading material statement on the application for a sign installation permit or in providing facts to support the building official's determination that a particular sign is a nonconforming sign;
- (5) installing, moving, or structurally altering or repairing a sign in violation of this chapter; or
- (6) failing to maintain the insurance required by this article.

(B) This subsection prescribes the procedure by which the Board of Adjustment shall determine whether a registrant has violated a provision of Subsection (A).

- (1) If the Board of Adjustment receives sworn information alleging a violation from a person of sound mind and legal age, the Board of Adjustment shall determine whether the information is sufficient to support further action in its part.
- (2) If the Board of Adjustment determines that the information supports further action, it shall schedule a public hearing on the allegation.
- (3) Notice of the date, time, and place of the hearing shall be mailed to the registrant by registered mail, not less than 15 days before the date of the hearing.
- (4) The registrant may appear in person or be represented by counsel to present a defense to the Board of Adjustment. If the registrant does not appear, the Board of Adjustment may hear evidence and make a determination on the allegation in the registrant's absence.
- (5) If the registrant admits the violation, or if the Board of Adjustment, by at least a two-thirds vote, determines that the allegation is true, the Board of Adjustment shall suspend or revoke the registration. A suspension shall be for a period of not less than 30 days and not more than 180 days.
- (6) When the Board of Adjustment has completed its hearing, it shall file a record of its determination with the city clerk and forward a certified copy of its finding and decision to the registrant.

(C) The Board's decision may be appealed to the city council in accordance with [Chapter 25-1](#), Article 7, Division 1 (*Appeals*).

(D) A person whose registration is revoked may not register for a period of one year after the revocation.

Source: Section 13-2-909; Ord. 990225-70; Ord. 031211-11; Ord. No. 20141211-204, Pt. 23, 7-1-15.

§ 25-10-237 - PENALTY FOR FAILURE TO REGISTER.

A person who fails to register a sign as required by [Section 25-10-152\(F\)](#) commits an offense punishable by a fine of up to \$500 per day for each day that the offense continues, and for each sign that is not registered. A person who violates [Section 25-10-152\(B\)\(6\)\(b\)](#) commits an offense punishable by a fine of up to \$500 per day for each day the violation continues.

Source: Ord. 20080605-076.

CHAPTER 25-11. - BUILDING, DEMOLITION, AND RELOCATION PERMITS; SPECIAL REQUIREMENTS FOR HISTORIC STRUCTURES.

ARTICLE 1. - GENERAL PROVISIONS.

§ 25-11-1 - JURISDICTION.

- (A) This chapter applies to property in the city's zoning jurisdiction.
- (B) The provisions of this chapter relating to plumbing, electric, and mechanical permits apply to structures connected to the City's electric and water and wastewater utilities.

Source: Section 13-1-731; Ord. 990225-70; Ord. 031211-11.

§ 25-11-2 - HISTORIC LANDMARKS.

- (A) The building official may not issue a building, demolition, or relocation permit unless the requirements of Article 4 (Special Requirements For Historic Structures) have been satisfied, if applicable.
- (B) A person may not change, restore, remove, or demolish an exterior architectural feature of a designated historic landmark, a structure for which a designation is pending under [Section 25-11-214](#), or a contributing structure in a local historic district unless the requirements of Article 4 (Special Requirements For Historic Structures) have been satisfied.

Source: Sections 13-1-602, 13-1-733 and 13-1-741(d); Ord. 990225-70; Ord. 031211-11; 20090806-068.

ARTICLE 2. - BUILDING AND DEMOLITION PERMITS.**Division 1. - Building and Demolition Permits Generally.****§ 25-11-31 - RESERVED.****§ 25-11-32 - BUILDING PERMIT REQUIREMENT.**

- (A) Unless a technical code exempts an activity from its permitting requirements, a person may not perform the following activities unless the person first obtains the appropriate permit from the building official:
 - (1) an activity regulated by [Chapter 25-12](#), Article 1 (Uniform Building Code), Article 4 (Electrical Code), Article 5 (Uniform Mechanical Code), or Article 6 (Uniform Plumbing Code);
 - (2) constructing or structurally altering a pier or other structure in or along the shores of:
 - (a) Lake Austin below an elevation of 504.9 feet above mean sea level;
 - (b) Town Lake below an elevation of 435.0 feet above mean sea level; or
 - (c) Lake Walter E. Long;
 - (3) altering the shoreline or bed of Lake Austin, Town Lake, or Lake Walter E. Long by filling or dredging;
 - (4) constructing, altering, or repairing a sidewalk, curb, gutter, or driveway approach on property under a person's control or in public right-of-way adjoining property under a person's control;
 - (5) erecting, moving, or structurally altering or repairing an outdoor sign; or
 - (6) causing or permitting the activities described in this section to occur.
- (B) A building permit does not authorize the demolition or removal of any part of a structure.

Source: Section 13-1-735; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 25-11-33 - EXISTING BUILDINGS.

- (A) Except as provided in Subsection (B), a person shall comply with technical code requirements for new facilities when making an addition, alteration, or repair to a building or structure or to building service equipment.
- (B) The building official may allow a person to:
 - (1) make a minor addition, alteration, or repair to existing building service equipment in accordance with the technical codes in effect at the time the equipment was originally installed;
 - (2) use, maintain, or repair building service equipment that was lawfully in existence at the time of the adoption of the technical codes in accordance with the original design if the building service equipment does not create a hazard to life, health, or property; and
 - (3) except as provided in Subsection (C), use the type of materials used in the original construction of an existing building or structure to make a nonstructural alteration or repair if the alteration or repair does not adversely affect a structural member or the required fire resistance of a part of the building or structure.
- (C) A person must comply with requirements for new installations when installing or replacing glass.

- (D) A person who makes an addition, alteration, or repair to a building or structure or to building service equipment is not required to conform the portions of the existing building not affected by the addition, alteration, or repair to requirements for new facilities.
- (E) A person may not create a condition in an existing building or structure or in existing building service equipment that violates the technical codes as a result of an addition or alteration.
- (F) A person may not create an unsafe condition in an existing building or structure or in existing building service equipment as a result of an addition or repair. An unsafe condition exists if an addition or alteration:
 - (1) causes the existing building or structure to become structurally unsafe;
 - (2) overloads or exceeds the capacity of building service equipment;
 - (3) results in inadequate egress or obstructs existing exits;
 - (4) creates a fire hazard;
 - (5) reduces fire resistance; or
 - (6) creates a health hazard or a condition dangerous to human life.

Source: Section 13-1-732(a) through (e); Ord. 990225-70; Ord. 031211-11.

§ 25-11-34 - EXEMPT ACTIVITY.

An activity that is exempt from the permitting requirements of this article must comply with City regulations and Code requirements.

Source: Section 13-1-736; Ord. 990225-70; Ord. 031211-11.

§ 25-11-35 - TEMPORARY BUILDING PERMIT.

- (A) The building official may issue a temporary building permit to authorize construction of a portion of a building, structure, or building service equipment before the plans and specifications for the entire project have been submitted or approved if the applicant files information and detailed statements describing the activity to be performed and the building official determines that the activity complies with this title.
- (B) The permittee under a temporary building permit proceeds with construction at the permittee's risk. A temporary building permit does not guarantee that a permit for the entire building or structure will be approved. A permittee does not acquire vested rights under a permit issued under this section.
- (C) The building official shall provide a permittee with written documentation stating that the permittee does not acquire vested rights under a temporary building permit.

Source: Section 13-1-741(c); Ord. 990225-70; Ord. 031211-11.

§ 25-11-36 - LICENSED CONTRACTOR REQUIRED.

Unless state law or the technical codes exempt an activity from the permitting requirements, the following activity must be performed by a licensed contractor:

- (1) activity for which a plumbing, electrical, solar, or mechanical permit is required; and
- (2) activity for which a sidewalk, curb, gutter, or driveway approach permit is required.

Source: Section 13-1-737; Ord. 990225-70; Ord. 031211-11.

§ 25-11-37 - DEMOLITION PERMIT REQUIREMENT.

- (A) Except as provided in Subsection (B), a person may not demolish all or part of a structure unless the person first obtains a demolition permit from the building official.
- (B) A demolition permit is not required to demolish all or part of an interior wall, floor, or ceiling.
- (C) Except as provided in Article 4 (Special Requirements For Historic Landmarks), the building official may issue a permit to demolish all or part of a structure.
- (D) An applicant for a demolition permit must provide notice of the demolition to adjacent one-family structures, two-family structures, and any multi-family component of other adjacent structures. The building official shall adopt rules regarding the requirements of the notice. At a minimum, the required notification must be:
 - (1) on a form approved by the director and specify the date or range of dates on which the demolition may occur, which must be between five and ten days after notice is provided;
 - (2) mailed or placed on properties adjacent to the property where the demolition is to occur; and
 - (3) posted on the property where the demolition is to occur, in a manner visible from the primary street frontage.

Source: Section 13-1-741(d); Ord. 990225-70; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. No. 20201001-040, Pt. 1, 10-12-20.

§ 25-11-38 - ASBESTOS SURVEY REQUIRED FOR CERTAIN PERMITS.

- (A) In this section, "asbestos survey" means an inspection, by an individual licensed by the state to perform the inspection, of a building or facility to determine the location, quantity, and condition of asbestos containing material in the building by taking samples for analysis and by visual inspection.
- (B) The building official may not issue a permit to a person for the demolition or renovation of a building unless an asbestos survey has been conducted of the areas of the building affected by the proposed renovation or demolition. A person seeking a permit must provide evidence of the survey to the building official.
- (C) This section does not apply to:
 - (1) a building owned by the state or federal government;
 - (2) an industrial facility to which access is limited principally to employees of the facility because of processes or functions that are hazardous to human safety or health;
 - (3) a manufacturing facility or building that is limited to workers and invited guests under controlled conditions;
 - (4) a building, or any portion of a building that a professional engineer, a registered architect, or a city, county, or state government official determines to be structurally unsound and in danger of imminent collapse; or
 - (5) a single family dwelling, or a residential use with four or fewer units.
- (D) A person who obtains a survey of a building in its entirety is not required to obtain additional surveys for subsequent renovations or demolitions of the building.
- (E) Instead of a criminal prosecution under this section, the building official may impose a civil penalty not to exceed \$2,000 for each instance of a violation of this section. The building official may impose a separate penalty for each day that a violation continues. The city attorney may initiate a civil action to recover a penalty owed under this section.
- (F) A person commits an offense if the person begins, conducts, or continues demolition or renovation operations without an asbestos survey required by this section. A culpable mental state is not required, and need not be proved, for an offense under this section. Each instance of a violation under this section is a separate offense. Each day that a violation continues is a separate offense. An offense is punishable by a fine not to exceed \$2,000.

Source: Ord. 010329-49; Ord. 031211-11.

§ 25-11-39 - CONSTRUCTION AND DEMOLITION MATERIALS DIVERSION REQUIRED.

- (A) Except as provided in Subsection (D), each person that applies for a building permit or demolition permit for activities described in Subsection (C) must acknowledge the person's need to comply with this Section and Chapter 15-6, Article 9 (*Construction and Demolition Materials Diversion Program*) before a building or demolition permit is issued.
- (B) This section is applicable in the City's zoning jurisdiction.
- (C) Except as provided in Subsection (D), construction and demolition materials diversion is required for
 - (1) construction projects that exceed 5,000 square feet of new, added, or remodeled floor area; and
 - (2) beginning October 1, 2019, commercial and multifamily projects that require a demolition permit.
- (D) Construction and demolition materials diversion is not required for the following activities:
 - (1) projects for which only mechanical, electrical, or plumbing permits are required; or
 - (2) work for which a building or demolition permit is not required.

Source: Ord. No. 20151119-098, Pt. 4, 10-1-16.

Note— Ordinance No. 20151119-098 takes effect on October 1, 2016.

Division 2. - Building Permit Applications.

§ 25-11-61 - PERMIT APPLICATION.

An applicant for a building permit must submit an application on a form prescribed by the building official. The application must include the information required in Chapter 25-12, Article 1 (*Uniform Building Code*) and Building Criteria Manual.

Source: Section 13-1-735; Ord. 990225-70; Ord. 031211-11.

§ 25-11-62 - DEPARTMENTAL REVIEW.

The building official shall submit each application for a building permit to appropriate city departments for review. Each department shall determine whether an application complies with regulations enforced by the department and shall provide its determination to the building official.

Source: Section 13-1-741(a); Ord. 990225-70; Ord. 031211-11.

§ 25-11-63 - REVIEW PERIODS.

The building official shall approve or disapprove an application for the following permits by the deadlines established by the director under Section 25-1-82 (Application Requirements and Expiration).

Type of Permit:

- (1) Commercial buildings, new construction;
- (2) Commercial buildings, remodeling and finishouts;
- (3) Residential, new construction;
- (4) Residential, remodeling of a complying structure;
- (5) Residential, remodeling of or additions to a noncomplying structure;
- (6) Sign, other than a nonconforming off-premise sign;
- (7) Replacement of nonconforming off-premise sign;
- (8) Repair of nonconforming off-premise sign;
- (9) Demolition; and
- (10) Relocation.

Source: Section 13-1-740; Ord. 990225-70; Ord. 020207-35; Ord. 031211-11; Ord. 20100624-149; Ord. No. 20160421-039, Pt. 14, 5-2-16.

§ 25-11-64 - REQUIREMENTS REGARDING UTILITY SERVICE.

- (A) The building official shall coordinate review of applications under this article with the City's electric utility and Austin Water if the property is served or will be served by public utilities.
- (B) When an applicant files an application for a building permit, the applicant must submit a written verification that utilities for the proposed development are suitable and sufficient for the proposed project.
- (C) After a demolition application has been approved but before demolition can occur, the applicant must satisfy the following requirements:
 - (1) The applicant shall terminate all utilities unless the applicant submits a request for continued services and receives approval from the appropriate utility service.
 - (2) The applicant shall abandon public water and wastewater service lines in accordance with the Utilities Criteria Manual.
 - (i) If the existing public water and wastewater service lines or appurtenances are to be reused in the future, the corresponding private yard lines must be capped within private property in accordance with Chapter 25-12, Article 6 (Plumbing Code).
 - (ii) If the existing public water and wastewater service lines or appurtenances will be discontinued, the applicant shall submit additional plans to Austin Water for review.
 - (3) For properties served by private on-site sewage facilities and located within the full purpose boundaries of the City or in areas annexed in the limited purpose boundaries of the City where the City's health and safety ordinances apply, the applicant shall abandon the on-site sewage facilities in accordance in Chapter 15-5 (*Private Sewage Facilities*). For all other properties, the applicant shall abandon the on-site sewage facilities in accordance with the requirements of the applicable permitting authority.
 - (4) If the property is served by the City's electric utility, the applicant shall contact the electric utility to arrange to have the electric meter and service drop removed from the structure by the electric utility. Demolition may not proceed until the electric meter and service drop has been removed by the electric utility. The building official may issue an electric permit for temporary power if the applicant requests temporary construction power to a site.

Source: Section 13-1-739.; Ord. 990225-70; Ord. 031211-11; Ord. No. 20200917-067, Pt. 1, 9-28-20.

§ 25-11-65 - TESTING OF MATERIALS AND CONSTRUCTION METHODS.

- (A) The building official may require that an applicant test materials or construction methods to demonstrate compliance with technical codes if:
 - (1) the building official has reason to believe that materials or construction methods were not tested; or
 - (2) the applicant proposes an alternate method of compliance.
- (B) The applicant shall use a test method:
 - (1) prescribed in a technical code;
 - (2) recognized in the industry; or
 - (3) determined by the building official.
- (C) A test shall be performed by an agency approved by the building official.
- (D) The building official shall retain a test report for a reasonable time.
- (E) The applicant is responsible for the cost of a test.

Source: Section 1-31-734; Ord. 990225-70; Ord. 031211-11.

§ 25-11-66 - ERRORS IN PERMIT SUPPORT DOCUMENTS.

If the building official discovers an error in the plans, specifications, or other data submitted in support of a permit application, the building official may:

- (1) require an applicant to correct the error; and
- (2) stop building operations at the site if the error results in a violation of City regulations.

Source: Section 13-1-742; Ord. 990225-70; Ord. 031211-11.

Division 3. - Building Permit Issuance, Appeal, Expiration, and Extension.

§ 25-11-91 - PERMIT ISSUANCE.

The building official shall issue a permit if the building official determines that the activity described in an application, plans, specifications, and other support data comply with applicable law and that the required fees have been paid.

Source: Section 13-1-741(a); Ord. 990225-70; Ord. 031211-11.

§ 25-11-92 - APPROVED PLANS.

- (A) The building official shall endorse or stamp "APPROVED" on plans and specifications approved in conjunction with permit issuance.
- (B) A person may not alter approved plans or specifications without authorization from the building official.
- (C) Activity conducted under a permit issued under this article must be done in accordance with the approved plans and specifications.

Source: Section 13-1-741(b); Ord. 990225-70; Ord. 031211-11.

§ 25-11-93 - APPEAL.

An interested party may appeal a decision of the building official to grant or deny a permit under this division to the Building and Fire Code Board of Appeal.

Source: Section 13-1-744; Ord. 990225-70; Ord. 031211-11.

§ 25-11-94 - EXPIRATION AND EXTENSION OF BUILDING PERMIT.

- (A) A building permit expires if work authorized by the permit does not begin before the 181st day after the permit is issued. The building official may grant a single 180 extension of the building permit if the permittee requests the extension before the permit expires and demonstrates good cause for the extension.
- (B) A building permit expires if work authorized by the permit begins before the 181st day after the permit is issued but is abandoned or suspended for more than 180 days. The building official may grant a single 180 extension of the building permit if the permittee requests the extension before the permit expires and demonstrates good cause for the extension.
- (C) After a building permit expires, a person may not perform work for which the permit is required.

Source: Section 13-1-743; Ord. 990225-70; Ord. 031211-11; Ord. 20130411-036.

§ 25-11-95 - EXPIRATION AND EXTENSION OF DEMOLITION PERMIT.

- (A) Except as provided in Subsection (C) of this section, a demolition permit expires if:
 - (1) work authorized by the permit does not begin within two years from the date the permit is issued, except as provided in Subsection (C); or
 - (2) the demolition is not complete within six months from the date work begins.
- (B) The building official may grant a single one-year extension of a demolition permit if the permittee requests the extension before the permit expires. An extension must be requested in writing, but does not require an application.
- (C) If a demolition permit expires after work has begun, a subsequent demolition permit issued for the same structure expires if the work is not complete within six months or a lesser time if required by the building official based on public health and safety.
- (D) An active demolition permit does not prevent expiration of a site plan under Chapter 25-5, Article 1, Division 5 (Expiration).

Source: Ord. 20130411-036.

Division 4. - Inspection and Maintenance.

§ 25-11-111 - BUILDING PERMIT INSPECTIONS.

- (A) The owner or the owner's general contractor must obtain each building permit inspection described in this section, if applicable.
- (B) Electrical, plumbing, and mechanical inspections may be requested only by the contractor authorized by the permit to perform the work.
- (C) The building official may require the following inspections before issuing a certificate of occupancy:
 - (1) structural inspections, including layout, foundation, framing, and wallboard inspections;
 - (2) concrete inspections, including sidewalk pre-pour and driveway pre-pour inspections;
 - (3) electrical inspections, including slab and rough inspections;
 - (4) mechanical inspections, including rough and vent inspections;
 - (5) plumbing inspections, including rough, copper, top out, gas, wastewater, and fire line inspections;
 - (6) fire inspections, including access and water supply and system rough-in inspections;
 - (7) energy inspections, including insulation and infiltration inspections; and
 - (8) final inspections, including electric, plumbing, mechanical, energy, concrete, building, fire, health, landscape, and drainage/engineering inspections.
- (D) The building official may require additional inspections if the building official determines that a hazardous condition exists. An inspection under this subsection must be performed by an inspector approved by the building official.

Source: Section 13-1-902; Ord. 990225-70; Ord. 031211-11.

§ 25-11-112 - MAINTENANCE.

- (A) The owner of a building or structure is responsible for the maintenance of the building, structure, and building service equipment. The owner shall:
 - (1) maintain the building, structure, and building service equipment in a safe and sanitary condition; and
 - (2) maintain a device or safeguard required by a technical code in the manner required by the technical code under which the device or safeguard was installed.
- (B) The building official may inspect a building or structure to determine compliance with this section.

Source: Section 13-1-732(g); Ord. 990225-70; Ord. 031211-11.

ARTICLE 3. - RELOCATION PERMITS.

Division 1. - Relocation Permits Generally.

§ 25-11-141 - RELOCATION PERMIT REQUIREMENT.

- (A) Except as provided in Subsection (B), a person must obtain a relocation permit to move a building regulated by this title from one site to another or along public right-of-way.
- (B) A relocation permit is not required to move a building that:
 - (1) is specifically designed and constructed to be portable;
 - (2) has a loaded height of not more than 14 feet and a loaded width of not more than 14 feet.

Source: Section 13-1-745(a)(2) and (g); Ord. 990225-70; Ord. 031211-11.

§ 25-11-142 - PERMIT APPLICATION.

- (A) A person must submit an application for a relocation permit to the building official on a form prescribed by the building official. The application must include:
 - (1) the name, address, and telephone number of the owner of the building to be moved;
 - (2) the current address of the building, legal description of the current location of the building, and current use of the building;
 - (3) the proposed address of the building, legal description of the proposed location of the building, and proposed use of the building.
- (B) In addition to the application, an applicant must submit:
 - (1) a tax certificate indicating that delinquent taxes are not due on the property from which the building is removed or the property to which the building is to be moved;
 - (2) a floor plan of the building to be moved; and
 - (3) if the building is to be relocated within the city's zoning jurisdiction, a plot plan of the proposed location showing all required setbacks and measurements.
- (C) An applicant for a relocation permit must pay the application fee and deposit established by separate ordinance.

Source: Sections 13-1-745(h)(1) and (2) and 13-1-745(i)(1) and (2); Ord. 990225-70; Ord. 031211-11.

§ 25-11-143 - DEPARTMENTAL REVIEW.

- (A) The building official shall submit each application for a relocation permit to affected city departments for review. The departments shall provide the building official with a recommendation on issuance of the permit.
- (B) The applicant may amend the application if it is disapproved.

Source: Section 13-1-745(k); Ord. 990225-70; Ord. 031211-11.

§ 25-11-144 - INSPECTION.

- (A) The building official shall inspect the building to be moved and the proposed location of the building to determine whether the move complies with applicable city ordinances.
- (B) The building official may not issue a permit if the building official determines that:
 - (1) the structure cannot safely be moved; or
 - (2) the structure cannot be made to comply with city ordinances in its proposed location.

Source: Section 13-1-745(l); Ord. 990225-70; Ord. 031211-11.

§ 25-11-145 - DENIAL FOR REPEATED VIOLATIONS.

The building official may deny a permit application submitted by a mover who knowingly and repeatedly violates the provisions of this title.

Source: Section 13-1-745(m); Ord. 990225-70; Ord. 031211-11.

§ 25-11-146 - PERMIT ISSUANCE.

The building official shall issue a relocation permit if the building official determines that:

- (1) the proposed relocation complies with applicable regulations;
- (2) the applicant has paid required fees and deposits; and
- (3) the applicant has obtained all required building permits.

Source: Sections 13-1-741 and 13-1-745(i)(1); Ord. 990225-70; Ord. 031211-11.

§ 25-11-147 - APPEAL.

An interested party may appeal the decision of the building official to approve or deny a relocation permit to the Building and Fire Code Board of Appeal.

Source: Section 13-1-744; Ord. 990225-70; Ord. 031211-11.

§ 25-11-148 - PERMITS MAY NOT BE TRANSFERRED.

A permittee may not transfer or attempt to transfer a permit or right granted under this division.

Source: Section 13-1-745(n); Ord. 990225-70; Ord. 031211-11.

Division 2. - Relocation Requirements.

§ 25-11-171 - MOVING CONTRACTOR REQUIRED.

- (A) Except as provided in Subsection (B), a building may be moved only by a moving contractor who is bonded and insured in accordance with City rules.
- (B) A person other than a moving contractor may move a building described in Section 25-11-141(B) (Relocation Permit Requirement). A person who moves a building under this subsection must comply with applicable provisions of this division.

Source: Section 13-1-745(a)(1) and (j); Ord. 990225-70; Ord. 031211-11.

§ 25-11-172 - IDENTIFICATION OF MOVER.

The name, address, and telephone number of the person or firm performing the move must be permanently and prominently displayed:

- (1) on the vehicles, dollies, beams, and trailers used in the move; and
- (2) during the move, on the rear of the structure being moved.

Source: Section 13-1-745(a)(3); Ord. 990225-70; Ord. 031211-11.

§ 25-11-173 - POSTING PERMIT.

The permittee shall post one copy of the permit on a building before the building is moved. The permit must remain on the building throughout the move.

Source: Section 13-1-745(o); Ord. 990225-70; Ord. 031211-11.

§ 25-11-174 - MOVING HOURS.

- (A) Except as provided in Subsection (B), a person may move a building or portion of a building on a street within the City only between the hours of 12:00 midnight and 6:30 a.m.
- (B) The building official may provide written authorization for a person to move a building during hours other than between 12:00 midnight and 6:30 a.m. if the building official determines that the building may be quickly and safely moved without public inconvenience because of the size of the building, the loading method used, and the route to be used.

Source: Section 13-1-745(b)(1) and (2); Ord. 990225-70; Ord. 031211-11.

§ 25-11-175 - ESCORT REQUIRED.

- (A) Except as provided in Subsection (B), a permittee moving a building along a public right-of-way in the City shall be accompanied by a uniformed police escort.
- (B) A permittee may move a building without a police escort if the permittee obtains written authorization from the building official and the chief of police.
- (C) A permittee shall comply with an order or direction given by a police officer escorting the move.
- (D) After the move has been completed, the escorting police officer shall file a written report of the move with the building official.
- (E) Unless waived in writing by the director of the Electric Utility Department, a person moving a building that exceeds 17 feet 6 inches in height when loaded shall be escorted by personnel from that department.
- (F) The building official shall charge the deposit paid by the permittee for each officer or city employee escorting the move. The charge is based on the current hourly wage of each officer or employee. The building official shall retain the unused balance of the deposit in an escrow account. The permittee shall promptly remit to the building official the balance due if the deposit does not cover the escort service charges.

Source: Section 13-1-745(c) and (i)(1); Ord. 990225-70; Ord. 031211-11.

§ 25-11-176 - AUTHORIZATION TO MOVE BUILDING OUT OF CITY.

A permittee may move a building outside of the City if an in-city move becomes unfeasible.

Source: Section 13-1-745(h)(3); Ord. 990225-70; Ord. 031211-11.

§ 25-11-177 - COMPLIANCE WITH TECHNICAL CODES.

- (A) A building or structure or building service equipment that is moved into or through the City's zoning jurisdiction must comply with the Building Code requirements for relocated buildings.
- (B) A person may not move a substandard or dangerous building into or through the City's zoning jurisdiction.

Source: Section 13-1-745(f) and (p); Ord. 990225-70; Ord. 031211-11.

§ 25-11-178 - BUILDING AND LOT MAINTENANCE.

- (A) The permittee shall maintain the building to be moved and the site to which the building is moved in a clean and safe condition during repair and remodeling.
- (B) Except as provided in Subsection (C), the permittee shall remove from the lot from which a building is removed, all above-grade protrusions, including tree stumps, placed or prefabricated concrete, and piers and beams from the foundation.
- (C) The permittee may file a written request with the building official to retain concrete on a site from which a building is removed. The request must be filed not later than the 15th day after a building is removed and must include a justification for the request. The building official shall provide a written determination to the permittee not later than the 14th day after receipt of a request.
- (D) The permittee shall restore the lot from which a building is moved to a clean and raked condition not later than the 15th day after removal of a building.

Source: Section 13-1-745(d); Ord. 990225-70; Ord. 031211-11.

§ 25-11-179 - DAMAGE TO PROPERTY.

- (A) The permittee is responsible for damage to public or private property caused by the moving of a building under this division.
- (B)

The permittee shall restore damaged property to the condition that the property was in before the damage occurred.

- (C) If the permittee does not restore the damaged property as required by this section on or before the 10th day after receiving notice of the damage from the building official, the building official may make the necessary repairs. The permittee is responsible for costs incurred by the City.

Source: Section 13-1-745(e); Ord. 990225-70; Ord. 031211-11.

§ 25-11-180 - CUTTING TREES.

A permittee may not cut or trim a tree or shrub located on or over:

- (1) a public right-of-way or public land without written permission from the Parks and Recreation Department; or
- (2) private property without written permission of the owner or person in control of the property.

Source: Section 13-1-745(e); Ord. 990225-70; Ord. 031211-11.

ARTICLE 4. - SPECIAL REQUIREMENTS FOR HISTORIC STRUCTURES.

Division 1. - Historic Structures Generally.

§ 25-11-211 - DEFINITIONS.

In this article:

- (1) ALTERATION means any exterior change, demolition, or modification to a historic landmark or to a contributing property located within a historic area (HD) combining district, including, but not limited to:
 - (a) exterior changes to or modifications of structures, architectural details, or visual characteristics;
 - (b) construction of new structures;
 - (c) disturbance of archeological sites or areas; or
 - (d) placement or removal of exterior objects that affect the exterior qualities of the property.
- (2) ARCHITECTURAL FEATURE means an architectural element, which alone or as part of a pattern, embodies the style, design, or general arrangement of the exterior of a building or structure, including but not limited to the kind, color, and texture of building materials, and style and type of windows, doors, lights, porches, and signs.
- (3) CERTIFICATE means a certificate of appropriateness issued by the City approving work on, relocation of, or demolition of a historic structure, historic or archeological site, or a contributing structure within a historic area (HD) combining district.
- (4) COMMISSION means the Historic Landmark Commission.
- (5) CONTRIBUTING STRUCTURE means a building, structure, site, feature, or object within a designated historic area (HD) combining district which has been designated as a contributing structure by the ordinance creating the district, or within a National Register District.
- (6) DEMOLITION BY NEGLECT means lack of maintenance of any building or structure designated as a historic landmark (H) or any building or structure designated by ordinance as contributing to a historic area (HD) combining district that results in deterioration and threatens the preservation of the structure.
- (7) HISTORIC AREA COMBINING DISTRICT means a district approved by the Council through an ordinance which contains a geographically definable area, possessing particular architectural, cultural, or historic importance or significance. A historic area (HD) combining district must consist, at a minimum, of one block-face.
- (8) ORDINARY REPAIR OR MAINTENANCE means any work that does not constitute an exterior change in design, material, or outward appearance, and includes in-kind replacement or repair with the same original material.
- (9) OWNER OR PROPERTY OWNER means the record owner of a property within an existing or proposed historic landmark (H) or historic area (HD) combining district or an agent of the property owner.

Source: Chapter 13-2 Division 4, Part B; Ord. 990225-70; Ord. 031211-11; Ord. 041202-16; 20090806-068.

§ 25-11-212 - CERTIFICATE REQUIRED.

- (A) Until a person obtains a certificate of appropriateness from the Commission or the building official, the person may not:

- (1) change, restore, rehabilitate, alter, remove, or demolish an exterior architectural or site feature of a designated historic landmark or a contributing structure, whether or not a building or demolition permit is required, and including but not limited to the replacement of windows, doors, exterior siding materials, installation of shutters or exterior lighting, or the replacement of roof materials;
- (2) change, restore, remove or demolish an exterior architectural or site feature of a structure for which a designation is pending under Section 25-11-214 (Pending Designation); or
- (3) construct a new, standalone, ground-up structure on a historic landmark (H) property or within a historic area (HD) combining district.

- (B) Except for a change to the exterior color of a historic landmark, the prohibition of Subsection (A) does not apply if the historic preservation officer determines that a change or restoration:
- (1) is ordinary repair or maintenance that does not involve changes in architectural and historical value, style, or general design;
 - (2) is an accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site, unless a variance or waiver is requested; or
 - (3) does not visually affect the historic character of the structure or site from an adjacent public street, and is limited to the construction of:
 - (a) a ground-floor, one-story addition or outbuilding with less than 600 square feet of gross floor area;
 - (b) a second-story rear addition to a two-story building, so long as the addition is not visible from an adjacent public street; or
 - (c) a pool, deck, fence, back porch enclosure, or other minor feature.
- (C) A criminal penalty for a violation of this section applies only to a person who has actual or constructive notice that:
- (1) the structure is a designated historic landmark or contributing structure; or
 - (2) a designation is pending under Section 25-11-213 (Pending Designation).

Source: Sections 13-2-760(a), 13-2-760(d), 13-2-761(a), 13-2-762(b), and 13-2-762(d); Ord. 990225-70; Ord. 031211-11; Ord. 041202-16; 20090806-068; Ord. No. 20221115-049, Pt. 7, 11-28-22.

§ 25-11-213 - BUILDING, DEMOLITION, AND RELOCATION PERMITS AND CERTIFICATES OF APPROPRIATENESS RELATING TO CERTAIN BUILDINGS, STRUCTURES OR SITES.

- (A) In this section "National Register Historic District" means an area designated in the Federal Register under the National Preservation Act of 1966, as amended, for which maps depicting the area are available for inspection by the public at the Neighborhood Planning and Zoning Department.
- (B) Except as provided in Subsection (C), this section applies to a building, structure, or site:
- (1) located in a National Register Historic District;
 - (2) listed in a professionally prepared survey of historic structures approved by the historic preservation officer;
 - (3) individually listed in the National Register of Historic Places;
 - (4) designated as a Recorded Texas Historic Landmark, a State Archeological Landmark, or a National Historic Landmark;
 - (5) designated as a historic landmark (H) combining district;
 - (6) located within a historic area (HD) combining district; or
 - (7) determined by the historic preservation officer to have potential for designation as a historic landmark.
- (C) This section does not apply to a structure if the historic preservation officer determines that the structure:
- (1) is less than 50 years old;
 - (2) does not meet at least two of the criteria for designation as a historic landmark (H) combining district prescribed by Section 25-2-352(A)(3)(b) (Historic Designation Criteria); and
 - (3) is not a contributing structure in a historic area (HD) combining district.
- (D) When the building official receives an application requesting a building permit, relocation permit, or demolition permit for a structure to which this section applies, the building official shall immediately:
- (1) notify the historic preservation officer; and
 - (2) upon receipt of notification by the historic preservation officer that the application will be placed upon the Commission's agenda, the building official shall post a sign on the site and notify property owners, residents, and registered neighborhood associations in accordance with Section 25-1-133(A).
- (E) The historic preservation officer shall complete the review of an application for a demolition, relocation, or building permit within five business days of receipt of a complete application, and determine whether to place the application on the Commission agenda.
- (F) The Commission shall hold a public hearing on an application described in Subsection (D) within 60 days of receipt of a complete application.
- (G) The building official shall not issue a building permit, relocation permit, or demolition permit for a structure to which this section applies until the earlier of:
- (1) the date the Commission makes a decision not to initiate a historic zoning designation case regarding the structure;
 - (2) the date on which the Commission approves an application for a certificate of appropriateness, or makes recommendations on an application for a building permit;
 - (3) except as provided in Subsection (G)(4), the expiration of 75 days after the date of the first Commission meeting at which the application is posted on the agenda; or
 - (4) the expiration of 180 days after receipt of a complete application for a contributing structure within a National Register Historic District or a pending historic area (HD) combining district.
- (H) If the Commission makes a decision to initiate a historic zoning designation case, a designation becomes pending on the structure under Section 25-11-214.
- (I) The historic preservation officer may approve applications for each of the following:

- (1) Building permits for properties located within a National Register Historic District which are considered minor projects, such as:
 - (a) construction of a one-story ground-floor addition or outbuilding with no more than 600 square feet of gross floor area;
 - (b) construction of a second-story rear addition to a two-story building or structure if the addition is not visible from an adjacent public street; or
 - (c) construction of a pool, deck, fence, back porch enclosure, or other minor feature.
- (2) Demolition permits for minor outbuildings within a National Register Historic District such as carports, detached garages, sheds, greenhouses, and other outbuildings determined by the historic preservation officer not to possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.
- (3) Demolition or relocation permits for properties deemed non-contributing to the historic character of a National Register Historic District.
- (J) The building official may not release a demolition or relocation permit for a building or structure deemed contributing to a National Register Historic District or a historic area (HD) combining district until the Commission has reviewed and made recommendations on the application for a building permit for the site, unless the building official determines that demolition or relocation is necessary for reasons related to public safety.
- (K) For properties subject to Section 25-11-212 (Certificate Required), the historic preservation officer and the commission shall consider the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b), and:
 - (1) except as provided in Subsection (K)(2), the historic design standards and the supplemental standards, if any; or
 - (2) for a property located within an area designated as an historic area (HD) combining district prior to the effective date of this ordinance, the design standards applicable to that district.
- (L) Owners of properties located within a National Register Historic District are not required to comply with the historic design standards for new construction or alterations to existing contributing buildings; however, projects within such districts subject to the requirements of this section are subject to advisory review by the historic preservation officer and the commission, which shall consider the historic design standards in making their recommendations.

Source: Section 13-2-763; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 041202-16; 20090806-068; Ord. 20111215-091; Ord. 20130829-106; Ord. No. 20221115-049, Pt. 8, 11-28-22.

§ 25-11-214 - PENDENCY OF DESIGNATION.

- (A) A building, structure, or site is subject to this article if a designation as a historic landmark is pending. A permit issued for a building, structure, or site while a designation as a historic landmark is pending is void.
- (B) A designation is pending under Subsection (A) on the occurrence of the earliest of the following:
 - (1) two members of the Commission direct the historic preservation officer in writing to place the building, structure, or site on the Commission's agenda for consideration of whether the building, structure, or site should be designated as a historic landmark; or
 - (2) Commission agenda is posted that includes Commission consideration of whether the building, structure, or site should be designated as a historic landmark.
 - (3) a Commission agenda is posted that includes Commission consideration of an application for a demolition, relocation, or building permit concerning the building, structure, or site.
- (C) A written order issued by a member of the Commission under Section (B)(1) must address:
 - (1) whether the structure should be considered for historic zoning;
 - (2) whether the status quo of the structure should be maintained pending historic zoning proceedings; and
 - (3) whether, if the status quo is not maintained pending historic zoning proceedings, the zoning of the structure as historic may become moot.
- (D) A designation is no longer pending if:
 - (1) the Commission issues a final certificate of appropriateness, or a demolition, relocation, or building permit, as applicable;
 - (2) the Commission does not make a final decision on whether to recommend designation of the structure as a historic landmark by the 75th day after the date of the first Commission meeting at which an item is posted on the agenda for action on an application for demolition, relocation, or historic zoning;
 - (3) the Commission makes a final decision to recommend that the structure not be designated a historic landmark; or
 - (4) the council makes a final decision not to designate the structure as a historic landmark.
- (E) The historic preservation officer shall provide the building official with a copy of each written order, agenda, or preservation plan described in Subsection (B), as promptly as practicable. The failure to do so does not validate a building permit, relocation permit, or demolition permit issued without notice of the written order or agenda.
- (F) If a permit from the City is not required for the change to the structure, the historic preservation officer must provide notice to the owner of the structure of a written order, or agenda that applies to the change.
 - (1) Notice under this subsection may be oral or written.
 - (2) Notice under this subsection is effective:
 - (a) when actually given; or

- (b) when sent by registered or certified mail, return receipt requested, addressed to the owner.
- (G) An applicant or owner entitled to notice under this section may appeal the Commission action under this section to the council consistent with the requirements of Chapter 25-1, Article 7, Division 1 (Appeals).

Source: Section 13-2-762; Ord. 990225-70; Ord. 031211-11; 20090806-068.

§ 25-11-215 - NOTICE TO HISTORIC PRESERVATION OFFICER REGARDING CERTAIN PERMITS AND SITE PLANS.

- (A) The building official must notify the historic preservation officer before the building official may issue a permit to demolish or relocate a structure.
- (B) The director of the Watershed Protection and Development Review Department must notify the historic preservation officer of the filing of a site plan that indicates the demolition or removal of a structure.

Source: Ord. 041202-16.

§ 25-11-216 - DUTY TO PRESERVE AND REPAIR.

- (A) The owner, or other person having legal custody and control of a designated historic landmark or contributing structure in a local historic district or National Register Historic District, shall preserve the historic landmark or contributing structure against decay and deterioration and shall keep it free from any of the following defects:
 - (1) Parts which are improperly or inadequately attached so that they may fall and injure persons or property;
 - (2) Deteriorated or inadequate foundation;
 - (3) Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed;
 - (4) Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed;
 - (5) Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed;
 - (6) Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;
 - (7) Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;
 - (8) Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or
 - (9) Any fault, defect, or condition in the structure which renders it structurally unsafe or not properly watertight.
- (B) The owner or other person having legal custody and control of a designated historic landmark or contributing structure in a local historic district or National Register Historic District shall, in keeping with the city's minimum housing standards, repair the landmark or structure if it is found to have any of the defects listed in Subsection (A) of this section.
- (C) The owner or other person having legal custody and control of a designated historic landmark, or a building, object, site, or structure located in a historic district, or a contributing structure in a local historic district or National Register Historic District, shall keep the property clear of all vermin, weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the City Code Chapter 9-1 (Abandoned Property and Vehicles), and Chapter 10-5 (Miscellaneous Public Health Regulations), Articles 2, 3, and 4.
- (D) The owner of a residence with a homestead exemption as defined under state law may apply to the city council for an exemption from the requirements of this section. The city council may grant an exemption on a showing of financial inability to comply with the requirements of this section. An exception under this subsection may be limited in time and may be subject to terms and conditions deemed necessary by the city council.

Source: Ord. 20090806-068.

§ 25-11-217 - DEMOLITION BY NEGLECT PROCEDURE.

- (A) The historic preservation officer and the Commission are authorized to work with a property owner to encourage maintenance and stabilization of the structure and identify resources available before taking enforcement action under this section.
- (B) Except as provided in Subsection (C), the following procedures apply to enforcement of this chapter.
 - (1) The Commission or the historic preservation officer may initiate an investigation of whether a property is being demolished by neglect.
 - (2) Upon initiation of an investigation, the historic preservation officer shall:
 - (a) attempt to meet with the property owner to inspect the structure and discuss the resources available for financing any necessary repairs; and
 - (b) prepare a report for the Commission on the condition of the structure, the repairs needed to maintain and stabilize the structure, and the amount of time needed to complete the repairs.
 - (3) The Commission shall review the historic preservation officer's report and may vote to certify the property as a demolition by neglect case.
 - (4) If the Commission certifies the property as a demolition by neglect case, the historic preservation officer shall take the following actions.
 - (a) Send notice to the property owner or the property owner's agent, by certified mail, describing the required repairs and specifying:
 - (i) that repairs must be started within 60 days; and
 - (ii) a date by which repairs must be completed, as determined by the historic preservation officer.

- (b) Meet with the property owner within 90 days after the notice is sent, if the historic preservation officer determines that it would be useful to discuss progress in making repairs and consider any issues that may delay completion of repairs.
- (5) The historic preservation officer may refer a demolition by neglect case to the Building and Standards Commission, the City Attorney, or the appropriate city department for enforcement action to prevent demolition by neglect if the property owner fails to:
 - (a) start repairs by the deadline set in the notice;
 - (b) make continuous progress toward completion; or
 - (c) complete repairs by the deadline set in the notice.
- (6) The historic preservation officer shall provide notice of a referral under Subsection (B)(5) of this section to the property owner. The owner may appeal the historic preservation officer's referral to the city council.
- (C) If immediate enforcement is necessary to prevent imminent destruction or harm to a designated historic landmark or contributing structure, the historic preservation officer may refer the structure or landmark to the appropriate city department to enforce this chapter and to seek correction of any condition prohibited under Subsection 25-11-216 (Duty to Preserve and Repair).

Source: Ord. 20090806-068.

§ 25-11-218 - ENFORCEMENT AND PENALTIES.

- (A) A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the City in an amount not to exceed \$1,000 per day for each violation or an amount not to exceed \$10 per day for each violation if the property is the owner's lawful homestead.
- (B) A person who violates this article commits an offense. An offense under this article is a Class C misdemeanor punishable as provided in Section 1-1-99 (Offenses; General Penalty).
- (C) An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of applicable City technical codes under Chapter 25-12 (Technical Codes).
- (D) If a building, object, site or structure covered by this section is required to be demolished as a public safety hazard and the owner has received two (2) or more notices of violation under Subsection 25-11-217(B), no application for a permit for a project on the property may be considered for a period of three years from the date of demolition of the structure.

Source: Ord. 20090806-068.

Division 2. - Applications for Certificates.

§ 25-11-241 - (RESERVED)

§ 25-11-242 - (RESERVED)

§ 25-11-243 - ACTION ON A CERTIFICATE OF APPROPRIATENESS.

- (A) This section applies to an application under Section 25-11-212 (*Certificate Required*).
- (B) If the commission determines that the proposed work will not adversely affect a significant architectural or historical feature of the designated historic landmark or historic area combining district:
 - (1) the commission shall issue a certificate of appropriateness; and
 - (2) the commission shall provide the certificate to the building official not later than the 30th day after the date of the public hearing.
 - (3) the building official shall provide the certificate to the applicant not later than the fifth day after the day the building official receives the certificate from the commission.
- (C) If the commission determines that the proposed work will adversely affect or destroy a significant architectural or historical feature of the designated historic landmark or historic area combining district:
 - (1) the commission shall notify the building official that the application has been disapproved; and
 - (2) the commission shall, not later than the 30th day after the date of the public hearing notify the applicant of:
 - (a) the disapproval; and
 - (b) the changes in the application that are necessary for the commission's approval.
- (D) For properties subject to Section 25-11-212 (*Certificate Required*), the historic preservation officer and the commission shall consider the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b), and:
 - (1) except as provided in Subsection (D)(2), the historic design standards and the supplemental standards, if any; or
 - (2) for a property located within an area designated as historic area (HD) combining district prior to the effective date of this ordinance, the design standards applicable to that district.

(E) Owners of properties located within a National Register Historic District are not required to comply with the historic design standards for new construction or alteration to existing contributing buildings; however, projects within such districts subject to the requirements of Section 25-11-213 (Building, Demolition, and Relocation Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures or Sites) are subject to advisory review by the historic preservation officer and the commission, which shall consider the historic design standards in making their recommendations.

Source: Section 13-2-760(b)(2) and (3), and (c)(4); Ord. 990225-70; Ord. 000629-103; Ord. 031211-11; Ord. No. 20221115-049, Pt. 9, 11-28-22.

§ 25-11-244 - ACTION ON A CERTIFICATE OF DEMOLITION OR REMOVAL.

(A) This section applies to an application under Section 25-11-241(C) (Application For Certificate).

(B) The commission shall consider:

- (1) the state of repair of the building;
- (2) the reasonableness of the cost of restoration or repair;
- (3) the existing or potential usefulness, including economic usefulness, of the building;
- (4) the purpose of preserving the structure as a historic landmark;
- (5) the character of the neighborhood; and
- (6) other factors the commission determines to be appropriate.

(C) The commission shall issue a certificate to the building official if the commission determines that:

- (1) the interest of historic preservation will not be adversely affected by the demolition or removal; or
- (2) the interest of historic preservation can be best served by the removal of the structure to another identified location,

(D) The building official shall notify the applicant not later than the fifth day after the certificate is issued.

Source: Section 13-2-761(a); Ord. 990225-70; Ord. 031211-11.

§ 25-11-245 - ISSUANCE OF CERTIFICATE BY BUILDING OFFICIAL.

If the commission fails to act as provided by Section 25-11-243 (Action on Certificate of Appropriateness) or Section 25-11-244 (Action on a Certificate of Demolition or Removal) by the 60th day after the receipt of the application by the commission, the building official shall issue the necessary certificate to the applicant.

Source: Section 13-2-760(b)(4), (c)(5), and 13-2-761(b); Ord. 990225-70; Ord. 031211-11.

§ 25-11-246 - EFFECT OF DENIAL.

- (A) If an application for a certificate of appropriateness is denied by the commission, an application for a certificate of appropriateness on the same historic landmark may not be filed before the first anniversary of the date that the certificate of appropriateness was denied, unless the applicant states in writing that:
- (1) conditions have changed; or
 - (2) each change in the application required by the commission under Section 25-11-243(C)(2)(b) (Action on a Certificate of Appropriateness) has been made.
- (B) If an application for a certificate of demolition or a certificate of removal is denied by the commission, an application for a certificate of demolition or a certificate of removal on the same historic landmark may not be filed before the first anniversary of the date that the certificate of demolition or certificate of removal was denied.

Source: Section 13-2-760(b)(6), and (c)(7), and 13-2-761(c); Ord. 990225-70; Ord. 031211-11.

§ 25-11-247 - APPEAL.

- (A) An interested party may appeal an action of the commission under Section 25-11-243 (Action on a Certificate of Appropriateness) or Section 25-11-244 (Action on a Certificate of Demolition or Removal), or an action of the building official under Section 25-11-245 (Issuance of Certificate by Building Official) to the land use commission.
- (B) A decision by the land use commission on an appeal may be appealed to the council.
- (C) Except as provided by Subsection (D), an appeal must be made in accordance with the appeal procedures in Chapter 25-1, Article 7, Division 1 (Appeals).
- (D) This subsection applies only to an appeal of the issuance of a certificate of demolition or a certificate of removal.
- (1) An interested party may file an appeal not later than the 60th day after the date of the decision.
 - (2) While an appeal is pending under this subsection, the building official may not issue a permit for the demolition or removal of the landmark.

Source: Section 13-2-760(e), 13-2-761(d); Ord. 990225-70; Ord. 031211-11; Ord. 20060622-128.

§ 25-11-248 - CHANGES PROHIBITED.

- (A) A change may not be made in the application for a permit or the approved building plans or materials after Commission review of a National Register District permit or after a certificate of appropriateness has been issued, unless the change is approved by the Commission and the applicant receives a certificate of appropriateness for the change.
- (B) The procedure for obtaining a certificate of appropriateness for a change is the same as for obtaining the initial certificate of appropriateness.

Source: Section 13-2-760(b)(5), and (c)(6); Ord. 990225-70; Ord. 031211-11; 20090806-068.

§ 25-11-249 - TOLLING OF TIME LIMITS FOR ACTION.

For purposes of the time limits for action in Sections 25-11-213, 25-11-214, and 25-11-245, a postponement requested or agreed to by the owner or his agent tolls the running of the time limit from the date of the request until the meeting to which the case has been postponed.

Source: Ord. 20090806-068.

CHAPTER 25-12. - TECHNICAL CODES.

ARTICLE 1. - BUILDING CODE.

Division 1. - International Building Code and Local Amendments.

Footnotes:

-- (1) --

Editor's note— Ord. No. 20170928-096, Pt. 1, effective January 1, 2018, repealed the former Div. 1, §§ 25-12-1—25-12-3, and enacted a new Div. 1 as set out herein. The former Div. 1 pertained to similar subject matter. See *Code Comparative Table* for complete derivation.

§ 25-12-1 - INTERNATIONAL BUILDING CODE.

- (A) The International Building Code, 2024 Edition, published by the International Code Council ("2024 International Building Code") is adopted and incorporated by reference into this section with the deletions in Subsection (B) and the amendments in Section 25-12-3 (Local Amendments to the International Building Code).
- (B) The following provisions of the 2024 International Building Code are deleted:

| | | |
|-------------------------|--------------------------|-----------------------|
| 101.4.1 | 414.1.3 | 1612 plus subsections |
| 101.4.2 | 503.1.4 plus subsections | 2901.1 |
| 101.4.3 | Chapter 9 | 3102.5 |
| 103 plus subsections | Table 1004.5 | 3201.1 |
| 104.3.1 | 1010.1.2 | 3202.1 |
| 105.1.1 | 1010.3.3 | 3202.3.4 |
| 105.2 | 1102.1 | 105.5 |
| 1204 plus subsections | 107.2.6 | 1301.1 |
| 110.3 | 1507.8 plus subsections | 112.3 |
| 1507.9 plus subsections | 113 plus subsections | 1607.8.2 |

- (C) The city clerk shall retain a copy of the 2024 International Building Code with the official ordinances of the City.

Source: Ord. No. 20170928-096, Pt. 1, 1-1-18; Ord. No. 20210603-059, Pt. 1, 9-1-21; Ord. No. 20250410-045, Pt. 1, 7-10-25.

§ 25-12-2 - CITATIONS TO THE BUILDING CODE.

In the City Code, "Building Code" means the 2024 International Building Code adopted in Section 25-12-1 (International Building Code) as amended by Section 25-12-3 (Local Amendments to the International Building Code). In this article, "this code" means the Building Code.

Source: Ord. No. 20170928-096, Pt. 1, 1-1-18; Ord. No. 20210603-059, Pt. 1, 9-1-21; Ord. No. 20250410-045, Pt. 1, 7-10-25.

§ 25-12-3 - LOCAL AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.

Each provision in this section is a substitute for the identically numbered provision deleted in Section 25-12-1(B) (International Building Code) or is an addition to the 2024 International Building Code.

[A] 101.4.1 Gas. The provisions of the International Fuel Gas Code and the Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances, and related accessories as covered in this code. The Plumbing Code supersedes the International Fuel Gas Code to the extent of conflict. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

[A] 101.4.2 Mechanical. The provisions of the International Mechanical Code and the Mechanical Code shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings, and/or appurtenances, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy related systems. The Mechanical Code supersedes the International Mechanical Code to the extent of conflict.

[A] 101.4.3 Plumbing. The provisions of the International Plumbing Code and the Plumbing Code shall apply to the installation, alteration, repairs, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The Plumbing Code supersedes the International Plumbing Code to the extent of conflict. The provisions of the International Private Sewage Disposal Code and the Plumbing Code shall apply to private sewage disposal systems. The Plumbing Code supersedes the International Private Sewage Code to the extent of conflict.

101.4.8 Wildland-Urban Interface. The provisions of the International Wildland-Urban Interface Code shall apply to matters governing the construction, alteration, movement, repair, maintenance, and use of any building, structure, or premises within the wildland-urban interface areas in this jurisdiction.

101.4.9 Building Criteria Manual. Additional information on procedures and rules for administration of this code are available in the Building Criteria Manual.

SECTION 103 BUILDING OFFICIAL

103.1 Building Official. The building official administers, enforces, and interprets this code. The building official may designate one or more deputy building officials.

[A] 104.3.1 Determination of Substantially Improved or Substantially Damaged Existing Buildings and Structures in Flood Hazard Areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. If the work is a substantial improvement as defined in Section 25-12-52 (Definitions), the proposed work shall comply with Chapter 25-12, Article 3 (Flood Hazard Areas).

[A] 105.1.1 Annual Permit. Instead of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, and minor building alterations and repairs, the building official is authorized to issue an annual permit upon application to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit. The facility shall maintain records on all work performed under the annual permit in accordance with Section 105.1.2 (*Annual Permit Records*).

105.1.1.1 Authorized Scope of Work. See Building Criteria Manual, Section 1.1.2 (*Building Inspection Processes*) for scope of work authorized under the annual permit.

[A] 105.2 Work Exempt from Permit. A permit is not required for the work described in this provision. Work exempt from a permit shall still comply with this code and all other applicable laws and City Code requirements.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, shade cloth structures constructed for outdoor covered areas that are not A2 or E occupancies, and similar uses, provided the floor area is not greater than 120 square feet (11 m²); provided they are not located within a flood hazard area.
2. Fences not over seven feet (2,134 mm) high; provided they are not located within a flood hazard area.
3. Oil derricks; provided they are not located within a flood hazard area.
- 4.

Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids; provided they are not located within a flood hazard area.

5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1; provided they are not located within a flood hazard area.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route; provided they are not located within a flood hazard area.
7. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
8. Temporary motion picture, television, and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground; provided they are not located within a flood hazard area.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems; provided they are not located within a flood hazard area.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings; provided they are not located within a flood hazard area.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
13. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over five feet nine inches (1,753 mm) in height.
14. Repair and replacement to gypsum board and backer board that are not part of a fire resistance-rated wall, a shear assembly, or wet areas if it is limited to a maximum of 96 square feet.
15. Emergency removal of water damaged material such as, but not limited to gypsum board, insulation, wood paneling, etc., in order to avoid health hazard issues; a permit is required for the repairs.
16. Repair to exterior siding that is not part of a fire-rated assembly wall or shear assembly if it is limited to a maximum of 96 square feet.
17. Other work as determined by the building official.

Electrical:

1. Exemptions authorized in the National Electrical Code.
2. Other work as determined by the building official.

Mechanical:

1. Exemptions authorized in the Mechanical Code.
2. Other work as determined by the building official.

Plumbing:

1. Exemptions authorized in the Plumbing Code.
2. Other work as determined by the building official.

105.5 Time Limits. Article 13 (*Administration of Technical Codes*) of Chapter 25-12 establishes permit application time limits and requirements applicable to permit expiration and reactivation, including a review fee for expired permits.

[A] 107.2.6 Site Plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades, and as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. For a building or structure involving below-grade construction, the site plan shall show the location of proposed earth retention system components allowed under Section 3202.1.4 (*Earth Retention System Components*). The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

108.5 Temporary Earth Retention Systems. Temporary earth retention system components used to facilitate below-grade construction of a building or structure shall conform to Sections 1811 (*Earth Retention Systems*) and Section 3202.1.4 (*Earth Retention System Components*).

109.7 Plan Review Fees. An applicant shall pay a plan review fee, adopted by separate ordinance, when plans and specifications are submitted for review under Section 107 (*Construction Documents*). The building official shall charge an additional plan review fee if plans are incomplete or changed so as to require additional plan review. The plan review fees referenced in this section are in addition to the permit fees referenced in Section 109.1 (*Payment of Fees*).

110.3 Required inspections. The building official, upon notification, shall make inspections set forth in Sections 110.3.1 through 110.3.12.1 and the Building Criteria Manual.

112.3 Authority to Disconnect Service Utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property, where one or more circumstances listed in Section 15-9-101(A)(2) (*Basis for Termination of Sendee*) exist, or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall provide notice in accordance with Section 15-9-106 (*Notice of Service Disconnection*) of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter in accordance with Section 15-9-106 (*Notice of Service Disconnection*).

113 Building and Fire Code Board of Appeals. Regulations regarding the Building and Fire Code Board of Appeals are found in Chapter 2-1 (*City Boards*).

Section 202 Definitions.

202.1 Supplemental definitions. The definitions in this subsection apply throughout this code and supplement the definitions in Section 202 (*General Definitions*) in the 2024 International Building Code.

BED AND BREAKFAST. A private residence having a limited number of sleeping rooms which are available for transient guests who have paid for accommodations. For the different classifications of bed and breakfast structures refer to [Section 25-2-781 \(Bed and Breakfast Residential Use Structures Classified\)](#).

START OF CONSTRUCTION. The date a permit is issued for new construction or substantial improvements to existing structures if construction, repair, reconstruction, rehabilitation, addition, placement or other improvement starts within 180 days from the date the permit is issued. Construction starts when permanent construction of a building (including a manufactured home) is first placed and includes pouring a slab or footing, installing pilings, or constructing columns. Permanent construction does not include preparing land (clearing, excavating, grading, or filling); installing streets or walkways; excavating for a basement, footing, pier, or foundation; or erecting temporary forms or installing accessory buildings not occupied as dwelling units or not part of the main building. For a substantial improvement, construction starts when a wall, ceiling, floor, or other structural part of a building is altered even if the alteration does not affect the external dimensions of the building.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

414.1.3 Information Required. Separate floor plans shall be submitted for buildings and structures with an occupancy in Group H, identifying the locations of anticipated contents and processes, to reflect the nature of each occupied portion of every building and structure. The floor plan shall identify the hazards associated with the contents and processes. A report identifying hazardous materials including, but not limited to, materials representing hazards that are classified in Group H to be stored or used, shall be submitted and the methods of protection from such hazards shall be indicated on the construction documents. The building official or fire marshal may also require a technical opinion that addresses the adequacy of the protective measures provided. The opinion and report shall be prepared by a qualified individual, firm or corporation approved by the building official and fire marshal and shall be provided without charge to the City.

503.1.4 Occupiable Roofs. A roof level or portion thereof shall not be used as an occupiable roof unless the occupancy of the roof is an occupancy that is permitted by Table 504.4 for the story immediately below the roof. The area of the occupiable roof shall not be included in the building area as regulated by Section 506. An occupiable roof shall not be included in the building height or number of stories as regulated by Section 504, provided that the penthouses and other enclosed rooftop structures comply with Section 1511.

Exceptions:

1. The occupancy located on an occupied roof shall not be limited to the occupancies allowed on the story immediately below the roof where the building is equipped throughout with an automatic sprinkler system in accordance with Sections 903.3.1.1 or 903.3.1.2 and occupant notification in accordance with Sections 907.5.2.1 and 907.5.2.3 is provided in the area of the occupied roof. Emergency voice/alarm communication system notification per Section 907.5.2.2 shall also be provided in the area of the occupied roof where such system is required elsewhere in the building.
2. Assembly occupancies shall be permitted on roofs of open parking spaces of Type I or Type II construction, in accordance with the exception to Section 903.2.1.6.
3. An open noncombustible trellis or similar overhead shading device complying with the structural requirements of this code shall not be considered an enclosure, covering, or roof provided that the trellis or shade has an evenly distributed net free area of 50 percent or greater.

503.1.4.1 Enclosures over occupiable roof areas. Elements or structures enclosing the occupiable roof areas shall not extend more than 48 inches (1220 mm) above the surface of the occupiable roof.

Exceptions:

1. Penthouses constructed in accordance with Section 1511.2 and towers, domes, spires, and cupolas constructed in accordance with Section 1511.5.
2. Elements or structures enclosing the occupiable roof areas where the roof deck is located more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access.

CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS.

901.1 Scope. The provisions of this chapter shall specify where fire protection and life safety systems are required and shall apply to the design, installation and operation of fire protection and life safety systems. For those requirements, see [Chapter 25-12](#), Article 7 (*Fire Code*).

TABLE 1004.5 MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

| Function of Space | Occupant Load Factor ^a |
|--|-----------------------------------|
| Accessory storage areas, mechanical equipment room | 300 gross |
| Agricultural building | 300 gross |
| Aircraft hangars | 500 gross |
| Airport terminal | |
| Baggage claim | 20 gross |
| Baggage handling | 300 gross |
| Concourse | 100 gross |
| Waiting areas | 15 gross |
| Assembly | |
| Gaming floors (keno, slots, etc.) | 11 gross |
| Exhibit Gallery and Museum | 30 net |
| Assembly with fixed seats | See Section 1004.5 |
| Assembly without fixed seats | |
| Concentrated | 7 net |
| Standing space | 7 net |
| Unconcentrated (tables and chairs) | 15 net |
| Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas | 7 net |
| Business areas | 150 gross |
| Courtrooms—other than fixed seating areas | 40 net |
| Day care | 35 net |
| Dormitories | 50 gross |
| Educational | |
| Classroom area | 20 net |
| Shops and other vocational room areas | 50 net |
| Exercise rooms | 50 gross |

| | |
|---|---------------------|
| Group H-5 Fabrication and manufacturing areas | 200 gross |
| Industrial areas | 100 gross |
| Information technology equipment facilities | 300 gross |
| Institutional areas | |
| Inpatient treatment areas | 240 gross |
| Outpatient areas | 100 gross |
| Sleeping areas | 120 gross |
| Kitchens, commercial | 200 gross |
| Library | |
| Reading rooms | 50 net |
| Stack area | 100 gross |
| Locker rooms | 50 gross |
| Mall buildings—covered and open | See Section 402.8.2 |
| Mercantile | 60 gross |
| Storage, stock, shipping areas | 300 gross |
| Parking garages | 200 gross |
| Residential | 200 gross |
| Skating rinks, swimming pools | |
| Rink and pool | 50 gross |
| Decks | 15 gross |
| Stages and platforms | 15 net |
| Warehouses | 500 gross |
| For SI: 1 square foot = 0.0929 m ² . | |
| a. Floor area in square feet per occupant. | |

1010.1.2 Egress door types. Egress doors shall be of the pivoted or side-hinged swinging type.

Exceptions:

1. Private garages, office areas, factory and storage areas with an occupant load of 10 or less.
2. Group I-3 occupancies used as a place of detention.
3. Critical or intensive care patient rooms within suites of health care facilities.
4. Doors within or serving a single dwelling unit in Groups R-2 and R-3.
5. In other than Group H occupancies, revolving doors complying with Section 1010.3.1 (*Revolving Doors*).

6. In other than Group H-1, H-2, H-3, and H-4 occupancies, special purpose horizontal sliding, accordion or folding door assemblies complying with Section 1010.3.3 (*Special Purpose Horizontal Sliding, Accordion or Folding Doors*).
7. Power-operated doors in accordance with Section 1010.3.2 (*Power-operated Doors*).
8. Doors serving a bathroom within an individual dwelling unit or sleeping unit in Group R- 1.
9. In other than Group H occupancies, manually operated horizontal sliding doors are permitted in a means of egress from spaces with an occupant load of 10 or less.

1010.3.3 Special Purpose Horizontal Sliding, Accordion or Folding Doors. In other than Group H-1, H-2, H-3 and H-4 occupancies, special purpose horizontal sliding, accordion or folding door assemblies permitted to be a component of a means of egress in accordance with Exception 6 to Section 1010.1.2 (*Egress Door Types*) shall comply with all of the following criteria:

1. The doors shall be power operated and shall be capable of being operated manually in the event of power failure.
2. The doors shall be openable by a simple method without special knowledge or effort from the egress side or sides.
3. The force required to operate the door shall not exceed 30 pounds (133 N) to set the door in motion and 15 pounds (67 N) to close or open the door to the minimum required width.
4. The door shall be openable with a force not to exceed 15 pounds (67 N) when a force of 250 pounds (1100 N) is applied perpendicular to the door adjacent to the operating device.
5. The door assembly shall comply with the applicable fire protection rating and, where rated, shall be self-closing or automatic closing by smoke detection in accordance with Section 716.2.6.6 (*Smoke-activated Doors*), shall be installed in accordance with NFPA 80 and shall comply with Section 716 (*Opening Protectives*).
6. The door assembly shall have an integrated standby power supply.
7. The door assembly power supply shall be electrically supervised.
8. The door shall open to the minimum required width within 10 seconds after activation of the operating device.

1025.6 Active Egress Path Illumination System. An active egress path illumination system shall be in accordance with Sections 1025.6.1 (*Luminaires*) through 1025.6.6.3 (*Instrumentation and Annunciation*). Designs complying with this section are equivalent to the requirements in Sections 1025.1 (*General*) through 1025.5 (*Illumination*).

The level of the egress illumination shall be in accordance with Section 1008 (*Means of Egress Illumination*).

1025.6.1 Luminaires. Luminaires shall be listed for emergency illumination and contain a lamp with an integral battery, battery charger and manual test switch and comply with Article 700 of the Electrical Code. The unit equipment shall be housed in a rated fixture for indoor wet locations. Luminaire batteries shall be listed for use as a secondary power supply in accordance with UL 924. Luminaires shall not be equipped with an occupancy sensor. Every luminaire shall have a test switch to confirm the lamp's availability for service when operating on primary or emergency power.

Exception: The integral battery and battery charger is not required when luminaires are connected to a Stored Energy Emergency Power Supply System (SEPSS) complying with Section 1025.6.6 (*Stored Energy Emergency Power Supply System*).

1025.6.2 Primary and Secondary Electrical Power. A primary and secondary power source shall be provided for each luminaire. Primary power shall be a dedicated electrical branch circuit supplied from utility power. Secondary power shall be a branch circuit connected to an Emergency Power system complying with the International Fire Code Section 1203.2.15 (*Means of Egress Illumination*). The primary and emergency source for each luminaire shall be connected to a dedicated primary and emergency power branch circuit.

1025.6.3 Location. Luminaires for the active egress path illumination system shall be located at each intermediate landing and stair landing within each interior exit stairway.

1025.6.4 Functional Test and Records. The luminaires shall be tested in accordance with Fire Code Section 1032.10 (*Emergency Lighting Equipment Inspection and Testing*) except that the frequency of activation tests shall be weekly. Documentation records for the location of each luminaire and the results of the weekly activation and annual power tests shall be in accordance with Fire Code Section 1032.10 (*Emergency Lighting Equipment Inspection and Testing*). Records shall be available to the fire code official upon request. Operational testing and maintenance reports produced by the SEPSS are permitted provided they comply with NFPA 110 Chapter 8.

1025.6.5 Lamp Failure. Luminaire lamps that do not operate because of a test or an incident shall be replaced. Any battery that cannot operate a lamp for a minimum of 90 minutes shall be replaced.

1025.6.6 Stored Energy Emergency Power Supply System (SEPSS). When provided, the SEPSS with an integral alternating current - to - direct current inverter shall comply with International Fire Code Section 1203.1.3 (*Installation*) and be listed in accordance with UL 924. The SEPSS shall be designed as Level 1 system in accordance with NFPA 111.

The SEPSS shall be located in a room separated from the remainder of the building by a minimum one-hour fire-resistance rated construction and required opening protectives in accordance with this code. The design temperature and humidity of the room housing the SEPSS shall be in accordance with the manufacturer installation instructions.

SEPSS is prohibited inside a Fire Command Center.

1025.6.6.1 Load Carrying Capacity. Battery systems complying with NFPA 111 shall be used to supply the emergency power to luminaires serving the active egress path illumination system. Batteries shall be rated for a minimum 90-minute discharge time and sized based on the total combined load of luminaires connected to the SEPSS.

1025.6.6.2 Required SEPSS. In buildings where the highest occupied floor is less than or equal to 120 feet above the lowest level of fire department access, one SEPSS shall be provided that complies with Section 1025.6.6 (*Stored Energy Emergency Power Supply System*) for all required interior exit stairways. A SEPSS shall be provided for each required interior exit stairway that serves floors greater than 120 feet above the lowest level of fire department access.

1025.6.6.3 Instrumentation and Annunciation. Instrumentation and annunciation shall be in accordance with NFPA 111. A remote annunciator displaying the status of the SEPSS shall be provided in the Fire Command Center. The SEPSS and its annunciator shall display the following information and its function shall be identified in the Fire Command Center:

1. Electrical load on utility power;
2. Electrical load on emergency power;
3. Output circuit breaker open;
4. Output overload or overcurrent;
5. High temperature;
6. Emergency conversion equipment is bypassed;
7. Low battery capacity; and
8. Any major or minor alarms prescribed by the SEPSS manufacturer.

1102.1 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1.

Exception: Components of projects designed in accordance with and regulated by the Architectural Barriers Division of the Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter, provided the scope of accessible features complies with the building code.

1203.1.1 (1) Required Air Conditioning.

1. An owner shall:
 - a. provide, and maintain, in operating condition, refrigerated air equipment capable of maintaining a room temperature of at least 15 degrees cooler than the outside temperature, but in no event higher than 85°F in each habitable room;
 - b. maintain all fixed air conditioning systems, including air conditioning unit covers, panels, conduits, and disconnects, in operating condition, properly attached; and
2. The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

1204.1 General. Every space intended for human occupancy shall be provided with natural light by means of exterior glazed openings in accordance with Section 1204.2 (*Natural Light*) and shall be provided with artificial light in accordance with Section 1204.3 (*Artificial Light*). Exterior glazed openings shall open directly onto a public way or onto a yard or court in accordance with Section 1205 (*Yards or Courts*).

Exceptions:

1. Any room or space that is not within a dwelling unit or sleeping unit shall not be required to provide natural light in accordance with Section 1204.2.
2. Any room or space with an area of 70 square feet or less and is not a sleeping room shall not be required to provide natural light in accordance with Section 1204.2.
3. Sleeping rooms within an existing dwelling unit shall not be required to provide natural light in accordance with Section 1204.2 when alterations do not increase the total number of sleeping rooms within the dwelling unit.

1204.2 Natural Light. The minimum net exterior glazed opening area shall be not less than eight percent of the floor area of the room(s) served.

1204.2.1 Adjoining Spaces. For the purpose of natural lighting, any room is permitted to be considered as a portion of an adjoining room where the common wall provides an opening of not less than one-tenth of the floor area of the interior room or 24 square feet (2.23 m²), whichever is greater. Openings required for natural light in common walls may be windows or glazed doors.

Exception: Openings required for natural light shall be permitted to open into a sunroom with thermal isolation or a patio cover where the common wall provides a glazed area of not less than one-tenth of the floor area of the interior room.

1204.2.2 Exterior Openings. Exterior openings required by Section 1204.2 (*Natural Light*) for natural light shall open directly onto a public way, yard, or court, as set forth in Section 1205 (*Yards or Courts*).

Exceptions:

1. Required exterior openings are permitted to open into a roofed porch where the porch meets all of the following criteria:
 - 1.1 Abuts a public way, yard, or court;
 - 1.2 Has a ceiling height of not less than seven feet; and
 - 1.3 Has a longer side at least 65 percent open and unobstructed.
2. Skylights are not required to open directly onto a public way, yard, or court.

1204.3 Artificial Light. Artificial light shall be provided that is adequate to provide an average illumination of 10 footcandles (107 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

1204.4 Stairway Illumination. Stairways within dwelling units and exterior stairways serving a dwelling unit shall have an illumination level on tread runs of not less than 1 footcandle (11 lux). Stairways in other occupancies shall be governed by Chapter 10.

1204.4.1 Controls. The control for activation of the required stairway lighting shall be in accordance with NFPA 70.

1204.5 Emergency Egress Lighting. The means of egress shall be illuminated in accordance with Section 1008.1.

1301.1 Energy Efficiency. Buildings shall be designed and constructed in accordance with the Energy Code.

TABLE 1006.3.4(1)

STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR R-2 OCCUPANCIES

| STORY | OCCUPANCY | MAXIMUM NUMBER OF DWELLING UNITS | MAXIMUM EXIT ACCESS TRAVEL DISTANCE |
|---|---------------------------|----------------------------------|-------------------------------------|
| Basement, first, second, third, fourth, or fifth story above grade plane and occupiable roofs over the first, second, third, or fourth story. | R-2 ^{a, b, c, d} | 4 dwelling units | 125 feet |
| Sixth story above grade plane and higher | NP | NA | NA |

For SI: 1 foot = 304.8 mm.

NP = Not Permitted.

NA = Not Applicable.

- a. Buildings classified as Group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or Section 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1031.
- b. This table is used for Group R-2 occupancies consisting of dwelling units. For Group R-2 occupancies consisting of sleeping units, use Table 1006.3.4(2).
- c. This table is for occupiable roofs accessed through and serving individual dwelling units in Group R-2 occupancies. For Group R-2 occupancies with occupiable roofs that are not accessed through and serving individual units, use Table 1006.3.4(2).
- d. Five-story buildings and four-story buildings with an occupiable roof above the third story shall also comply with Section 1006.3.4.2.

1006.3.4.2 Single Exit Four- or Five-story Group R-2 Occupancies. Four- or five-story buildings with a single exit for Group R-2 occupancies shall comply with Table 1006.3.4(1) and all the following:

1. The net floor area of each floor served by a single exit shall not exceed 4,000 square feet (418.5 m²).
2. An exterior exit stairway or interior exit stairway shall be provided at each story served by a single exit. Exit Access Doors into the exit stairway shall swing in the direction of egress travel regardless of the occupant load served.
3. Regardless of the stairway construction type, automatic sprinkler locations in interior exit stairways shall comply with the requirements of NFPA 13 for combustible stairways.
4. There shall be no more than 20 feet (6096 mm) of travel to the exit stairway from the entry/exit door of any dwelling unit.
5. The exit shall not terminate in an egress court where the court depth exceeds the court width unless it is possible to exit in either direction to the public way.
- 6.

Other occupancies shall not communicate with the Group R occupancy portion of the building or with the single-exit stairway. Exception: parking garages and occupied roofs accessory to the Group R occupancy are permitted to communicate with the exit stairway.

7. The exit serving the Group R occupancy shall not discharge through any other occupancy, including an accessory parking garage.
8. Openings to the interior exit stairway enclosure shall be limited to those required for exit access into the enclosure from normally occupied spaces, those required for egress from the enclosure, and openings to the exterior. Elevators shall not open into the interior exit stairway enclosure.
9. The fire department connection (FDC) shall be located adjacent to, and be visible from, the primary fire department vehicle access location.
10. A manual fire alarm system and automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be provided. Smoke detectors shall be in common spaces outside of dwelling units, including but not limited to gathering areas, laundry rooms, mechanical equipment rooms, storage rooms, interior corridors, interior exit stairways, and exit passageways.
11. Electrical receptacles shall be prohibited in the single exit stairway.
12. Elevator access shall be provided.

1607.8.2 Fire Truck and Emergency Vehicles. Where a structure or portions of a structure are accessed by fire department vehicles and other similar emergency vehicles, those portions of the structure subject to such loads shall be designed for the greater of the following loads:

1. As specified in the International Fire Code Section 503.2.6 (*Bridges and Elevated Surfaces*), or
2. The live loading specified in Section 1607.8.1 (*Loads*).

Emergency vehicle loads need not be assumed to act concurrently with other uniform live loads.

SECTION 1612 FLOOD LOADS.

1612.1 General. A building or structure in a flood hazard area shall be designed and constructed according to [Chapter 25-12](#), Article 3 (*Flood Hazard Areas*).

1612.2 Design and Construction. A building or structure in a flood hazard area shall be designed in accordance with [Chapter 25-12](#), Article 3 (*Flood Hazard Areas*).

1612.3 Establishment of Flood Hazard Areas. Flood hazard areas are established in [Chapter 25-12](#), Article 3 (*Flood Hazard Areas*).

1612.4 Flood Hazard Documentation. [Chapter 25-12](#), Article 3 (*Flood Hazard Areas*) describes the documentation necessary for a building or structure located in a flood hazard area.

SECTION 1811 EARTH RETENTION SYSTEMS

1811.1 Tieback Anchors and Soil and Rock Nails. Tieback anchors and soil and rock nails that are allowed in the public right-of-way as components of earth retention systems as provided in Section 3202.1.4 (*Earth Retention System Components*) shall comply with Sections 1811.1.1 (*Depth of Tiebacks Anchors and Soil and Rock Nails*) through 1811.1.3 (*Length of Tiebacks Anchors and Soil and Rock Nails*).

1811.1.1 Depth of Tieback Anchors and Soil and Rock Nails. At the right-of-way line, tieback anchors and soil and rock anchors shall be at least 6 feet (1,829 mm) below the elevation of the adjacent street curb.

1811.1.2 Separation Distance from Buried Utilities. Tieback anchors and soil and rock nails shall be below and at least five feet (1,524 mm) away from the nearest outside surface of any existing or planned buried utility in the public right-of-way.

1811.1.3 Length of Tieback Anchors and Soil and Rock Nails. Tieback anchors and soil and rock nails that extend beyond the center of the public right-of-way are prohibited.

2901.1 Scope. The provisions of this chapter and the Plumbing Code shall govern the design, construction, erection and installation of plumbing components, appliances, equipment, and systems used in buildings and structures covered by this code.

3201.1 Encroachments Scope. The provisions of this chapter shall govern the encroachment of structures into the public right-of-way, including components of earth retention systems used to facilitate below-grade construction of a building or structure.

3202.1 Encroachments Below Grade. Encroachments below grade shall comply with Sections 3202.1.1 (*Structural Support*) through 3202.1.4 (*Earth Retention System Components*).

3202.1.4 Earth Retention System Components. Components of earth retention systems that are required for structural support of a building or structure are prohibited in the public right-of-way. Components of earth retention systems that are needed only during construction of the below-grade portion of a building or structure are subject to the following conditions:

1. Approval of the Director of the Public Works Department is required before construction of earth retention system components in public right-of-way commences.
2. All components of an earth retention system are prohibited in the public right-of-way except for (1) tieback anchors that are part of a soldier pile and lagging system; (2) tieback anchors that are part of a diaphragm or slurry wall system; (3) tieback anchors that are part of a sheet pile wall system; (4) tieback anchors that are part of a secant wall system; and (5) soil or rock nails that are part of a nail wall.

3. Tieback anchors or soil or rock nails that are necessary as functional components of the earth retention system for longer than 12 months are prohibited in the public right-of-way.
4. Tieback anchors and soil and rock nails allowed in the public right-of-way shall be designed according to the criteria in Section 1811 (*Earth Retention Systems*).

3202.3.4 Pedestrian Walkways. An approved encroachment agreement that complies with Chapter 14-11 (*Use of Right-of-Way*) is required prior to the installation of a pedestrian walkway and all associated utilities over a public right-of-way. The vertical clearance from the public right-of-way to the lowest part of a pedestrian walkway shall be not less than 16 feet 6 inches over roadway and alley subject to truck traffic, and not less than 15 feet over other areas in the right-of-way.

Source: Ord. No. 20170928-096, Pt. 1, 1-1-18; Ord. No. 20191114-064, Pts. 13—17, 11-25-19; Ord. No. 20210603-059, Pt. 1, 9-1-21; Ord. No. 20240418-062, Pt. 1, 5-20-24; Ord. No. 20250410-045, Pt. 1, 7-10-25.

Division 2. - Noise Level Reduction Measures for Certain Airport Compatible Land Uses.

§ 25-12-11 - APPLICABILITY.

This division prescribes minimum outdoor-to-indoor noise level reduction measures for certain airport compatible land uses governed by Chapter 25-13, Article 3 (*Compatible Land Uses*).

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-12-12 - MEASURES TO ACHIEVE A NOISE LEVEL REDUCTION OF 25 DECIBELS.

- (A) This section prescribes the building requirements to achieve a minimum outdoor-to-indoor noise level reduction of 25 decibels.
- (B) This subsection prescribes requirements for exterior walls.
 - (1) A masonry wall must equal or exceed the weight of an equivalent wall constructed of six-inch light-weight concrete block. At least one surface must be painted or plastered. A furred interior wall is not required on the inside of a masonry wall.
 - (2) Siding-on-sheathing or stucco or brick veneer must be installed on the outside of minimum 4-inch nominal deep studs.
 - (3) The interior wall surface of an exterior wall must be minimum $\frac{1}{2}$ inch gypsum board or plaster installed on the inside of the wall studs.
 - (4) Continuous sheathing as required by the Building Code must cover the exterior side of the wall studs behind wood, asphalt or aluminum siding. The sheathing must be at least $\frac{1}{2}$ inch thick.
 - (5) Sheathing boards or panels must be butted tightly and covered on the exterior with overlapping and airtight building paper when wood sheathing is used.
 - (6) Glass fiber or mineral wool insulation with a minimum thermal resistance (R) factor of 11 is required in the cavity space behind the exterior sheathing and between wall studs.
 - (7) A brick veneer, masonry block, or stucco wall must be constructed airtight except as otherwise required by the Building Code. All surface joints must be grouped or caulked airtight.
 - (8) A penetration of a wall by a pipe or duct must be caulked or filled with mortar.
- (C) This subsection prescribes the requirements for windows.
 - (1) Glass of a single-glazed window must be minimum 3/16 inch thick.
 - (2) Glass of a double-glazed window must be of standard manufacturers' thickness and separation.
 - (3) An operable window in a dwelling must contain a hinged-type sash or double-hung sash. The sash must be rigid and weather stripped with an efficiently airtight, flexible nonmetallic material that is compressed airtight when the window is closed.
 - (4) A horizontally sliding sash window may be used if the sash is weather stripped with an efficiently airtight gasket and if the window has a laboratory sound transmission rating of STC-28 or greater.
 - (5) Glass of a fixed-sash window must be set and sealed in an airtight non-hardening glazing compound or in an elastomer gasket.
 - (6) The perimeter of a window frame must be sealed airtight to the exterior wall construction.
- (D) This subsection prescribes requirements for exterior doors.
 - (1) An exterior door must be minimum 1 $\frac{3}{4}$ inch thick solid core wood or metal clad and must be fully weather stripped in an airtight manner.
 - (2) A sliding door may be used if the operable sash is weather stripped with an efficient airtight gasket and if the door has a laboratory sound transmission rating of STC-28 or greater. Glass of a sliding door must be minimum 3/16 inch thick.
 - (3) The perimeter of a door frame must be sealed airtight to the exterior wall construction.
- (E) This subsection prescribes requirements for ceilings.
 - (1)

A gypsum board or plaster ceiling at least $\frac{1}{2}$ inch thick is required below attic spaces or roof rafters or roof construction weighing less than eight pounds per square foot.

- (2) Insulation with a minimum thermal resistance (R) factor of 19 is required above the ceiling between the joists. Insulation in attic spaces may not have paper or foil covering on the face exposed to the attic.

(F) This subsection prescribes requirements for ventilation.

- (1) Mechanical ventilation is required and must be of a type and design that provides adequate environmental comfort with all doors and windows closed during all seasons.
- (2) A window ventilation unit may not be used. A wall-mounted ventilation unit may be used if the unit is insulated to minimize outdoor-to-indoor sound and the wall penetrations are sealed.
- (3) Vent openings in attic or crawl spaces must be the minimum number and size necessary to provide proper ventilation. In this paragraph, "vent" includes a conduit or passageway, vertical or nearly so, for conveying products of combustion to the outside atmosphere.
- (4) Coated glass fiber duct liner at least one inch thick is required for a return air duct.
- (5) A fireplace must be provided with a well-fitted damper.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-12-13 - MEASURES TO ACHIEVE A NOISE LEVEL REDUCTION OF 30 DECIBELS.

- (A) This section prescribes the building requirements to achieve a minimum outdoor-to-indoor noise level reduction of 30 decibels.
- (B) This subsection prescribes the requirements for exterior walls.
 - (1) A masonry wall must equal or exceed the weight of an equivalent wall constructed of six-inch dense concrete block. At least one surface must be painted or plastered. A furred interior wall is not required on the inside of a masonry wall.
 - (2) Siding-on-sheathing, stucco, or brick veneer must be installed on the outside of minimum four-inch nominal deep studs.
 - (3) The interior wall surface of an exterior wall must be minimum $\frac{5}{8}$ inch gypsum board or plaster installed on the inside of the wall studs.
 - (4) Continuous sheathing as required by the Building Code must cover the exterior side of the wall studs behind wood, asphalt, or aluminum siding. The sheathing must be minimum $\frac{1}{2}$ inch thick. The weight of the sheathing and facing must be at least four pounds per square foot.
 - (5) Sheathing boards or panels must be butted tightly and covered on the exterior with overlapping and airtight building paper. The top and bottom edges of the sheathing must be sealed airtight.
 - (6) Glass fiber or mineral wool insulation at least two-inches thick is required in the cavity space behind the exterior sheathing and between wall studs.
 - (7) A brick veneer, masonry block, or stucco wall must be constructed airtight except as otherwise required by the Building Code. All surface joints must be grouped or caulked airtight.
 - (8) A penetration of a wall by a pipe or duct must be caulked or filled with mortar.
- (C) This subsection prescribes the requirements for windows.
 - (1) A single-glazed window may be used if the window is fixed and if the glazing is acoustical glass with a laboratory sound transmission rating of minimum STC-35.
 - (2) Glass of a double-glazed window must be minimum $\frac{1}{8}$ -inch thickness. Panes of glass must be separated by a minimum three-inch air space and may not be equal in thickness.
 - (3) Glass of a triple-glazed window must be of standard manufacturers' thickness and separation.
 - (4) A double-glazed or triple-glazed window must contain a fixed sash or efficiently weather stripped operable sash. The sash must be rigid and weather stripped with an efficiently airtight material that is compressed airtight when the window is closed.
 - (5) Glass of a fixed-sash window must be set and sealed in an airtight non-hardening glazing compound or in an elastomer gasket.
 - (6) The perimeter of a window frame must be sealed airtight to the exterior wall construction.
 - (7) For a sleeping space, the total area of glass of windows and doors may not exceed 20 percent of the net floor area.
- (D) This subsection prescribes the requirements for exterior doors.
 - (1) Double door construction is required for a door opening to the exterior.
 - (2) If doors are separated by a vestibule of three-foot minimum depth, each door must be minimum $1\frac{1}{2}$ inch solid core wood or metal clad. One door must be weather stripped in an airtight manner. The other door must be tightly fitted to the door frame or weather stripped.
 - (3) If a vestibule is not used, a minimum $1\frac{3}{4}$ inch solid core wood door may be used in series with a storm door. Both doors must be weather stripped in an airtight manner.
 - (4) A single frame sliding glass door may not be used. The glass of a double sliding door must be separated by a minimum four inch airspace. Each sliding frame must be provided with an efficiently airtight weather stripping material.
 - (5) Glass of a storm or sliding door must be minimum $3/16$ inch. Glass of a double sliding door may not be equal in thickness.
 - (6) The perimeter of a door frame must be sealed airtight to the exterior wall construction.

- (E) This subsection prescribes the requirements for a roof.
 - (1) Roof sheathing must be minimum $\frac{3}{4}$ inch thick continuous plywood. Spaced board sheathing may not be used.
 - (2) A roof sheathing joint must be sealed airtight and must be covered with overlapping, airtight building paper.
 - (3) An exposed roof deck must be minimum two-inch thick wood or concrete, and the total weight of the roof construction must be at least 12 pounds per square foot.
- (F) This subsection prescribes the requirements for ceilings.
 - (1) A gypsum board or plaster ceiling at least $\frac{1}{2}$ inch thick is required below attic spaces or below the roof rafters or roof decks less than two inches thick and weighing less than 12 pounds per square foot.
 - (2) The ceiling must be a minimum of 12 inches below the roof sheathing.
 - (3) Glass fiber or mineral wool insulation at least two-inches thick is required above the ceiling between joists. Insulation in attic spaces may not have paper or foil covering on the face exposed to the attic.
- (G) This subsection prescribes the requirements for ventilation.
 - (1) Mechanical ventilation is required and must be of a type and design that provides adequate environmental comfort with all doors and windows closed during all seasons.
 - (2) A window or through-the-wall ventilation unit may not be used.
 - (3) Vent openings in attic or crawl spaces must be the minimum number and size to provide adequate ventilation. The openings must be provided with five-foot long transfer ducts containing at least one 90-degree elbow and internal acoustical lining.
 - (4) A ventilation duct connecting an interior space to the outdoors or an attic space must contain at least ten foot long internal duct lining plus one limited 90 degree elbow.
 - (5) Coated glass fiber duct liner at least one-inch thick is required.
 - (6) A vented fireplace may not be used.
 - (7) A building heating unit with a flue or combustion air vent must be located in a closet or room closed off from the occupied space by doors.
 - (8) A door to a mechanical equipment area must be minimum $1\frac{3}{4}$ inch solid core wood or 20 gauge steel hollow metal and must be fully weather stripped.
- (H) This subsection prescribes other requirements.
 - (1) Carpeting or an acoustical ceiling is required for a sleeping space.
 - (2) A through-the-wall or through-the-door mailbox may not be used.

Source: Ord. 010809-78; Ord. 031211-11.

ARTICLE 2. - FOOD ESTABLISHMENTS.

§ 25-12-31 - FOOD ESTABLISHMENTS.

- (A) Whenever a building within the city is constructed, remodeled or converted for use as a food products or service establishment as described in Title 12 (*Public Health*), properly prepared plans and specifications for such construction, remodeling, or conversion in accordance with the Administrative Manual and the Buildings Criteria Manual shall be submitted to the Health Authority for review and approval prior to beginning the construction, remodeling or conversion. The Health Authority shall approve the plans and specifications if they meet the requirements of the Administrative Manual, Buildings Criteria Manual, and all applicable laws. No food establishment shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by the Health Authority.
- (B) Whenever plans and specifications are required to be submitted to the Health Authority by Subsection (A), the Health Authority shall inspect the food establishment prior to commencement of operation to determine compliance with the approved plans and specifications and with the requirements of all applicable laws.

Source: Section 13-8-50; Ord. 990225-70; Ord. 031211-11.

§ 25-12-32 - GREASE TRAPS.

- (A) Except as provided in Subsection (B), grease traps shall be installed and properly operated in all food establishments where preparation of food occurs on the premises. The design and construction of any grease trap shall be approved by the building official or the official's designee. The director of the Water and Wastewater Utility shall determine the minimum acceptable capacity and size of any grease trap, shall issue permits for the operation of grease traps and shall be responsible for enforcement of the proper operation of grease traps.
- (B) A grease trap is not required for a food establishment that:
 - (1) serves only beverages; or
 - (2)

is a Category 1 or Category 2 charitable feeding organization as established under City Code Subsection (B) of Section 10-3-100 (*Charitable Feeding Organizations*).
 Source: Section 13-8-51; Ord. 990225-70; Ord. 031211-11; Ord. No. 20210506-013, Pt. 10, 5-17-21.

ARTICLE 3. - FLOOD HAZARD AREAS.

§ 25-12-51 - APPLICABILITY.

- (A) This article applies to the design, construction of buildings and structures, and additions and alterations to buildings and structures located in flood hazard areas.
- (B) This article is administered, implemented, and enforced in conjunction with each article of Chapter 25-12 (Technical Codes).
- (C) This article is amended in the same manner as the Building and Residential Codes.

(Ord. No. 20210603-059, Pt. 4, 9-1-21)

§ 25-12-52 - DEFINITIONS.

- (A) Except as otherwise provided, the definitions in this subsection apply to all articles in this chapter:
 - (1) **BASE FLOOD.** A flood that has the following characteristics:
 - (a) For areas amended to incorporate Atlas 14 data, a flood that has a one percent chance of being equaled or exceeded in any given year (100-year flood) calculated under fully developed conditions as prescribed by the Drainage Criteria Manual as amended to incorporate Atlas 14 data;
 - (b) For areas not yet amended to incorporate Atlas 14 data, a flood that has a 0.2 percent chance of being equaled or exceeded in any given year (500-year flood) calculated under the conditions underlying the FEMA Flood Insurance Studies listed in Section 25-12-53(B)(1) or as calculated under existing conditions as prescribed by the Drainage Criteria Manual using data predating Atlas 14; or
 - (c) For the Colorado River, a flood that has a one percent chance of being equaled or exceeded in any given year (100-year flood) calculated under the conditions underlying the FEMA Flood Insurance Rate Map dated January 6, 2016, or as subsequently revised.
 - (2) **BASE FLOOD ELEVATION.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).
 - (3) **DESIGN FLOOD.** A flood that has the following characteristics:
 - (a) For areas amended to incorporate Atlas 14 data, a flood associated with an area of a floodplain subject to a one percent or greater chance of being flooded in any year (100-year flood) based on projected full development in accordance with the City of Austin Drainage Criteria Manual as amended to incorporate Atlas 14 data;
 - (b) For areas not yet amended to incorporate Atlas 14 data, a flood associated with an area of a floodplain subject to a 0.2 percent or greater chance of being flooded in any year (500-year flood) calculated under the conditions underlying the FEMA Flood Insurance Studies listed in Section 25-12-53(B)(1), or as calculated under existing conditions as prescribed by the Drainage Criteria Manual using data predating Atlas 14;
 - (c) For the Colorado River, a flood associated with an area of a floodplain subject to a one percent or greater chance of being flooded in any year (100-year flood) as depicted on the FEMA Flood Insurance Rate Map dated January 6, 2016, or as subsequently revised.
 - (4) **DESIGN FLOOD ELEVATION.** The elevation of the "design flood" relative to the City of Austin vertical datum standard.
 - (5) **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, operations and other land disturbing activities.
 - (6) **FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land from:
 - (a) the overflow of inland waters; or
 - (b) the unusual and rapid accumulation or runoff of surface waters from any source.
 - (7) **FLOOD DAMAGE-RESISTANT MATERIALS.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.
 - (8) **FLOOD HAZARD AREA.** An area that has the following characteristics:
 - (a) For areas amended to incorporate Atlas 14 data, an area within a floodplain subject to a one percent or greater chance of being flooded in any year (100-year flood) based on projected full development in accordance with the City of Austin Drainage Criteria Manual as amended to incorporate Atlas 14 data;
 - (b) For areas not yet amended to incorporate Atlas 14 data, an area of a floodplain subject to a 0.2 percent or greater chance of being flooded in any year (500-year flood) calculated under the conditions underlying the FEMA Flood Insurance Studies listed in Section 25-12-53(B)(1), or as calculated under existing conditions as prescribed by the Drainage Criteria Manual using data predating Atlas 14;
 - (c) For the Colorado River, an area within a floodplain subject to a one percent or greater chance of being flooded in any year (100-year flood) as depicted on the FEMA Flood Insurance Rate Map dated January 6, 2016, or as subsequently revised.
 - (9)

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

- (10) **FLOOD INSURANCE STUDY.** The official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map (FIRM), the Flood Boundary Map, the water surface elevation of the base flood, and supporting technical data.
- (11) **FLOODWAY.** The channel of the river, creek, or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. An area that has the following characteristics:
 - (a) For the Colorado River, an area with a floodplain subject to a four percent or greater chance of flooding in any year (25-year flood) based on existing developed conditions as prescribed by the Drainage Criteria Manual using data predating Atlas 14; or
 - (b) For all other rivers, creeks, and watercourses in areas amended to incorporate Atlas 14 data, an area with a four percent or greater chance of flooding in any year (25-year flood) based on a projected full development in accordance with the City of Austin Drainage Criteria Manual as amended to incorporate Atlas 14 data; or
 - (c) For all other rivers, creeks, and watercourses in areas not yet amended to incorporate Atlas 14 data, an area with a one percent or greater chance of flooding in any year (100-year flood) based on a projected full development in accordance with the City of Austin Drainage Criteria Manual using data predating Atlas 14.
- (12) **FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading or unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.
- (13) **MANUFACTURED HOME.** A structure that is transportable in one or more sections, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Mobile Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.
- (14) **MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (15) **RECREATIONAL VEHICLE.** A vehicle that is built on a single chassis, 400 square feet (37.16 m²) or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.
- (16) **REGULATORY FLOOD DATUM.** An established plane of reference from which elevations and depth of flooding may be determined for specific locations of the floodplain. It is the water level of the design flood plus a freeboard factor of one foot. Design flood plus freeboard equals Regulatory Flood Datum.
- (17) **SPECIAL FLOOD HAZARD AREA.** The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or VI-30.
- (18) **START OF CONSTRUCTION.** The date a permit is issued for new construction or substantial improvements to existing structures if construction, repair, reconstruction, rehabilitation, addition, placement or other improvement starts within 180 days from the date the permit is issued. Construction starts when permanent construction of a building (including a manufactured home) is first placed and includes pouring a slab or footing, installing pilings, or constructing columns. Permanent construction does not include preparing land (clearing, excavating, grading, or filling); installing streets or walkways; excavating for a basement, footing, pier, or foundation; or erecting temporary forms or installing accessory buildings not occupied as dwelling units or not part of the main building. For a substantial improvement, construction starts when a wall, ceiling, floor, or other structural part of a building is altered even if the alteration does not affect the external dimensions of the building.
- (19) **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (20) **SUBSTANTIAL IMPROVEMENT.** For the purpose of determining compliance with the flood hazard management provisions of the Building Code, a substantial improvement is any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure during the immediate 10-year period, the cost of which cumulatively equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either of the following:
 1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
 2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure; for the purpose of this exclusion, a historic building is a building that is:
 - a. listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
 - b.

determined by the Secretary of the U.S. Department of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a historic district; or

c. designated as historic under a State of Texas or local historic preservation program that is approved by the Department of the Interior.

(22) **VARIANCE.** A grant of relief from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship.

(B) A term defined in an article in this chapter has the same meaning in this article.

(Ord. No. 20210603-059, Pt. 4, 9-1-21; Ord. No. 20241121-079, Pt. 1, 12-2-2024)

§ 25-12-53 - FLOOD LOADS.

(A) General.

(1) Within flood hazard areas as established in Subsection (B) (*Establishment of flood hazard areas*), all new construction and alterations of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads. When new construction constitutes a substantial improvement or restoration of substantial damage all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design. All elevation requirements noted in this ordinance shall be documented using the Elevation Certificate, FEMA 086-0-33, and shall be certified by a registered professional engineer, surveyor, or architect, and shall be submitted to the Floodplain Administrator.

(2) Except as otherwise provided, this section applies to residential and non-residential building and structures.

(B) Establishment of flood hazard areas.

The City establishes a flood hazard area that includes the following:

(1) areas of special flood hazard areas identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Williamson County, Texas and Incorporated Areas" dated December 20, 2019, with accompanying Flood Insurance Rate Maps (FIRM) dated December 20, 2019, the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Travis County, Texas and Incorporated Areas" dated January 6, 2016, with accompanying Flood Insurance Rate Maps dated January 6, 2016, the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Hays County, Texas and Incorporated Areas" dated January 17, 2025, with accompanying Flood Insurance Rate Maps (FIRM) dated January 17, 2025, and any revisions are adopted by reference and declared to be a part of this section; and

(2) the 100-year and 25-year floodplains as defined in the Austin City Code are adopted by reference and declared to be part of this section.

(C) Design and construction.

The design and construction of buildings and structures, and additions and alterations to buildings and structures located in flood hazard areas, shall be in accordance with ASCE 24, Flood Resistant Design and Construction.

(1) Elevation Requirements.

- (a) Unless otherwise specified in [Title 25 \(Land Development\)](#), the lowest floor of a building or structure shall be elevated a minimum of two feet above the design flood elevation.
- (b) Freeboard. Unless otherwise specified in the [Title 25 \(Land Development\)](#), a minimum freeboard of two foot shall be added where the design flood elevation or other elevation requirements are specified.
- (c) In areas of shallow flooding (AO Zones), the lowest floor (including a basement) of a building or structure shall be elevated higher than the highest adjacent grade as the depth number specified in feet (mm) on the FIRM plus two feet, or at least three feet (915 mm) if a depth number is not specified.
- (d) A basement floor that is below grade on all sides shall be elevated at least two feet above the design flood elevation.

Exceptions: An enclosed area, including a basement, which is below the design flood elevation but not below grade on all sides shall meet the requirements in Subsection (C)(2) (*Enclosed area below design flood elevation*).

(2) Enclosed area below design flood elevation.

An enclosed area, including a crawl space, that is below the regulatory flood datum shall:

- (a) be used only for parking vehicles, building access or storage excluding property, material, or equipment that may constitute a safety hazard when contacted by flood waters;
- (b) include flood openings that meet the following criteria:
 - (i) the enclosed area shall have a minimum of two openings located on different sides of the enclosed area; if a building includes more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls;
 - (ii) the total net area of all openings shall be at least 1 square inch (645 mm²) per square foot (0.093 m²) of the enclosed area, or the openings are designed and the construction documents state that the design and installation will provide for the equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters;
 - (iii) the bottom of each opening is 1 foot (305 mm) or less above adjacent ground level;
 - (iv) each opening is at least 3 inches (76 mm) in diameter;
 - (v) any louvers, screens or other opening covers allow the automatic flow of floodwaters into and out of the enclosed areas;
 - (vi) a door or window that does not meet the requirements in Subsection (C)(2)(b)(i) through (v) does not comply with this section; and

(vii) constructed of flood damage-resistant materials.

(3) Provisions of safe refuge.

- (a) A building or structure constructed in the flood hazard area where the ground surface is below the design flood elevation or where flood water velocities at the building may exceed five feet per second shall provide an enclosed refuge space two feet or more above the design flood elevation of sufficient area to provide for the occupancy load with a minimum of 12 square feet per person. The refuge space shall be provided to an exterior platform and stairway not less than three feet wide.
- (b) An existing building or structure in a flood hazard area that is substantially improved or where a change of use or occupancy is made, shall conform to the requirements of Subsection (a).
- (c) Regardless of the structure or space classification, a floor level or portion of a building or structure that is lower than two feet above the design flood elevation shall not be used residentially, or for storage of any property, materials, or equipment that might constitute a safety hazard when contacted by flood waters.

(4) Means of egress.

- (a) Unless otherwise approved by the building official, normal access to the building shall be by direct connection with an area that is a minimum of one foot above the design flood elevation.
- (b) For a building that is part of a single-family condo regime residential building permit application and part of a site plan that was approved between December 1, 2017, and November 25, 2019, compliance with this section shall be determined at the time of site plan approval.
- (c) For a building that is part of a single-family building permit application and part of (a) a preliminary plan that was submitted for approval between December 1, 2014, and November 25, 2019, or (b) a final plat that was approved between December 1, 2017, and November 25, 2019, compliance with this section shall be determined at the time of preliminary plan or final plat approval, respectively.
- (d) For all other buildings subject to Article 11 (*Residential Code*), compliance with this section shall be determined at the time of building permit application.

Exception: This subsection does not apply to an addition or alteration to an existing building or structure subject to Article 11 (*Residential Code*) that is not a substantial improvement as defined in Section 25-12-52 (Definitions).

(5) Installation of openings. The walls of enclosed areas shall have openings installed such that:

- (a) There shall be not less than two openings on different sides of each enclosed area; if a building has more than one enclosed area, each area shall have openings.
- (b) The bottom of each opening shall be not more than 1 foot (305 mm) above the higher of the final interior grade or floor and the finished exterior grade immediately under each opening.
- (c) Openings shall be permitted to be installed in doors and windows; doors and windows without installed openings do not meet the requirements of this section.

(D) Flood hazard documentation. For construction in flood hazard areas, the following documentation shall be prepared and sealed by a registered design professional and submitted to the building official:

- (1) The elevation of the lowest floor, including the basement, as required by the lowest floor elevation inspection in Building Code Section 110.3.3 (*Lowest floor elevation*) and for the final inspection in Building Code Section 110.3.10.1 (*Flood hazard documentation*).
- (2) For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.6.2.1 of ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.6.2.2 of ASCE 24.
- (3) For dry flood-proofed nonresidential buildings, construction documents shall include a statement that the dry floodproofing is designed in accordance with ASCE 24.
- (4) The as-built elevation documentation of the elevations specified in Section 25-12-53(C)(1) (Elevation Requirements).

(Ord. No. 20210603-059, Pt. 4, 9-1-21; Ord. No. 20241121-079, Pt. 2, 12-2-2024)

§ 25-12-54 - FLOOD-RESISTANT CONSTRUCTION.

(A) Statutory Authorization. As a home-rule city, the City of Austin has the responsibility and power to adopt regulations designed to minimize flood losses. The Legislature of the State of Texas has in Sections 16.3145 and 16.315 of the Texas Water Code authorized local government units to adopt regulations designed to minimize flood losses.

(B) Administration.

- (1) **Purpose.** The purpose of this section is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas designed to:
 - (a) prevent unnecessary disruption of commerce, access and public service during times of flooding;
 - (b) manage the alteration of natural flood plains, stream channels and shorelines;

- (c) manage filling, grading, dredging and other development which may increase flood damage or erosion potential;
 - (d) prevent or regulate the construction of flood barriers which will divert floodwaters or which can increase flood hazards;
 - (e) contribute to improved construction techniques in the flood plain;
 - (f) restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities; and
 - (g) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (2) **Objectives.** The objectives of this section are to protect human life, minimize the expenditure of public money for flood control projects, minimize the need for rescue and relief efforts associated with flooding, minimize prolonged business interruption, minimize damage to public facilities and utilities, help maintain a stable tax base by providing for the sound use and development of flood-prone areas, contribute to improved construction techniques in the flood plain and ensure that potential owners and occupants are notified that property is within flood hazard areas.
- (3) **Scope.** The provisions of this section shall apply to all proposed development in a flood hazard area established in Section 25-12-53 (Flood Loads) of this code.
- (4) **Alternative provisions.** As an alternative to the requirements applicable to building and structures subject to Article 11 (*Residential Code*), ASCE 24 is permitted subject to the limitations of this code and the limitations therein.
- (5) **Structural systems.** Structural systems of buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the design flood elevation.
- (6) **Flood-resistant construction.** Buildings and structures erected in areas prone to flooding shall be constructed by methods and practices that minimize flood damage.

(C) **Applicability.**

- (1) **General.** This section, in conjunction with other applicable provisions in this chapter, provides minimum requirements for development located in flood hazard areas, including:
 - (a) the subdivision of land;
 - (b) site improvements and installation of utilities;
 - (c) placement and replacement of manufactured homes;
 - (d) placement of recreational vehicles;
 - (e) new construction and repair, reconstruction, rehabilitation, or additions to new construction;
 - (f) substantial improvement of existing buildings and structures, including restoration after damage; and
 - (g) the installation of tanks.
- (2) **Abrogation and greater restrictions.** This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another city code provision, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (3) **Establishment of flood hazard areas.** Flood hazard areas are established in Section 25-12-53(B) (Establishment of flood hazard areas).
- (4) **Nonconforming Uses.** A structure, or the use of a structure or premises, which was lawful before the adoption of the Building Code, but which does not conform with the requirements of these regulations, may be continued subject to the following conditions:
 - (a) No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
 - (b) No substantial improvement of the structure shall be made unless the structure is changed to conform to these regulations.
 - (c) If a nonconforming use is discontinued for a period of 90 days, any future use of the building or premises shall conform to these regulations.
 - (d) Any nonconforming use or structure which is destroyed by any means, including floods, to an extent of 50 percent or more of its market value, shall not be reconstructed except in conformance with the provisions of these regulations.

(D) **Powers and Duties.**

- (1) **Permit applications.** All applications for permits shall comply with the following:
 - (a) The building official shall review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 25-12-53(B) (Establishment of flood hazard areas).
 - (b) Where a proposed development site is in a flood hazard area, all development to which this section is applicable as specified in Subsection (C)(1) (*General*) shall be designed and constructed with methods, practices and materials that minimize flood damage and that are in accordance with the applicable provisions in Chapter 25-12 (Technical Code) and ASCE 24.
- (2) **Other Permits.** It shall be the responsibility of the building official to ensure that approval of a proposed development shall not be given until proof that necessary approvals and/or permits have been granted by federal, state, or local agencies having jurisdiction over such development.
- (3) **Establishing the design flood elevation.** The design flood elevation defines areas prone to flooding and describes, at a minimum, the base flood elevation at the depth of peak elevation of flooding based upon:

- (a) For areas amended to incorporate Atlas 14 data, the 100-year floodplain calculated under fully developed conditions in accordance with the City of Austin Drainage Criteria Manual as amended to incorporate Atlas 14 data;
 - (b) For areas not yet amended to incorporate Atlas 14 data, the 500-year floodplain either as depicted on the FEMA Flood Insurance Rate Map as of January 6, 2016, as subsequently revised, or as calculated under existing conditions as prescribed by the Drainage Criteria Manual using data predating Atlas 14; or
 - (c) For the Colorado River, the 100-year floodplain as depicted on the FEMA Flood Insurance Rate Map dated January 6, 2016, or as subsequently revised.
- (4) **Determination of design flood elevations.** If design flood elevations are not specified, the building official is authorized to require the applicant to:
- (a) Obtain, review and reasonably utilize data available from a federal, state or other source; or
 - (b) Determine the design flood elevation in accordance with the 100-year floodplain as defined in the Austin City Code. Such analyses shall be performed and sealed by a Professional Engineer licensed by the State of Texas. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the building official. The accuracy of data submitted for such determination shall be the responsibility of the applicant.
- (5) **Determination of impacts.** In a riverine flood hazard area where design flood elevations are specified but floodways have not been designated, an applicant shall demonstrate that the effect of the proposed building or structure on design flood elevations, including fill, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the design flood elevation at any point within the jurisdiction.
- (6) **Activities in riverine flood hazard areas.** In riverine situations, the building official shall not permit any new construction, substantial improvement or other development, including fill, unless the applicant submits an engineering analysis prepared by a registered design professional, demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the design flood elevation at any point that results in additional adverse flooding on other property.
- (7) **Lowest floor.** The lowest floor shall be the floor of the lowest enclosed area, including basement. The lowest floor does not include any unfinished flood-resistant enclosure that is used only for vehicle parking, building access, or limited storage, unless the enclosure is built to cause the building or structure to violate this section.
- Exception:** An unfinished enclosure used for storage of property, materials, or equipment that constitute a safety hazard if contacted by flood waters is a lowest floor.
- (8) **Protection of mechanical, plumbing and electrical systems.** Electrical systems, equipment and components; heating, ventilating, air-conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be located at or above the elevation required in Section 25-12-53(C)(1) (Elevation Requirements). If replaced as part of a substantial improvement, electrical systems, equipment and components; heating, ventilating, air-conditioning and plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall meet the requirements of this section. Systems, fixtures, and equipment and components shall not be mounted on or penetrate through walls intended to break away under flood loads.
- Exception:** Locating electrical systems, equipment and components; heating, ventilating, air-conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment is permitted below the elevation required in Section 25-12-53(C)(1) (Elevation Requirements) provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the required elevation in accordance with ASCE 24. Electrical wiring systems are permitted to be located below the required elevation provided that they conform to the provisions of the electrical part of this code for wet locations.
- (9) **Protection of water supply and sanitary sewage systems.** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems in accordance with the plumbing provisions of this code. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters in accordance with the plumbing provisions of this code and Chapter 3 of the International Private Sewage Disposal Code.
- (10) **Flood-resistant materials.** Building materials and installation methods used for flooring and interior and exterior walls and wall coverings below the elevation required in Section 25-12-53(C)(1) (Elevation Requirements) shall be flood damage-resistant materials that conform to the provisions of FEMA TB-2.
- (11) **Floodway encroachment.** Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing activity, the building official shall require submission of a certification prepared by a Professional Engineer licensed by the State of Texas, along with supporting technical data in accordance with the City of Austin Drainage Criteria Manual, demonstrating that such development will not cause any increase of the level of the design flood.
- (12) **Floodway revisions.** A floodway encroachment that increases the level of the design flood may be considered for a variance only if the applicant has applied for a conditional Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency (FEMA) provided the conditional Flood Insurance Rate Map (FIRM) revision is required by the City of Austin Drainage Criteria Manual.
- (13)

Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the building official shall require the applicant to provide notification of the proposal to the appropriate authorities of all affected adjacent government jurisdictions, as well as appropriate state agencies. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

- (14) **Engineering analysis.** The building official shall require submission of an engineering analysis in accordance with the City of Austin Drainage Criteria Manual performed and sealed by a Professional Engineer licensed by the State of Texas demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased. Such watercourses shall be maintained in a manner which preserves the channel's flood-carrying capacity.
- (15) **Records.** The building official shall maintain a permanent record of all permits issued in flood hazard areas, including copies of inspection reports and certifications required in Section 25-12-53(D) (*Flood hazard documentation*).
- (16) **Inspections.** Development for which a permit under this section is required shall be subject to inspection. The building official or the building official's designee shall make, or cause to be made, inspections of all development in flood hazard areas authorized by issuance of a permit under this section.

(E) Permits.

- (1) **Required.** Any person, owner or owner's authorized agent who intends to conduct any development in a flood hazard area shall first make application to the building official and shall obtain the required permit.
- (2) **Application for permit.** The applicant shall file an application in writing on a form furnished by the building official. Such application shall:
 - (a) Identify and describe the development to be covered by the permit.
 - (b) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitely locate the site.
 - (c) Include a site plan showing the delineation of flood hazard areas, floodway boundaries, flood zones, design flood elevations, ground elevations, proposed lowest floor elevation, proposed fill and excavation and drainage patterns and facilities.
 - (d) Include in subdivision proposals and other proposed developments with more than 50 lots or larger than 5 acres (20,234 m²), base flood elevation data in accordance with Section 25-12-53(B) (*Establishment of flood hazard areas*).
 - (e) Indicate the use and occupancy for which the proposed development is intended.
 - (f) Be accompanied by construction documents, grading and filling plans and other information deemed appropriate by the building official.
 - (g) State the valuation of the proposed work.
 - (h) Be signed by the applicant or the applicant's authorized agent.
- (3) **Validity of permit.** The issuance of a permit under this section shall not be construed to be a permit for, or approval of, any violation of this section or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the building official from requiring the correction of errors. The building official is authorized to prevent occupancy or use of a structure or site which is in violation of this section or other ordinances of the City of Austin.
- (4) **Time Limitation on Application; Permit Expiration and Reactivation.** Article 13 (*Administration of Technical Codes*) of this chapter establishes permit application time limits and requirements applicable to permit expiration and reactivation, including a review fee for expired permits.

Exception: Permits issued under Section 105.1.1 (*Annual permit*) are only valid for a period of 360 days from the date of issuance and cannot be extended.

- (5) **Suspension or revocation.** The building official is authorized to suspend or revoke a permit issued under this section wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of the City of Austin.

(F) Variances.

- (1) **General.** The City Council shall decide requests for variances from the floodplain regulations in this code and Chapter 25-7 (*Drainage*) after conducting a public hearing. The City Council shall base its determination on technical justifications and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of this article.
- (2) **Records.** The building official shall maintain a permanent record of all variance actions, including justification for their issuance.
- (3) **Historic structures.** A variance may be issued for the repair or rehabilitation of a historic structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

Exceptions: Within flood hazard areas, historic structures that are not:

- (a) listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
- (b) determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a historic district; or
- (c) designated as historic under a state or local historic preservation program that is approved by the Department of Interior.
- (4) **Functionally dependent facilities.** A variance may be issued for the construction or substantial improvement of a functionally dependent facility provided the criteria in Section 25-12-53(A) (*General*) are met and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to methods and materials that minimize flood damages during the design flood and

create no additional threats to public safety.

- (5) **Restrictions.** The City Council shall not issue a variance for any proposed development in a floodway if any increase in flood levels would result during the design flood discharge.
- (6) **Considerations.** In reviewing applications for variances, the City Council shall consider all technical evaluations, all relevant factors, all other portions of this section, and each of the following:
 - (a) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
 - (b) The danger to life and property due to flooding or erosion damage.
 - (c) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
 - (d) The importance of the services provided by the proposed development to the community.
 - (e) The availability of alternate locations for the proposed development that are not subject to flooding or erosion.
 - (f) The compatibility of the proposed development with existing and anticipated development.
 - (g) The relationship of the proposed development to the comprehensive plan and flood plain management program for that area.
 - (h) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (i) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- (7) **Conditions for issuance.** Variances shall only be issued by the City Council upon:
 - (a) a technical showing of good and sufficient cause based on the unique characteristics of the size, configuration or topography of the site;
 - (b) a determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable;
 - (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
 - (d) a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
 - (e) notification to the applicant in writing over the signature of the building official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(G) Subdivisions.

- (1) **General.** Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to verify all of the following:
 - (a) all such proposals are consistent with the need to minimize flood damage;
 - (b) all public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) adequate drainage is provided to reduce exposure to flood hazards.
- (2) **Subdivision requirements.** The following requirements shall apply in the case of any proposed subdivision, including proposals for manufactured home parks and subdivisions, any portion of which lies within a flood hazard area:
 - (a) The flood hazard area, including floodways, as appropriate, shall be delineated on tentative and final subdivision plats.
 - (b) Design flood elevations shall be shown on tentative and final subdivision plats.
 - (c) Residential building lots shall be provided with adequate buildable area outside the flood hazard area.
 - (d) The design criteria for utilities and facilities set forth in this section, Section 25-12-53 (Flood Loads), ASCE 24, the City of Austin Drainage Criteria Manual, and applicable FEMA design criteria shall be met.

(H) Site Improvement.

- (1) **Development in floodways.** Development or land disturbing activity shall not be authorized in the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed and sealed by a Professional Engineer licensed by the State of Texas in accordance with the City of Austin Drainage Criteria Manual, that the proposed encroachment will not result in any increase in the level of the design flood.
- (2) **Sewer facilities.** All new or replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, or impairment of the facilities and systems.
- (3) **Water facilities.** All new replacement water facilities shall be designed in accordance with the provisions of Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwaters into the systems.
- (4) **Storm drainage.** Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

(5) **Streets and sidewalks.** Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

(I) **Manufactured Homes.**

(1) **Elevation.**

- (a) All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the lowest floor of the manufactured home is elevated to a minimum of two feet above the design flood elevation. Elevation certification required by Section 25-12-53(D) (*Flood hazard documentation*) shall be submitted to the building official.
- (b) The bottom of the frame of new and replacement manufactured homes on foundations that conform to the requirements of Section 25-12-53(C) (1) (*Elevation Requirements*), as applicable, shall be elevated to or above the elevations specified in Section 25-12-53(C)(1) (*Elevation Requirements*). The anchor and tie-down requirements of the applicable state or federal requirements shall apply. The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with ASCE 24.
- (2) **Foundations.** All new and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on a permanent, reinforced foundation that is designed in accordance with Section 25-12-53 (*Flood Loads*).
- (3) **Anchoring.** All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- (4) **Protection of mechanical equipment and outside appliances.** Mechanical equipment and outside appliances shall be elevated a minimum of two foot above the design flood elevation to or above the design flood elevation.

Exception: Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 25-12-53(C)(1) (*Elevation Requirements*), the systems and equipment shall be permitted to be located below the elevation required by 25-12-53(C)(1) (*Elevation Requirements*). Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70.

- (5) **Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of 25-12-53(C) (*Design and Construction*).

(J) **Recreational Vehicles.**

- (1) **Placement prohibited.** The placement of recreational vehicles shall not be authorized in floodways.
- (2) **Temporary placement.** Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use; and shall be placed on a site for less than 180 consecutive days.
- (3) **Permanent placement.** Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Subsection (I) (*Manufactured Homes*) for manufactured homes.

(K) **Tanks.** Underground and above-ground tanks shall be designed, constructed, installed and anchored in accordance with ASCE 24.

(L) **Foundation design and construction.** This subsection applies to a building or structure subject to Article 11 (*Residential Code*).

- (1) A foundation wall in a building or structure erected in a flood hazard area shall meet the requirements in Residential Code, Chapter 4 (*Foundations*).

Exceptions: Unless designed consistent with Residential Code, Section R404 (*Foundation and Retaining Walls*):

- (a) the unsupported height of a 6-inch (152 mm) plain masonry wall shall not exceed 3 feet (914 mm);
- (b) the unsupported height of an 8-inch (203 mm) plain masonry wall shall not exceed 4 feet (1219 mm); and
- (c) the unsupported height of an 8-inch (203 mm) reinforced masonry wall shall not exceed 8 feet (2438 mm).
- (2) For purposes of the exception in subsection (1), unsupported height is measured from the finished grade of the under-floor space to the top of the wall.

(Ord. No. 20210603-059, Pt. 4, 9-1-21)

§ 25-12-55 - OFFENSE AND PENALTY.

- (A) A person who violates this article commits a separate offense for each day the violation continues.
- (B) A person who fails to comply with a permit or variance granted pursuant to this article commits a separate offense for each day the violation continues.
- (C) A person who violates this article or fails to comply with a permit or a variance granted pursuant to this article commits a misdemeanor punishable as set forth in Section 25-1-462 (*Criminal Enforcement*).

(Ord. No. 20210603-059, Pt. 4, 9-1-21)

ARTICLE 4. - ELECTRICAL CODE

Footnotes:

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Editor's note— Ord. No. 20230831-105, Pt. 1, effective September 11, 2023, repealed the former Art. 4, §§ 25-12-111—25-12-114, and enacted a new Art. 4 as set out herein. The former Art. 4 pertained to similar subject matter and derived from Ord. No. 20200507-027, Pt. 1, 9-1-20.

§ 25-12-111 - NATIONAL ELECTRICAL CODE.

- (A) The National Electrical Code, 2023 Edition and Annex H (collectively "2023 Electrical Code"), published by the National Fire Protection Association are adopted and incorporated by reference into this section with the deletions in Subsection (B) and amendments in Section 25-12-113 (Local Amendments to the 2023 Electrical Code - Administration and Enforcement) and Section 25-12-114 (Local Amendments to the 2023 Electrical Code - Technical).
- (B) The following sections of the 2023 Electrical Code are deleted:

| | | |
|------------------|---------------------|-------------------|
| Section 80.2 | Section 80.15 | Section 80.19(C) |
| Section 80.19(D) | Section 80.19(E) | Section 80.21 |
| Section 80.23(B) | Section 80.27 | Section 80.35 |
| Section 110.12 | Section 210.5(C)(1) | Section 230.70(A) |
| Section 680.41 | | |

- (C) The city clerk shall retain a copy of the 2023 Electrical Code with the official ordinances of the City of Austin.

Source: Ord. No. 20230831-105, Pt. 1, 9-11-23.

§ 25-12-112 - CITATIONS TO THE ELECTRICAL CODE.

In the City Code, "Electrical Code" means the 2023 Electrical Code adopted and amended by Section 25-12-111 (Electrical Code), as amended by Section 25-12-113 (Local Amendments to the 2023 Electrical Code - Administration and Enforcement) and Section 25-12-114 (Local Amendments to the 2023 Electrical Code - Technical).

Source: Ord. No. 20230831-105, Pt. 1, 9-11-23.

§ 25-12-113 - LOCAL AMENDMENTS TO THE 2023 ELECTRICAL CODE - ADMINISTRATION AND ENFORCEMENT.

The following provisions are local amendments to the 2023 Electrical Code. Each provision of this section is a substitute for any identically numbered provision of the 2023 Electrical Code deleted by Section 25-12-111(B) (Electrical Code) or is an addition to the 2023 Electrical Code:

80.2 Definitions. The following definitions apply to the Electrical Code.

AGENT. A person designated by an electrical contractor to obtain an electric permit on behalf of the electrical contractor. An agent must be the owner or an employee of the electrical contracting business.

CITATION. A document described in City Code Chapter 1-3 (*Citation Program*).

CONTRACTOR. A person who is an electrical contractor.

ELECTRICAL CONTRACTOR. A person licensed as an electrical contractor by the Texas Department of Licensing and Regulation (TDLR), engaged in electrical contracting, and registered with the City.

ELECTRICAL CONTRACTING. The business of designing, installing, erecting, repairing, maintaining, or altering electrical wires or conductors to be used for light, heat, power, or signaling purposes. The term includes the installation or repair of ducts, raceways, or conduits for the reception or protection of wires or conductors and the installation or repair of any electrical machinery, apparatus, or system used for electrical light, heat, power, or signaling.

ELECTRICAL INSPECTOR. An individual who meets the requirements of Section 5.2.11 in the Building Criteria Manual.

ELECTRICAL WORK. Installing, altering, repairing, or erecting any electrical wiring apparatus, raceways, or equipment used in connection therewith, whether inside or outside of a building or structure, lot or premises, under the requirements of the Electrical Code.

OFFER TO PERFORM. A written or verbal communication, proposal, or advertisement that indicates or implies a person is available to contract for or perform electrical work.

REGISTRANT. A person required to register with the City as set forth in Section 80.37 (*Registration*).

REPLACEMENT. The act or process to replace something of like design.

RESIDENTIAL BUILDING OR STRUCTURE. Single-family, two-family, and multifamily dwelling units of five stories or less in height and located in a residential zone.

STATE ELECTRICAL CODE. The National Electrical Code adopted by the Texas Department of Licensing and Regulation.

TEXAS DEPARTMENT OF LICENSING AND REGULATION. The state agency responsible for administering and enforcing Title 8, Chapter 1305 of the Texas Occupations Code and 16 Texas Administrative Code Chapter 73.

WORKMANLIKE MANNER. The standard established in Section 110.12 (*Mechanical Execution of Work*).

80.15. Electric Board. The Electric Board shall comply with City Code Chapter 2-1 (*Boards and Commissions*).

80.19(C) Issuance of Permits.

(1) **Standard Permits.**

- (a) Except as provided in Section 80.19(C)(5) (*Homestead Permit*), an applicant for an electrical permit must be an electrical contractor.
- (b) The building official is responsible for reviewing applications, plan specifications, and other data submitted by an applicant. Other departments may review the plans as necessary to verify compliance with applicable laws.
- (c) The building official must issue a permit to an applicant if:
 - (i) the building official finds that the work described in the permit application and in the plans, specifications, and other support data submitted with the application conform to the requirements of the Electrical Code and other applicable laws and ordinances; and
 - (ii) the required fees have been paid.
- (d) A permit issued by the building official is not effective unless it includes a written statement that the plans and specifications were reviewed. In this section, a written statement means a stamp that reads "REVIEWED FOR CODE COMPLIANCE" and is placed on the plans and specifications.
- (e) After the permit is issued, a person may not change, modify, or alter plans and specifications without the approval of the building official.
- (f) Work regulated by the Electrical Code shall be done consistent with reviewed plans and specifications.
- (g) If a building, structure, or tenant finish out will exceed 5,000 square feet, a Professional Engineer licensed by the State of Texas must seal the required drawing.
- (h) If a building, structure, or tenant finish out is 5,000 square feet or less, a master electrician licensed by the Texas Department of Licensing and Regulation must sign the required drawing and include the master electrician's license number or a Professional Engineer licensed by the State of Texas may seal the required drawing.
 - (i) The building official may issue a permit for the construction of part of an electrical system before the plans and specifications for the entire system have been submitted or approved if the applicant provides adequate information and detailed statements that comply with the requirements of the Electrical Code. The electrical permit holder may proceed at the permit holder's own risk, without assurance that the permit for the entire building, structure, or building service will be approved. The issuance of a permit for part of an electrical system does not obligate the building official to approve the remaining electrical permits.
- (2) **Permit required.** Except as specified in Section 80.19(C)(3), a person who intends to install, alter, repair, replace, or remodel an electrical system must apply for and obtain a permit before the activity commences.
- (3) **Exempt work.** Work that may be performed without an electrical permit must comply with all applicable federal, state, and local requirements. An electrical permit is not required:
 - (a) to replace an approved cable or cord and plug connected to a motor or portable appliance;
 - (b) to replace components of approved equipment or a fixed approved appliance of same type and rating, in the same location;
 - (c) to install temporary holiday decorative lighting;
 - (d) when the maximum voltage is 480 and the maximum ampacity is 30, to replace a snap, single, three-way, or four-way or dimmer switch, receptacle, ceiling paddle fan, or luminaire;
 - (e) to reinstall a receptacle with a ground-fault circuit interrupter receptacle, a tamper-resistance receptacle, an arc-fault circuit interrupter receptacle, or weather-resistance receptacle;
 - (f) when the service will not be de-energized, to replace an overcurrent protection device or fuse of same voltage and amperage and in the same location;
 - (g) to repair or replace an electrode or transformer of the same size and capacity for a sign or gas tube system;
 - (h) to replace insulating material to a splice;
 - (i) to remove electrical and communication wiring;
 - (j) to install temporary wiring for experimental purposes in a suitable experimental laboratory;
 - (k) to install wiring for a temporary theater, motion picture, or television stage set;
 - (l)

to install or repair an electrical device, appliance, apparatus, equipment, or electrical wiring operating at less than 25 volts and not capable of supplying more than 50 watts of energy;

- (m) to install or repair a low-energy power, control and signal circuit of Class II or Class III as defined in the 2023 Electrical Code;
 - (n) for the following activities, if performed in connection with the transmission of electrical energy: to install, alter, or repair electrical wiring, apparatus, equipment, or the generation, transmission, distribution, or metering of electrical energy;
 - (o) to operate signals or to transmit intelligence by a public or private utility in the exercise of its function as a serving utility; or
 - (p) except for activities related to electrical service, for electrical work in a building or structure owned and occupied by the State of Texas or the federal government.
- (4) **Emergency repair permits.** An applicant who seeks a permit to make emergency electrical repairs on non-exempt work must identify the emergency on the permit application.

(5) **Homestead permit.**

- (a) A person who is not licensed to perform electrical work may perform electrical work under a homestead permit if:
 - (i) the residence is the person's homestead and principal residence;
 - (ii) the electrical work does not include the main electric system;
 - (iii) the person has not secured a homestead permit for another residence within the prior 12-month period;
 - (iv) the person has owned and occupied the property as of January 1 of the tax year in which the person applies for a homestead permit;
 - (v) the person applies for a homestead permit in person and files an affidavit stating that the location where the work will be done is the person's homestead;
 - (vi) the person obtains a homestead permit and pays any required permit fees before electrical, mechanical, or plumbing work begins;
 - (vii) the person does not allow or cause another person to perform electrical work under the permit;
 - (viii) the person does not transfer the homestead permit to another person;
 - (ix) the person will present a picture identification to the building official to verify that the person is authorized to perform the work under the homestead permit; and
 - (x) the work that will be done is not for a mobile, modular, or manufactured home unless the person owns the land on which the mobile, modular, or manufactured home is located.
- (b) A homestead permit cannot be issued for a mobile, modular, or manufactured home located in a mobile home park, mobile home community, or other commercial premises.
- (c) The building official may suspend or revoke a homestead permit if the work done under the homestead permit is performed by anyone other than the person who obtained the homestead permit.

80.19(D) Annual permit. Electrical work may be performed in a facility participating in the registered industrial plan program under an annual permit issued pursuant to Section 105.1.1 (*Annual Permit*) of the Building Code.

80.19(E) Permit fees. The fee for a permit is set by separate ordinance.

80.19(H) Time limitation on application; permit expiration and reactivation. The time limits for applications and the requirements for permit expiration and reactivation, including a fee for expired permits, are established in Chapter 25-12, Article 13 (Administration of Technical Codes).

Exception. An annual permit is valid for 360 consecutive days from the date the permit is issued and may not be extended.

80.19(I) Special inspections program. Electrical work may be performed under this program in occupied residential and commercial buildings or structures within the zoning jurisdiction of the City. The program requirements and scope are:

- (1) A contractor who participates in this program must:
 - (a) for each permit, submit a completed compliance form to the building official no later than one business day after the permitted electrical work is complete; and
 - (b) obtain a permit as required by Section 80.19(C)(2) no later than one business day from the work start date.
- (2) The scope of work may not:
 - (a) include the disconnection, reconnection, or repair of an electrical service;
 - (b) involve the penetration of a fire rated wall or component;
 - (c) require an electrical rough inspection; or
 - (d) include more than one stand-alone electrical or other permit.
- (3) As part of the program, the building official may inspect the electrical work performed for one out of five residential permits and one out of 10 commercial permits. As a condition of the program, the electrical contractor must provide access to the permitted work.
- (4)

Nothing in this section limits the building official's authority to inspect electrical work when the building official deems necessary to determine that the electrical work performed under this program complies with the Electrical Code.

80.21 Plan review fees. The fee for plan review is set by separate ordinance.

80.35 Authority to Enforce State Electrical Code. The building official may enforce the state electrical code when necessary.

80.36 Licenses.

80.36 (A) License required. Except as allowed in Subsection 80.19(C)(5) (*Homestead Permit*), a person must be licensed by the Texas Department of Licensing and Regulations to perform electrical work within the City or at a site that receives electric utility services from the City.

80.36 (B) License display. When performing electrical work, a licensee shall keep his or her license in possession and shall display the license upon request of the building official or the owner of the premises or property where the licensee is working, offering to work, or has worked. A licensee shall also present a picture identification to verify identity.

80.36 (C) Contractor. To establish an electrical contracting business within the City's full purpose jurisdiction, a person must be licensed as an electrical contractor and comply with Section 80.37 (*Registration*).

80.36 (D) Temporary staffing companies. An employee who is licensed, registered, or certified by the Texas Department of Licensing and Regulations and is assigned to a client company by a professional temporary staffing company is considered an employee of the client company for the purpose of complying with the requirement to hold an electrical contracting license.

80.37 Registration.

(A) **Registration Required.** Before a person may perform or offer to perform electrical contracting services within the City, the person must register with the City.

(B) **Eligibility Requirements.** A person is eligible to register with the City if:

- (1) the person is licensed as an electrical contractor;
- (2) the person designates an electrician of record; and
- (3) the electrician of record appears in person when the electrical contracting business is registered.

(C) **Electrician of Record.**

- (1) The electrician of record may be the same as the registrant.
- (2) The electrician of record must be licensed by the Texas Department of Licensing and Regulations as a master electrician.
- (3) The electrician of record may not be designated as the electrician of record for more than one electrical contractor business.

(D) **Employees and Agents of Registrant.**

- (1) An employee of a registrant may perform electrical work that is associated with an electrical permit issued to the registrant.
- (2) The maximum number of agents who may obtain electrical permits on behalf of the registrant is six.

(E) **Vehicle Display Requirements.**

- (1) A registrant shall display its name and license number on each vehicle owned or operated by the registrant's business and used to perform electrical contracting services.
- (2) Each display shall satisfy the requirements set forth in Section 1305.166 of the Texas Occupations Code and Section 73.51 of Title 16 of the Texas Administrative Code.
- (3) A vehicle described in Subsection (E)(1) may not be used for more than one electrical contracting business.

(F) **Offense.** A person commits an offense if the person engages in electrical contracting without a registration required by this section.

80.38 Suspension of Registration.

(A) Except as provided in Subsection (B), the building official may suspend a registration after three substantiated violations of Section 80.39 (*Offenses*) within a 12-month period.

(B) The building official may suspend a registration after one substantiated violation of Section 80.39(A)(2), (A)(9), (A)(15), or (A)(19) by the registrant or its employees.

(C) The suspension period ends:

- (1) six months from the date the suspension begins for the first suspension; or
- (2) 12 months from the date the suspension begins for a suspension that is not the first suspension.

(D) A registrant may appeal a suspension as set forth in Section 25-1-461 (Appeal).

(E) A suspension under this section is not an exclusive remedy for a violation of Section 80.39.

80.39 Offenses.

- (A) A person may not:
- (1) allow another to use an electrical permit in an unlawful or fraudulent manner;
 - (2) perform, or cause to be performed, electrical work that causes injury to a person or property;
 - (3) supervise, perform, or cause to be performed electrical work that does not comply with the supervision requirements in the Electrical Code;
 - (4) perform electrical work without the required license or permit classification;
 - (5) display, cause to be displayed, allow to be displayed, or possess a document that purports to be a license to perform electrical work that is false, expired, suspended, or altered;
 - (6) fail or refuse to display a license or permit to perform electrical work when requested by the building official;
 - (7) allow a person, other than the person to whom the license was issued, to perform electrical work;
 - (8) contract for, or cause to be performed, electrical work that requires a permit by a person who lacks a license required by the Electrical Code;
 - (9) employ a person who is not licensed as a master electrician or electrical contractor, journeyman electrician, residential wireman, or apprentice electrician to perform electrical work that requires an electrical license;
 - (10) request the building official to perform inspections of work that is incomplete or work that has not been properly reviewed by the permit holder or the designated supervisor three or more times during a 12-month period;
 - (11) employ a person to perform electrical work for which the person is not qualified;
 - (12) supervise a person who is performing electrical work for which the person performing the work is not qualified to perform;
 - (13) obtain a permit for a business or person other than the business or person identified on the person's electrical contractor's license;
 - (14) perform electrical work under a permit for a business other than the business identified on the permit authorizing the electrical work;
 - (15) perform, or cause to be performed, electrical work in a manner that endangers a person or property;
 - (16) fail to provide notification for a change of business address, qualifying master electrician, or contact information included on the electrical contractors license on or before the 10th day after the change occurs;
 - (17) refuse to provide picture identification when requested by the building official;
 - (18) fail to comply with the requirements of the Electrical Code; or
 - (19) allow more than five electrical permits to expire.

(B) The building official may report offenses to the Texas Department of Licensing and Regulation.

80.40 Supervision.

- (A) At least one licensed journeyman electrician, licensed master electrician, or licensed residential wireman shall be present on a site to supervise the electrical work being performed.
- (B) A contractor who is responsible for the electrical work being performed shall provide fulltime supervision, management, direction, and control. A residential wireman may only supervise residential projects.
- (C) The ratio of licensed master electrician, licensed journeyman electrician, or residential wireman to licensed apprentice electricians may not exceed one licensed master electrician, licensed journeyman electrician, or residential wireman to five licensed apprentice electricians.
- (D) The designated supervisor shall review the electrical work before submitting a request for the building official to inspect.

80.41 Special Requirements for Installations Below Regulatory Flood Datum.

- (A) For purposes of this section, regulatory flood datum (RFD) has the meaning assigned in Section 1612 (*Flood loads*) of the Building Code.
- (B) If a circuit can be de-energized by automatic operating electrical disconnection equipment, then a lighting circuit, switch, receptacle, or luminaire that operates at no more than 120 volts to ground may be installed below the RFD. The electrical circuit shall be de-energized before water is present on the floor of the affected areas. If any equipment is flooded, its particular circuit may not be re-energized until the circuit and the equipment are:
 - (1) approved by the wiring and equipment manufacturer for reuse after being submerged in water; or
 - (2) replaced and approved for use by the building official.
- (C) Except for a switch, receptacle, and luminaire, all other electrical equipment permanently installed below the RFD shall be rated by the equipment manufacturer for submergence for at least 72 hours for a head of water above the equipment to the RFD.
- (D) An electrical wiring system installed below the RFD shall be suitable for continuous submergence in water. Only a submersible splice is allowed below the RFD. A conduit located below the RFD shall be installed so that it can be self-draining if subject to flooding.
- (E) The electrical power equipment and components of an elevator system shall be located above the RFD. An automatic type elevator shall be provided with a home station located above the RFD to which the elevator will automatically return after use.
- (F) An electrical unit heater installed below the RFD shall be capable of being disconnected as outlined in Subsection (B). An electrical control on a gas or oil furnace located below the RFD may not exceed 120 volts to ground and the control circuits shall be automatically de-energized before water is present on the floor of the affected area.

(G)

Sump pumping equipment of any type shall be provided with a float operated warning alarm that acts independently of any other float actuating device used to start and stop pumping equipment. A building or structure that utilizes sump pumping equipment shall have automatic starting standby electrical generating equipment located above the RFD. The standby generating equipment shall be capable of remaining in continuous operation at 125 percent of the anticipated duration of the design flood.

- (H) A control center, privately owned transformer, distribution and main lighting panel, and switchgear, in addition to other stationary equipment, shall be located above the RFD. Portable or moveable electrical equipment may be located below the RFD if the equipment can be disconnected by a single plug or socket assembly of the submersible type and rated for a minimum of 72 hours for the head of water above the assembly to the RFD.
- (I) All components of emergency lighting systems installed below the RFD shall be located so that a component of the emergency lighting system is not within reach of personnel working at floor level in the area where an emergency lighting system is used unless the emergency lighting circuit(s) are provided with ground-fault circuit interrupters having a maximum leakage current to ground sensitivity of 5 milliamperes.
- (J) Before the building official can release electrical utilities or issue a certificate of occupancy, the building official must verify that all incoming main city power service equipment, including all metering equipment, is located two feet above RFD.

80.42 Other Applicable City Code and Criteria Manual Requirements.

When applicable, an electrical installation shall also comply with:

- (1) Chapter 25-2, Subchapter C, Article 13 (*Docks, Bulkheads, and Shoreline Access*);
- (2) Building Criteria Manual, Section 5.2.4 (*Wiring Over and Under Navigable Water*);
- (3) Building Criteria Manual, Section 5.2.10 (*Subchapter E, Section 2.5, Exterior Lighting Rules for Alternative Equivalent Compliance*); and
- (4) Building Criteria Manual, Section 4.4.7 (*Visibility*).

Source: Ord. No. 20230831-105, Pt. 1, 9-11-23.

§ 25-12-114 - LOCAL AMENDMENTS TO THE 2023 ELECTRICAL CODE - TECHNICAL.

The following provisions are local amendments to the 2023 Electrical Code. Each provision of this section is a substitute for any identically numbered provision of the 2023 Electrical Code deleted by Section 25-12-111(B) (Electrical Code) or is an addition to the 2023 Electrical Code:

110.12 Mechanical Execution of Work. Neat and workmanlike. All electrical work shall be installed in a neat and workmanlike manner. In the Electrical Code, workmanlike manner means, but is not limited to, the following:

- (1) work that is skillfully installed consistent with the Electrical Code's requirements;
- (2) equipment, raceways, and cables are installed parallel or perpendicular to the building or structure's structural members;
- (3) when raceways or cables are grouped, the raceways and cables remain straight, parallel, or perpendicular to the building or structure's structural members;
- (4) each cable is cut to a length that prevents sagging, except when flexibility requires moderate sagging; and
- (5) each box, cabinet, enclosure, and device is installed level, parallel, or perpendicular to the building or structure's structural members.

210.5(C)(1) Conductor Identification. Color coding of conductors shall be consistent at all terminations, connections, and splice points as follows:

- (1) Single phase 120/240-volt wiring systems.

(A) (B) (N)

RED—BLACK—WHITE

- (2) Three phase four wire 120/208-volt wiring systems.

(A) (B) (C) (N)

RED—BLACK—BLUE—WHITE

- (3) Three phase three, and four wire 120/240-volt delta wiring systems.

(A) (B) (C) (N)

RED—ORANGE—BLACK—WHITE

- (4) 277/480-wye or 480-volt delta wiring systems.

(A) (B) (C) (N)

BROWN—YELLOW—PURPLE—GRAY

Exception: NM Cable installed in one, two, or multifamily dwelling units.

230.70(A) Service Disconnecting Means Location.

- (1) Except as provided in Subsection (A)(2), the service disconnecting means shall be installed at a readily accessible location that is located outside of a building or structure.
- (2) The service disconnecting means may be installed at a readily accessible location that is located:
 - (a) inside of a building or structure that is not a one- or two-family dwelling;
 - (b) at the nearest point of entrance to the service conductors;
 - (c) on a direct path that 25-feet or less from an exterior entrance; and
 - (d) is first floor accessible from an exterior entrance inside of a building or structure.
- (3) A service disconnecting means may not be installed in a bathroom.

680.13(1) Emergency switch for swimming pools. A clearly labeled emergency shutoff switch shall be installed to disconnect all ungrounded conductors for swimming pool equipment and underwater lighting systems. The switch shall be installed in a place that is readily accessible, within sight, and not less than five feet from the water's edge. The sign for the shut-off switch shall be capable of being read from a distance of 50 feet; shall be made of plastic, metal, or other durable material; and shall read "Emergency Shut Off".

Exception: One- and two-family dwellings.

680.41 Emergency shut-off for spas and hot tubs.

- (A) A clearly labeled emergency shutoff switch shall be installed to disconnect all ungrounded conductors for spa or hot tub equipment and underwater lighting systems. The switch shall be installed in a place that is readily accessible, within sight, and not less than five feet from the water's edge.
- (B) The sign for the shut-off switch shall be capable of being read from a distance of 50 feet; shall be made of plastic, metal, or other durable material; and shall read "Emergency Shut Off".

Exception: One- and two-family dwellings.

Source: [Ord. No. 20230831-105](#), Pt. 1, 9-11-23.

ARTICLE 5. - MECHANICAL CODE.

§ 25-12-131 - UNIFORM MECHANICAL CODE.

- (A) The Uniform Mechanical Code, 2024 Edition, published by the International Association of Plumbing and Mechanical Officials Council ("2024 Uniform Mechanical Code") is adopted and incorporated by reference into this section with the deletions in Subsections (B) and the amendments in [Section 25-12-133 \(Local Amendments to the Uniform Mechanical Code\)](#).
- (B) The following provisions of the 2024 Uniform Mechanical Code are deleted. Unless specifically listed in this table, a subsection contained within a deleted section or subsection is not deleted:

| | | |
|-----------------|--|--|
| Section 104.2 | Section 104.3.3 | Section 104.4.3 |
| Section 104.4.4 | Section 104.5 and associated subsections | Section 107.0 |
| Table 104.5 | Section 303.8.4 and associated subsections | Section 403.10 |
| Section 405.4.1 | Section 504.4.2 and associated subsection | Section 609.0 and associated subsections |
| Section 939.0 | Section 1126.0 | Chapter 13 |

- (C) The city clerk shall retain a copy of the 2024 Uniform Mechanical Code with the official ordinances of the City.

Source: Ord. 20130606-090; [Ord. 20140410-011, Pt. 5, 4-21-14](#); [Ord. No. 20170608-056](#), Pt. 4, 9-6-17; [Ord. No. 20210603-058](#), Pt. 1, 9-1-21; [Ord. No. 20250410-044](#), Pt. 1, 7-10-25.

§ 25-12-132 - CITATIONS TO THE UNIFORM MECHANICAL CODE.

In the City Code, "Mechanical Code" means the 2024 Uniform Mechanical Code adopted by [Section 25-12-131 \(Uniform Mechanical Code\)](#) and as amended by [Section 25-12-133 \(Local Amendments to the Uniform Mechanical Code\)](#). In this article, "this code" means the Uniform Mechanical Code.

Source: Ord. 20130606-090; [Ord. No. 20170608-056](#), Pt. 4, 9-6-17; [Ord. No. 20210603-058](#), Pt. 1, 9-1-21; [Ord. No. 20250410-044](#), Pt. 1, 7-10-25.

§ 25-12-133 - LOCAL AMENDMENTS TO THE UNIFORM MECHANICAL CODE.

The following provisions are local amendments to the commercial provisions of the 2024 Uniform Mechanical Code. Each provision in this section is a substitute for an identically numbered provision deleted by Section 25-12-131(B) or an addition to the 2024 Uniform Mechanical Code.

Chapter 1 Administration.

104.1.1 Commercial Mechanical Change-Out Program. For buildings not covered under the Residential Code, the building official may establish, by rule, an inspection program for commercial mechanical components identified in this section or a change-out program authorized in other technical or building codes. The buildings must be located within the zoning jurisdiction of the City, outside of the zoning jurisdiction under agreement with a municipal utility district, where the City provides electrical service, or as determined by the building official.

104.2 Exempt Work. A mechanical permit is not required for the work described in this provision. Work exempt from a permit must still comply with this code and all other applicable laws and City Code requirements.

1. A portable heating appliance, portable ventilating equipment, a portable cooling unit, or a portable evaporative cooler.
2. Replacing a component part that does not alter the original approval and complies with other applicable requirements of this code.
3. Refrigerating equipment that is part of equipment subject to a permit issued under this code.
4. Replacement or relocation of controls and thermostats (less than 24 volts).
5. Installing self-contained refrigerators or freezers.
6. Servicing and repairing ice machines.
7. Relocation of return and supply grilles within range of existing duct lengths if they remain within the same space.
8. Other work as determined by the building official.

104.3.3 Time Limits. Article 13 (*Administration of Technical Codes*) of Chapter 25-12 (Technical Codes) establishes permit application time limits and requirements applicable to permit expiration and reactivation, including a review fee for expired permits.

104.5 Fees. Fees applicable to this code are set by a separate ordinance.

104.6 Registration of Air Conditioning and Refrigeration Contractors. An air conditioning and refrigeration contractor must register with the City before performing work regulated by this code. A contractor must provide the contractor's name and State of Texas license number. A contractor must pay a registration fee, established by separate ordinance, for an initial registration, registration after a license suspension, and registration after the license expires. A new registration fee is not required to renew a license that is not suspended or expired.

107.0 Appeals. A person aggrieved by an order, decision, or determination of the building official related to an application or interpretation of this code may appeal the order, decision, or determination consistent with the procedures set forth in Chapter 25-1, Article 7, Division 1 (*Appeals*). The Mechanical and Plumbing Board, established in Section 2-1-161 (*Mechanical and Plumbing Board*), hears appeals authorized by this section.

Chapter 2 Definitions.

202.1.1 Amended and Supplemented Definitions. The definitions in this subsection apply throughout this code and amend or supplement the definitions in Chapter 2.

Bleed-off (Blowdown). The circulating water in a cooling tower which is discharged to help keep the dissolved solids in the water below a maximum allowable concentration limit.

Blow-Down Meter. A meter that tracks the amount of water discharged from a cooling tower system.

Concentration. The recirculated water in a cooling tower that has elevated levels of total dissolved solids as compared to the original make-up water.

Conductivity Controller. A device used to measure the conductivity of total dissolved solids in the water of a cooling system to control the discharge of water in order to maintain efficiency.

Cooling Tower. An open- or closed-loop water recirculation system that uses fans or natural draft to force or draw air to contact and cool water through the evaporative process that removes heat from water-cooled A/C systems and from industrial processes.

Cycle of Concentration. The ratio of the dissolved solids in recirculating water to the dissolved solids in the makeup water.

Drift Eliminator. A device that captures large water droplets caught in the cooling tower air stream to prevent the water droplets and mist from escaping the cooling tower.

Insanitary Location. An area, space, public/private balcony, or room where the air is unfit or undesirable for circulation to occupiable parts of a building.

Makeup. The amount of water required to replace normal losses caused by bleed-off (blowdown), drift, and evaporation.

Makeup Meter. A meter that measures the amount of water entering a cooling tower system.

Overflow Alarm. A system that includes a level switch and an electronic signaling device that sends an audible signal or provides an alert via the energy management control system to the tower operator in case of sump overflow.

Chapter 3 General Regulations.

303.8.4 Roof Drainage and Rails. Equipment shall be installed on a well-drained surface of the roof. Guards must be provided where an appliance, equipment, fan, solar system, or other components require service and are located within 10 feet (3,048 mm) of a roof edge or open side of a walking surface and the edge or walking surface is located 30 inches above the grade below. Rigid fixed rails or guards at least 42 inches (1,067 mm) in height must be provided on the exposed side. The guard must be constructed to prevent a 21-inch-diameter (533 mm) sphere from passing through and must extend at least 30 inches (762 mm) beyond each end of the appliance, equipment, fan, or component. If a parapet or other building structure is used in lieu of a guard, it must be at least 42 inches (1,067 mm) in height.

Exception: Guards shall not be required where a permanent fall arrest anchorage connector system in accordance with ASSE Z359.1 is installed.

304.3.1.2.1 Ladders. Permanent ladders to access equipment located on a roof shall be provided at parapet walls that exceed 30 inches in height.

304.4.5 Concealed Space Designed for Appliances. An unobstructed access panel with a minimum of 22 inches by 30 inches at each point of maintenance and repair access shall be required. An opening as large as the largest component of an appliance is not required if:

1. the largest appliance can be removed by other means;
2. a plan for removal of the appliance is clearly documented on the approved plans; and
3. fire protection components, any part of the electrical installation, or structural load resisting systems and plumbing are not being affected.

310.1.2 Sling-Style Equipment. Sling-style A/C equipment that reintroduces condensation back into the atmosphere is prohibited.

318 Cooling Systems. Interior spaces intended for human occupancy shall be provided with active or passive cooling systems capable of maintaining an indoor temperature of not more than 80°F (27°C) at a point three feet (914 mm) above floor on the design cooling day. The installation of portable cooling systems shall not be used to achieve compliance with this section.

Exceptions:

1. Interior spaces where the primary purpose is not associated with human comfort.
2. Group F, H, S, and U occupancies.

Chapter 4 Ventilation Air.

403.7.3 Occupied Spaces Accessory to Public Garages. Connecting offices, waiting rooms, ticket booths, and similar uses accessory to a public garage must be maintained at a positive pressure and must include ventilation consistent with Section 403.0 Ventilation Rates.

405.4.1 Residential Kitchen Exhaust Rate. For intermittent-controlled operations, the exhaust rate shall be not less than 100 ft³/min (47.2 L/s) and 300 ft³/min (142 L/s) for downdraft appliances. For continuous operation the exhaust rate shall be not less than 50 ft³/min (23.6 L/s).

Chapter 5 Exhaust Systems.

504.1.2 Environmental Exhaust Duct Termination Over Covered Walkway. An exhaust duct serving a domestic clothes dryer shall not terminate over a covered walkway unless the duct is extended to the outer edge of the covered walkway.

1. An exhaust duct serving a domestic range or bathroom exhaust fan shall not terminate over a covered walkway unless three sides are open for dilution air movement.

Exception: If adequate dilution air cannot be provided, an exhaust duct serving a domestic range or bathroom exhaust fan shall be extended to the outer edge of the covered walkway.

2. An exhaust duct shall terminate over a private use balcony if the balcony serves the same space or dwelling unit as the duct serves and required clearances from openings are maintained.

504.4.2 Domestic Cloth Dryers. Section 504, subsections, and associated tables and references and duct support requirements in Subsection B of the International Mechanical Code, 2024 Edition, apply to a clothes dryer installation. Alternatively, clothes dryer installation may qualify as an alternate engineered system if it meets the requirements of this section.

1. Alternate Engineered Systems. If the dryer duct system is designed by a professional engineer, the system must comply with ANSI Z21.5.I/CSA 7.1. The design professional must provide calculations and design criteria on plans submitted under Section 104.0 of this code and must demonstrate dryer vent system is equivalent to a system that complies with the International Mechanical Code, 2024 Edition.

2. Duct Supports. Ducts shall be supported in accordance with SMACNA HVAC Duct Construction Standards - Metal and Flexible.

520.0 Hazardous Materials. Sections 502.8 through 502.8.5., associated tables and referenced sections of the International Mechanical Code, 2024 Edition, shall apply except for Section 502.8.4 that is replaced with the following:

Where gases, liquids, or solids in amounts exceeding the maximum allowable quantity per control area and having a hazard ranking of 2, 3, or 4 accordance with NFPA 704 are dispensed or used, mechanical exhaust ventilation shall be provided to capture gases, fumes, mists, or vapors at the point of generation.

521.0 Hazardous Materials - Requirements for Specific Materials. Section 502.9, subsections, associated tables, and referenced sections of the International Mechanical Code, 2024 Edition, apply.

522.0 Hazardous Production Materials (HPM). Section 502.10, subsections, associated tables and referenced sections of the International Mechanical Code, 2024 Edition, apply.

523.0 Hazardous Exhaust Systems. Section 509, subsections, and associated tables and referenced sections of the International Mechanical Code, 2024 Edition, apply.

524.0 Manicure and pedicure stations. Section 502.20, subsections, and associated tables and referenced sections of the International Mechanical Code, 2024 Edition, apply.

Chapter 6 Duct Systems.

603.10.1 Cross Contamination. A non-hazardous duct under positive or negative pressure may be routed through a duct or plenum or occupied space when longitudinal and traverse joints (seal class A per SMACNA) are sealed with materials designed for that use and sealed consistent with acceptable methods.

609 Smoke Detection Systems Control. Section 606, subsections, and associated tables and referenced sections of the International Mechanical Code, 2024 Edition apply.

Chapter 9 Installation of Specific Appliances.

939.0 Sauna Heaters. Section 914, subsections, and associated tables and references of the International Mechanical Code, 2024 Edition, apply.

Chapter 10 Boilers and Pressure Vessels.

1015.0 Efficiency Standards for Steam Boilers. A steam boiler shall:

1. Be equipped with conductivity controllers that control blowdown and a coldwater makeup meter. If the system is a 50 Boiler Horsepower or greater, the meter must be connected to the building's energy management system or utility monitoring dashboard;
2. Include a steam condensate return system;
3. Be fitted with a blowdown heat exchanger to transfer heat from blowdown to the feed water; and
4. If the boiler exceeds 15 psi and 100 Boiler Horsepower, and the heat recovery can be used to heat boiler makeup water or other purposes, the boiler blowdown must be directed to a heat recovery system that reduces the temperature of the blowdown discharge to below 140 degrees Fahrenheit without using tempering water.

Chapter 11 Refrigeration.

1126.0 Standards for Cooling Towers.

1. A cooling tower shall:
 - a. Achieve a minimum of five cycles of concentration if the cooling tower utilizes potable water as its primary source of make-up water;
 - b. Be fitted with overflow sensors and alarms, make-up water, and blowdown meters to manage water consumption, and conductivity controllers;
 - c. Be equipped with drift eliminators with a drift rate of not more than 0.005% of the circulated water flow rate for crossflow towers and 0.002% for counterflow towers when operated consistent with the equipment manufacturer's instructions and with the cooling tower, evaporative condensers, and fluid coolers; and
 - d. If the cooling tower is 100 tons or more, the make-up and blowdown meters and overflow alarm shall be connected to the building's central energy management system or utility monitoring dashboard.
2. A biocide shall be used to treat the cooling system recirculation to minimize the growth of Legionella and other microorganisms and to increase water use efficiency.
3. Commercial and multifamily facilities constructed after September 5, 2017, with an evaporative cooling tower system with a combined cooling capacity equal to or greater than 100 tons, shall have a minimum of 10 percent of the cooling tower make-up water offset with reclaimed or onsite water reuse.

Source: Ord. 20130606-090; Ord. 20140410-011, Pt. 6, 4-21-14; Ord. No. 20170608-056, Pt. 4, 9-6-17; Ord. No. 20191114-064, Pt. 18, 11-25-19; Ord. No. 20210603-058, Pt. 1, 9-1-21; Ord. No. 20250410-044, Pt. 1, 7-10-25.

§ 25-12-151 - UNIFORM PLUMBING CODE.

(A) The Uniform Plumbing Code, 2024 Edition, published by the International Association of Plumbing and Mechanical Officials ("2024 Uniform Plumbing Code") and Appendices A, B, C, D, E, G, I, J, K, M, and N are adopted and incorporated by reference into this section with the deletions in Subsection (B) and the amendments in Section 25-12-153 (Local Amendments to the Uniform Plumbing Code).

(B) The following provisions of the 2024 Uniform Plumbing Code are deleted. Unless specifically listed in this table, a subsection contained within a deleted section or subsection is not deleted:

| | | |
|----------------------------------|----------------------|------------------------|
| 104.3.2 | 1107 and subsections | 1605.3 and subsections |
| 104.4 | Chapter 13 | Table 601.3.2 |
| 104.4.4 | 1502 and subsections | Table 603.2 |
| 601.3 and subsections and tables | 1503.3 | Table 603.3.1 |
| 602 and subsections | 1505.4 | K102.2 |
| 603 and subsections and tables | 1505.6 | |
| 612.2 | 1506.4 | |
| 712.0 and subsections | 1602.5 | |

(C) Each provision in this section is a substitute for the identically numbered provision deleted in Section 25-12-151(B) (Uniform Plumbing Code) or an addition to the 2024 Uniform Plumbing Code.

| | | | |
|---------|-------------|----------|--------------|
| 104.1.1 | Table 610.1 | 1014.3.6 | 1503.6 |
| 104.1.2 | 610.1.1 | 1015.0 | 1503.10 |
| 104.1.3 | 612.0 | 1015.1 | 1503.10.1 |
| 104.1.4 | 613.0 | 1015.2 | 1503.10.2 |
| 104.1.5 | 614.0 | 1015.3 | 1503.10.4 |
| 104.2 | 614.1 | 1015.4 | 1503.10.5 |
| 104.4.3 | 614.1.1 | 1015.5 | 1503.10.6 |
| 104.5 | 614.2 | 1016.0 | 1503.10.7 |
| 104.6 | 616.0 | 1016.1 | 1503.10.8 |
| 107.0 | 617.0 | 1016.2 | 1505.5 |
| 108.0 | 704.3 | 1016.3 | 1505.10 |
| 202.1.1 | 710.10.1 | 1017.0 | 1506.1 |
| 202.1.2 | 712.1 | 1017.2 | Table 1601.5 |
| 304.2 | 712.2 | 1017.3 | K 101.7 |

| | | | |
|---------|----------|--------------|--|
| 312.6.1 | 713.4 | 1201.1.1 | |
| 319.0 | 723.0 | 1213.3 | |
| 321.0 | 723.1 | 1302.0 | |
| 321.1 | 804.1.1 | 1303.0 | |
| 402.5 | 807.3 | 1304.1 | |
| 407.4 | 905.3.1 | 1304.2 | |
| 422.0 | 908.3 | 1500.0 | |
| 504.8 | 1007.3 | 1501.2 | |
| 504.8.1 | 1009.2 | 1501.3 | |
| 508.2.1 | 1014.1 | Table 1501.5 | |
| 601.1 | 1014.1.1 | 1501.5.2 | |
| 601.1.1 | 1014.1.2 | 1501.7 | |
| 606.2.1 | 1014.1.3 | 1503.1 | |
| 608.2 | 1014.2 | 1503.2 | |
| 609.13 | 1014.3.3 | Table 1503.4 | |

(D) The city clerk shall retain a copy of the 2024 Uniform Plumbing Code with the official ordinances of the City.

Source: Ord. 20100624-146; Ord. 20130606-093; Ord. No. 20141120-008, Pt. 2, 12-1-14; Ord. No. 20170615-104, Pt. 1, 9-13-17; Ord. No. 20210603-057, Pt. 1, 9-1-21; Ord. No. 20250410-042, Pt. 1, 7-10-25.

§ 25-12-152 - CITATIONS TO THE UNIFORM PLUMBING CODE.

In the City Code, "Plumbing Code" means the 2024 Uniform Plumbing Code adopted by Section 25-12-151 (Uniform Plumbing Code) and as amended by Section 25-12-153 (Local Amendments to the Uniform Plumbing Code). In this article, "this code" means the Uniform Plumbing Code.

Source: Ord. 20100624-146; Ord. 20130606-093; Ord. No. 20170615-104, Pt. 1, 9-13-17; Ord. No. 20210603-057, Pt. 1, 9-1-21; Ord. No. 20250410-042, Pt. 1, 7-10-25.

§ 25-12-153 - LOCAL AMENDMENTS TO THE UNIFORM PLUMBING CODE.

Each provision in this section is a substitute for the identically numbered provision deleted in Section 25-12-151(B) (Uniform Plumbing Code) or is an addition to the 2024 Uniform Plumbing Code.

104.1.1 Persons authorized to obtain permits. A responsible master plumber licensed by the State of Texas and registered with the City may apply for and obtain a permit required by this code. Only a responsible master plumber with a master medical gas endorsement may obtain a plumbing permit related to medical gas installations. Only a responsible master plumber with a master water supply protection specialist endorsement may obtain a plumbing permit for a potable rain-water system.

Exception: An individual who is not licensed as a plumber may obtain a plumbing permit for plumbing work that, under state law, may be completed by an unlicensed individual.

104.1.2 Licensing. A person who enters into a contract to install or repair a plumbing system subject to this code and the plumbing permit requirement must be licensed by the State of Texas.

104.1.3 Registration. A licensed plumber must register with the City before performing any work regulated by this code.

104.1.4 Landscape irrigation. A person licensed by the Texas Commission on Environmental Quality (TCEQ) to install irrigation systems must register with the City before performing any work regulated by this code. A person must pay a registration fee set by separate ordinance at the initial registration with the City or after a license is suspended or expired. A plumbing permit must be obtained before installing a landscape irrigation or yard sprinkler system.

104.1.5 Commercial plumbing change-out program. The building official may establish by rule an inspection program for commercial plumbing components identified in this section in buildings not covered under the Residential Code or a change-out program authorized by another article in this chapter. The building must be located within the City's full purpose jurisdiction. This program applies to replacing a water heater, backflow device, or assembly; and to repairing or replacing a sewer line in occupied structures.

104.2 Exempt work.

A. A permit is not required for the following:

1. To stop leaks in drains, soil, waste, or vent pipes, except when a trap, drainpipe, soil, waste, or vent becomes defective and it is necessary to remove and replace the same with new material, a permit shall be procured and inspection made as provided in this code.
2. To clear stoppages, including the removal and reinstallation of water closets, or the repairing of leaks in pipes, valves, or fixtures if the work does not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
3. Work required to repair or replace fixtures and to replace exposed traps, continuous waste piping, fixture supply valves, or faucets if the work does not involve other city departments or inspections from other trades.
4. Other work as determined by the building official.

B. Exemption from the permit requirements of this code does not authorize work to be done in violation of other provisions of the City Code or City requirements.

C. For purposes of Section 104.2, a new installation or replacement of a shower, tub, or combination tub and shower is not exempt from the permit requirements of this code.

104.4.3. Time limits. Article 13 (*Administration of Technical Codes*) of [Title 25 \(Land Development\)](#) establishes permit application time limits and requirements applicable to permit expiration and reactivation, including a review fee for expired permits.

104.5 Fees. A fee applicable to this code is set by separate ordinance.

104.6 Offense and Penalty. A person who violates a provision of this code commits an offense that is subject to the penalty set forth in [Section 25-1-462 \(Criminal Enforcement\)](#). Each day a violation continues is a separate offense.

107.0 Mechanical and Plumbing Board. The Mechanical and Plumbing Board is subject to the requirements in Chapter 2-1 (*City Boards*).

108.0 The Building Criteria Manual. Additional information on procedures and rules related to administering this code is available in the Building Criteria Manual.

202.1.1 Supplemental Definitions.

LAUNDRY TO LANDSCAPE SYSTEM means an alternate water system that utilizes the collection of gray water discharged from clothes washing machines located at private one- and two-family dwellings for landscape irrigation.

TRAP, DEEP SEAL P-TRAP means a fixture trap having a water seal of at least four inches but is not more than twice the diameter of the trap arm, does not exceed 12 inches, is set true with respect to its water seal, and, where necessary, protected from freezing.

202.1.2 Replacement Definitions.

PLUMBING SYSTEM means all potable water, building supply, and distribution pipes; all plumbing fixtures and traps; all drainage and vent pipes; and all building drains and building sewers, including their respective joints and connections, devices, receptors, and appurtenances within the property lines of the premises and includes potable water piping, alternate water source systems, irrigation systems, potable water treating or using equipment, medical gas and medical vacuum systems, liquid and fuel gas piping, and water heaters and vents for same.

304.2 Sewage system connection required. If any part of a lot or tract that contains a house or building is located within 100 feet in horizontal distance (measured based on the closest practicable access route) of a public sewage disposal system, the draining system of the house or building must be separately and independently connected to the public sewage disposal system. The drainage system is not required to be connected if:

1. the property owner received a denial of service in writing from the owner or governing body of the public sewage disposal system;
2. the property owner received a written determination from Austin Water that it is not feasible for the building to be connected to the public sewage disposal system;
3. the property is served by an existing private sewage facility and Austin Water determined the private sewage facility may continue to be used based on factors such as the type of building served; the age, condition, and capacity of the private sewage facility; and the availability of records related to the system, changes to the system, or the generating unit; or
4. a composting toilet serves the property and Austin Water approved the disposal of liquid wastes in a private on-site sewage facility.

312.6.1 Freeze protection. Water lines installed outside of the building thermal envelope will require a minimum of five-eighth of inch thick insulation with a minimum of R4 value.

319.0 Medical gas and vacuum systems. Any medical gas and vacuum system used in conjunction with human health care purposes must be installed consistent with the requirements in the most current edition at the effective date of this article of the National Fire Protection Association (NFPA) 99 entitled "Health Care Facilities Code" and the latest edition of the ANSI/ASSE Series 6000 titled "Professional Qualification Standards for Medical Gas System Installers, Inspectors, Verifiers, Maintenance Personnel and Instructors" to the extent the requirements conflict with the Texas State Board of Plumbing Examiners Plumbing License Law requirements. A medical gas system for non-human use must be installed consistent with Section 1305.0 in its entirety.

321.0 Elevator sump pumps. See Texas Administrative Code, Title 16, Part 4, Chapter 74 for elevator sump pump requirements.

321.1 Acceptable discharge location. An elevator sump pump must discharge to the storm system outside of the building, detention pond, or other location approved for each project by the authority having jurisdiction. A hydraulic elevator must be equipped with a hydraulic oil alarm and a secondary containment must be installed and approved for each project by the authority having jurisdiction.

402.5 Settings. See Section 2903.1.1 (*Water closets, urinals, lavatories, and bidets*) in the Building Code.

407.4 Transient public lavatories. A lavatory that serves the transient public in Group A, B, and M type occupancies as defined in the Building Code must be equipped with self-closing or metering faucets.

422.0 Minimum number of required fixtures. Minimum number of required fixtures is based on Chapter 29 (*Plumbing Systems*) of the Building Code. Each building must be provided with sanitary facilities, including facilities designed for an individual with a disability.

422.2 Toilet Facilities for Workers. During construction, toilet facilities shall be provided for workers and shall be maintained in a sanitary condition.

504.8 Appliances elevated above an occupied space in an occupancy required to comply with the Building Code. Storage-type water heaters that exceeds a capacity of 17 gallons shall not be installed eight feet above the finish floor unless:

1. permanent access to the water heater is provided that supports a 300-pound concentrated load and complies with the requirements of the Building Code;
2. permanent lifting equipment designed by a registered design professional is installed; or
3. lifting equipment access is provided from entry point to location of appliance.

504.8.1 One- and two-family dwellings and townhouse type occupancy. A storage-type water heater that exceeds a capacity of 17 gallons may not be installed in an attic or above a ceiling in a residential occupancy unless the water heater is accessible through a vertical door opening located in an occupied space on the same floor level.

508.2.1 Roof drainage and rails. Equipment shall be installed on a well-drained surface of the roof. Guards must be provided where an appliance, equipment, fan, solar systems, or other components require service and are located within 10 feet of a roof edge or open side of a walking surface and the edge or walking surface is located 30 inches above the grade below. Rigid fixed rails or guards at least 42 inches in height must be provided on the exposed side. The guard must be constructed to prevent a 21-inch-diameter sphere from passing through and must extend at least 30 inches beyond each end of the appliance, equipment, fan, or component. If a parapet or other building structure is used in lieu of a guard, it must be at least 42 inches in height.

Exception: Guards are not required where a permanent fall arrest anchorage connector system in accordance with ASSE Z359.1 is installed.

601.1 Applicability. This chapter shall govern the materials, design and installation of water supply systems. Any methods, assemblies, and devices used for backflow prevention and cross-connection control shall be designed and installed in accordance with Chapter 15-1 (*Cross-Connection Regulations*).

601.1.1 Water system connection required. If any part of a lot or tract that contains a house or building is located within 100 feet in horizontal distance (measured based on the closest practicable access route) of a state-licensed public potable water system, the water system of the house or building must be separately and independently connected to the public water system. The water system is not required to be connected if:

1. the property owner received a denial of service in writing from the owner or governing body of the public water system;
2. the property owner received a written determination from Austin Water that it is not feasible for the building to be connected to a potable water system; or
3. the property is served by an existing private potable water system and Austin Water determined the private potable water system may continue to be used based on factors such as the type of building served; the age, condition, and capacity of the private potable water system; the quality of the water; and the availability of records related to the system, changes to the system, or the system demand.

606.2.1 Full-way valve installation location. A full-way valve installed on the discharge side of the water meter is prohibited from being installed inside a City meter box or vault.

Exception: A full-way valve on the discharge side of the water meter may be installed in a City meter box or vault because of space limitations and with written consent from Austin Water.

608.2 Excessive water pressure. If local static water pressure exceeds 65 pounds per square inch, an approved pressure regulator preceded by an adequate strainer must be installed to reduce the static pressure to 65 pound per square inch or less. A pressure regulator that is equal to or exceeds one and one-half inches does not require a strainer. The regulator must control the pressure to all water outlets in the building unless otherwise approved by the authority having jurisdiction. The regulator and, if required, strainer must be accessible, located above ground or in a vault, and protected from freezing. The strainer must be readily accessible for cleaning without removing the regulator or the strainer body or disconnecting the supply piping. Pipe size determinations are based on 80 percent of the reduced pressure when using Table 6-6 (*Fixture Unit Table for Determining Water Pipe and Meter Sizes*). An approved expansion tank must be installed in the cold water distribution piping downstream of the regulator to prevent excessive pressure from developing because of thermal expansion and to maintain the pressure setting of the regulator. An expansion tank used in a potable water system intended to supply drinking water must comply with NSF 61. An expansion tank must be properly sized and installed consistent with the manufacturer's installation instructions and listing. A system designed by a registered design professional may use approved pressure relief valves in lieu of expansion tanks provided the relief valve has a maximum pressure relief setting of 100 pounds per square inch (698 kPa) or less.

Exception: A one- or two-family dwelling or a townhome that is required to install a multipurpose fire protection system may have static water pressure up to 80 pounds per square inch.

609.13 Private Fire Lines. A private fire line must be installed consistent with the latest version of the National Fire Protection Association (NFPA) 24 Standard for the Installation of Private Fire Service Mains and their Appurtenances, as set forth in the Fire Protection Criteria Manual. A private fire line must comply with the NFPA 25 Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.

Table 610.1 Water Meter Sizing for Residential Single-Family Homes, Duplexes, and Townhomes

| Typical water supply fixture units ¹ | Water meter size ² | Typical number of bathrooms |
|--|-------------------------------|-----------------------------|
| 35 fixture units | 5/8" meter | 3 bathrooms or less |
| 40 fixture units | 3/4" meter | 3½ bathrooms |
| 44 fixture units | 3/4" meter | 4 bathrooms |
| 52 fixture units | 3/4" meter | 5 bathrooms |
| 55.5 fixture units | 3/4" meter | 5½ bathrooms |
| 70 fixture units | 1" meter | 6 bathrooms |
| 78 fixture units | 1" meter | 7 bathrooms |
| 84.5 fixture units | 1" meter | 8 bathrooms |
| 1. Standard rounding conventions apply when determining Water Supply Fixture Units (WSFU). | | |
| 2. To be approved for a meter size based on the WSFU, an applicant must provide calculations when the Water and Wastewater Service Plan and Verification consultation with Austin Water Utility occurs. The calculations must be based on the total WSFU count for the property. | | |

610.1.1 Size of water meters for one- and two-family dwellings and townhomes. An Austin Water meter provided to one- or two-family dwellings or townhomes must be sized based on the requirements in Table 610.1.

612.0 Residential fire sprinkler systems. When a residential sprinkler system is required in a one- or two-family dwelling or townhome, the system must be installed consistent with Section P2904 of the Residential Code or NFPA 13D and must comply with the Fire Code.

613.0 Plumbing for multi-family sub-meters. A newly constructed multi-family housing unit or a residential unit in a mixed-use facility must have a single cold water stub out that supplies all fixtures within each dwelling unit that is supplied by the master meter. A City meter or privately-owned water meter must be installed for each newly constructed unit at the time of construction. Each stub out must have a shut off valve immediately ahead of the private meter location. The meter must have a clearance of at least four inches on each side. The private meter must be installed in a location that is accessible for reading, testing, replacement, and inspection.

Exception: A multifamily development utilizing alternate or reclaimed water for toilet flushing or development with a centralized hot water system is not required to comply with this section.

614.0 Landscape irrigation. Irrigation for landscape must comply with the requirements in Chapter 344, Title 30 of the Texas Administrative Code, Sections 614.1 through 614.2 of this code, and requirements imposed by the Texas Commission on Environmental Quality.

614.1 Requirements for one- and two-family dwelling landscape irrigation installation. A new irrigation system for a one- or two-family dwellings must be designed and installed to include:

1. spray irrigation is limited to areas that are more than six feet wide (medians, buffer strips, and parking lots islands should not be spray irrigated);
2. above-ground irrigation emission devices that are located at least six inches from impervious surfaces;
3. a master valve for the system;
4. circuit remote control valves have adjustable flow controls;
5. serviceable in-head check valves are adjacent to paved areas where elevation differences may cause low head drainage;
6. a rain shut-off device shuts off the irrigation system automatically at or before one-half inch rainfall;
7. zone valves and circuits that are separated based on hydrozoning;
8. an isolation valve that is located between the meter and the backflow prevention device;
9. pressure compensating heads unless the static pressure at the backflow protection device is measured at or below 45 pounds per square inch; and
10. a mainline pressure regulating valve that complies with ASSE 1003, is located downstream of the backflow protection device if the static pressure at the backflow protection device is measured at or above eighty pounds per square inch.

614.1.1 Limitations for one- and two-family dwelling landscape irrigation installation. A new irrigation system for a one- or two-family dwellings permitted must be designed and installed to cover no more than 50 percent of the total landscaped area, including the front and side yard or the back and side yard.

614.2 Inspection. During the final plumbing inspection, the irrigation installer must provide the building official:

1. water budget that includes a chart containing zone numbers, precipitation rate, and gallons per minute and the location of the isolation valve;
2. a report on the form provided by Austin Water that certifies compliance with the requirements in Section 614.1; and
3. proof that a laminated copy of the water budget is permanently installed inside the irrigation controller door.

616.0 Once through cooling. Potable water may not be used for once through cooling of commercial equipment including, but not limited to, ice machines, ice cream machines, refrigerators, coolers, freezers, air conditioning equipment and condensers for dry cleaning equipment unless 100 percent of the potable water used is returned for non-potable uses such as cooling tower make up or other approved uses in a new installation.

617.0 Car wash equipment. Except for self-service (spray wand) type systems, newly installed car wash equipment must be sleeved or piped under the slab to accommodate future reuse equipment that can be easily installed underground and run to an area where a water reclaim system would be anticipated to be installed. The sleeve or piping must extend approximately 24 inches past the exterior wall from the car wash equipment room and 18 inches from the interior wall. Both ends of the sleeve or piping must be equipped with a cleanout extended to grade.

704.3 Commercial sinks. A pot sink, scullery sink, dishwashing sink or machine, silverware sink or machine, commercial dishwashing machines, and other similar fixtures must be connected to the drainage system indirectly.

710.10.1 Simplex sumps. A single 1.0 or 2.0 DFU fixture that is not a required plumbing fixture under this code may be served by a single pump or ejector system.

Exceptions:

1. A single pump ejector system that serves an accessible break room sink with 1½ inch outlet and a 1½ inch inlet is allowed.
2. A 1½ inch outlet service sink may be drained by a single pump ejector system.

712.1 Testing procedures for drain, waste, and vent piping. The required testing process is located in the Building Criteria Manual Section 5.6.2 (*Plumbing Systems Test Requirements*).

712.2 Trench drains. The required testing process is located in the Building Criteria Manual Section 5.6.2 (*Plumbing Systems Test Requirements*).

713.4 Availability. Austin Water will determine the availability of the public sewer for any proposed building or exterior drainage facility on any lot or premises, which abuts and is served by the public sewer.

723.0 Building sewer test. The required testing process is located in the Building Criteria Manual Section 5.6.2 (*Plumbing Systems Test Requirements*).

723.1 Manhole test. The required testing process is located in the Building Criteria Manual Section 5.6.2 (*Plumbing Systems Test Requirements*).

804.1.1 Hub drain. A hub drain that receives discharge from a water heater temperature and pressure valve drain, pan drain, condensation drain, and other similar clear water waste drains may be located under the kitchen sink cabinet, water heater closet, walk-in storage room, and other similar accessible locations.

807.3 Domestic dishwashing machines. The discharge from a domestic dishwashing machine is indirect waste and may not be directly connected to a drainage system or food waste disposer unless one of the following applies:

1. an approved dishwashing air-gap fitting is used on the discharge side of the dishwashing machine; or
2. the discharge line from the dishwasher is looped up and securely fastened to the underside of the counter and the discharge is connected to the chamber of the food waste grinder or to a wye fitting between the food waste grinder outlet and the trap inlet or to a branch tailpiece fitting above the trap inlet.

905.3.1 Horizontal Vent. A horizontal vent that is less than six inches in height above the flood level rim of the fixture being served must be served with a clean out.

908.3 Horizontal wet venting for public use fixtures. Water closets, floor drains, and indirect waste receptors may be horizontally wet vented with fixtures that are not more than one or two fixture units in size. This does not apply to kitchen sinks or urinals. No more than two fixtures may be located on the horizontal wet vented section of the water closet, floor drain, or indirect waste receptor. A two-inch cleanout is required for the dry vent.

1007.3 Barrier-type trap seal protection device. A barrier-type trap seal protection device shall protect the floor drain trap seal from evaporation. Barrier-type floor drain trap seal protection devices shall conform to ASSE 1072. The devices shall be installed in accordance with the manufacturer's instructions.

1009.2 Approval. Austin Water approves the size, design, type, and location of each interceptor or separator. Except as otherwise specifically allowed by the City Code, wastes that do not require treatment or separation may not be discharged into any interceptor. A grease, sand, or other gravity interceptor must be field tested by applying a minimum of a one-inch water column above the lid seal of the interceptor.

Exception: An interceptor or separator on a septic system must meet the requirements established by Austin Water.

1014.1 General. If pre-treatment is required, an approved type of grease interceptor that complies with Austin Water requirements must be installed in the waste discharge leading from sinks, drains, and other fixtures or equipment. A grease interceptor is required in a facility that may introduce fats, oils, or grease into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment or private sewage disposal. This type of facility includes, without limitation, commercial or institutional food preparation. Facilities such as food processors, bakeries, restaurants, cafeterias, schools, hospitals, retirement homes, assisted living facilities, and grocery stores. A combination of hydro-mechanical, gravity grease interceptors, and engineered systems may be approved by Austin Water if space or existing physical constraints of an existing building requires such an installation to meet this code. A grease interceptor is not required for a one- or two-family dwelling or townhome. A water closet, urinal, or other plumbing fixture that conveys human waste may not drain into or through the grease interceptor.

1014.1.1 Each fixture discharging into a grease interceptor must be individually trapped and vented in an approved manner.

1014.1.2 Accumulated grease and latent material must be periodically removed from a grease interceptor to maintain efficient operating conditions. Removal of accumulated grease or latent materials must comply with Chapter 15-10 (*Wastewater Regulations*). Accumulated grease or latent materials may not be introduced into any drainage piping or public or private sewer. If the authority having jurisdiction determines that a grease interceptor is not being properly maintained or cleaned, the authority having jurisdiction may require additional equipment or devices be installed and may mandate a maintenance program.

1014.1.3 Food waste disposal units and dishwashers. A food waste or garbage disposal unit may not be installed in a restaurant, cafeteria, and other commercial and institutional kitchen or food preparation facility. A system installed prior to the prohibition must be connected to or discharge into a grease interceptor. Unless specifically exempted by Austin Water, a dishwasher in a commercial or institutional food preparation facility must be connected to or discharge into a grease interceptor.

1014.2 Hydro-mechanical grease interceptors. A hydro-mechanical grease interceptor or separator must be a size, standard, design, and type approved by Austin Water; and must be installed in a location approved by Austin Water.

1014.3.3 Design. A gravity interceptor must be constructed consistent with a design approved by Austin Water.

1014.4.6 Sizing Criteria. The size and volume of an interceptor must be based on and comply with criteria established by Austin Water.

1015.0 Fats, oils, and greases (FOG) pre-treatment and disposal systems.

1015.1 Purpose. The purpose of this section is to provide the necessary criteria for the sizing, application, and installation of FOG pre-treatment and disposal systems designated as a pre-treatment or discharge water quality compliance strategy consistent with this code and Chapter 15-10 (*Wastewater Regulations*).

1015.2 Scope. A FOG pre-treatment or disposal system is considered an engineered system and must comply with Article 3 (*Flood Loads and Hazard Areas*) and Chapter 15-10 (*Wastewater Regulations*).

1015.3 Components, materials, and equipment. A FOG pre-treatment or disposal system, including all components, materials, and equipment necessary for the system to function properly, must comply with Section 301.2 (*Minimum Standards*) of this code and Chapter 15-10 (*Wastewater Regulations*).

1015.4 Sizing application and installation. A FOG pre-treatment or disposal system must be engineered, sized, and installed consistent with manufacturer's specifications, as specified in ASME A112.14.6 and Chapter 15-10 (*Wastewater Regulations*).

1015.5 Performance. A FOG pre-treatment or disposal system must be tested and certified in accordance with national consensus standards applicable to a fat oil grease (FOG) disposal system as discharging effluent that is compliant with the standards and requirements in Chapter 15-10 (*Wastewater Regulations*).

1016.0 Sand Interceptors.

1016.1 Where required.

1016.1.1 If pre-treatment is required, an approved type of sand interceptor that complies with Austin Water regulations must be installed in the waste discharge leading from a fixture or drain that contains solids or semi-solids heavier than water that would be harmful to the drainage system, cause a stoppage within the system, or as otherwise required by Chapter 15-10 (*Wastewater Regulations*). Multiple floor drains may be discharged into one sand interceptor. If effluent quality does not meet City standards, additional pre-treatment may be required.

1016.1.2 A sand interceptor is required when Austin Water determines it is necessary to protect the drainage system.

1016.1.3 Construction and Size. A sand interceptor must be constructed and sized consistent with the Austin Water design standards.

1017.0 Petroleum-based oil and flammable liquid interceptors and pre-treatment. An operation that generates a discharge that contains petroleum-based oily, flammable, or both types of waste must install and maintain an interceptor, hold haul tank, or other pre-treatment system that complies with Chapter 15-10 (*Wastewater Regulations*) and as authorized by Austin Water. An interceptor or other pre-treatment system, tank, or pump installed must be accessible and be vented to the atmosphere in a manner authorized by the City Code.

1107.1 Methods of testing storm drainage systems. The required testing process is in the Building Criteria Manual Section 5.6.2 (*Plumbing Systems Test Requirements*).

1107.2 Testing procedures for plastic roof drainage piping. The required testing process is in the Building Criteria Manual Section 5.6.2 (*Plumbing Systems Test Requirements*).

1107.3 Test procedures for material other than polyvinyl chloride (PVC) drainage piping. The required testing process is in the Building Criteria Manual Section 5.6.2 (*Plumbing Systems Test Requirements*).

1201.1.1 Liquefied petroleum approval. Liquefied petroleum container size, location, and service line are approved by the fire marshal.

1213.3 Testing process for gas systems. The required testing process is in the Building Criteria Manual Section 5.6.2 (*Plumbing Systems Test Requirements*).

1301.0 Medical gas plan review and permits. An engineer licensed by the State of Texas must design a plan for a medical gas system that is installed for human uses. A plan must be submitted and reviewed prior to installing or revising a medical gas system. If approved, a medical gas permit may be obtained by a responsible master plumber who is licensed by the State of Texas and has a medical gas endorsement. The permit is required to alter or install a medical gas system.

1302.0 Liquid ring surgical and dental vacuum pump installations. Liquid ring surgical and dental vacuum pumps cannot be installed within the City.

1303.0 Category 3 vacuum systems. A drain must be connected directly to the sanitary waste system consistent with NFPA 99-2015 Figure A.5.3.3.10.1.3(4)(a).

1304.0 Medical Gas for Non-Human Uses.

1304.1 Piping materials for field-installed medical gas and vacuum systems for nonhuman uses.

1. Hard drawn seamless copper tube:

- a. ASTM B 88, Standard Specification for Seamless Copper Water Tube, Copper Tube (K, L, M);
- b. ASTM B 280, Standard Specification for Seamless Copper Tubing for Air Conditioning and Refrigeration Field Service, Copper ACR Tube;
- c. ASTM B 819, Standard Specification for Seamless Copper Tube for Medical Gas Systems, Copper Medical Gas Tubing (K or L).

2. Stainless steel tube.

Exception: Piping for a field installed vacuum system for non-human use may be installed with schedule 40 polyvinyl chloride (PVC).

1304.2 Testing requirements. The required testing process is in the Building Criteria Manual Section 5.6.2 (*Plumbing Systems Test Requirements*).

1500.0 Except otherwise required by City Code, installing an alternate water reuse system is voluntary and optional.

1501.2 System design. An alternate water reuse system must be designed by a person registered or licensed to perform plumbing design work. A component, piping, or fitting used in an alternate water source system must be listed.

Exceptions. The following systems may be designed by a person who is not registered or licensed to perform plumbing design work:

1. A rainwater catchment or condensate collection system for irrigating:
 - a. Landscaping for a one-family dwelling when the system's outlets, piping, and other components are located on the exterior of the single-family dwelling; or
 - b. Landscaping for a site when the system's maximum storage capacity is 500 gallons (1893 L).
2. A gravity gray water system with a maximum discharge capacity of 250 gallons per day (0.011 L/s) for a one- or two-family dwelling or townhome.
3. An on-site treated non-potable water system for a one-family dwelling with a maximum discharge capacity of 250 gallons per day (0.011 L/s).
4. A laundry to landscape system.

1501.3 Permit. It is unlawful for a person to construct, install, alter, or cause to be constructed, installed, or altered an alternate water reuse system in a building or on a premise without first obtaining a permit to do such work from the authority having jurisdiction.

Exception: A plumbing permit is not required for non-potable rainwater or condensate collection systems that are not connected to any water line or fixture that is supplied by potable water if the:

1. Gravity type exterior non-potable rainwater catchment system or non-potable condensate collection system is used only for outdoor applications; or
2. Non-potable rainwater catchment or non-potable condensate collection system is 500 gallons (1893 L) or less and is used only for outdoor applications.

Table 1501.5 Minimum Alternate Water Source Testing, Inspection, and Maintenance Frequency

| | |
|--|---|
| Inspect and clean filters and screens, and replace (when necessary). | Every 3 months |
| Inspect and verify disinfection, filters, and water quality treatment devices and systems are operational and maintaining minimum water quality requirements as determined by the authority having jurisdiction. | As required by manufacturer's instructions and the authority having jurisdiction. |
| Inspect and clear debris from rainwater gutters, downspouts, and roof washers. | Every 6 months |
| Inspect and clear debris from roof or other aboveground rainwater collection surfaces. | Every 6 months |
| Remove tree branches and vegetation overhanging roof or other as needed aboveground rainwater collection surfaces. | |
| Inspect pumps and verify operation. | After installation and every 12 months thereafter. |
| Inspect valves and verify operation. | After installation and every 12 months thereafter. |
| Inspect pressure tanks and verify operation. | After installation and every 12 months thereafter. |
| Clear debris from and inspect storage tanks, locking devices, and verify operation. | After installation and every 12 months thereafter. |
| Inspect caution labels and markings. | After installation and every 12 months thereafter. |
| Inspect and maintain mulch basins for gray water irrigation systems. | As needed to maintain mulch depth and prevent ponding and runoff. |
| Cross-connection inspection and test.* | After installation and reoccurring thereafter as deemed appropriate by the authority having jurisdiction. |

* The cross-connection test must be performed consistent with the requirements of Chapter 15-1 (*Cross-Connections Regulations*).

1501.5.2 Maintenance log. A maintenance log is required for an alternate water system that requires a permit under Section 1501.3. The maintenance log must be maintained by the property owner and be made available for inspection. The property owner or designated appointee must ensure that the maintenance log includes all records related to testing, inspection, and maintenance required in Table 1501.5. The purpose of the maintenance log is to demonstrate the frequency of inspection and maintenance for each system.

1501.7 Minimum water quality requirements. An alternate water source system must comply with applicable water quality requirements established by the authority having jurisdiction. In the event water quality requirements are not established, a property should comply with EPA/625/R-04/108, which includes the recommended water reuse guidelines.

Exceptions: Water treatment is not required for:

1. Single-Family rainwater catchment systems that are used for aboveground irrigation;
2. Gray water used for subsurface irrigation;
3. Rainwater catchment systems used for subsurface or drip irrigation; and
4. Alternate water or auxiliary water that originates from a well, river, or lake and is used only for outdoor irrigation.

1503.1 General. This section applies to the construction, alteration, and repair of gray water systems.

Exceptions: A system installed consistent with Section 1503.10 (*Laundry to Landscape Program*).

1503.2 System Requirements. Gray water shall be permitted to be diverted away from a sewer or private sewage disposal system, and discharge to a subsurface irrigation or subsoil irrigation system without treatment. The gray water shall be permitted to discharge to a mulch basin for single-family and multi-family dwellings without treatment. The gray water shall be permitted to discharge to a spray irrigation system or urinal and toilet flushing applications with treatment. Gray water shall not be used to irrigate root crops or food crops intended for human consumption that comes in contact with soil.

Table 1503.4 Location of Gray Water Systems⁶

| MINIMUM HORIZONTAL DISTANCE IN CLEAR REQUIRED FROM | SURGE TANK (FEET) | SUBSURFACE AND SUBSOIL IRRIGATION FIELD AND MULCH BED (FEET) |
|--|-------------------|--|
| Building Structures ¹ | 5 ^{2, 8} | 2 ^{3, 7} |
| Property line adjoining private property | 5 | 5 ⁷ |
| Water supply wells ⁴ | 50 | 100 |
| Sewage pits or cesspools | 5 | 5 |
| Sewage disposal fields ⁹ | 5 | 4 ⁵ |
| Septic tank | 0 | 5 |
| On-site domestic water service line | 5 | 5 |
| Pressurized public water main | 10 | 10 |
| For SI units: 1 foot (304.8 mm) | | |

Notes:

1. Including porches and steps, whether covered or uncovered; breezeways; roofed carports; roofed patios; carports; covered walks; covered driveways; and similar structures or appurtenances.
2. When approved by the authority having jurisdiction, the distance may be reduced to 0 feet for aboveground tanks.
3. Reference to a 45-degree (0.79 rad) angle from foundation.
4. When special hazards are involved, the distance required must be increased as directed by the authority having jurisdiction.
5. Add two feet (610 mm) for each additional foot of depth that exceeds one foot (305 mm) below the bottom of the drain line.
6. Parallel construction or for crossings are not allowed unless approved by the authority having jurisdiction.
7. The distance may be reduced to 1.5 feet (457 mm) for drip and mulch basin irrigation.
8. The distance may be reduced to 0 feet for surge tanks of 75 gallons (284 L) or less.
9. When irrigation or disposal fields are installed in sloping ground, the minimum horizontal distance between a part of the distribution system and the ground surface must be 15 feet (4572 mm).

1503.6 Prohibited location. A gray water system is not allowed on a site the authority having jurisdiction determines has insufficient lot area or has inappropriate soil conditions that will not adequately absorb the gray water to prevent ponding, surfacing, or run off. A gray water system is not allowed in the Edwards Aquifer Recharge Zone or in any other area the Authority Having Jurisdiction determines is geologically sensitive.

1503.10 Laundry to landscape system.

1503.10.1 General. This section applies when installing, altering, or repairing a laundry to landscape systems.

New Construction. A gravity gray water drainage system shall be installed in new construction in one- and two-family dwellings constructed after January 1, 2025, for future use. A gray water system shall be installed to allow for the separate discharge of gray water for direct landscape irrigation from a cloth washing machine installed adjacent to an exterior wall or a wall perpendicular to an exterior wall.

Exception: Where soil conditions do not provide adequate infiltration, where setbacks cannot be maintained, or other such limitations are prohibited by the Land Development Code. Project applicants shall submit documentation satisfactory to the Authority Having Jurisdiction for an exemption.

1503.10.2 System design. A laundry to landscape system must be designed:

1. To divert gray water from a domestic laundry washing-machine located in a private one- or two-family dwelling only;
2. To allow the private residence, using one-inch tubing, to direct the flow of gray water from the domestic laundry washing-machine to an irrigation field for landscape irrigation or to divert to the building sewer;
3. To include a manifold with a one-inch, three-way accessible diverter valve. The valve to be located in an accessible location and be identified as a gray water system;
4. So that the three-way diverter valve and piping is supported to relieve any potential stress on the piping when in use;
5. So that all gray water is contained to the site where it is generated without ponding, surfacing, or run off;
6. To minimize contact with humans and domestic pets; and
7. So that it does not constitute a health nuisance.
8. With an informational card at least four by six inches in size and containing information specified by Austin Water about the usage of laundry to landscape plumbing which shall be affixed adjacent to the three-way diverter valve.
9. With gray water piping and stub out(s) clearly identified with a label having a purple (Pantone color No. 512, 522C, or equivalent) background and black uppercase lettering. Labeling shall be field, or factory marked as follows: "CAUTION: NONPOTABLE GRAY WATER, DO NOT DRINK"; and
10. For new construction one- and two-family dwellings:
 - a. The inlet of the three-way valve will require a direct connection from the washing machine drain outlet.
 - b. Outlet one of the three-way valve will terminate no more than four inches into the washing machine standpipe.
 - c. Outlet two of the three-way valve will require an air admittance valve then the stub out will terminate outside above finish grade or be located in a valve box when below grade, for future use. Both stub out methods must be labeled with black letters in a purple background.
 - d. The standpipe trap will require periodic use for the purpose of maintaining a water level in the trap to prevent sewer gas release.

1503.10.4 Discharge. The laundry to landscape system may discharge to a subsurface irrigation system, a subsoil irrigation system, or mulch basin. Above ground discharge is prohibited.

1503.10.5 Uses. The laundry to landscape system may be used to irrigate landscape on the exterior of the structure but may not be used to irrigate root crops or food crops that come in contact with soil and are intended for human consumption.

1503.10.6 Prohibited locations. A laundry to landscape system is not allowed on a site that exceeds a three to one slope. A laundry to landscape system must comply with Sections 1503.10.4 and 1503.10.6.

1503.10.7 Connections to plumbing systems. A laundry to landscape system does not authorize a person to cut into or make any permanent physical attachment to the plumbing system. A laundry to landscape system may not include a change to, alteration of, or repair of any potable water connection; may not include any other pump installation, other than the pump equipped with, or manufactured as part of the domestic laundry-washing machine; and may not affect or alter any other building, plumbing, electrical, or mechanical components such as structural features, egress, fire-life safety, sanitation, potable water supply piping, or accessibility to the property.

1503.10.8 Permits and inspections. It is unlawful for a person to construct, install, alter, or cause to be constructed, installed, or altered a laundry to landscape system in a building or premise without first obtaining a permit to do such work from the Authority Having Jurisdiction.

1505.5 Initial cross-connection test. Before a building is occupied or the system is activated, a cross-connection test that complies with Section 1502.3 is required. Final approval cannot be granted until the test is deemed successful by the Authority Having Jurisdiction.

1505.10 Hose Bibs. Hose bibs shall not be allowed on reclaimed (recycled) water piping systems. Access to reclaimed (recycled) water shall be through a quick-disconnect device that differs from those installed on the potable water system. Such outlets supplying reclaimed (recycled) water shall be marked with the words: "CAUTION: NONPOTABLE RECLAIMED WATER, DO NOT DRINK" and the symbol in Figure 1505.10.

Figure 1505.10

1506.1 General. This section applies when installing, constructing, altering, or repairing an on-site treated non-potable water system intended to supply uses such as water closets, urinals, trap primers for floor drains and floor sinks, above and below ground irrigation, and other uses approved by the Authority Having Jurisdiction.

Table 1601.5 Minimum Alternate Water Source, Testing, Inspection, and Maintenance Frequency

| | |
|--|--|
| Inspect and clean filters and screens, and replace (when necessary). | Every 3 months |
| Inspect and verify disinfection, filters, and water quality treatment devices and systems are operational and maintaining minimum water quality requirements as determined by the Authority Having Jurisdiction. | As required by manufacturer's instruction and maintaining the Authority Having Jurisdiction. |
| Inspect and clear debris from rainwater gutters, downspouts, and roof washers. | Every 6 months |
| Inspect and clear debris from roof or other aboveground rainwater collection surfaces. | Every 6 months |
| Remove tree branches and vegetation overhanging roof or other aboveground rainwater collection surfaces. | As needed |
| Inspect pumps and verify operation. | After installation and every 12 months thereafter. |
| Inspect valves and verify operation. | After installation and every 12 months thereafter. |
| Inspect pressure tanks and verify operation. | After installation and every 12 months thereafter. |
| Clear debris from and inspect storage tanks, locking devices, and verify operation. | After installation and every 12 months thereafter. |

| | |
|--|---|
| Inspect caution labels and markings. | After installation and every 12 months thereafter. |
| Inspect and maintain mulch basins for gray water irrigation systems. | As needed to maintain mulch depth and prevent ponding and runoff. |
| Cross-connection inspection and test.* | After installation and reoccurring thereafter as deemed appropriate by the Authority Having Jurisdiction. |
| Test water quality of rainwater catchment system required by Section 1603.4 | Every 12 months and after system renovation or repair. |
| * The cross-connection test must be performed consistent with the requirements of Chapter 15-1 (<i>Cross-Connections Requirement</i>). | |

K 101.7 Minimum water quality requirements. The minimum water quality for potable rainwater catchment system must comply with the applicable potable water quality requirements as set by the Texas Commission on Environmental Quality (TCEQ) and referenced by the Texas Department of State Health Services (DSHS).

Source: Ord. 20100624-146; Ord. 20111020-090; Ord. 20130606-093; Ord. 20140410-011, Pt. 1, 4-21-14; Ord. No. 20141120-008, Pts. 3—20, 12-1-14; Ord. No. 20170615-104, Pt. 1, 9-13-17; Ord. No. 20191114-064, Pt. 19, 11-25-19; Ord. No. 20210603-057, Pt. 1, 9-1-21; Ord. No. 20250410-042, Pt. 1, 7-10-25.

ARTICLE 7. - FIRE CODE

Footnotes:

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Editor's note— Ord. No. Ord. No. 20250410-039, Pt. 1, effective July 10, 2025, repealed the former Art. 7, §§ 25-12-171, 25-12-172, and enacted a new Art. 7 as set out herein. The former Art. 7 pertained to similar subject matter. See Code Comparative Table for complete derivation.

§ 25-12-171 - INTERNATIONAL FIRE CODE.

- (A) The International Fire Code and Appendices B and F, 2024 Edition, published by the International Code Council ("2024 International Fire Code") is adopted and incorporated by reference into this section with the changes described in Subsections (B), (C), (D), and (E) and Section 25-12-173 (Local Amendments to 2024 International Fire Code).
- (B) The following sections of the 2024 International Fire Code are deleted. Unless specifically listed in this table, a subsection contained within a deleted section or subsection is not deleted:

| | | | |
|---------------|----------|-----------------------------|------------|
| 105.5.2 | 105.5.20 | 105.5.42 | 901.6.2.1 |
| 105.5.3 | 105.5.21 | 105.5.43 | 901.6.2.2 |
| 105.5.4 | 105.5.25 | 105.5.45 | 903.2.9.3 |
| 105.5.6 | 105.5.26 | 105.5.46 | 917.2 |
| 105.5.7 | 105.5.27 | 105.5.47 | Chapter 10 |
| 105.5.8 | 105.5.28 | 105.5.48 | 1103.4.1 |
| Table 105.5.9 | 105.5.31 | 105.5.49 | 1103.4.8 |
| 105.5.10 | 105.5.32 | 105.5.50 | 1103.4.9 |
| 105.5.12 | 105.5.33 | 105.5.52 | 5005.1.12 |
| 105.5.13 | 105.5.35 | 105.6.3 through 105.6.25 | |

| | | | |
|----------|----------|----------------------------|--|
| 105.5.19 | 105.5.37 | 311.5.2 through 311.5.5 | |
|----------|----------|----------------------------|--|

(C) The following provisions of the 2024 International Fire Code are amended. Unless specifically listed in this table, a subsection contained within an amended section or subsection is not amended:

| | | | | | |
|----------|------------------------|--------------------------|-------------------------------|-------------------|-----------------------------|
| 101.1 | 105.5.4 | 503.3 | 909.10.2 | 2305.1.3 | 5601.2.4 and subsections |
| 102.7.1 | 105.5.57 | 503.4.1 | 909.22.6 | 2305.2.1 | 5601.4 |
| 102.7.2 | 105.6 | 503.6 | 912.5 | 2306.7.6.2 | 5607.4 |
| 103.1 | 105.6.1 | 503.7 | 912.5.1 | 2701.4 | 5607.5 |
| 103.2 | 105.6.2 | 504.1 | 915.1 entire section replaced | 3103.4 | 5607.14 |
| 103.3 | 106.1 | 505.1 | 916.1 | 3103.7.2 | 5703.4 |
| 104.1 | 108.1 through 108.6 | 507.3 | 916.4 | 4104.2 | 5704.2.9.6.1 |
| 104.1.1 | 109.2.3 | 507.4 | 916.5 | 5001.2 | 5704.2.10 |
| 104.13 | 112.1 | 507.5.1 | 916.6 | 5001.5 | 5704.2.10.1 |
| 105.3.1 | 113.3.2 | 507.5.3 | 916.7 | 5001.5.2 | 5704.2.11.2 |
| 105.5 | 113.3.3 | 508.1.6 | 916.10 | Table 5003.1.1(1) | 5704.2.11.4.1 |
| 105.5.5 | 113.3.4 | 508.1.7 | 916.8 | 5003.3.1.4 | 5803.1.1 |
| 105.5.9 | 203.3 | 510.5.3 | 1103.9 | 5003.9.8 | 6101.2 |
| 105.5.11 | 203.6 | 605.4 and subsections | 1207.1 | 5003.13.2 | 6103.2.1.2 |
| 105.5.17 | 304.3.5 | 606.2 | 1207.1.3 | 5004.2 | 6103.2.2 |
| 105.5.18 | 307.2 | 901.4.7.3 | Table 1207.1.3 | 5004.2.1 | 6104.2 |
| 105.5.22 | 307.4 | 901.6.2 | 1207.1.4 | 5004.2.2 | 6104.3.2 |
| 105.5.23 | 311.5 | 901.6.3 | 1207.1.8 | 5004.2.2.1 | 6104.4 |
| 105.5.24 | 311.5.1 | 903.2.1.6 | 1207.1.8.1 | 5004.2.2.5 | 6107.2 |
| 105.5.29 | 314.4 | 903.2.4.2 | 1207.4.7 | 5004.2.2.6 | 6109.11.2 |
| 105.5.30 | 320.2 | 903.3.1.1.1 | 1207.5.3 | 5306.2 | Chapter 80, as reflected |
| 105.5.36 | 401.3 | 903.3.5 | 1207.5.4 | 5306.2.1 | B104.1 |
| 105.5.38 | 401.3.1 | 903.3.6 | Table 1207.6 | 5306.2.2 | B104.2 |

| | | | | | |
|----------|---------|---------|----------|------------|--|
| 105.5.39 | 503.1 | 903.4.3 | 1207.6.5 | 5306.2.3 | |
| 105.5.41 | 503.1.1 | 904.14 | 1207.9.1 | 5306.3 | |
| 105.5.44 | 503.2.1 | 905.3.3 | 2301.1 | 5404.2 | |
| 105.5.51 | 503.2.4 | 905.4 | 2304.1 | 5404.2.1 | |
| 105.5.53 | 503.2.6 | 909.5 | 2304.2 | 5504.3.1.1 | |

(D) The following provisions are added to the 2024 International Fire Code:

| | | | | |
|---------------------------------------|-------------------------|-------------|--------------------------------|-----------------------------|
| 102.7.3 | 323 and subsections | 903.3.1.2.4 | 912.5.5 | 5001.2.3 |
| 105.5.16.1 | 324 and subsections | 903.3.5.3 | 913.1.1 | 5001.7 and subsections |
| 105.5.16.2 | 401.3.4 and subsections | 903.3.10 | 913.2.2.1 | Table 5003.1.1(5) |
| 105.5.16.3 | 408 and subsections | 907.2.1.3 | 913.3.1.2 | 5003.2.2.3 |
| 105.5.22.1 | 409 and subsections | 907.2.2.3 | 916.6.1 | 5003.2.4.3 |
| 105.5.22.1.1 through 105.22.1.4 | 503.1.4 | 907.2.2.3.1 | 1001.1 | 5005.1.8.1 |
| 105.5.22.2 | 503.1.5 | 907.2.3.1 | 1032.2 | 5601.2.5 and subsections |
| 105.5.22.3 | 503.2.3.1 | 907.2.6.4 | 1103.5.6 | 5601.2.6 |
| 105.5.22.4 | 503.2.6.1 | 907.6.1.1 | 1103.7.7 | 5607.11.1 |
| 105.5.22.5 | 503.3.1 | 907.6.1.2 | 1203.2.20 | 5607.12.1 |
| 105.5.22.6 | 503.3.2 | 907.6.1.3 | 1207.6.3 | 5607.16 and subsections |
| 105.5.22.7 | 505.3 | 907.6.1.4 | 1207.6.2.4 | 5607.17 |
| 105.5.22.7.1 through 105.5.22.7.11 | 505.3.1 | 907.6.7 | 1207.6.5.1 through 1207.6.3 | 5607.18 |
| 308.5 and subsections | 507.5.7 | 909.20.4.1 | 1207.1.8.3 | 5703.4.1 to 5703.4.4.5.2 |
| 308.6 and subsections | 507.6 and subsections | 909.20.4.2 | 2312.1 through 2312.8.6 | 6303.1.1.2.1 |
| 308.7 and subsections | 611 and subsections | 909.20.4.3 | 2403.5 | |
| 316.7 | 903.2.2.3 | 912.4.1.1 | 5001.1.2 | |

(E) The definition of High-hazard Group H in the 2024 International Fire Code is deleted.

(F) The city clerk shall retain a copy of the 2024 International Fire Code with the official ordinances of the City.

Source: Ord. No. 20171207-098, Pt. 1, 1-7-18; Ord. No. 20210603-056, Pt. 1, 9-1-21; Ord. No. 20250410-039, Pt. 1, 7-10-25.

§ 25-12-172 - CITATIONS TO THE FIRE CODE.

In the City Code, "Fire Code" means the 2024 International Fire Code as adopted by Section 25-12-171 (International Fire Code) and as amended by Section 25-12-173 (Local Amendments to the International Fire Code). In this article, "this code" means the Fire Code.

Source: Ord. No. 20171207-098, Pt. 1, 1-7-18; Ord. No. 20210603-056, Pt. 1, 9-1-21; Ord. No. 20250410-039, Pt. 1, 7-10-25.

§ 25-12-173 - LOCAL AMENDMENTS TO THE 2024 INTERNATIONAL FIRE CODE.

Each provision in this subsection is a substitute for an identically numbered provision deleted or amended by Section 25-12-171(B) and (C) or an addition to the 2024 International Fire Code.

[A] 101.1 Title. These regulations shall be known as the Fire Code and hereinafter referred to as "this code."

[A] 102.7.1 Conflicts. In the event of a conflict between referenced provisions of the International Mechanical Code and the Mechanical Code, the Mechanical Code prevails. In the event of a conflict between referenced provisions of the International Plumbing Code, the International Fuel Gas Code and the Plumbing Code, the Plumbing Code prevails. Where differences occur between the provisions of the Fire Code and the referenced standards, the provisions of the Fire Code prevail.

[A] 102.7.2 Provisions in referenced codes and standards. Unless precedence is specified by another ordinance of the City, where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.7.3 Fire Protection Criteria Manual. Additional information on procedures and rules for administration of this code are available in the Fire Protection Criteria Manual.

[A] SECTION 103 FIRE PREVENTION

[A] 103.1 General. The fire department, under the direction of the fire chief, is authorized to implement, administer and enforce the Fire Code.

[A] 103.2 Appointment. The fire chief is appointed by the City Manager in accordance with the policies and procedures of the City and in compliance with state law. The fire chief serves as the fire code official.

[A] 103.3 Deputies. The fire chief appoints the fire marshal and assistant fire marshals, inspectors, or other employees and delegates duties consistent with the policies and procedures of the fire department. Where the terms "fire code official", "fire chief", "chief", "fire department", or "fire marshal" are used in the Fire Code, the provisions apply to assistant fire marshals, inspectors, engineering professionals, and other fire department employees in the execution of their assigned duties.

[A] 104.1 General. The fire code official is authorized to administer, implement, and enforce the Fire Code; is authorized to render interpretations of the Fire Code; and to adopt policies, procedures, rules and regulations in order to implement the Fire Code. An interpretation rendered or a policy, procedure, rule, or regulation adopted by the fire code official must comply with the intent and purpose of the Fire Code and cannot have the effect of waiving a requirement of the Fire Code. Under the fire chief's direction, the fire department is authorized to enforce all ordinances of the jurisdiction pertaining to:

1. the prevention of fires;
2. the suppression or extinguishment of dangerous or hazardous fires;
3. the storage, use and handling of hazardous materials;
4. the installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment;
5. the maintenance and regulation of fire escapes;
6. the maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction;
7. the maintenance of means of egress; and
8. the investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

[A] 104.1.1 Authorized Personnel. The fire chief and members of the fire department assigned to enforce the Fire Code are authorized to issue citations for violations of the Fire Code.

[A] 104.13 Authority of the Chief. The fire chief, or the fire chief's designee, may order the evacuation of or cessation of its use or operation of any area, premises, building, building under construction, or vehicle that is or is in imminent danger of becoming a fire hazard, becoming a chemical exposure hazard, or becoming a life or health hazard as a result of flooding or other dangerous condition.

[A] 105.3.1 Expiration. An operational permit remains in effect until reissued, renewed, revoked, or for such a period of time as specified in the permit. Construction permits are issued and administered consistent with the Building Code. Unless otherwise provided in the Fire Code, permits are not transferable and any change in occupancy, operation, tenancy or ownership requires a new permit.

105.5 Required operational permits. The fire code official may issue an operational permit for an operation, practice, or function described in this section.

105.5.5 Carnivals and fairs. An operational permit is required to conduct a carnival or fair.

105.5.9 Compressed gases. An operational permit for compressed gases is required and must comply with Section 105.5.22 (*Hazardous materials*).

105.5.11 Cryogenic fluids. An operational permit for cryogenic fluids is required and must comply with Section 105.5.22 (*Hazardous materials*).

105.5.15 Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.

105.5.16 Explosives.

105.5.16.1 Blasting. An operational permit is required to use explosives or blasting agents at an addressed location for a specified period, which is based on the class of permit. Chapter 56 (*Explosives and fireworks*) establishes additional requirements for a blasting operational permit.

1. Class A: 45 days.
2. Class B: 120 days.
3. Class C: 1 year.
4. Class D: 10 days.

105.5.16.2 Explosives or Blasting Agents. An operational permit is required for the manufacture, storage, handling, sale, or use of explosives, and explosive materials within the scope of Chapter 56 (*Explosives and fireworks*).

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and consistent with Section 5606.

105.5.16.3 Fireworks. An operational permit is required to manufacture, store, handle, sell, or use any quantity of fireworks or pyrotechnic special effects.

105.5.17 Fire protection systems. An annual operational permit is required for all fixed fire protection systems in buildings and facilities, including but not limited to fire alarm systems, fire sprinkler systems, commercial kitchen hood suppression systems, and mechanical smoke control systems. A single permit is required for each building or facility and must detail the types and locations of systems present. Inspections and testing that complies with the Fire Protection Criteria Manual and any other applicable national standards is a condition of permit approval.

105.5.18 Flammable and combustible liquids. An operation permit for flammable and combustible liquids is required and must comply with Section 105.5.22.2 (*Hazardous materials*).

105.5.22 Hazardous Materials.

105.5.22.1 An operational permit is required to use or possess hazardous materials in a quantity in excess of that described in 105.5.22.2 below and meeting any one of the following criteria:

105.5.22.1.1 Materials with a health rating of 2 or more, as defined in Appendix F.

105.5.22.1.2 Materials with a flammability rating of 2 or more, as defined in Appendix F.

105.5.22.1.3 Materials with an instability rating of 2 or more, as defined in Appendix F.

105.5.22.1.4 Compressed gases liquefied compressed gases and cryogenic fluids.

105.5.22.2 An operational permit is required to use or possess hazardous materials if the aggregate quantity of each material with the same hazard rating, in the same physical state throughout the facility, is equal to or greater than the following:

MINIMUM AGGREGATE QUANTITY

| Flammability | Rating | Quantity |
|--------------|----------|---------------------------------|
| 4 | Extreme | 0.5 pounds or 5 gallons |
| 3 | High | 12 pounds or 10 gallons |
| 2 | Moderate | 60 pounds or 120 gallons |
| Health | Rating | Quantity |
| 4 | Extreme | 0.35 ounces or 0.3 fluid ounces |

| | | |
|---|------------------------------------|---------------------------------|
| 3 | High | 10 pounds or 1 gallon |
| 2 | Moderate | 110 pounds or 55 gallons |
| Instability | Rating | Quantity |
| 4 | Extreme | 0.35 ounces or 0.3 fluid ounces |
| 3 | High | 10 pounds or 1 gallon |
| 2 | Moderate | 110 pounds or 55 gallons |
| Carbon Dioxide System | | 101 pounds |
| Compressed gases and liquefied compressed gases, Including oxygen | | 100 cubic feet at NTP |
| Cryogenic fluids | | 1 gallon |
| Storage of Lithium Metal and Lithium-Ion Batteries | | 16 cubic feet |
| Stationary and Mobile Energy Storage System (ESS) | Energy Capacity or Quantity | |
| Capacitor ESS - nameplate rating | 3 kWh | |
| Flow batteries - nameplate rating | 20 kWh | |
| Lithium ion ESS - nameplate rating | 20 kwh | |
| Nickel metal hydride - nameplate rating | 70 kWh | |
| Other battery technologies - nameplate rating | 10 kWh | |
| Other electrochemical ESS technologies - nameplate rating | 3 kWh | |
| Stationary lead-acid batteries - flooded and valve regulated, and Nickel-Cadmium ESS. Mobile ESS utilizing lead acid battery technology are exempt. | 15 gallons | |

105.5.22.3 An operational permit is required to dispense liquid fuels, regardless of hazard classification, from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments. A person may not dispense liquid fuels of any kind from tank vehicles into the fuel tanks of motor vehicles at a residence.

105.5.22.4 The criteria for the rating of hazardous materials are contained in NFPA Standard No. 704 (See Appendix F). The fire code official uses NFPA Standard No. 704 to assign hazard ratings to hazardous materials. If the NFPA Fire Protection Handbook assigns a material a hazard rating, then that rating is used. When a rating is not provided, the fire code official uses NFPA 704, information contained in Safety Data Sheets (SDS), Appendix E, or other commonly accepted published standards of nationally recognized organizations/authors to classify hazardous materials.

105.5.22.5 Compressed and liquefied gases and cryogenic fluids will be totaled on a quantitative basis for each hazard class. The materials may be reported in pounds or gallons but, for the purpose of regulation, are calculated in cubic feet by the fire department.

105.5.22.6 The state of a material (liquid, solid, gas) is based on its physical state at NTP.

105.5.22.7 Materials not requiring a permit. The following materials are not subject to the permitting requirements:

105.5.22.7.1 Inert gases that do not support combustion including argon, helium, krypton, neon, xenon, compressed air, and nitrogen. When stored as cryogenic fluids, these gases are subject to permitting requirements.

105.5.22.7.2 Any material used or stored for household purposes at a private residence.

105.5.22.7.3 Any material contained in a transportation vehicle when the vehicle is not being used for permanent storage.

105.5.22.7.4 Commercial products used at a facility solely for janitorial purposes and maintenance products that are necessary for the immediate, continued operation of equipment at the facility (not to include fuels) and are not for resale. This includes air conditioning refrigerant and pool chemicals when maintained in quantities less than the following:

TABLE 105.5.22.7.4 - MATERIAL LIMITS

| Material | Rating | Quantity |
|--|--------|----------------------|
| Corrosives | 3-0-0 | 4 gallons |
| Class 2 Oxidizers | 3-0-2 | 150 pounds |
| Class 3 Oxidizers | 3-0-2 | 110 pounds |
| Non-Flammable Air Conditioning Refrigerant | 2-0-0 | 2—30 pound cylinders |

105.5.22.7.5 Materials held solely as pharmaceutical products that are packaged for distribution to, and use by, the general public, except for those materials with a toxic or flammable hazard rating of 3 or more and reactive materials with a rating of 2 or more, based on the criteria in the Fire Protection Manual.

105.5.22.7.6 Any waste material regulated by the State of Texas under Chapter 361, Health and Safety Code or under Federal regulations must be listed in a permit application but will not require a permit nor be considered in setting the amount of the permit fee.

105.5.22.7.7 Nuclear and radioactive material(s) regulated by the State of Texas under Chapter 401, Health and Safety Code or under Federal regulations must be listed in a permit application but will not require a permit nor be considered in setting the amount of the permit fee.

105.5.22.7.8 Any material contained in a process vessel, except when the process vessel is being used for permanent storage.

105.5.22.7.9 Any material stored in an underground tank that complies with the permit requirements of the Development Services Department, or its successor department, and with the reporting requirements of the U.S. Environmental Protection Agency (EPA) Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act (SARA Title III), and if applicable, with the requirements of the Texas Hazard Communication Act.

105.5.22.7.10 Class II combustible liquids used to fuel emergency generators, located outside of buildings, and in approved tanks or containers less than 275 gallons in size.

105.5.22.7.11 Carbon dioxide systems utilizing high pressure cylinders that are not associated with beverage dispensing applications.

105.5.23 HPM facilities. HPM facilities, including Group H-5 occupancies are required to obtain a hazardous materials permit and must comply with Section 105.5.22.

105.5.24 High-piled storage. A triennial operational permit is required to use a building or portion thereof as a high-piled storage area that exceeds 2000 square feet (185m²).

105.5.29 Lithium batteries. An operational permit for the accumulation of lithium ion and lithium metal batteries is required and must comply with Section 105.5.22.

105.5.30 LP-Gas. An operational permit is required for liquefied petroleum gas and must comply with Section 105.5.22 (*Hazardous materials*).

105.5.36 Open burning. An operational permit is required to kindle or maintain an open fire or a fire on a public street, alley, road or other public or private ground. A person must comply with the instructions and stipulations of the permit. An open fire or fire includes trench burners (Section 308.5), mobile incinerators (Section 308.6) and agricultural burning (Section 308.7).

Exception: Recreational fires

105.5.38 Open flames and candles. An operational permit is required to use open flames or candles in connection with an assembly area or the dining area of a restaurant or drinking establishment.

105.5.39 Organic coatings. An operational permit is required for organic coatings and must comply with Section 105.6.22 (*Hazardous materials*).

105.5.41 Places of assembly. An operational permit or appropriate certificate of occupancy is required to operate a place of assembly.

105.5.41.1 An annual operational permit is required to operate a place of assembly where 51% or more of the gross receipts at the location are from alcoholic beverage sales.

105.5.41.2 With concurrence of the Building Official, the fire code official may issue a temporary change of use permit to use a structure for public assembly in accordance with Section 408 of this code.

105.5.44 Pyrotechnic special effects material. An operational permit is required to use and handle pyrotechnic special effects material.

105.5.51 Temporary membrane structures, special event structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, special event structure or a tent having an area in excess of 100 square feet (9.3 m^2), or an aggregate area of multiple tents or membrane structures placed side by side in excess of 400 square feet (37 m^2).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.
3. Tents that are not attached to or located within 20 feet (6096 mm) of, a building shall not require a permit unless the tent is in excess of 400 square feet (37 m^2).
4. Tents open on all sides which comply with all of the following:
 - 4.1 Individual tents having a maximum size of 700 square feet (65 m^2).
 - 4.2 The aggregate area of multiple tents placed side by side without a firebreak clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m^2) total.
 - 4.3 A minimum clearance of 20 feet (6096 mm) to structures and other tents shall be provided.
 5. Inflatable playground equipment at one- or two-family residences.
 6. Inflatable playground equipment used for less than 24 hours at places of worship or education facilities (for ages served by the 6th grade and younger) when located a minimum of 20 feet from the nearest building.

105.6 Required construction permits. The fire code official may issue construction permits for work as described in Section 105.6.1.

105.6.1 No Separate Construction Permits Required. Construction permits for permanent structures and systems that are issued through the building permit system shall be administered by the Development Services Department, or its successor department.

105.6.2 Temporary membrane structures, special event structures and tents. A construction permit is required to erect an air supported temporary membrane structure, special event structure or tent having an area in excess of 100 square feet (9.3 m^2) or an aggregate area of multiple tents placed side by side in excess of 400 square feet (37 m^2).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.
3. Tents that are not attached in any way to or within 20 feet (6096 mm) of a building shall not require a permit unless the tent is in excess of 400 square feet (37 m^2).
4. Tents open on all sides, which comply with all of the following:
 - 4.1 Individual tents having a maximum size of 700 square feet (65 m^2).
 - 4.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m^2) total.
 - 4.3 A minimum clearance of 20 feet (3658 mm) to structures and other tents shall be provided.
 5. Inflatable playground equipment at one- or two-family residences.
 6. Inflatable playground equipment used for less than 24 hours at places of worship or education facilities (for ages served by the 6th grade and younger) when located a minimum of 20 feet from the nearest building.

[A] 106.1 Submittals. Construction documents and supporting data that are part of a site plan or building permit submittal must be submitted consistent with the requirements in the Land Development Code. After building permit review, a shop drawing submittal must be submitted directly to the fire department as described in the Fire Criteria Manual. The construction documents shall be prepared by a registered design professional, licensed fire alarm planning superintendent (APS), or licensed fire sprinkler responsible managing employee (RME) as appropriate and as required by Texas Law. Construction documents must comply with the Fire Code and be consistent with the guidance in the Fire Protection Criteria Manual.

Exception: The fire code official may waive the submission of construction documents and supporting data that is not required to be prepared by a registered design professional if the fire code official finds that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the Fire Code.

SECTION 108 FEES

[A] **108.1 Fees.** A permit shall not be issued until the fees have been paid.

[A] **108.2 Schedule of fees.** Each permit or service fee established in the Fire Code is set by separate ordinance.

[A] **108.4 Work commencing before permit issuance.** Any person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to a notice of violation and to prosecution as provided in section 111.3 of this code. Any penalties assessed due to prosecution under this code shall be in addition to the required permit or service fees.

[A] **108.5 Related fees.** The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

[A] **108.6 Refunds.** The refund policy of the City and the fire department shall be applicable to the over payment of any fees associated with the administration of this code.

109.2.3 Re-inspections. When previously identified violations have not been corrected, a fee shall be assessed for a construction related re-inspection requested by the applicant or contractor. When a scheduled inspection fails, or is cancelled with less than a 24 hour notice, due to the fact that the applicant or contractor was not capable of nor prepared for the inspection to be conducted, a re-inspection fee shall be assessed. The re-inspection fee shall be in an amount set by separate ordinance. No subsequent inspections shall be made until the required fees have been paid and required documentation submitted.

112.1 Appeals. Appeals are handled consistent with Chapter 25-1, Article 7, Division 1 (*Appeals*).

113.3.2 Compliance with orders and notices. Orders and notices of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains. In cases of immediate danger to persons or property, immediate compliance is required. If the building or other premises is not owner occupied, under lease or otherwise, and the order or notice requires additions or changes in the building or premises which would immediately become fixtures and be the property of the owner of the building or premises, such orders or notices shall be complied with by the owner.

Exception: If the owner and the occupant have agreed otherwise between themselves, then the occupant shall comply.

113.3.3 Prosecution of violations.

113.3.3.1 A violation of this code is a misdemeanor punishable as set forth in Section 25-1-462 (*Criminal Enforcement*). The filing of a criminal action does not preclude the pursuit of a civil, quasi-judicial, or administrative action for violation of this code.

113.3.3.2 The fire code official may enforce the provisions of this code by pursuing all civil, quasi-judicial, administrative, and criminal actions; all remedies available to a city under state law; or by any combination of remedies available at law or equity. In any court action, the fire official may pursue the collection of attorney's fees and costs; and maximum interest on liens and judgments as allowed by law. The filing of a civil action does not preclude the pursuit of any other action or remedy, whether quasi-judicial, administrative, or criminal. All remedies authorized under this code are cumulative of all others unless otherwise expressly provided.

113.3.3.3 Citations. Persons operating or maintaining an occupancy, premises or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the fire code official shall be guilty of a misdemeanor.

113.3.4 Unauthorized tampering. Signs, notices, orders, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official.

202.1 Supplemental and replacement definitions. The following definitions in this subsection apply throughout this code and supplement the definitions in Section 202 (*General Definitions*) of the 2024 International Fire Code.

ACCESS ROADWAY. Any road(s) providing access around the perimeter of any building, to a building from a public street, or to a building or its fire department connection from a required fire hydrant.

ALL WEATHER DRIVING SURFACE. Hot mix asphaltic concrete or concrete pavement as per City of Austin Standard Specifications or other alternative roadway methods approved by the fire code official.

[B] ANIMAL HOUSING OR CARE FACILITY. A facility used for twenty-four (24) hour occupancy or permanent housing of animals for the purpose of providing a service, participating in a sport, or for providing general board and care. Animal housing or care facilities include animal shelters, animal breeding facilities, animal grooming facilities, animal daycare facilities, pet resorts, animal hospitals/veterinary clinics, kennels and pounds. Animal housing or care facilities do not include animal or pet care by pet owners for their own animals at a personal residence, and these facilities do not include Group U agricultural uses for the care and feeding of the agricultural business owner's own livestock.

AUTOMOBILE WRECKING YARD. An area that stores salvage vehicles.

BATTERY ELECTRIC VEHICLE (BEV). A National Highway Traffic Safety Administration certified electrified vehicle with a high voltage system and a battery for propulsion including, but not limited to, hybrid electric vehicle, plug-in hybrid electric vehicle, plug-in electric vehicle, and fuel cell electric vehicle.

CERTIFICATION. A record of the test, including problems found and corrections made, documenting the actions on approved forms.

CITY. These terms mean the City of Austin, in the Hays, Travis and Williamson Counties of the State of Texas. Geographically these terms indicate all territory within the corporate limits of the City and that territory annexed for limited purpose by the City and in accordance with Article I, Section 7 of the Charter of the City of Austin.

[B] CONSTANT SUPERVISION FOR GROUP B ANIMAL HOUSING OR CARE FACILITY. 24-hour on-site staff capable or responding to problems or emergencies that could impact the safety or lives of the animals being housed or cared for.

[M] COMMERCIAL COOKING APPLIANCES. Appliances used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through a local exhaust ventilation system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers (charbroilers); ovens; barbecues; rotisseries; and similar appliances. For the purpose of this definition, a food service establishment shall include any building or a portion thereof used for the preparation and serving of food for more than 6 hours per week, including food services within a residential board and care facility if the facility serves 12 or more residents.

EXTENSION CORD AND FLEXIBLE CORD. Flexible cord of any length which has one male electrical connector on one end and one or more female electrical connectors on the other end.

FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, fire zone, public street, private street, parking lot lane and access roadway.

FIRE DEPARTMENT. The Austin Fire Department.

FIRE LANE AND FIRE ZONE. A road, an off-street area, or other passageway developed to allow the passage of fire apparatus that is designated in accordance with this code that is to remain free and clear of parked or standing vehicles in order to provide access to buildings, processes, storage areas or fire appliances in case of fire or other emergency. A fire lane is not necessarily intended to be used by vehicular traffic other than fire apparatus.

HAZARDOUS PRODUCTION MATERIAL (HPM). A solid, liquid or gas associated with semiconductor manufacturing that has a degree-of-hazard rating health, flammability or instability of Class 3 or 4 as ranked by NFPA 704 and which is used directly in research, laboratory or production processes which have, as their end product, materials that are not hazardous. Class II combustible liquids shall also be classified as a hazardous production material when used in the manner described in this definition.

KEY BOX AND KNOX BOX. A listed security device with a lock operable only by a fire department master key and containing building entry keys and other keys that may be required for access in an emergency.

LEGITIMATE COOKING FIRE. A fire kindled within the confines of an appliance or structure manufactured or built for the express purpose of cooking meals for consumption by human. Incidental cooking or warming of foods with an open recreational fire shall not be considered a "legitimate cooking fire".

LEGITIMATE WARMING FIRE. A fire kindled within the confines of a metal or other non-combustible container at a construction site or other similar outdoor employment location for the sole purpose of allowing employees/workers to warm themselves without having to leave the workplace or construction site.

MOTOR VEHICLE FLUIDS. Liquids which are flammable, combustible or hazardous materials, such as crankcase fluids, fuel, brake fluids, transmission fluids, radiator fluids and gear oil. This definition does not include liquids which are permanently sealed, such as hydraulic fluid within shock absorbers.

PERMANENT STORAGE. Storage for a period of over 30 days.

PROCESS VESSEL. A container, including the associated piping, used or designed to be used to contain or promote a chemical or physical reaction.

SALVAGE VEHICLE. A vehicle which is dismantled for parts or awaiting destruction.

TEST. A complete check of the system under nationally recognized standards to determine that the system operates and functions as designed.

203.1 Occupancy classification. The following definitions in this subsection apply throughout this code and supplement the definitions in Section 203 (*Occupancy classification*) of the 2024 International Fire Code.

[BG] 203.3 Business Group B. Business Group B occupancy also includes:

Animal housing or care facilities

*All other examples remain unchanged.

[BG] 203.6 High-hazard Group H. High-hazard Group H occupancy includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed in control areas complying with Section 5003.8.3, based on the maximum allowable quantity limits for control areas set forth in Tables 5003.1.1(1) and 5003.1.1(2). Hazardous occupancies are classified in Groups H-1, H-2, H-3, H-4 and H-5 and shall be in accordance with this code and the requirements of Section 415 of the Building Code. Hazardous materials stored or used on top of roofs or canopies shall be classified as outdoor rooftop storage or use and shall comply with this code.

304.3.5 Capacity exceeding 1.5 cubic yards. Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m³)] or more shall not be stored in buildings or placed within 10 feet (3048 mm) of combustible walls, openings or combustible roof eave lines.

Exceptions:

1. Dumpsters or containers in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Storage in a structure shall not be prohibited where the structure is of Type I or Type IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

307.2 Permit required. A permit shall be obtained from the fire department emergency prevention division in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, a warming fire, a rubbish fire, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. Rubbish includes waste material from the construction or demolition of buildings. For additional requirements concerning trench burning, see Section 308.5. For mobile incinerators, see Section 308.6. For agricultural burning see Section 308.7.

Exception: A permit is not required for legitimate cooking fires or legitimate warming fires as defined in this chapter.

307.4 Location. When authorized by permits in accordance with Section 307.2, the location for open burning shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure. Such fires shall be constantly attended by a competent person with an approved means to extinguish the fire.

Exceptions:

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
2. Operation of a trench burner shall be in accordance with Section 308.5.
3. Operation of a mobile incinerator shall be in accordance with Section 308.6.
4. Open burning for agricultural purposes may be approved by the fire code official in accordance with Section 308.7.

308.5 Trench Burners. In addition to the provisions of Section 307, all trench burners in the City shall comply with the following:

308.5.1 Construction. The trench burner shall be located at the center of a circle three hundred feet in diameter, in which no combustible matter will be located or stored, except for the pile of combustible debris which has been readied for loading into the trench burner pit, except as otherwise provided by law.

1. Pertaining to trees, landscaping, erosion, drainage, or run-off control the surface of the land within the circle shall be cleared of any high grasses, and any trees, brush, and weeds.
2. The pit must be built in the ground and not above grade.
3. The dimensions of the pit shall be 14 feet wide, 40 feet long, and at least 10 feet deep, except in cases where a permit issued to the applicant by the Texas Commission on Environmental Quality (TCEQ) prescribes different dimensions. The ash generated by the operation of the trench burner shall be removed from the trench as necessary to maintain a minimum trench depth of 10 feet.
4. The pit, air blower or fan, and other operating equipment shall be securely enclosed by a locked gate and security fence of a minimum height of eight feet which completely surrounds the pit and equipment at all times when the trench burner is unattended. The top portions of the fence shall consist of at least three runs of barbed wire. The fencing shall not be removed until the pit is closed and filled. An approved fire department key lock shall be required to secure the gate.

308.5.2 Location. A trench burner must not be located within 1320 feet of any recreational area, building or structure that is not occupied or used solely by the owner of the property on which the trench burner is constructed.

308.5.3 Hours of Operation. The hours of continuous loading operation shall be between 8:00 a.m. and 4:00 p.m., Monday through Friday. Trench burners may not be operated on Saturday, Sunday or legal holidays.

1. The blower or fan will be allowed to operate an additional two hours from 4:00 p.m. to 6:00 p.m. to ensure cool down after its period of continuous loading operations.
2. The hours of operation may be changed by the fire code official when unusual atmospheric conditions exist.
3. No burning is permitted when air stagnation advisories are in effect for the area in which the trench burner is located.

4. No burning is permitted during periods of high fire hazard weather conditions.

308.5.4 Method of Operation. Material that may be burned is limited to trees, brush, untreated waste lumber, shrubs, roots, bushes, and all untreated wood waste cleared from the site described in the permit application. Combustible debris cleared from other sites may not be burned in the trench burner.

1. All other materials, including but not limited to paper, roofing, shingles, insulation, wiring, treated wood products, metal products, chemicals, plastics, tires and other real or synthetic rubber materials may not be burned in the pit. Flammable or combustible liquids may not be burned except for ignition purposes.
2. Suitable fire protection shall be present on the site where the trench burner is located during operation. Suitable fire protection consists of a trailer or tank truck fitted with a water tank capable of transporting a 500 gallon water supply to any location on the job site and an approved water delivery system consisting of a pump, at least 100 feet of rubber booster hose having a minimum diameter of three-fourths inch, and either a straight stream or adjustable spray nozzle.
3. The pit must be closed and filled with dirt within 48 hours after the trench burner operations are discontinued.
4. Combustible material may not be placed in the trench any higher than three feet below the surface level.
5. Every trench burner must be attended when in operation. The trench burner shall be completely extinguished before being left unattended.

308.5.5 Permit Application. The permit application must contain the following:

1. The name, address, and phone number of the individual or entity that owns the trench burner unit.
2. The name, address, and phone number of the individual or entity responsible for the operation of the trench burner unit.
3. A description of the site to be cleared, and the name, address and telephone number of owner of the property.
4. An operating schedule including initial date of operation and expected number of weeks of operation.
5. A copy of the Texas Commission on Environmental Quality permit issued for the construction of the unit, if a permit is required.
6. A statement from the applicant confirming the applicant will inform the Watershed Protection Department, or its successor department, of the dates the trench burner will be operating.
7. A description of the type and quantity of petroleum product utilized to ignite the trench burner. If this is to be stored at the site, then the manner of storage and quantity to be stored must be described. The method of igniting the trench burner must be described.
8. Proof that the applicant has current liability insurance in the amount of \$1,000,000 for personal injuries, and \$500,000 for property damage any time the trench burner is in use.
9. The payment of the permit fee set by separate ordinance.
10. Certification from the Development Services Department, or its successor department, as required by Section 308.5.6.
11. A construction permit from the Texas Commission on Environmental Quality must be obtained if required by Commission rule. If the trench burner is exempt from the Commission permit requirements all conditions of the exemption must be complied with.

308.5.6 Environmental Protection. The Development Services Department, or its successor department, shall require the following before the issuance of certification:

1. The bottom of the trench is located at a minimum distance of 50 feet from the water table;
2. No fissures are located inside or adjacent to the trench;
3. Ignition fuel shall be limited to combustible liquids, as defined by this code. Approval shall also be granted where an alternative to the use of combustible liquids is used to ignite the trench;
4. The method of igniting the trench ensures no amount of combustible liquid greater than necessary to ignite the trench will be used; and,
5. The manner of storage of the product at the site is designed to prevent any leak or accidental discharge, and where applicable, the hazardous materials storage and registration requirements are met; and
6. An environmental review shall be conducted of the watershed of Lake Austin, Lake Travis, or with the aquifer-related watershed of Barton, Williamson, Slaughter, Big Bear, Little Bear and Onion Creek, including the Edwards Aquifer recharge zone North and South of the Colorado River, all as shown on the hazardous materials storage and registration map on file in the Office of the City Clerk.

308.6 Mobile Incinerators. All mobile incinerators in the City must comply with the following:

308.6.1 Construction. Each mobile incinerator must be constructed as follows:

1. Engineered and constructed of material and of a gauge to withstand normal operating temperature of 1200°F or higher without deformation.
2. Chimneys serving mobile incinerators must terminate into a spark arrester having an area not less than four times the net free area of the chimney. Openings shall not permit the passage of spheres having a diameter larger than ½ inch nor block the passage of spheres having a diameter smaller than ¾ inch.
3. The exterior wall of the mobile incinerator must be of double wall construction. The incinerator must be designed such that the temperature rise above ambient temperature (750° F + 5°F) of any portion of the incinerator accessible to the operator shall not exceed 150°F.
- 4.

Insulation must be installed or adequate airspace provided between the external casing and the inner wall as required to meet this temperature limitation.

5. Mobile incinerators must be constructed with a dual combustion chamber of which the secondary chamber must maintain a temperature of 1200°F or higher at all times waste material is being reduced by oxidation caused by heat of combustion.
6. The secondary chamber must be provided with a thermocouple connected to a temperature display for monitoring the temperature.
7. Any design not in compliance with the criteria and appropriate nationally recognized standards must have the construction reviewed and submitted as an alternative method under the seal of a registered professional engineer or a recognized testing laboratory.

308.6.2 Location. No mobile incinerator may be located:

1. Within 10 feet of any property line, and a minimum of 10 feet must be maintained between any incinerator and rubbish, dry grass, weeds, vegetation and other combustible materials.
2. Within 300 feet of any recreational area, residence or structure not occupied or used solely by the owner of the mobile incinerator or the owner of the property on which the mobile incinerator is used.

308.6.3 Hours of Operation. The hours of continuous loading operation shall be between 8:00 a.m. and 4:00 p.m., Monday through Friday. Mobile incinerators may not be operated on Saturday, Sunday or legal holidays.

1. The mobile incinerator may be allowed to operate an additional two hours from 4:00 p.m. to 6:00 p.m. to ensure cool down after its period of continuous loading operations.
2. The fire code official may change the hours of operation when unusual atmospheric conditions exist.
3. No burning is permitted during air stagnation advisories in effect in the area in which the mobile incinerator is located.
4. No burning is permitted during periods of high fire hazard weather conditions.

308.6.4 Method of Operation. Material to be burned in the mobile incinerator is limited to highly combustible waste, paper, wood, cardboard cartons, including up to 10 percent treated papers or plastic scraps.

1. Suitable fire protection must be present within a distance of 20 feet at all times of operation. Suitable fire protection consists of an approved water extinguisher having a minimum rating of 10-A, and one dry chemical portable fire extinguisher with at least a 2A-10BC rating.
2. Material to be incinerated may not be stored within 10 linear feet of any surface of the mobile incinerator's combustion chamber, chimney or hot ashes.
3. The mobile incinerator must be enclosed by a portable security fence of a minimum of four feet, or other equivalent approved barrier, which completely surrounds the mobile incinerator providing a clear space of five feet at all times when the unit is in operation. The fencing may not be removed until the incinerator is cool to the touch.
4. The mobile incinerator must not be moving and must be in a fixed position when operational or cooling.
5. Every mobile incinerator must be attended when in operation. It shall be completely extinguished before being left unattended.

308.6.5 Permit Application. The permit application must contain the following:

1. Name, address, and phone number of the individual or entity that owns the mobile incinerator.
2. Name, address, and phone number of the individual or entity responsible for the operation of the mobile incinerator.
3. Name, address, and phone number of the owner of the property where the mobile incinerator is to be operated.
4. Copy of the Texas Commission on Environmental Quality permit or exemption letter issued for the use of the unit. (See Chapter 382, Health and Safety Code).
5. Proof that the applicant has in effect liability insurance in the amount of \$1,000,000 for personal injuries, and \$500,000 for property damage any time the mobile incinerator is in use.
6. Written permissions of the owner of the property where the mobile incinerator is to be operated.
7. Certification from the Development Services Department, or its successor department, as required by Section 308.6.6 of this code.
8. The payment of the permit fee set by separate ordinance.

308.6.6 Environmental Protection. The Development Services Department, or its successor department, shall require the following before the issuance of certification:

1. A statement that the applicant will not deposit or discharge any waste in a manner that is in conflict with other applicable City Code requirements.
2. A description of the plan for storage and disposal of combustion residue.

308.7 Agricultural Burning. In addition to the provisions of Section 307, all agricultural burning in the City shall comply with the following:

308.7.1 Location. The location of any agricultural burning activity shall be limited to property zoned AG consisting of at least 150 contiguous acres. The burn site shall be located at least 50 feet from the nearest property line or agricultural structure and shall be at least 1,320 feet from the nearest recreational property (i.e. park), building or structure not owned and occupied or used solely by the owner of the agricultural property.

308.7.2 Environmental conditions. The permit holder shall comply with applicable air quality regulations of the Texas Commission on Environmental Quality (TCEQ) including time limits and atmospheric conditions. Burning shall not be permitted during atmospheric inversions or other conditions that limit dispersion of the smoke plume.

308.7.3 Burning bans. Burning shall not be permitted during any weather related burn bans.

308.7.4 Fuel limitations. Material to be burned is limited to trees, brush, untreated waste lumber, shrubs, roots, bushes, and all untreated wood waste associated with the agricultural property for which the burn permit is issued. Distilled hydrocarbons including liquid fuels, lubricants, synthetic materials, tires, rubber, and plastics shall not be burned under an agricultural burn permit.

Exception: A limited quantity of liquid hydrocarbon fuel may be burned for the sole purpose of initial ignition of organic waste materials.

308.7.5 Insurance. Proof shall be provided at permit application that the applicant has current liability insurance in the amount of \$1,000,000 for personal injuries, and \$500,000 for property damage any time agricultural burning is in progress.

311.5 Placards. Any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 relating to structural or interior hazards shall be marked as required by the Development Services Department, or the successor department.

311.5.1 Placards for hazards related to emergency response. Any building or structure that is determined to present unique hazards to firefighters during emergency operations shall be protected or marked as required by Section 505.3.

314.4 Vehicles. Liquid-fueled or gaseous-fueled vehicles, aircraft, boats or other motorcraft shall not be located indoors except as follows:

2.5 Battery electric vehicles not exceeding one-half of the battery's rated storage capacity or 50 percent of the battery state of charge, whichever is less.

All other provisions remain unchanged.

316.7 Unprotected Construction Presenting Hazards To Firefighters in Existing Buildings. When existing buildings, including residential structures, are identified as employing construction methods or materials that have been shown by experience or testing to be associated with early failure or failure with little or no warning under fire exposure, the premises identification markings shall be revised to achieve compliance with Section 505.3.

Exceptions:

1. Buildings protected throughout by automatic fire sprinklers in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Buildings with a noncombustible or limited combustible membrane that shields the floor or roof construction materials from fire exposure. Such membranes may be constructed using gypsum wallboard of at least one-half inch nominal thickness, cementous fiberboard of at least one-quarter inch nominal thickness, or fire-retardant treated wood (FRTW) of at least one-half inch nominal thickness.

320.2. Permits. Permits shall be required for the accumulation of more than 15 cubic feet (0.42 m^3) of lithium-ion and lithium metal batteries, other than batteries listed in the exception to Section 320.1, as set forth in Section 105.5.22.

SECTION 323 FIXED IN PLACE BATTERY ELECTRIC VEHICLE CHARGERS INSIDE BUILDING

323.1 General. The location and installation of fixed in place BEV chargers inside of an Enclosed, Open or Private parking garage shall be in accordance with these provisions.

323.1.1 Responsibility for cleanup. Responsibility for cleanup shall be in accordance with Section 5003.3.1.5.

323.2 Identification of the Disconnecting Means. The BEV charger shall be provided with a permanent sign indicating the location of its disconnecting means. When the electrical disconnect is in a room or other space it shall be identified with a permanent sign stating BATTERY ELECTRIC VEHICLE DISCONNECT.

323.3 Automatic Sprinkler Protection. The story where fixed in place BEV chargers are located shall be protected by an automatic sprinkler system in accordance with Section 903.3.1.1.

323.3.1 Disconnect of BEV Charger. Activation of the parking garage automatic sprinkler shall deactivate the BEVs on the floor of incident.

323.4 Location. The location of fixed in place BEV chargers inside of Enclosed, Open or Private parking garage shall be in accordance with this section.

323.4.1 Basements. Underground BEV chargers shall be limited to a one-story basement. BEV chargers located in basements two or more stories below grade are prohibited. The chargers shall be located within 100 feet of the base of a vehicle ramp or an Exit Access Stairway.

323.4.2 Enclosed or Open Parking Garages. BEV chargers in enclosed parking garages shall be limited to two stories but not more than 30 feet above grade plane. BEV chargers in Open Parking Garages shall be limited to three stories but not more than 30 feet above grade plane. The chargers shall be located within 100 feet of a vehicle ramp or an Exit Access Stairway.

323.4.3 Private Garages in Enclosed or Open Parking Garages. Private garages constructed inside of Enclosed or Open Parking garages shall be located within 100 feet of a vehicle ramp or an Exit Access Stairway.

323.4.3.1 Mechanical Ventilation of Private Garages. A Private garage with one or more fixed in place BEV chargers shall be provided with exhaust ventilation system that complies with all of the following:

1. Installation shall be in accordance with the Mechanical Code.
2. Mechanical ventilation system shall be at a rate of not less than one cubic foot per minute per square foot of the garage floor area.
3. Systems shall operate continuously unless alternative designs are approved.
4. Exhaust shall be taken from a point within 12 inches of the garage floor.
5. The location of the inlet and exhaust air shall be designed to provide air movement across all portions of the floor or room to prevent the accumulation of vapors and gases.

323.4.3.2 Loss of Mechanical Ventilation. In the event the mechanical ventilation system fails, power to the fixed in place BEV chargers in the Private garage shall be deactivated.

SECTION 324 - ILLUMINATION REQUIRED BY A TERTIARY POWER SYSTEM

324.1 General. A tertiary power system shall be provided to automatically illuminate the following areas in the event of primary and secondary power failure:

1. Electrical equipment rooms.
2. Fire command centers.
3. Fire pump rooms.
4. Generator rooms.
5. Elevator machine rooms.

324.2 Duration and lighting levels. Duration and lighting levels shall be as required by Sections 1008.3.1 and 1008.3.2 of the Building Code.

Exception: Generator rooms shall require 3 footcandles (33 lux) as required by NFPA 110 section 7.3.3.

401.3 Emergency responder notification. Notification of emergency responders shall be in accordance with Sections 401.3.1 through 401.3.4.

401.3.1 Emergency events. Except as provided in Section 401.3.4, in the event an unwanted fire occurs, or upon the discovery of a fire, explosion, deflagration, smoke or unauthorized release of flammable, toxic, or hazardous materials on any property, the owner or occupant shall immediately report such condition to the fire department. Building employees and tenants shall implement the appropriate emergency plans and procedures.

401.3.2 Alarm activations. Upon activation of a fire alarm signal, employees or staff shall immediately notify the fire department.

401.3.3 Delayed notification. A person shall not, by verbal or written directive, require any delay in the reporting of a fire or unauthorized chemical release to the fire department.

401.3.4 Emergency Response Teams and Fire Brigades. Facilities complying with Section 5003.9.1 by maintaining on-site emergency response teams (ERT) or industrial fire brigades that comply with the requirements of Occupational Safety and Health Administration (OSHA) regulations in 29 CFR 1910.120 or 29 CFR 1910 Subpart L may, on completion of an audit of compliance by the fire code official (audits may be performed during annual inspections by the fire department) and contingent on continued ERT/fire brigade compliance, develop site-specific procedures for determining reporting requirements based on facility staffing and qualifications.

401.3.4.1 Guidance is published in the Fire Protection Criteria Manual to help assure equitable assessment of site procedures. The procedures must be submitted to the fire code official for review and approval. Maintenance of the ERT or fire brigade shall be verified by a periodic audit during inspections by the fire department. This provision does not waive a facility's or organization's reporting obligations under State or Federal regulations.

401.3.4.2 Failure to maintain and provide records of internal responses will result in revocation of the facility's procedural approach to reporting.

SECTION 408 TEMPORARY CHANGE OF USE PERMITS

408.1 Scope. Temporary Change of Use Permits shall be in accordance with this Section. A temporary permit for a facility or building for public assembly use is not intended to be a means for creating a permanent assembly occupancy or use.

408.1.2 Temporary Change of Use To a Public Assembly (TCOU) Permit. A TCOU to a public assembly permit is required for any occupancy not classified as Group A with a gathering of more than 50 people for civic, social, recreational or religious functions. A permit is required for gatherings of 50 or more people confined by fences, walls or similar occupancies.

408.2 Annual Permit Limit. Not more than twelve TCOU permits shall be issued for a given address during a 12-month period. The measurement period shall be based on the date the first permit was approved during a given calendar year.

408.2.1 Permit Duration. The duration of the TCOU permit shall not exceed 14 calendar days.

408.3 Permit Application. A TCOU permit application shall be submitted to the fire department for plan review. Applications and required plan information shall be submitted 21 calendar days prior to the event start date.

408.4 Fire Watch. The Fire Marshal's Office may require a fire watch or standby if additional fire and life safety hazards are identified during plan review.

SECTION 409 FIRST RESPONDER EMERGENCY PLANS

409.1 Scope. First Responder Emergency Plans shall be plans assembled by the fire department to aid First Responders in familiarity with the building and its fire safety features in the event of an emergency. Plans will also aid with annual maintenance inspections.

409.2 Building Floor Plans. At the completion of new projects, the Architect/Engineer shall submit to the fire department an electronic set of building floor plan as-built in an approved format (PDF, DWG, DXF).

409.2.1 Existing Buildings. Existing buildings shall have 3 years to submit building floor plan of fire department.

409.3 Plan Requirements. Building floor plans submitted to fire department shall contain the following information, as applicable:

- (a) Locations of exits, exit passageways and horizontal exits.
- (b) Location of fire alarm control panel and remote annunciator panel.
- (c) Location of fire department connection.
- (d) Location of all standpipes and hose valve connections.
- (e) Rated wall locations.

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.5. Where required fire apparatus access roads are located on property other than a public right-of-way, the required fire apparatus access road shall be located within the legal boundaries of the property unless otherwise approved by the fire code official.

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:
 - 1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
 - 1.3. There are not more than two Group R-3 or Group U occupancies.
2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.
3. Where approved by the fire code official, the fire apparatus access roads for a facility, building or portion of a building hereafter constructed, may be located on adjacent property(s), provided the fire apparatus access roads on the adjacent property(s) are bound in perpetuity to any and all associated properties necessary to comply with the fire apparatus road requirements herein by either a Unified Development Agreement (UDA) or a Joint Use Access Easement (JUAE) that is approved and recorded with the county in which the properties are located.

503.1.4 Approval of Fire Zones on Site Plans. The Director of the Development Services Department, or its successor department, shall submit site plans of proposed commercial developments to the fire code official for review and approval of the adequacy of fire zones before the issuance of a building permit for the development.

503.1.5 Official records. All required fire apparatus access roads that are not located within a public right-of-way shall be registered with the fire department.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 25 feet (7620 mm), except for approved security gates in accordance with Section 503.6 and the Fire Protection Criteria Manual, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

Exceptions:

1. The unobstructed roadway width may be reduced to less than 25 feet for all or part of the required roadway so long as:
 - a. the access roadway complies with the appropriate minimum street width for dedicated City streets;
 - b. any fire access roadway, or portions of such roadways, which are less than 25 feet wide are not in locations where aerial apparatus deployment could be necessary to achieve control or extinguishment of a fire, and

- c. turning radii are adequate for maneuvering fire department and other emergency services vehicles.
- 2. The unobstructed roadway width may be reduced to less than 25 feet for all or part of the required roadway so long as:
 - a. The access road complies with the appropriate minimum street width for dedicated City streets.
 - b. The access roadway is part of a system of roadways or driveways that include interconnected public and/or private roads or driveways that provide multiple pathways for emergency vehicles to access the structures served by the roadway system, provided that a fire vehicle blocking the roadway within the narrowed length will not create a dead-end road segment in excess of 150 feet long.
 - c. The width of each segment is sufficiently wide to accommodate the deployment of emergency vehicles anticipated for that segment during a potential emergency (e.g. outrigger placement and aerial operations for fires in multi-story structures), and turning radii are adequate for maneuvering fire department and other emergency services vehicles.
 - d. Divided roadways serving as fire lanes are allowed to consist of two lanes each 15 feet wide, one on each side of the division in locations where aerial operations are not anticipated.
 - e. Throat widths entering a two-way fire access road from a public street (level 1 or 2 street without center left turn lane) shall be allowed to be transitioned to 20 feet at pedestrian crosswalk locations. The fire access road shall transition back to 25 feet within the lesser of the throat length to the plane of the first parking stall or crossing drive aisle or transition at a horizontal rate of 1 foot lateral for 15 feet of travel distance after entering the fire access road. Fire access driveways adjacent to zero lot line buildings shall optimize the regulated driveway width, radii and mountable curbs to facilitate apparatus navigation. Vertical and horizontal clearances of the apparatus undercarriage with the finished grades shall be profiled, modeled, evaluated for adequacy and approved by the fire code official.

503.2.3.1 Alternative Surfaces. Alternative surfaces shall be allowed if the installation and materials used comply with the requirements as set forth in the Fire Protection Criteria Manual. The design engineer of record shall make periodic construction observations and upon substantial completion of the work, the design engineer shall provide the fire code official an engineer's letter of concurrence that the work and materials were installed in substantial conformance with the record document.

1. Alternative surfaces shall be a slip resistance surface in locations that require turning movements and a minimum of 40 linear feet located at building corners for aerial operations. A fire apparatus shall be able to access the scrub areas for both building faces from the slip resistant surface located at the building corner or apex of curvature.
2. Alternative surfaces shall not be utilized as the only fire access to a building. Alternative surfaces shall be limited to a maximum of 25 percent of the fire protection along the building perimeter, not adjacent to a fire access road or public roadway. Hose lay distances from the apparatus located on an alternative surface shall be included with the 25 percent maximum limit for the calculation of fire protection along the building perimeter.
3. Alternative surface fire lanes installed without a type 1 or 2 driveway apron shall utilize at a minimum a reinforced mountable curb. The face and top of the curb shall be designated fire lane with stripping and signage for the width of the fire lane and the length of curb to prohibit parked cars within the turning movements from the lane of travel.

503.2.4 Turning radius. The required inside turning radius of a fire apparatus access road shall be 25 feet (7.62 m). The required outside turning radius of a fire apparatus access road shall be 50 feet (15.24 m). Turn radii where street grades and travel lane widths are sufficient shall be allowed to be reduced to 15' at the entries to driveways with crosswalks from public streets as set forth in the Transportation Criteria Manual. Turning movements onto designated opposing traffic lanes or where the Austin Strategic Mobility Plan has proposed a raised median in the street section is prohibited.

503.2.6 Bridge and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17 or the latest addition of AASHTO Load and Resistance Factor Design accepted by the Texas Department of Transportation. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the fire code official. A designated fire lane shall be maintained for the purpose of vehicle access and shall prohibit obstructions as per Section 503.3. The entire bridge deck or elevated surface shall be designed and maintained to support fire apparatus operations as required and approved by the fire code official.

503.2.6.1 Operational and outrigger loads. Where an elevated surface or structure or portions of a structure are subject to operational loads with deployment of outriggers utilizing a crane, lift or ladder, the structure shall be designed and maintained to support the following independent static loading conditions as required and approved by the fire code official: 1) a load of 43,200 pounds on one outrigger and 2) a load of 28,600 pounds on each of two adjacent outriggers with 18 feet of separation on centers (the total load is 57,200 pounds.) The contact area of each outrigger is 24 inches × 24 inches. In addition to verifying that special inspections per the Building Code, the design engineer of record shall make periodic construction observations and upon substantial completion of the work, the design engineer shall provide the fire code official an engineer's letter of concurrence that the work and materials were installed in substantial conformance with the fire code official's record document.

503.3 Designation, Location, and Maintenance of Fire Zones Official Records. All fire apparatus access roads required by Sections 503.1.1 and 3206.6 and that are out of the public right-of-way, are designated as fire zones or fire lanes, to maintain the required unobstructed clearance in accordance with Section 503.2.1 as amended. The fire department will keep records of the designation and location of fire zones and fire lanes.

Exception: Fire apparatus access roads between aisles of parking or under porte cochères need not be designated as fire zones.

503.3.1 Tow Away Zones. All fire zones and fire lanes shall be designated as tow away zones. The designation of the fire zones or fire lanes does not make the City responsible for the maintenance of the fire zones or fire lanes on private property, but the owner of the property continues to be responsible for the maintenance of the area.

503.3.2 Signs and Identification Markers Designating Fire Zones/Fire Lanes. After designation of a fire zone or fire lane under this article, the fire code official shall give notice of the designation to the owner of the property, directing the owner to cause, at the expense of the owner, markings to be painted on top and face of curb/pavement of any areas designated as a fire zone or fire lane. The markings must be red with white stenciling reading "FIRE ZONE/TOW AWAY ZONE" or "FIRE LANE/TOW AWAY ZONE" in lettering at least three inches in height. The stenciling shall be at intervals of 35 feet or less. In addition, the owner shall cause signs to be posted at both ends of a fire zone or fire lane and at each entry and exit point which constitutes a portion of the fire zone or fire lane. Alternative marking of fire zones and fire lanes may be approved by the fire code official provided fire zones or fire lanes are clearly identified at both ends and at intervals not to exceed 35 feet and are clearly marked "Tow Away Zones" at least every 35 feet. The signs shall be installed with the top of the sign no higher than eight feet above grade and no less than five feet above grade.

503.4.1. Traffic calming devices. Geometric street features intended to mitigate unsafe traffic conditions such as speeding or excessive cut-through traffic shall be designed to address both traffic safety and emergency access requirements. Approved street features shall mitigate the traffic conditions identified by the city traffic engineer while providing for adequate emergency vehicle access to the satisfaction of the fire department.

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200 and the Fire Protection Criteria Manual.

503.7 Persons authorized to Issue Citations. A citation for a charge of parking, standing, or stopping in a fire zone or fire lane in violation of this article may be issued by a licensed peace officer employed by the City, an employee of the fire department designated by the fire code official, an employee of the City authorized to issue tickets for parking violations by the City Code, or a private security guard employed by an agency operating under either a license or a letter of authority issued by the Texas Board of Private Investigators and Private Security Agencies, and who is employed by the owner or lessee of the property on which a fire zone has been established.

504.1 Required Access. Exterior doors and openings required by the code or the International Building Code shall be maintained accessible for emergency access by the fire department. An approved access walkway constructed of approved materials at least 36 inches in width leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official. The walkway shall be constructed in accordance with Section 1003.4 of the Building Code.

505.1 Address identification. New and existing buildings shall be provided with approved address identification in accordance with the Fire Protection Criteria Manual.

505.3 Premise Hazard Identification Signs. Structures that the fire code official deems to have the potential to present an unusual level of hazard to firefighters during fire ground operations shall be identified such that it is readily identifiable to responding fire department personnel. Such structures may or may not present obvious dangers to the occupants of the building when no fire is present. Potentially hazardous structures may be identified as prescribed by this code, by the Building Code, or by fire department safety policies and procedures.

505.3.1 Hazardous Address Numbering. Structures that are required to be readily identifiable by responding fire department personnel shall have unique address numbering signs. The signs shall be installed on all sides of the building facing emergency vehicle access established in accordance with Section 503 or facing an approach directly from public rights-of-way. Signs will consist of the address numbers of the building in 8-inch tall white numbers on a solid red background. The address numbers will be oriented vertically. The signage will be reflective to be visible at night, weather resistant and permanent.

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B.

507.4 Water supply test. The Fire Marshals office shall be notified prior to the water supply test. Water supply tests shall be conducted by or witnessed by the Fire Marshals office.

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from the nearest hydrant on a fire apparatus access road or more than 500 feet (152 m) from secondary hydrants needed to supply the minimum fire flow, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1 or 903.3.1.2, the distance requirement for all required fire hydrants shall be 500 feet (152 m).

507.5.3 Private fire service mains and water tanks. Private fire service mains, including private fire hydrants and water tanks, shall be inspected, tested and maintained consistent with NFPA 25, *Standard for Inspection, Testing and Maintenance of Water-Base Fire Protection Systems; the Fire Protection Criteria Manual* and the American Water Works Association (AWWA) Manual M-17, Installation, Field Testing and Maintenance of Fire Hydrants at the following intervals:

1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and maintenance annually to ensure proper functioning in accordance with the following:
 - a. Private fire hydrants shall be flushed annually. Chlorine residual tests will be performed on all private hydrant systems not separated from potable water uses by an approved back-flow prevention device. The unseparated hydrants shall be flushed until the free chlorine residual meets or exceeds the 0.2 mg/l minimum established by the Texas Commission on Environmental Quality in Section 290.46(f)(1) of the Rules and regulations for Public Water Systems. Chlorine residual shall be determined using the N,N-diethyl-p-phenylenediamine (DPD) method.
 - b. Static testing shall be performed in accordance with AWWA Manual M-17, Installation, Field Testing and Maintenance of Fire Hydrants, Chapter 4.
 - c. Flow tests shall be conducted in accordance with Manual M-17, Installation, Field Testing and Maintenance of Fire Hydrants, Chapter 6.
2. Fire service main piping: Inspection of exposed, annually; flow test every 5 years.
3. Fire service main piping strainers: Inspection and maintenance after each use.

507.5.7 Marking of Fire-protection equipment and fire hydrants. Fire-protection equipment and fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions.

All fire hydrants shall be painted in accordance with City of Austin Standard Specifications manual. With the approval of the fire code official, private hydrants may be painted an alternate reflective color; multi-colored hydrants are prohibited. When required by the code official, hydrant locations shall be identified by the installation of reflective markers.

507.6 Protection of potable water systems. Fire hydrants and the supply piping to them which contain chemicals or additives shall be separated from sources of potable water by a reduced pressure backflow assembly installed at the connection to the potable water system. Backflow assemblies shall be operationally tested and maintained in accordance with City Code Chapter 15-1 (*Cross-Connection Regulations*).

Private fire hydrants located at a distance from a flowing water service such that the volume of water in the hydrant lead is more than 100 gallons shall have backflow prevention protection as required by Chapter 15-1 (*Cross-Connection Regulations*).

Private fire hydrant systems not maintained, flushed and tested for chlorine residual in accordance with Section 507.5.3, item 1 a. shall be provided with backflow prevention protection in accordance with Chapter 15-1 (*Cross-Connection Regulations*).

507.6.1 Special inspections. Austin Water shall inspect private property to identify each existing private fire hydrant connected to the City's potable water distribution system. The owner of the property or the water service customer shall bear the costs and the responsibility to provide a flushing and maintenance program in accordance with Section 507.5.3 or to provide backflow prevention protection in accordance with Chapter 15-1 (*Cross-Connection Regulations*).

Further modifications shall be made by, and at the expense of, the property owner or water service customer as necessary to correct any water supply deficiencies (flow or pressure) resulting from the installation of required backflow prevention protection assemblies.

508.1.6 Required Features. The fire command center shall comply with NFPA 72 and shall contain the following features:

Items 1 through 6 remain unchanged.

7. Controls for unlocking stairway doors simultaneously. Stairways doors shall be physically unlocked by UL listed fire alarm system components. The unlocking means shall be a red light switch mounted on the wall in the command room with appropriate signage or other approved method.

Items 8 through 13.3 remain unchanged.

- 13.4 Exit access stairway and exit stairway information that includes: number of exit access stairways and exit stairways in building, each exit access stairway and exit stairway designation and floors served; location where each exit access stairway and exit stairway discharges; interior exit stairways that are pressurized; exit stairways provided with emergency lighting; each exit stairway that allows reentry; exit stairways providing roof access; elevator information that includes: number of elevator banks, elevator bank designation, elevator car numbers and respective floors that they serve; location of elevator machine rooms, control rooms and control spaces; location of sky lobby; location of freight elevator banks; location of the Fire-fighters Service Access Elevator banks when applicable; and location of Occupant Evacuation Elevator banks when applicable.

Items 13.5 through 18 remain unchanged.

508.1.7 Fire command center identification. The fire command center shall be identified by a permanent, easily visible sign stating "FIRE COMMAND CENTER" located on the door to the fire command center. Additional signage as required by the fire code official shall be provided when the fire command center is located in an area not readily visible when entering the building.

510.5.3 Minimum qualifications of personnel. Except as otherwise provided, the minimum qualifications of the system designer and lead installation personnel shall include all of the following:

1. A valid FCC-issued general radio operator's license.
2. Certification of in-building system training issued by an approved organization or approved school, or a certificate issued by the manufacturer of the equipment being installed.
3. Qualified as required by the fire code official.

These qualifications shall not be required where demonstration of adequate skills and experience satisfactory to the fire code official is provided.

605.4 Fuel oil storage systems. Fuel oil storage systems for building heating systems shall be installed and maintained in accordance with this code. Tanks and fuel-oil piping systems shall be installed in accordance with the Mechanical Code. Aboveground storage tanks and piping for generators shall comply Chapter 57.

605.4.1.2 Fuel oil storage for stationary generators. Aboveground outdoor fuel oil storage for stationary generators in quantities exceeding 660 gallons shall meet the following requirements:

- (1) All storage must be located 50 ft. from a property line that is or can be built upon, including the opposite side of a public way.
- (2) For installations storing all fuel oil in UL 2085 Aboveground Storage Tank, the distance from a property line that is or can be built upon, including the opposite side of a public way shall be in accordance with NFPA 30.
- (3) All tank openings shall be above the tank liquid level.
- (4) All installations exceeding an aggregate volume of 20,000 gallons (75708 L) shall be subject to public notification requirements of Section 5704.2.9.6.1, Exception 3.

605.4.2 Fuel oil storage inside buildings. Fuel oil storage inside buildings shall comply with Sections 605.4.2.2 through 605.4.2.8 and Chapter 57.

605.4.2.1 Approval. Indoor fuel oil storage tanks shall be in accordance with UL 80, UL 142 or UL 2085.

605.4.2.2 Quantity limits. One or more fuel oil storage tanks containing Class II or III *combustible liquid* shall be permitted in a building. The aggregate capacity of all tanks shall not exceed the following:

- (1) 120 gallons of Class II combustible liquid in unsprinklered buildings where stored in a tank complying with UL 80, UL 142 or UL 2085.
- (2) 330 gallons of Class III combustible liquid in unsprinklered buildings where stored in a tank complying with UL 80, UL 142 or UL 2085.
- (3) 660 gallons (2498 L) in buildings equipped with an *automatic sprinkler* system in accordance with Section 903.3.1.1, where stored in a tank complying with UL 80, UL 142 or UL2085.
- (4) 3,000 gallons (11 356 L) in a building equipped with an automatic sprinkler system in accordance with Section 9-3.1.1, when all of the following are met:
 - (a) All storage is in protected aboveground tanks complying with UL 2085 and Section 5704.2.9.7.
 - (b) Tanks are listed as secondary containment tanks as required by UL 2085 and the secondary containment is monitored visually or automatically.
 - (c) All storage is located 6 stories or less above the lowest level of fire department access.
 - (d) All piping for the tanks above the ground level have welded connections except where replaceable components are installed

605.4.2.3 Restricted use and connection. Tanks installed in accordance with Section 605.4.2 shall be used only to supply fuel oil to fuel-burning equipment, generators or fire pumps installed in accordance with Section 605.4.2.5. Connections between tanks and equipment supplied by such tanks shall be made using closed piping systems in accordance with the Mechanical Code. Closed piping systems for generators shall comply with Chapter 57.

605.4.2.6 Separation. Rooms containing fuel oil tanks for internal combustion engines shall be separated from the remainder of the building by *fire barriers, horizontal assemblies, or both*, with a minimum 1-hour *fire-resistance rating* with 1-hour fire-protection-rated *opening protectives* constructed in accordance with the Building Code.

[M] 606.2 Where required. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors.

Exception: A Type I hood shall not be required for an electric cooking appliance where an approved testing agency provides documentation that the appliance effluent contains less than 5 mg/m³ or less of grease when tested at an exhaust flow rate of 500 CFM (0.236 m³/s) in accordance with UL 710B. The appliance component controls and safety interlocks shall be inspected in accordance with the manufacturer installation instructions by qualified service personnel a minimum of once every 6 months and results of the inspection shall be available on the premises for review by the fire code official. When provided, automatic fire extinguishing systems shall be in accordance with Section 904.12.

SECTION 611 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN HIGH-RISE BUILDINGS

611.1 Locations. All buildings that have occupied floors located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access shall have at least one Automated External Defibrillator (AED) located on each occupied level.

Exception: The provisions of this section shall not apply to the following buildings and structures:

- (1) Airport traffic control towers in accordance with Section 412.2 of the Building Code.
- (2) Open parking garages in accordance with Section 406.5 of the Building Code.
- (3) Group A-5 occupancies in accordance Section 303.6 of the Building Code.
- (4) Group H-1, H-2 or H-3 in accordance with Section 415 of the Building Code.

611.2 Type. All AEDs used in high-rise buildings must be of the type approved by the United States Food and Drug Administration (FDA).

611.3 Accessibility. All AEDs must be available for public use.

1. All AEDs shall be located in the elevator lobby unless otherwise approved by the fire code official.
2. Standard industry accepted signs shall mark the location of each AED.

611.4 Maintenance. All AEDs shall be maintained and tested according to manufacturer recommendations.

1. Maintenance records shall be kept for a period of 1 year.
2. Disposable supplies (Defibrillation pads) shall be replaced upon their expiration date or following use.

611.5 Medical Direction. A licensed physician shall be involved to ensure compliance with the requirements of the Health and Safety Code, chapter 779, Automated External Defibrillators.

611.6 Training. The person or entity that acquires an AED shall ensure that users are trained in cardiopulmonary resuscitation (CPR) and use of the automated external defibrillator (AED) in a course approved by the Texas Department of State Health Services.

611.7 Notifying Emergency Medical Services Providers. Upon acquisition of an AED, the person or entity shall notify the fire department AED Coordinator of the existence, location and type of AED.

901.4.7.3 Environment. Automatic sprinkler system riser rooms and fire pump rooms shall be maintained at a temperature of not less than 40°F (4°C). Heating units shall be permanently installed and thermostatically controlled.

901.6.2 Integrated Testing. Where two or more fire protection or life safety systems are interconnected, the intended response of subordinate fire protection and life safety systems shall be verified when required testing of the initiating system is conducted, when required by the fire code official.

901.6.3 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request.

903.2.1.6 Assembly occupancies on roofs. Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2 and/or 300 for other Group A occupancies, all floors between the occupied roof and the level of exit discharge shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.

Exception: Open parking garages of Type I or II construction.

903.2.2.3 Group B - Animal Housing or Care Facilities. An automatic sprinkler system in accordance with Sections 903.3 and 903.4 shall be provided in fire areas containing an animal housing or care facility when the animals are not provided with constant supervision.

Exceptions:

1. An automatic sprinkler system is not required in animal housing or care facilities serving 25 or fewer animals where all of the following conditions are met:
 - a. Walls and ceilings have a Class A finish as specified in Section 803; and
 - b. The facility is provided with a supervised fire alarm system in accordance with Section 907.2.2.2.
2. An automatic sprinkler system is not required in animal housing or care facility serving 50 or fewer animals where all of the following conditions are met:
 - a. The facility is of one (1) hour fire resistive construction on both sides of the boundary walls of the kennel area;
 - b. Walls and ceilings have a Class A finish as specified in Section 803; and
 - c. The facility is provided with a supervised fire alarm system in accordance with Section 907.2.2.2.

903.2.4.2 Group F-1 distilled spirits and beverages. An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture or mixing of over 20% by volume (15.8% by weight) of ethyl alcohol distilled spirits in an aqueous solution in a volume exceeding the Maximum Allowable Quantity per Control Area.

903.3.1.1.1 Exempt locations. When approved, automatic sprinkler protection shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Provision remains unchanged.

2. Transformer rooms owned and operated by an electric utility and separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than two hours. The automatic fire detection system for exempt locations is not required.
3. Provision remains unchanged.
4. Provision remains unchanged.
5. Provision remains unchanged.

903.3.1.2.4 Balcony closets. Sprinkler protection shall be provided for all balcony closets.

903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. Fire hydrant flow tests shall be in accordance with Section 507.4. Protection of potable water supplies shall be in accordance with Section 507.5.6 and the Plumbing Code.

903.3.5.3 Safety Factor. Water supplies designed for automatic sprinkler systems shall provide a safety factor of 10 pounds per square inch gauge (PSIG). The safety factor shall be based on the calculated system design flow and pressure.

Exception: A safety factor less than those defined in this Section may be approved by the fire code official only if historical water supply data is available to demonstrate that reasonable expected fluctuations will not cause the water supply to fall below the system demand.

903.3.6 Hose threads. Fire hose threads and fittings used in connection with automatic sprinkler systems shall be approved and shall be National Standard Hose Thread.

903.3.10 Flexible Sprinkler Hose Fittings. Flexible hoses used in automatic sprinkler systems shall be limited in length to a maximum of 6 feet. The extinguishing agent shall pass through a maximum of one 6-foot section before discharging from the sprinkler orifice (head). Approval of shop drawing submittals shall be required for all uses of flexible hose sprinkler piping, and where more than one flexible hose sprinkler drop is used in a remodel application, the adequacy of the water supply shall be verified by hydraulic calculations.

Exception: The provisions of this section shall not apply when the manufacturer's data sheet does not require an equivalent length.

903.4.3 Alarms. A listed fire alarm bell, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. The fire alarm bell shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

904.14 Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. Each preengineered automatic dry- and wet-chemical extinguishing system shall be tested in accordance with UL 300 and listed and labeled for its intended application. Other types of extinguishing systems shall be listed and labeled for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. Automatic fire-extinguishing systems of the following types shall be installed in accordance with the referenced standard indicated, as follows:

1. Carbon-dioxide extinguishing systems, NFPA 12.
2. Automatic sprinkler system, NFPA 13.
3. Foam-water sprinkler system or foam-water spray systems, NFPA 16.
4. Dry-chemical extinguishing systems, NFPA 17.
5. Wet-chemical extinguishing systems, NFPA 17A.

Exception 1: Factory-built commercial cooking recirculating systems that are tested in accordance with UL 710B, and listed and installed in accordance with Section 304.1 of the Mechanical Code.

Exception 2: With the concurrence of the building official, commercial cooking equipment used intermittently for periods which total less than 6 hours per week may be served by a Type II ventilation hood without fixed fire suppression. A portable fire extinguisher rated for commercial cooking applications shall be provided.

905.3.3 Covered and open mall buildings. Covered mall and open mall buildings shall be equipped throughout with a standpipe system where required by Section 905.3.1. Mall buildings not required to be equipped with a standpipe system by Section 905.3.1 shall be equipped with Class I hose connections connected to the automatic sprinkler system sized to deliver water at 250 gallons per minute (946.4 L/min) at the hydraulically most remote hose connection while concurrently supplying the automatic sprinkler system demand. The standpipe system shall be designed not to exceed a 50 pounds per square inch (psi) (345 kPa) residual pressure loss with a flow of 250 gallons per minute (946.4 L/min) from the fire department connection to the hydraulically most remote hose connection. Hose connections shall be provided at each of the following locations:

1. Within the mall at the entrance to each exit passageway or corridor.
2. At each intermediate floor landing within interior exit stairways opening directly on the mall.
3. At exterior public entrances to the mall of a covered mall building.

4. At public entrances at the perimeter line of an open mall building.
5. At other locations as necessary so that the distance to reach all portions of a tenant space does not exceed 200 feet (60 960 mm) from a hose connection.

905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:

- (1) In every required interior exit stairway or exterior exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at the intermediate floor landing unless otherwise approved by the fire code official.

Items 2 through 4 and item 6 remain unchanged

- (5) Where the roof has a slope less than 4 units vertical in 12 units horizontal (33.3 percent slope), a hose connection shall be located at the roof or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1011.12. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

907.2.1.3 Electrical Shunt for Amplified Sound Conditions. For venues with amplified music or sound systems, in Group A occupancies having an occupant load of 300 or more, electrical shunts shall be provided to de-energize the music or sound systems upon alarm activation as necessary to demonstrate compliance with the audibility requirements of NFPA 72.

907.2.2.3 Animal Housing or Care Facilities. Fire areas containing an animal housing or care facility shall be provided with an electronically supervised automatic smoke detection system. In spaces provided with a source of heat or light but otherwise unconditioned, in lieu of smoke detection the alarm system may be activated by quick response heat detectors with a response time index (RTI) of less than 100 (ie. RTI classification of "Quick", "Ultrafast", "V-fast").

Exception: Smoke detectors and/or quick response heat detectors are not required where the building is equipped with an automatic sprinkler system installed in accordance with Sections 903.3 and 903.4 and activation of the automatics sprinkler system activates notification appliances as required by Section 907.2.2.3.1.

907.2.2.3.1 Notification Appliances. Notification appliances shall provide audible and visual alarm signals in office areas and other areas within the fire area where no animals are housed or cared for. Notification appliances within the areas animals are housed or cared for shall provide visual only notification.

907.2.3.1 Common Areas within a Group E Day Care Occupancies. Group E Day care occupancies shall be provided with a fire alarm system in accordance with Section 907.2.3 and shall be protected by smoke detectors installed in accordance with this section, the listing of the detectors and NFPA 72, and shall activate notification in accordance with Section 907.5.

Detectors shall be placed throughout all corridors of all floors containing the day care facility, in lounges, and in each room occupied by children.

Exceptions:

1. A day care housed within and serving the students of a Group E occupancy, such as a public charter or private school, grades K-12, is permitted to comply with the alarm and detection requirements of Section 907.2.3.
2. Group E day cares serving 12 or fewer children located in a state licensed or registered Child-Care Home, provided that the dwelling is protected with interconnected hard wired smoke alarms located as required by this section, 907.2.3.1, and powered as required for a new home in accordance with the Residential Code and NFPA 72 or battery operated in accordance with Section 1103.8.3 and maintained in accordance with Section 1103.8.4. When such day cares serve hearing impaired children, parents, or guardians, the smoke alarms shall be listed for both audible and visual alarm service.

907.2.6.4 Common Areas within Group I-4 Day Care Occupancies. Group I-4 day care occupancies shall be protected by a fire alarm system which monitors smoke detectors installed in accordance with this section, the listing of the detectors and NFPA 72 and activates notification devices in accordance with Section 907.5. Detectors shall be placed on each story in front of doors to the stairways throughout the corridors of all floors containing the day care facility, lounges and each room used by occupants receiving custodial care.

907.6.1.1 Surge protection devices. Surge protection devices (SPDs) for fire alarm circuits shall be in accordance with Sections 907.6.1.1 through 907.6.1.3.

SPDs shall be listed for the repeated limiting of transient voltage surges on 60 Hertz power circuits not exceeding 1,000 Volts in accordance with UL 1449, *Standard for Surge Protective Devices*. SPDs for power-limited and non-power-limited fire alarm circuits shall be listed in accordance with UL 497B *Protectors for Data Communications and Fire Alarm Circuits*.

907.6.1.2 Circuits extending beyond one building. Non-power-limited and power-limited signaling system circuits that extend beyond building and routed outdoors shall be provided with surge protection devices (SPDs) in accordance with Article 760.32 of the Electrical Code.

907.6.1.3 Fire Alarm Equipment. An SPD shall be installed on the dedicated AC branch circuit connected to any piece of fire alarm equipment that requires a dedicated AC branch circuit.

907.6.1.4 Signaling Line Circuit (SLC) Protection. Each SLC shall be provided with an SPD at the connection to the panel that controls the SLC.

907.6.7 Annunciation and control. The main fire alarm control panel or a full function remote annunciator shall be installed at the main entrance or at an approved location near the main entrance of buildings with fire alarm systems.

909.5 Smoke barrier construction. Smoke barriers required for passive smoke control and a smoke control system using the pressurization method shall comply with Section 709 of the International Building Code. Smoke barriers shall be constructed and sealed to limit leakage areas exclusive of protected openings. The maximum allowable leakage area shall be the aggregate area calculated using the following leakage area ratios:

1. Walls: $A/A_w = 0.00035$ (includes construction cracks, and cracks around windows and doors).
2. *Interior exit stairways and ramps and exit passageways*: $A/A_w = 0.00035$ (includes construction cracks but not cracks around windows or doors).
3. *Exterior exit stairways and ramps and exit passageways*: $A/A_w = 0.0018$ (includes construction cracks but not cracks around doors).
4. Floors and roofs: $A/A_f = 0.00017$ (includes construction cracks and gaps around penetrations).

Where:

A = Total leakage area, square feet (m^2).

A_f = Unit floor or roof area of barrier, square feet (m^2).

A_w = Unit wall area of barrier, square feet (m^2).

The leakage area ratios shown do not include openings due to gaps around doors and operable windows. The total leakage area of the smoke barrier shall be determined in accordance with Section 909.5.1 and tested in accordance with Section 909.5.2.

909.10.2 Ducts. Duct materials and joints shall be capable of withstanding the probable temperatures and pressures to which they are exposed as determined in accordance with Section 909.10. Shafts constructed of gypsum board or gypsum panel products are not allowed. Ducts shall be constructed and supported in accordance with the Mechanical Code. Ducts shall be leak tested to 1.5 times the maximum design pressure in accordance with nationally accepted practices. Measured leakage shall not exceed 5 percent of design flow. Results of such testing shall be a part of the documentation procedure. Ducts shall be supported directly from fire-resistance-rated structural elements of the building by substantial, noncombustible supports.

Exception: Flexible connections, for the purpose of vibration isolation, complying with the Mechanical Code and that are constructed of approved fire-resistance-rated materials.

909.20.4.1 Pressurization system. Using fans with motor speeds controlled by variable frequency drives, the stair shall be pressurized to accommodate two conditions:

1. All stair doors closed.
2. All stair doors closed plus all stair tower exterior ground floor level doors opened.

Validation of the pressurization fan sizes shall include the analysis described in Section 909.4 under both winter and summer conditions using the most recent ASHRAE climatic data tables for Austin, Texas. Sizing of pressurization fans shall be performed using computer modeling software as approved by the fire code official.

909.20.4.2 Door Opening Force. Interior exit stairway and ramp doors shall not exceed 30 pounds (133 N) maximum force to begin opening the door.

909.20.4.3 Damper relief opening. A relief vent sized at 5,000 cfm and an opening point of 0.35 inch of water (field adjustable) shall be provided at the upper portion of the stair shaft.

909.22.6 Components bypassing weekly test. Where components of the smoke control system are bypassed by the preprogrammed weekly test required by Section 909.12.1, such components shall be tested annually. The system shall be tested under standby power conditions.

912.4.1.1 Locking fire department connection caps in existing buildings or structures. The fire code official is authorized to require locking caps on fire department connections (FDC) for water-based fire protection systems serving existing buildings where the fire department has observed obstructions placed in the FDC or where the FDC is missing caps. The locking caps shall be by an approved manufacturer and used and maintained as designed.

912.5 Signs. For new and existing structures, an all-weather, permanent sign shall be placed in a visible location adjacent to fire department connections serving automatic sprinklers, standpipes or fire pump connections. The text shall be white reflective letters on a red background. Such signs shall read: "FDC", "AUTOMATIC SPRINKLERS," "STANDPIPES," "TEST CONNECTION," "STANDPIPE AND AUTOSPKR" or "AUTOSPKR AND STANDPIPE," or a combination thereof as applicable.

912.5.1 Lettering. Each fire department connection (FDC) shall be designated by a sign having the letters "FDC" not less than six inches (152 mm) in height and words in letters not less than two inches (51 mm) in height. For manual standpipe systems, the sign shall also indicate that the system is manual and that it is either wet or dry.

912.5.5 Indication of pressure reducing valves. Where pressure reducing valves are provided within the building, the sign shall indicate the range of floor levels.

913.1.1 Fire Pump Rating. Fire pump(s) for fire protection shall be selected so that the greatest single demand for any fire protection system connected to the pump is less than or equal to 125 percent of the rated capacity (flow) of the pump.

913.2.2.1 Fire Pump Disconnect. Fire pump(s) shall not have any electrical disconnecting means between the utility transformer and the electric fire pump controller.

913.3.1.2 Freeze Protection for Fire Pump Room. The temperature maintenance required by 913.3 shall be maintained at all times and shall be connected to the building standby power system when required.

SECTION 915 CARBON MONOXIDE (CO) DETECTION

915.1 General. Carbon monoxide detection shall be installed in new buildings in accordance with Sections 915.1.1 through 915.6. Carbon monoxide detection shall be installed in existing buildings in accordance with Section 1103.9.

915.1.1 Where required. Carbon monoxide detection shall be provided in Group I-1, I-2, I-4 and R occupancies and in classrooms in Group E occupancies in the locations specified in Section 915.2 where any of the conditions in Sections 915.1.2 through 915.1.6 exist.

915.1.2 Fuel-burning appliances and fuel-burning fireplaces. Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms that contain a fuel-burning appliance or a fuel-burning fireplace.

915.1.3 Fuel-burning forced-air furnaces. Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms served by a fuel-burning, forced-air furnace.

Exception: Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where a carbon monoxide detector is provided in the first room or area served by each main duct leaving the furnace, and the carbon monoxide alarm signals are automatically transmitted to an approved location.

915.1.4 Fuel-burning appliances outside of dwelling units, sleeping units and classrooms. Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms located in buildings that contain fuel-burning appliances or fuel-burning fireplaces.

Exceptions:

1. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms without communicating openings between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit or classroom.
2. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where a carbon monoxide detector is provided in one of the following locations:
 - 2.1. In an approved location between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit or classroom.
 - 2.2. On the ceiling of the room containing the fuel-burning appliance or fuel-burning fireplace.

915.1.5 Private garages. Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms in buildings with attached private garages.

Exceptions:

1. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms without communicating openings between the private garage and the dwelling unit, sleeping unit or classroom.
2. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms located more than one story above or below a private garage.
3. Carbon monoxide detection shall not be required where the private garage connects to the building through an open-ended corridor.
4. Where a carbon monoxide detector is provided in an approved location between openings to a private garage and dwelling units, sleeping units or classrooms.

915.1.6 Exempt garages. For determining compliance with Section 915.1.5, an open parking garage complying with Section 406.5 of the Building Code or an enclosed parking garage complying with Section 406.6 of the Building Code shall not be considered a private garage.

915.2 Locations. Where required by Section 915.1.1, carbon monoxide detection shall be installed in the locations specified in Sections 915.2.1 through 915.2.3.

915.2.1 Dwelling units. Carbon monoxide detection shall be installed in dwelling units outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom.

915.2.2 Sleeping units. Carbon monoxide detection shall be installed in sleeping units.

Exception: Carbon monoxide detection shall be allowed to be installed outside of each separate sleeping area in the immediate vicinity of the sleeping unit where the sleeping unit or its attached bathroom does not contain a fuel-burning appliance and is not served by a forced-air furnace.

915.2.3 Group E occupancies. Carbon monoxide detectors shall be installed in classrooms in Group E occupancies. Carbon monoxide alarm signals shall be automatically transmitted to an on-site location that is staffed by school personnel.

Exception: Carbon monoxide alarm signals shall not be required to be automatically transmitted to an onsite location that is staffed by school personnel in Group E occupancies with an occupant load of 30 or less.

915.4.3 Locations. Carbon monoxide alarms shall only be installed in dwelling units and in sleeping units. They shall not be installed in locations where the code requires carbon monoxide detectors to be used.

915.4.4 Combination alarms. Combination carbon monoxide/smoke alarms shall be an acceptable alternative to carbon monoxide alarms. Combination carbon monoxide/smoke alarms shall be listed in accordance with UL 217 and UL 2034.

915.4.5 Interconnection. Where more than one carbon monoxide alarm is required to be installed, carbon monoxide alarms shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms. Physical interconnection of carbon monoxide alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

915.5 Carbon monoxide detection systems. Carbon monoxide detection systems shall be an acceptable alternative to carbon monoxide alarms and shall comply with Sections 915.5.1 through 915.5.3.

915.5.1 General. Carbon monoxide detection systems shall comply with NFPA 720. Carbon monoxide detectors shall be listed in accordance with UL 2075.

915.5.2 Locations. Carbon monoxide detectors shall be installed in the locations specified in Section 915.2. These locations supersede the locations specified in NFPA 720.

915.5.3 Combination detectors. Combination carbon monoxide/smoke detectors installed in carbon monoxide detection systems shall be an acceptable alternative to carbon monoxide detectors, provided that they are listed in accordance with UL 268 and UL 2075.

915.6 Maintenance. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

916.1 Gas detection systems. Gas detection systems required by this code shall comply with Sections 916.2 through 916.11. When prescribed by other adopted standards, vapor detector systems shall comply with Section 916.

Carbon monoxide detection systems shall comply with Section 915.

Carbon dioxide gas detectors for insulated liquid carbon dioxide systems used in beverage dispensing application shall comply with Section 5307.3.

916.4 Power connections. Gas detection systems supplies shall be in accordance with Section 907.6.2. Carbon dioxide gas detectors for beverage dispensing applications shall be permitted to be cord connected to an unswitched receptacle using an approved restraining means that secures the plug to the receptacle.

916.5 Emergency and standby power. Standby or emergency power shall be provided in accordance with Section 1203.2.7. The gas detection system shall initiate a supervisory signal at an approved location if the secondary power supply is interrupted.

916.6 Gas detector locations. Gas detectors shall be installed at approved storage or use locations where leaking gases are expected to accumulate. Gases or vapors that present a health hazard and are stored or used outside of gas rooms, gas cabinets or exhausted enclosures shall be located based on the vapor density of the gas at NTP.

916.6.1 Gas detector selection. Gas detectors shall selected be based on the physical hazard or health hazard of the hazardous material being measured.

916.7 Gas sampling. Gas sampling shall be performed continuously. Sample analysis shall be processed immediately after sampling, except as follows:

1. For HPM gases, sample analysis shall be performed at intervals not exceeding 30 minutes.
2. For highly toxic and toxic gases, sample analysis shall be performed at intervals not exceeding 5 minutes, in accordance with Section 6004.2.2.7.
3. Where a less frequent or delayed sampling interval is approved.

916.8 System activation. A gas detection alarm shall be initiated where any detector detects a concentration of gas exceeding the following thresholds:

1. For flammable gases, a gas concentration exceeding 25 percent of the lower flammability limit (LFL).
2. For nonflammable gases, a gas concentration exceeding its Permissible Exposure Limit or 8-hour Time-Weighted Average, unless a different threshold is specified by the section of this code requiring a gas detection system.
3. For simple asphyxiant gases, a gas concentration equal to or less than 19.5% volume of oxygen in air at NTP.

Upon activation of a gas detection alarm, alarm signals or other required responses shall be as specified by the section of this code requiring a gas detection system. Audible and visible alarm signals associated with a gas detection alarm shall be distinct from fire alarm and carbon monoxide alarm signals.

916.10 Fire alarm system connections. Gas detectors and gas detection systems connected to fire alarm systems shall be in accordance with NFPA 72.

1001.1 Scope. The provisions of this chapter shall specify the requirements of means of egress and shall apply to the design, installation of means of egress. For those requirements, refer to the Building Code. Refer to Section 1032 for maintenance of the means of egress.

1032.2 Reliability. Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the areas served by such exits are occupied. Security devices, including drop bars, affecting means of egress shall require approval of the fire code official. Doors utilizing drop bars must have signage on the exterior of the door stating "Door equipped with drop bar". Doors utilizing drop bars must have signage on the interior of the door stating "Drop bar must be removed when building is occupied". When security devices are not in use, they must be secured in a manner where unauthorized use is prevented, such as:

1. Locking bar in a keeper near the door.
2. Securing bar in an office, locked closet, or similar location not accessible to the general public.

Approval to use security devices outside the scope of this code may be revoked for failure to meet the letter and intent of these rules.

1103.5.6 Group B ambulatory care facilities. An automatic sprinkler system shall be installed throughout all existing fire areas containing a Group B ambulatory care facility occupancy when the facility is designed to allow either of the following conditions to exist at any time:

1. Four or more care recipients are incapable of self-preservation.
2. One or more care recipients who are incapable of self-preservation are located at other than the level of exit discharge serving such occupancy.

1103.7.7 Animal Housing or Care Facilities. An electronically supervised automatic smoke detection system complying with Section 907.2.2.2 shall be installed in all fire areas containing an existing Group B Animal Housing or Care Facility if without constant supervision when any work requiring a permit is performed.

1103.9 Carbon monoxide alarms. When interior work requiring a building permit is done in existing Group I-1, I-2, I-4, and R occupancies, they shall be equipped with carbon monoxide alarms in accordance with Section 915 in the unit(s) in which the work was performed, except that the carbon monoxide alarms shall be allowed to be solely battery operated.

1203.2.20 Freeze Protection Equipment. In buildings required to be provided with emergency and/or standby power systems, all equipment required to provide freeze protection for any water-based fire protection system or equipment shall be provided with standby power.

1207.1.3 Scope. Energy Storage System (ESS) having capacities exceeding the values in Table 1207.1.1 shall comply with this section.

TABLE 1207.1.3
ENERGY STORAGE SYSTEM (ESS)
THRESHOLD QUANTITIES

| TECHNOLOGY | ENERGY CAPACITY ^a |
|--------------------------------------|------------------------------|
| Capacitor ESS | 3 kWhr |
| Flow Batteries ^b | 20 kWhr |
| Lead-acid batteries, all types | See Section 1207.1.2, item 3 |
| Lithium-ion batteries | 20 kWhr |
| Nickel metal hydride (Ni-MH) | 70 kWhr |
| Nickel-cadmium batteries (Ni-Cd) | See Section 1207.1.2, item 3 |
| Other battery technologies | 10 kWhr |
| Other electrochemical ESS technology | 3 kWhr |

a. Energy capacity is the total energy capable of being stored (nameplate rating), not the usable energy rating. For units rated in amp-hours, kWhr shall equal rated voltage time amp-hour rating divided by 1,000.

b. Shall include vanadium, zinc-bromine, polysulfide-bromide and other flowing electrolyte type technologies.

1207.1.4 Permits. Permits shall be obtained for ESS as follows:

1. Construction permits shall be obtained for stationary ESS installations and mobile ESS charging and mobile station covered by Section 1207.10.1. Permits shall be obtained in accordance with Section 105.5.22.
2. Operational permits shall be obtained for stationary ESS installations and mobile ESS charging and mobile station covered by Section 1207.1.1 that employ Capacitor ESS, Lithium-ion batteries, Ni-MH, or other electrochemical ESS technologies. Permits shall be obtained in accordance with Section 105.5.22.
3. Operational permits for stationary ESS installations utilizing fifteen or more U.S. gallons of corrosive electrolyte in flooded lead-acid, valve regulated lead-acid batteries or Ni-Cd batteries be obtained in accordance with Section 105.5.22 based on Health Hazard Category 3 liquids.

1207.1.8 Fire Remediation. Where a fire or other event has damaged the ESS and ignition or re-ignition is possible, the system owner, agent or lessee shall take the following actions, at their expense, to mitigate the hazard or remove damaged equipment from the premise to an approved location.

1207.1.8.1 Fire Mitigation Personnel. Where, in the opinion of the fire code official, it is essential for public safety that trained personnel be on-site to respond to possible ignition or re-ignition of a damaged ESS, the system owner, agent or lessee shall within 15 minutes dispatch one or more fire mitigation personnel to the premises, as required, at their expense. Fire mitigation personnel responsible for the preparation of the Decommissioning Plan and in accordance with Section 1207.2.3, shall be approved. The personnel shall remain on duty continuously until the damaged energy storage equipment is removed from the premises and located to an approved location, or earlier if the fire mitigation personnel can demonstrate to the fire code official that the public safety hazard is mitigated. (Material based on NFPA 855 2023)

1207.1.8.3 Responsibility for Unauthorized Discharge. An incident that requires fire remediation shall be treated as an Unauthorized Discharge. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction, in accordance with Section 5003.3.1.5.

1207.1 General. The provisions in this section are applicable to stationary and mobile energy storage systems (ESS). Battery-electric vehicles using technology identified in Table 1207.1.3 and marked with a label complying with 49 CFR 567.4 that certifies compliance with the Federal Motor Vehicle Safety Standards are subject to the Fire Remediation provisions in Section 1207.1.8, including responsibility for an Unauthorized Discharge.

1207.4.7 Toxic and highly toxic gases. ESS that have the potential to release toxic and highly toxic gas during charging, discharging and normal use conditions are prohibited.

1207.5.3. Elevation. Electrochemical ESS shall not be located in the following areas:

1. Where the floor is located more than 20 feet above the lowest level of fire department vehicle access.
2. Where the floor is located below the lowest level of exit discharge.

Exceptions:

1. Lead-acid and nickel-cadmium battery systems less than 50 VAC and 60 VDC. 2.5 remain unchanged.

1207.5.4 Fire detection. An approved automatic smoke detection system or radiant energy sensing fire detection system complying with Section 907.2 shall be installed in rooms, indoor areas and walk-in units containing electrochemical ESS. An approved radiant energy sensing fire detection system shall be installed to protect open parking garage and rooftop installations. Alarm signals from detection systems shall be transmitted to a central station, proprietary or remote station service in accordance with NFPA 72, or where approved to a constantly attended location.

Exception: Lead-acid battery ESS with an electrolyte volume of 50 US gallons or less.

TABLE 1207.6 - ELECTROCHEMICAL ESS TECHNOLOGY SPECIFIC REQUIREMENTS

| COMPLIANCE REQUIRED ^b | | BATTERY TECHNOLOGY | | | | OTHER ESS AND BATTERY TECHNOLOGIES ^b | CAPACITOR ESS ^b |
|----------------------------------|----------|--------------------|------------------|---------------|------|---|----------------------------|
| Feature | Section | Lead-Acid | Ni-CD & NiMH | Lithium - Ion | Flow | | |
| Exhaust ventilation | 1207.6.1 | Yes | Yes | No | Yes | Yes | Yes |
| Explosion control | 1207.6.3 | No | Yes ^a | Yes | No | Yes | Yes |
| Safety caps | 1207.6.4 | Yes | Yes | No | No | Yes | Yes |

| | | | | | | | |
|---|----------|------------------|------------------|------------------|-----|------------------|-----|
| Spill control & neutralization | 1207.6.2 | Yes ^c | Yes ^c | No | Yes | Yes | Yes |
| Thermal runaway | 1207.6.5 | Yes ^d | Yes | Yes ^e | No | Yes ^e | Yes |
| Thermal runaway detection system | 1207.6.7 | No | No | Yes | No | No | No |
| b. Applicable to vented-type (i.e., flooded) nickel-cadmium and lead-acid batteries. | | | | | | | |
| c. Not required for vented-type (i.e., flooded) lead-acid batteries. | | | | | | | |
| d. Thermal runaway protection is permitted to be part of a battery management system that has been evaluated with battery as part of the evaluation to UL 1973. | | | | | | | |

1207.6.3 Explosion Control. Where required by Table 1207.6 or elsewhere in this code, explosion control complying with Section 911 shall be provided for rooms, areas, ESS cabinets or ESS walk-in units containing electrochemical ESS technologies.

Exceptions:

1. Provision unchanged.
2. Provision unchanged.
3. ESS that eject shrapnel or enclosure pieces during large-scale fire testing complying with Section 12071.5 are prohibited.
- 4—6. Provisions unchanged.

1207.6.2.4 Special provisions for Lead-Acid ESS. The requirements of Section 1207.6.2 shall apply only when the aggregate capacity of multiple vessels exceeds 50 gallons or lead-acid and nickel-cadmium battery systems operating at less than 50 VAC and 60 VDC.

1207.6.5 Thermal Runaway Detection System.

1207.6.5.1 When required. A thermal runaway detection system shall be provided for lithium-ion battery storage systems with an energy capacity greater than 20 kWh.

Exception: Group R-3 & R-4 occupancies.

1207.6.5.1 Approvals. Devices designed to detect the thermal runaway of a lithium-ion cell containing a flammable or combustible liquid shall be listed in accordance with UL 2075, *Gas and Vapor Detectors and Sensors*.

1207.6.5.2 Performance. The thermal runaway detector shall activate upon detection of gas vapors produced by flammable or combustible liquid in a lithium-ion cell at the start of a thermal runaway event. Upon detection of a thermal runaway event the detection system shall shutdown the ESS rack releasing flammable or combustible gas vapors and transmit a supervisory fire alarm signal. Detection of a thermal runaway event shall activate the mechanical ventilation when it is provided as method of explosion control.

Thermal runaway detectors shall operate independently of the ESS Energy Storage Management System.

1207.6.5.3 Annunciation. The thermal runaway detector shall be capable of identifying the ESS rack where thermal runaway occurred.

1207.9.1 Rooftop Installations. For the purpose of Table 1207.9, rooftop ESS are prohibited on the roof of buildings 30 feet or more above the lowest level of fire department vehicle access.

CHAPTER 23 MOTOR FUEL-DISPENSING FACILITIES, REPAIR GARAGES, AND AUTOMOBILE WRECKING YARDS

2301.1 Scope. Automotive motor fuel-dispensing facilities, marine motor fuel-dispensing facilities, fleet vehicle motor fuel-dispensing facilities, automobile wrecking yards, and repair garages shall be in accordance with this chapter and the Building Code, the Plumbing Code, and the Mechanical Code. Such operations shall include both operations that are accessible to the public and private operations.

2304.1 Supervision of dispensing. The dispensing of fuel at motor fuel-dispensing facilities shall be conducted by a qualified attendant who is a Texas Commission on Environmental Quality (TCEQ) certified UST Operator or shall be under the supervision of a qualified attendant who is a TCEQ certified UST Operator at all times or shall be in accordance with Section 2304.3.

2304.2 Attended self-service motor fuel-dispensing facilities. Attended self-service motor fuel-dispensing facilities shall comply with Sections 2304.2.1 through 2304.2.5. Attended self-service motor fuel-dispensing facilities shall have at least one TCEQ certified UST Operator on duty while the facility is open for business. The attendant's primary function shall be to supervise, observe and control the dispensing of fuel. The attendant shall prevent the dispensing of fuel into containers that do not comply with Section 2304.4.1, control sources of ignition, give immediate attention to accidental spills or releases, and be prepared to use fire extinguishers.

2305.1.3 Tank fill connections. Delivery of flammable liquids to tanks shall be made by means of approved liquid- and vapor-tight connections between the delivery hose and tank fill pipe. Where tanks are equipped with any type of vapor recovery system, all connections required to be made for the safe and proper functioning of the particular vapor recovery process shall be made. Such connections shall be made liquid and vapor tight and remain connected throughout the unloading process. Vapors shall not be discharged at grade level during delivery.

2305.2.1 Inspections. Flammable and combustible liquid fuel dispensing and containment equipment shall be inspected at least once every sixty days in accordance with the regulations of the TCEQ in order to verify that it is in proper working order and not subject to leakage.

2305.3 Spill control. Provisions shall be made to prevent liquids spilled during dispensing operations from flowing into buildings or off of the property on which the tank is located. Acceptable methods include, but shall not be limited to, grading driveways, raising doorsills, or other approved means.

2306.7.6.2 Testing. The automatic closing function of automatic closing fuel delivery hose nozzles that dispense Class I, II, and III liquids shall be tested on an annual basis.

SECTION 2312 AUTOMOBILE WRECKING YARDS

2312.1 Scope. Automobile wrecking yards shall comply with this section and the Building Code. Rubbish handling operations are addressed in Chapter 3 (*General Requirements*).

2312.2 Fire apparatus access roads. Fire apparatus access roads shall be constructed and maintained throughout the site in accordance with Section 503.

2312.3 Welding and cutting. Welding and cutting operations shall be in accordance with Chapter 35 (*Welding and Other Hot Work*).

2312.4 Housekeeping. Combustible rubbish accumulated on the site shall be collected and stored in approved containers, rooms or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

2312.5 Fire protection. Offices, storage buildings and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with a rating of not less than 4-A:40-B:C. When required by the fire code official, additional portable fire extinguishers shall be provided in specific use areas in accordance with NFPA 10.

2312.6 Tires. Tires shall be stored on racks in an approved manner or shall be piled in accordance with Chapter 34 (*Tire Rebuilding and Tire Storage*).

2312.7 Burning operations. The burning of salvage vehicles and salvage or waste materials shall be in accordance with Chapter 3 (*General Requirements*) and regulations adopted by the Texas Commission on Environmental Quality.

2312.8 Motor Vehicle fluids and hazardous materials.

2312.8.1 General. The storage, use and handling of motor vehicle fluids and hazardous materials, such as those used to operate air bags and electrical systems, shall be in accordance with Section 2312 (*Automobile Wrecking Yards*), Section 2311 (*Repair Garages*), Chapter 50 (*Hazardous Materials - General Provisions*), and Chapter 57 (*Flammable and Combustible Liquids*).

2312.8.2 Motor Vehicle Fluids. Motor vehicle fluids shall be drained from salvage vehicles when such fluids are leaking. Storage and handling of motor vehicle fluids shall be done in an approved manner. Flammable and combustible liquids shall be stored and handled in accordance with Section 2311 (*Repair Garages*), Chapter 50 (*Hazardous Materials - General Provisions*), and Chapter 57 (*Flammable and Combustible Liquids*).

2312.8.3 Mitigation for Vehicle Fluid Leaks. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems and transmissions shall be kept available on site. Single-use plugging, diking and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner approved by federal, state or local requirements.

2312.8.4 Air Bag Systems. Removed air bag systems shall be handled and stored in accordance with Chapter 50 (*Hazardous Materials - General Provisions*).

2312.8.5 Lead-acid Batteries. Lead-acid batteries shall be removed from salvage vehicles when such batteries are leaking. Lead-acid batteries that have been removed from vehicles shall be stored in an approved manner.

2312.8.6 Container Destruction. Destruction of vehicle containers containing liquids or gases defined as flammable or combustible by this code is prohibited unless the containers are properly drained and the by-product stored or disposed of in accordance with Chapter 50 (*Hazardous Materials - General Provisions*), are filled with an inert material or purged, and at the time of destruction, have a vapor content less than 25 percent of the by-product's lower explosive limit or an oxygen content of less than 10 percent.

2403.5 Mixing and Blending Area. Mixing, blending, and similar operations involving less than 10 gallons of Class I or Class II liquids, outside of a room approved for inside use, dispensing and mixing in accordance with 5705.3.7, must be performed in an area meeting the following requirements:

1. All electrical service within 10 feet of the mixing operations must meet the Class I, Division II requirements of the Electrical Code.
2. Ventilation for the area must be adequate to maintain flammable vapors under 25 percent of the lower explosive limit of the most volatile material in use. A line of site partition of one-hour construction must separate the mixing and blending operations from other spray finishing operations and flammable liquids storage.

2701.4 Existing buildings and existing fabrication areas. Existing buildings and existing *fabrication areas* shall comply with this chapter.

Exceptions:

1. Transportation and handling of HPM in *corridors* and enclosures for *stairways* and *ramps* shall be allowed where in compliance with Section 2705.3.2 and the Building Code.
2. The aggregate quantity of flammable, pyrophoric, toxic and highly toxic gases in a single fabrication area allowed in Table 2704.2.2.1 Footnote d. shall be limited to 9000 cubic feet at NTP.

3103.4 Use periods. Temporary tents, air supported, air-inflated or tensioned membrane structures of any size that are independent of and separated by at least 20 feet (6096 mm) from any building as specified in Section 2403.8.2 shall not be erected for a period of more than 180 days within a 12-month period on a single premises. Temporary tents, air supported, air-inflated or tensioned membrane structures of any size that are in any way attached to or within 20 feet (6096 mm) of a building shall not be issued a permit for a continuous period of more than 30 days or for a total of more than 90 days within a 12-month period on a single premises. Tents, air supported, air-inflated or tensioned membrane structures used for periods exceeding these limits shall be considered buildings or structures regulated by the Building Code and shall be required to be erected under a building permit and obtain a certificate of occupancy.

3103.7.2 Location. Tents or membrane structures shall not be located within 20 feet (6096 mm) of lot lines, buildings, other tents or membrane structures, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure, or tent.

Exceptions:

1. Separation distance between membrane structures and tents not used for cooking, is not required when the aggregate floor area does not exceed 15,000 square feet (1394 m^2).
2. Membrane structures or tents need not be separated from buildings when all of the following conditions are met:
 - 2.1. The aggregate floor area of the membrane structure or tent shall not exceed 10,000 square feet (929 m^2).
 - 2.2. The aggregate floor area and total height of the building and membrane structure or tent shall not exceed the allowable floor area or the allowable height, in stories or feet, including increases as indicated in the Building Code.
 - 2.3. Required means of egress are provided for both the building and the membrane structure or tent including travel distances.
 - 2.4. Fire apparatus access roads are provided in accordance with Section 503.
 - 2.5. Occupant load is, for the purposes of complying with Chapters 9 and 10 of the Building Code and Fire Code, based on the aggregate of the building floor area and the area under the membrane structure or tent.

4104.2 Residential Barbecue Pits and Incinerators. No person may construct, erect, install, maintain or use any incinerator or barbecue pit or burn any combustible material to constitute a fire hazard by the use or burning or to endanger the life or property of any person. Residential barbecue pits, hibachis or other cooking appliances utilizing charcoal, wood or gas as a fuel may not be stored or used on any balconies of residential occupancies, on other combustible balconies, within five feet measured horizontally from any portion of a combustible building, or within fifteen feet measured along the shortest distance if the pit is located below any portion of a combustible building.

Exception: Detached one- and two-family dwellings.

5001.1.2 Purpose. This chapter regulates the handling and storage of hazardous materials in aboveground storage facilities. Underground storage facilities are regulated by City Code Chapter 6-2 (*Hazardous Materials*).

5001.2 Material classification. Hazardous materials are those chemicals or substances defined as such in this code. Definitions of hazardous materials shall apply to all hazardous materials, including those materials regulated elsewhere in this code. Appendix E contains descriptions and examples of materials included in hazard categories.

5001.2.3 Radioactive Materials. Storage of radioactive materials shall be in accordance with the provisions set forth by the Texas Department of State Health Services, Radiation Control Program.

5001.5 Permits. No person, firm, or corporation may store, dispense, use, or handle hazardous materials in more than the quantities named in Section 105.6 unless a valid permit has been issued under this chapter.

When required by the fire code official, permit holders shall apply for approval to permanently close a storage, use or handling facility. Such application shall be submitted at least 30 days prior to the termination of the storage, use or handling of hazardous materials. The fire code official is authorized to require that the application be accompanied by an approved facility closure plan in accordance with Section 5001.6.3.

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include an HMIS, such as Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, Tier II Report or other approved statement. The HMIS shall include the following information:

1. manufacturer's name;
2. chemical names, product or trade names, hazardous ingredients;
3. United Nations (UN), North America (NA) and the Chemical Abstract Service (CAS) identification number (as applicable and as available);
4. maximum quantities stored or used on-site at one time, including amounts in use-closed systems and amounts in use-open systems;
5. location where stored or used;
6. container sizes; and
7. hazard classifications including the NFPA 704 rating of each chemical.

5001.7 Permit Procedure. A hazardous materials permit shall be granted after:

1. The applicant has filed with the fire department a completed hazardous materials permit application, in accordance with Section 5001.5 and this section; and
2. The applicant has paid the application fee set by separate ordinance.

5001.7.1 Application. A Hazardous Materials Permit Application shall include the following:

1. general information including the name, address, and telephone number of the facility, the number of employees, hours of operation, and a name and emergency telephone number of the primary emergency contact person;
2. a storage map, which shall identify the location of hazardous materials storage areas, and access to the materials; and
3. a Hazardous Materials Inventory Statement (HMIS) in accordance with Section 5001.5.2.

5001.7.1.1 The facility may be omitted from applications when, in the opinion of the fire code official, the plan will not provide additional information necessary to prevent an actual or potential hazard to the public health, safety, or welfare (including the health, safety, or welfare of firefighters) or to facilitate the fire department's response in the event of an emergency involving hazardous materials at the facility.

5001.7.2 Permit Required. No person, firm, or corporation may install, repair, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility or other area required to be permitted under this chapter without a permit. Section 5001.6.3 also applies.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.
3. Businesses with an annual permit through the Development Services Department may perform work in accordance with the provisions of the Building Code and rules governing the facilities.

Permit holders shall apply for approval to close bulk storage, use, or handling facility at least 30 days before the termination of the storage, use, or handling of hazardous materials. The applicant shall include any change or alteration of the facility closure plan filed under Section 5001.6.3 of this chapter. This 30 day period may be waived by the fire code official.

5001.7.3 Permit Effective Date. The fire department shall grant or deny a permit application no later than 60 days after receipt of the completed application. The fire department will provide written confirmation to the applicant demonstrating receipt of the application within 30 days of receipt of the application. If the department fails to grant or deny the permit within 60 days, the permit is considered to be issued and in effect. The fire department may inspect the business for satisfactory storage and use of hazardous materials. The operation of a facility under a permit issued before inspection constitutes the permission of the facility owner/operator for the fire code official to enter on the facility for the purpose of conducting the required inspection. Refusal to allow the inspection shall constitute a *prima facie* cause to revoke the permit under Section 105.5.22.

5001.7.4 Permit Term and Renewal. A permit is granted for a term of three years from the date of issuance. Permits may be renewed every three years on the anniversary of permit issuance. At the discretion of the firecode official, a permit may be issued for a shorter period. The fee assessed for the permits shall be prorated for the appropriate time. If a permit is issued for a shorter period at the request of the applicant, an additional handling fee may be assessed, not to exceed the actual cost of clerical processing time.

5001.7.5 Annexation Procedure. A facility brought under regulation by this chapter through annexation shall file a permit application with the fire department no later than 90 days after the effective date of annexation. The fire department shall grant or deny a permit application submitted under this subsection no later than six months after receipt of the completed application. If the fire department fails to grant or deny the permit within the period, the

permit is considered to be issued and in effect.

5001.7.6 Permit Denial. If the fire department denies a permit, the fire department shall notify the applicant in writing of the action. The notification must include a statement of the fire department's reasons for the action.

5001.7.7 Transfer. A permit may be transferred to a new owner or operator of a business at the same location if the new owner or operator by letter to the fire department accepts responsibility for all obligations under this chapter at the time of the transfer of the business. All permit transfers are subject to the approval of the fire code official.

5001.7.8 Fees. No permit may be granted, renewed or continued in effect until the fee set by separate ordinance has been paid. The fee shall be paid at the time an application is filed.

5001.7.9 Amendment. Any information required to be submitted by this chapter shall be amended or supplemented no later than 30 days after the occurrence of an event that would render the information inaccurate. Unless the change(s) would affect the ability of emergency response personnel to safely respond to an emergency, an amendment or supplement is not required to record:

1. minor changes in the quantities of hazardous materials stored;
2. the temporary storage of hazardous materials at the facility; or
3. a temporary change of hazardous materials storage location.

5002.1 Supplemental Definitions. The definitions in the 2024 International Fire Code are adopted as published except that supplemental definitions are added or amended. The following supplemental definitions are defined in Section 202.1.1. For the purposes of this chapter and as used elsewhere in this code, these definitions shall have the meanings shown in Section 202.1.1.

PERMANENT STORAGE.

PERMIT.

PROCESS VESSEL.

TABLE 5003.1.1(5)
HAZARDOUS MATERIALS EXEMPTIONS

| MATERIAL CLASSIFICATION | OCCUPANCY OR APPLICATION | EXEMPTION |
|-------------------------|--|--|
| Combustible fiber | Baled Cotton | Densely packed baled cotton shall not be classified as combustible fiber, provided the bales comply with the packing requirements of ISO 8115. |
| Corrosive | Personal and household products | The quantity of personal and household products that are classified as corrosive materials is not limited in retail displays, provided that the products are in the original packaging. |
| | Retail and wholesale sales occupancies | The quantity of medicines, foodstuffs or consumer products and cosmetics containing not more than 50 percent by volume of water-miscible liquids, with the remainder of the solutions not being flammable, is not limited. To qualify for this allowance, such materials shall be packaged in individual containers not exceeding 1.3 gallons. |
| Explosives | Group M and R-3 | Storage of black powder, smokeless propellant and small arms primers is not limited. |

| | | |
|---|--|--|
| Flammable and combustible liquids and gases | Aerosols | Buildings and structures occupied for the storage of aerosol products, aerosol cooking spray products, or plastic aerosol 3 products shall be classified as Group S-1. |
| | Alcoholic beverages | The quantity of alcoholic beverages in liquor stores and distributors without bulk storage is not limited. |
| | | The quantity of alcoholic beverages in brewing is not limited. |
| | | The storage quantity of beer, distilled spirits and wines in barrels and asks is not limited. |
| | | Alcoholic beverages in retail and wholesale occupancies is not limited. To qualify for this allowance, beverages must be packaged in individual containers not exceeding 1.3 gallons. |
| | Cleaning establishments with combustible liquid solvents | The quantity of combustible liquid solvents used in closed systems and having a flash point at or above 140 F is not limited. To qualify for this allowance, equipment shall be listed by an approved testing agency and the occupancy shall be separated from all other areas of the building by 1-hour fire barriers or 1-hour horizontal assemblies, or both, constructed in accordance with the <i>International Building Code</i> . |
| | | The quantity of combustible liquid solvents having a flash point at or above 200 F is not limited. |
| | Closed piping systems | The quantity of flammable and combustible liquids and gases utilized for the operation of machinery or equipment is not limited. |
| | Flammable finishing operations using flammable and combustible liquids | Building and structures occupied for the application of flammable finishes shall comply with Section 416. |
| | Fuel | The quantity of liquid or gaseous fuel in fuel tanks of vehicles or motorized equipment is not limited. |
| Retail and wholesale occupancies with flammable and combustible liquids | | The quantity of gaseous fuels in piping systems and fixed appliance regulated by the <i>International Fuel Gas Code</i> is not limited. |
| | | The quantity of liquid fuels in piping systems and fixed appliances regulated by the International Mechanical Code is not limited. |
| | Hand Sanitizer | The quantity of alcohol-based hand rubs (ABHR) classified as Class I or II liquids in dispensers installed in accordance with Sections 5705.5 and 5705.5.1 is not limited. The location of the ABHR shall be provided in the construction documents. |
| Retail and wholesale occupancies with flammable and combustible liquids | | The quantity of medicines, foodstuffs or consumer products, and cosmetics containing not more than 50 percent by volume of water-miscible liquids, with the remainder of the solutions not being flammable, is not limited. |
| | | To qualify for this allowance, such materials shall be packaged in individual containers not exceeding 1.3 gallons. |

| | | |
|----------------------------------|----------------------------------|---|
| Highly toxic and toxic materials | Retail and wholesale occupancies | The quantity of medicines, foodstuffs or consumer products, and cosmetics containing not more than 50 percent by volume of water-miscible liquids, with the remainder of the solutions not being flammable, is not limited. To qualify for this allowance, such materials shall be packaged in individual containers not exceeding 1.3 gallons. |
| Any | Energy Storage | The quantity of hazardous materials in stationary storage battery systems is not limited. |
| | | The quantity of hazardous materials in stationary fuel cell power systems is not limited. |
| | | The quantity of hazardous materials in capacity energy storage systems is not limited. |
| | Refrigeration systems | The quantity of refrigerants in refrigeration systems is not limited. |

For SI: 1 gallon = 3/785 L, C = (F32-)/1.8.

a. Exempted materials and conditions listed in this table are required to comply with provisions of this code that are not based on exceeding the maximum allowable quantities in Section 5003.

5003.2.2.3 Emergency isolation. Where gases or liquids having a hazard ranking of Health Class 3 or 4, Flammability Class 4 or Instability Class 3 or 4 in accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig) (103 kPa), an approved means of leak detection and emergency shutoff or excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

Exceptions:

1. Piping for inlet connections designed to prevent backflow.
2. Piping for pressure relief devices.

5003.2.4.3 Indoor Tank Filling. Aboveground stationary tanks used for the indoor storage of hazardous materials shall be filled using one of the liquid transfer methods in Section 5005.1.10. The transfer of hazardous materials to indoor stationary tanks from tank vehicles shall be done from a liquid tight remote fill connection located outdoors. Fill connections shall be not more than five feet above the finished ground level, in an approved location in close proximity to the parked delivery vehicle. Connections shall be five feet away from building openings. Such connections shall be closed and liquid tight when not in use and shall be properly identified.

5003.3.1.4 Responsibility for cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the fire code official, cleanup may be initiated by the fire department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge. Such costs shall include but shall not be limited to:

1. chemical absorbent or adsorbent materials;
2. chemical neutralizers;
3. chemical resistant suits, gloves, or boots;
4. chemical containment drums;
5. vapor suppression foams;
6. containment tools;
7. chemical detection devices; and
8. personnel costs for incident related overtime activities.

5003.9.8 Separation of incompatible materials. Incompatible materials in storage and storage of materials that are incompatible with materials in use shall be separated when the stored materials are in containers having a capacity of more than five pounds (2 kg) or 0.5 gallon (2 L). Separation shall be accomplished by:

1. Segregating incompatible materials in storage by a distance of not less than 20 feet (6096 mm).

Exception: Segregation of less than exempt amounts of corrosive and oxidizing materials, when such materials are necessary to maintain swimming pools for Group R occupancies, may be accomplished by a minimum separation of five feet (1524 mm).

2. Isolating incompatible materials in storage by a noncombustible partition extending not less than 18 inches (457 mm) above and to the sides of the stored material.
3. Storing liquid and solid materials in hazardous material storage cabinets.
4. Storing compressed gases in gas cabinets or exhausted enclosures in accordance with Sections 5003.8.5 and 5003.8.6. Materials that are incompatible shall not be stored within the same cabinet or exhausted enclosure.

5003.13.2 Maximum allowable quantity per rooftop or canopy. The storage, use and handling of hazardous materials on top of a roof or canopy shall not exceed the maximum allowable quantity set forth in Tables 5003.1.1(1) and 5003.1.1(2). LP-gas storage and use shall be in accordance with Chapter 61.

Exceptions:

1. Pollution control, exhaust treatment and dust collection equipment when approved.
2. Hydrogen storage at motor fuel-dispensing facilities in accordance with Chapter 23.
3. Hazardous materials in closed piping systems complying with this code.
4. Hazardous materials on top of a normally unoccupied exterior equipment platforms necessary for the operation of mechanical systems or industrial process equipment when approved.
5. Hazardous materials necessary for rooftop swimming pool or hot tub treatment systems, limited to a maximum container size of 50 gallons (189 L) or 500 lbs (227 kg) of toxic or corrosive materials, and 200 pounds (91 kg) or 20 gallons (76 L) of oxidizers.
6. Other situations where rooftop storage or use of hazardous materials is necessary for the operation of equipment serving the building and is approved.

5004.2 Spill control and secondary containment for liquid and solid hazardous materials. Tanks, rooms, buildings or areas used for the storage of liquid or solid hazardous materials shall be provided with spill control and secondary containment in accordance with Sections 5004.2.1 through 5004.2.3.

Exceptions:

1. Outdoor storage of containers on approved containment pallets in accordance with Section 5004.2.3.
2. Liquids that are a gas at NTP.

5004.2.1 Spill control for hazardous material liquids. Tanks, rooms, buildings or areas used for the storage of hazardous material liquids in excess of the lesser of the maximum allowable quantities established by Tables 5003.1.1(1) and 5003.1.1(2) or limits specifically set in Chapters 51 through 67 shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor locations or similar areas in outdoor locations provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

5004.2.2 Secondary containment for hazardous material liquids and solids. Where required by Table 5004.2.2 tanks, buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section when the quantity of materials exceeds the maximum allowable quantity as established by Tables 5003.1.1(1) and 5003.1.1(2) or limits specifically set in Chapters 51 through 67.

5004.2.2.1 Containment and drainage methods. The tank, building, room or area shall contain or drain the hazardous materials and fire protection water through the use of one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor locations or similar areas in outdoor locations provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Drainage systems leading to an approved location.
5. Other approved engineered systems.

5004.2.2.2 Incompatible materials. Incompatible materials used in open systems shall be separated from each other in the secondary containment system. Incompatible materials are allowed to be combined when they have been rendered acceptable by an approved means for discharge into the public sewer.

5004.2.2.5 Monitoring. An approved monitoring method shall be provided to detect hazardous materials in the secondary containment system. The monitoring method is allowed to be visual inspection of the primary or secondary containment, or other approved means. Where secondary containment is subject to the intrusion of water, a monitoring method for detecting water shall be provided. Where monitoring devices are provided, they shall be connected to an approved visual or audible alarm.

Leak-detecting devices must be tested annually by the owner or occupant of the property on which the devices are located. Test results shall be maintained on the premises and be available to the fire-code official on request.

5004.2.2.6 Drainage system design. Drainage systems shall be in accordance with the Plumbing Code and all of the following:

1. The slope of floors to drains in indoor locations, or similar areas in outdoor locations shall not be less than one percent.
2. Drains from indoor storage areas shall be sized to carry the volume of the fire protection water as determined by the design density discharged from the automatic fire-extinguishing system over the minimum required system design area or area of the room or area in which the storage is located, whichever is smaller.
3. Drains from outdoor storage areas shall be sized to carry the volume of the fire flow and the volume of a 24-hour rainfall as determined by a 25-year storm.
4. Materials of construction for drainage systems shall be compatible with the materials stored.
5. Incompatible materials used in open systems shall be separated from each other in the drainage system. Incompatible materials are allowed to be combined when they have been rendered acceptable by an approved means for discharge into the public sewer.
6. Drains, including overflow from secondary containment, shall terminate in an approved location away from buildings, valves, means of egress, fire access roadways, adjoining property storm drains, waterways and critical environmental features (CEF's). Tanks shall be set back at 150 feet (45,720 mm) from any recognized waterway or CEF.

5005.1.8.1 Gas cabinets, exhausted enclosures, and exhaust ducts with a cross sectional dimension of 10 inches or greater shall be internally sprinklered.

5306.2 Interior supply location. Medical gases shall be stored in areas dedicated to the storage of such gases without other storage or uses. Where containers of medical gases in quantities greater than 300 ft³ (8.5 m³) and less than 1500 ft³ (42.5 m³) are located inside buildings, they shall be in a one-hour exterior room, a one-hour interior room or a gas cabinet in accordance with Section 5306.2.1, 5306.2.2, or 5306.2.3, respectively. Where containers of medical gases in excess of 1500 ft³ (42.5 m³) and less than 3,000 ft³ (85 m³) are located inside a building, they shall be protected by a local application fire sprinkler system in addition to the room or cabinet enclosure required by 5306.2.1, 5306.2.2 or 5306.2.3. Rooms or areas where medical gases are stored or used in quantities exceeding 3000 ft³ (85 m³) per control area shall be in accordance with the Building Code for high-hazard Group H occupancies.

5306.2.1 One-hour exterior rooms. A one-hour exterior room shall be a room or enclosure separated from the remainder of the building by fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both, with a fire-resistance rating of not less than one hour. Openings between the room or enclosure and interior spaces shall be self-closing smoke- and draft-control assemblies having a fire protection rating of not less than one hour. Rooms shall have at least one exterior wall that is provided with at least two vents. Each vent shall not be less than 72 square inches (0.046 m²) in area. One vent shall be within 12 inches (304.8 mm) of the floor and one shall be within 12 inches (304.8 mm) of the ceiling. Rooms containing medical gases in excess of 1,500 ft³ (42.5 m³) and less than 3,000 ft³ (85 m³) shall be provided with at least one local application automatic sprinkler to provide container cooling in case of fire.

5306.2.2 One-hour interior room. When an exterior wall cannot be provided for the room, the room shall be exhausted through a duct to the exterior. Supply and exhaust ducts shall be enclosed in a one-hour-rated shaft enclosure from the room to the exterior. Approved mechanical ventilation shall comply with the Mechanical Code and be provided at a minimum rate of one cubic foot per minute per square foot [0.00508 m³/(s × m²)] of the area of the room. Rooms containing medical gases in excess of 1500 ft³ (42.5 m³) and less than 3,000 ft³ (85 m³) shall be provided with at least one local application automatic sprinkler to provide container cooling in case of fire.

5306.2.3 Gas cabinets. Gas cabinets shall be constructed in accordance with Section 5003.8.6 and the following:

1. The average velocity of ventilation at the face of access ports or windows shall not be less than 200 feet per minute (61 m/s) with a minimum of 150 feet per minute (46 m/s) at any point of the access port or window.
2. Connected to a ducted exhaust system with exhaust ducts enclosed in a one-hour shaft enclosure to the exterior.
3. Internally sprinklered when the quantity of medical gases exceeds 1500 ft³ (42.5 m³).

5306.3 Exterior supply locations. Oxidizer medical gas systems located on the exterior of a building shall be located in accordance with Section 6304.2.1.

5404.2 Outdoor storage. Outdoor storage of corrosive materials shall be in accordance with Sections 5001, 5003, 5004 and this chapter.

Exception: Up to 10 gallons of corrosive liquids may be stored outside of buildings without spill control, drainage, and secondary containment provided:

1. The volume of individual containers is less than five gallons;
2. The containers are constructed of metal or plastic; and

3. The containers are located a minimum of 10 feet from property lines, exit openings, and storm water drains.

5404.2.1 Above-ground outside storage tanks. Above-ground outside storage tanks of corrosive liquids shall be provided with secondary containment in accordance with Section 5004.2.2.

5504.3.1.1 Stationary Containers. Stationary containers shall be separated from exposure hazards in accordance with the provisions applicable to the type of fluid contained and the minimum separation distance indicated in Table 5504.3.1.1. Storage of flammable cryogenic fluids, including liquefied natural gas (LNG), in aggregate quantities exceeding 15,000 gallon (56,781 L) water capacity is prohibited outside of a light industry (LI) zoning district except as provided in this section.

The placement of aboveground or below ground containers of flammable cryogenic fluids, including liquefied natural gas (LNG), in aggregate quantities exceeding 15,000 gallon water (56,781 L) capacity may be considered for other locations on a case-by-case basis provided zoning issues, secondary containment, and fire exposures are satisfactorily addressed including the identification of hazard ratings in accordance with Appendix F. Where the nearest off-site exposure(s) is (are) less than 500 feet (152.4 m) from the container(s) the placement may be permitted outside of a light industry (LI) zoning district by the fire code official only after notification of owners/occupants of properties within 500 feet (152.4 m), requesting their input in order to assess the potential effect on the community. Notice to adjacent property owners shall be accomplished in accordance with the established procedures outlined in the Title 25 (Land Development) for notice of applications and administrative actions or decisions.

5601.2.4 Financial responsibility. Before a permit is issued, the applicant shall submit proof of a public liability insurance policy, in the principal sum of \$5,000,000 for personal injuries and \$5,000,000 for property damage. The policy shall be current and shall name the City as an additional insured for the purpose of the payment of all damages to persons or property that arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Exception: The insurance requirements for fireworks and pyrotechnics are as follows:

- Aerial displays must carry a Certificate of Insurance for a minimum of \$1,000,000 (bodily injury) and \$500,000 (property damage).
- Non-aerial displays must carry a Certificate of Insurance for a minimum of \$500,000 (bodily injury) and \$300,000 (property damage). The City of Austin must be named as co-insured on the policy.
- The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required.

5601.2.4.1 Blasting. Before approval to do blasting is issued, the applicant for approval shall submit a certificate of insurance in such form, amount and coverage as determined by the legal department of the jurisdiction to be adequate in each case to indemnify the jurisdiction against any and all damages arising from permitted blasting.

5601.2.4.2 Fireworks display.

The permit holder shall furnish a certificate of insurance in an amount deemed adequate by the fire code official for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

5601.2.5 Permit application, review and fees. Blasting permit application, review and fees shall be in accordance with Sections 5601.2.5.1, 5601.2.5.2 and 5601.2.5.3.

5601.2.5.1 Permit application. To obtain a permit, the blaster must file with the fire code official an application at least 120 days in advance of the proposed work date. Each application must describe the proposed work, the location of the work, and the other pertinent information as may be required.

5601.2.5.2 Permit review. The fire code official may require written comments on each permit application from the various affected City departments. When in the opinion of the fire code official the departments have a valid objection to the issuance of a permit, no permit may be approved until the objection has been resolved to the satisfaction of the fire code official.

5601.2.5.3 Permit Fees. Permits authorized by the provisions of Section 5601.2.5 may be issued only on payment of the appropriate fee, which is set by separate ordinance. City departments are not required to pay permit fees when engaged in the work described in this section.

5601.2.6 Permit Denial. When in the opinion of the fire code official there is a substantial danger to life, health, or property in the immediate area exposed to the blasting, fireworks display or use of pyrotechnic materials for which a permit is being requested, the request shall be denied.

5601.4 Qualifications. Persons in charge of magazines, blasting, fireworks display, or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs that impair sensory or motor skills, shall not be less than 21 years of age and shall demonstrate knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks. Persons actively involved in or responsible for blasting, fireworks displays, or the production of pyrotechnic special effects or displays shall meet all applicable federal, state and local license requirements for the work or activity being performed. Persons actively involved in blasting must also meet the following:

1. have no felony convictions or two or more misdemeanors within two years preceding the date of application for a permit, containing intoxication as an element of the offense; and
2. have no revoked, suspended, or terminated blaster's license, or any criminal action involving blasting activities pending in a federal, state, or municipal court of law.

5607.4 Restricted hours. Surface-blasting operations shall only be conducted during daylight hours between sunrise and sunset. Other blasting shall be performed during daylight hours unless otherwise approved by the fire code official. Prior written approval is required for blasting to be conducted on Sunday, legal holidays, or between the hours of 5:00 p.m. and 8:00 a.m. on other days.

5607.5 Notification. All blasting operations must be preceded by a pre-blast notification to the owners or managers of all affected premises. The range of the pre-blast notification shall be at the discretion of the blaster and as required by the permit. Where blasting is being conducted in the vicinity of utility lines or rights-of-way, the blaster shall notify the appropriate representatives of the Austin Utility Location and Coordination Committee and the Transportation Public Works Department not less than 120 days in advance of blasting, specifying the location and intended time of such blasting. Verbal notices shall be confirmed with written notice.

Exception: In an emergency situation, the time limit shall not apply where *approved*.

5607.11.1 Approved blasting machines must be used. All other equipment is prohibited.

5607.12.1 Only blasting trunk wire of 18 gauge minimum may be used while conducting blasting operations under permits.

5607.14 Post-blast procedures. After the blast, the following procedures shall be observed:

1. Persons shall not return to the blast area until allowed to do so by the fire code official upon a recommendation from the blaster in charge.
2. The blaster shall allow sufficient time for smoke and fumes to dissipate and for dust to settle before returning to or approaching the blast area.
3. The blaster shall inspect the entire blast site for misfires before allowing other personnel to return to the blast area.

5607.16 Particle velocity limits and air overpressures. Particle velocities and air overpressures shall be in accordance with this section and Chapter 11 of NFPA 495. Particle velocities, frequencies, or air overpressure in excess of the prescribed limits shall require the immediate suspension of blasting and initiation of corrective measures. The fire code official may grant or require deviations from these limits as required to adequately protect the public safety.

5607.16.1 Particle velocity. Particle velocities shall not exceed 1.7 inches per second. Monitoring of particle velocities for all blasting operations shall be carried out as required in this section. When particle velocities exceed 0.5 inches per second, blast frequencies shall also be monitored.

5607.16.2 Air overpressures. Air overpressures shall not exceed the value specified in Chapter 11 of NFPA 495.

5607.17 Blast Monitoring. A blast monitor, such as a seismic blast recording machine, is required during all blasting operations for which a permit is issued by the City. Particle velocity shall be recorded in three mutually perpendicular axes. The maximum particle velocity shall be the maximum of any of the three axes. Blast monitoring shall be performed by an independent company, experienced in planning and implementing blast monitoring programs. The blast monitoring company shall prepare monitoring plans and shall be responsible for ensuring that the monitor sensors are placed properly and that the measuring and recording instruments function properly. The monitoring company shall prepare blast monitoring reports. All monitoring reports shall carry the seal of an engineer licensed in the State of Texas and shall be retained on file by the permit holder. These reports shall be submitted to the fire department.

Exception: When, in the opinion of the fire code official, the damage to structures or buildings due to blasting operations is unlikely, the requirements of this subsection may be waived.

5607.18 Conditions of Approval. The fire code official shall set other conditions for the approval of the application that are necessary to adequately protect public health and safety. These conditions may include, but are not limited to, reduced allowable particle velocities, reduced allowable air overpressure, additional monitoring, increased insurance protection, hours of operation, type and amount of explosives used, evacuations or shelter-in-place for occupants in adjacent structures, and engineered blasting plans.

5703.4 Spill Control, Drainage Control, and Secondary Containment.

5703.4.1 General. Tanks, buildings, rooms, and areas used for storage, dispensing, use, mixing, or handling of Class I, II, and III-A liquids shall be provided with a means to control spillage and to contain or drain spillage and fire protection water as set forth in Section 5004.2.

Exception: Up to 10 gallons of Class I, II, and III liquids may be stored outside of buildings without spill control, drainage, and secondary containment, provided:

1. The volume of individual containers is less than 5 gallons;
2. The containers are constructed of metal or plastic; and,
3. The containers are located a minimum of 10 feet from property lines, exit openings, and storm water drains.

5703.4.2 Spill Control. When spill control is required, floors of rooms, buildings or areas containing flammable or combustible liquids must be sloped; constructed with sumps and collection systems; recessed a minimum of four inches (101.6 mm); provided with a liquid-tight, raised sill to a minimum height of four inches (101.6 mm) to prevent the flow of liquids to adjoining areas; or otherwise constructed to contain a spill from the largest single container or tank. The floor and sill must be constructed of noncombustible material and must be liquid-tight. The liquid-tight seal must be compatible with the material being stored. When raised sills are provided, they are not required at perimeter openings that are provided with an open-grate trench across the opening that connects to an approved drainage control system.

5703.4.3 Drainage Control.

5703.4.3.1 General. When drainage control is required, rooms, buildings or areas must be provided with a drainage system to direct the flow of liquids to an approved location or treatment system, or be provided with secondary containment for the flammable and combustible liquids and fire protection water.

5703.4.3.2 Sizing. Drains shall be sized to carry the sprinkler system design flow rate over the sprinkler system design area. The slope of drains may not be less than one percent. The drains must be liquid-tight. Materials used to construct drainage systems must be compatible with the stored materials.

5703.4.3.3 Incompatible Materials. Incompatible materials must be separated from each other in drainage systems.

Exception: Incompatible materials are allowed to be combined when they have been rendered acceptable for discharge by an approved means into the public sewer.

5703.4.3.4 Neutralizers and Treatment Systems. Drainage systems for spillage and fire-protection water which are directed to a neutralizer or treatment system shall comply with the following:

1. The system must be designed to handle the maximum worst-case spill from the single largest container plus the volume of fire protection water from the system over the minimum design area for a water flow duration of 20 minutes; and
2. Overflow control from the neutralizer or treatment system must direct liquid leakage and fire protection water to a safe location away from buildings, material, or fire-protection control valves, means of egress, adjoining properties or fire apparatus access roadways.

5703.4.4 Secondary Containment. When secondary containment is required:

1. Drains must be directed to a containment system or other location designed as secondary containment for flammable or combustible liquids and fire-protection water; or
2. The room, building or area must be designed to provide secondary containment of flammable and combustible liquids and fire-protection water through the use of recessed floors or liquid-tight, raised sills.

5703.4.4.1 Sizing of Indoor Containment. Secondary containment must be designed to retain the spill from the largest single container plus the design flow rate of the sprinkler system for the area of the room or area in which the storage is located or the sprinkler system design area, whichever is smaller. The containment capacity must be capable of containing the water flow from a discharge having a duration of 20 minutes.

5703.4.4.2 Sizing of Outdoor Containment. If the storage area is open to rainfall, the secondary containment shall be designed to accommodate the volume of the largest container or tank plus a 24-hour rainfall as determined by a 25-year storm data from NOAA.

Exception: Listed tanks constructed with an integral method of secondary containment.

5703.4.4.3 Construction of Secondary Containment. The floor and walls of the secondary containment must be constructed of noncombustible material and must be liquid-tight. The liquid-tight seal must be compatible with the material being stored. In addition to these requirements, walls must be constructed in accordance with Section 5004.2.

5703.4.4.4 Overflow. Overflow control from the secondary containment system must direct liquid leakage and fire-protection water to a safe location away from buildings, material or fire-protection control valves, means of egress, fire apparatus access roadways, adjoining properties, storm drains, waterways, and critical environmental features (CEFs). Tanks shall be set back at least 150 feet from any recognized waterway or CEF.

5703.4.4.5 Monitoring and Leak Detection.

5703.4.4.5.1 Method. A monitoring method capable of detecting hazardous material leakage from the primary containment into the secondary containment must be provided. When visual inspection of the primary containment is not practical, other approved means of monitoring are allowed. When double walled tanks are used to provide secondary containment for Class I and II liquids, automatic leak detection devices must be provided. When secondary containment is subject to the intrusion of water, a monitoring method for detecting the water must be provided. When monitoring devices are provided, they must be connected to distinct visual or audible alarms.

5703.4.4.5.2 Testing. Leak-detecting devices shall be tested annually by the owner or occupant of the property on which they were located. Test results shall be maintained on the premises and available to the fire code official on request.

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited outside of a major industry (MI) district.

Exceptions:

1. The storage of up to 12,000 gallons (45,425 L) of Class I and II liquids within the limits defined as Light Industrial is allowable provided the tank is listed and labeled "protected aboveground tank", and is installed in accordance with Section 5704.2.9.7 and its listing. The product shall be a noncorrosive, nonreactive liquid having a specific gravity equal to or less than one.
2. The storage of up to 1,100 gallons (4,164 L) of Class I and II liquids at construction sites is allowed provided the tank is listed, labeled, and installed in accordance with its listing.
3. The placement of aboveground storage tanks at other locations or of greater capacity may be considered on a case-by-case basis provided zoning issues, secondary containment, and fire exposures are satisfactorily addressed. The placement of aboveground tanks of Class I and II liquids in aggregate quantities exceeding 12,000 gallons (45,425 L) water capacity, where the nearest off-site exposure(s) is (are) less than 500 feet (152.4 m) from the tank(s), may be permitted by the fire code official only after notification of owners/occupants of properties within 500 feet (152.4 m) requesting their input in order to assess the potential effect on the community. Notice to adjacent property owners shall be accomplished in accordance with the established procedures outlined in the Title 25 (Land Development) for notice of applications and administrative actions or decisions.

5704.2.10 Drainage and diking. The area surrounding a tank or group of tanks shall be provided with drainage control or shall be diked to prevent accidental discharge of liquid from endangering adjacent tanks, adjoining property, reaching waterways, or CEF's.

Exceptions:

1. For tank installations having an aggregate volume of less than 50,000 gallons, the fire code official is authorized to alter or waive these requirements based on a technical report which demonstrates that such tank or group of tanks does not constitute a hazard to other tanks, waterways, CEF's, or adjoining property, after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings on the same or adjacent property, capacity, and construction of proposed tanks and character of liquids to be stored, and nature and quantity of private and public fire protection provided.
2. Drainage control and diking is not required for listed secondary containment tanks.

5704.2.10.1 Volumetric capacity. The volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area plus a 24-hour rainfall as determined by a 25-year storm data from NOAA. The capacity of the diked area enclosing more than one tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike.

5704.2.11.1 Location. Flammable and combustible liquid storage tanks located underground shall be in accordance with all of the following:

1. Tanks shall be located with respect to existing foundations and supports such that the loads carried by the latter cannot be transmitted to any portion of the area excavated for the installation of the tank.
2. The distance from any part of an excavated area intended for the installation of a tank for storing liquids to the nearest wall of a basement, pit, cellar, or lot line shall not be less than five feet (1523 mm).
3. A minimum distance of two feet (610 mm), shell to shell, shall be maintained between underground tanks.

5704.2.11.2 Depth and cover. Excavation for underground storage tanks shall be made with due care to avoid undermining of foundations of existing structures. Underground tanks shall be set on firm foundations and surrounded with at least two feet (610 mm) of noncorrosive inert material, such as clean sand or pea gravel well tamped in place or in accordance with the manufacturer's installation instructions. Tanks shall be covered with a minimum of two feet (610 mm) of earth or shall be covered by not less than one foot (305 mm) of earth, on top of which shall be placed a slab of reinforced concrete not less than four inches (102 mm) thick.

When underground tanks are, or are likely to be, subjected to traffic, they shall be protected against damage from vehicles passing over them by at least three feet (915 mm) of earth cover, or 18 inches (457 mm) of well-tamped earth plus six inches (152 mm) of reinforced concrete, or eight inches (203 mm) of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least two feet (610 mm) horizontally beyond the outline of the tank in all directions.

For tanks built in accordance with Section 5704.2.7, the burial depth and the height of the vent line shall be such that the static head imposed at the bottom of the tank will not exceed 10 psig (68.9 kPa) if the fill or vent pipe is filled with liquid.

If the depth of cover exceeds seven feet (2134 mm) or the manufacturer's specifications, reinforcements shall be provided in accordance with the tank manufacturer's recommendations.

Nonmetallic underground tanks shall be installed in accordance with the manufacturer's instructions. The minimum depth of cover shall be as specified above in this section.

5704.2.11.4.1 Inventory control. Daily inventory records shall be maintained for underground storage tank systems. Fill and withdrawal amounts shall be reconciled monthly.

5803.1.1 Special limitations for indoor storage and use. Flammable gases shall not be stored or used in Group A, E, I or R occupancies or in offices in Group B occupancies.

Exceptions:

1. Cylinders of nonliquefied compressed gases not exceeding a capacity of 250 cubic feet (7.08 m^3) or liquefied gases not exceeding a capacity of 40 pounds (18 kg) each at normal temperature and pressure (NTP) used for maintenance purposes, patient care or operation of equipment.
2. Food service operations in accordance with Section 6103.2.1.7.

6101.2 Permits. The requirements in this chapter for permits to store or use hazardous materials within the City are applicable to a permit to store, use, handle, or dispense LP-gas, or to install or maintain an LP-gas container.

Permits shall be required as set forth in Section 105.6. As noted in Section 105.6.21.7 of these amendments, a permit is not required for non-commercial use at a single family residence. However, the information concerning location and exposures, as outlined in the Fire Protection Criteria Manual, shall be provided to the fire department by the owner of the residence.

Where a single container is over 2,000 gallon (7571 L) or the aggregate capacity of containers is over 4,000 gallon (15,142 L) water capacity, the installer shall submit plans for the installation.

Distributors shall not fill an LP-gas container for which a permit is required unless a permit for installation has been issued for that location by the fire code official.

6103.2.1.2 Construction and temporary heating. Portable LP-gas containers are allowed to be used in buildings or areas of buildings undergoing construction or for temporary heating as set forth in Sections 6.23.4, 6.23.5 and 6.23.8 of NFPA 58.

6103.2.2 Industrial vehicles and floor maintenance machines. LP-gas containers on industrial vehicles and floor maintenance machines shall comply with Sections 11.11 and 11.12 of NFPA 58.

6104.2 Maximum capacity within established limits. The storage of LP-gas in aggregate quantities greater than 2000 gallons (7571 L) water capacity is not permitted within the city. The storage of LP-gas in aboveground or below ground containers, greater than 24 gallons (91 L) water capacity and up to a maximum of 2000 gallons (7571 L) water capacity, is prohibited outside of Major Industry (MI) or Light Industry (LI) districts. Location of containers within a Light Industry zoning district may be approved by the fire code official, subject to zoning and fire exposure concerns being satisfactorily addressed.

Exceptions:

The fire code official may approve the placement of aboveground or below ground containers for single family residential, multi-family residential or commercial occupancies on a case-by-case basis, provided the container and appurtenances are listed and installed in accordance with that listing, and issues such as zoning and fire exposures are satisfactorily addressed. Guidance for evaluating locations for acceptability is published in the Fire Protection Criteria Manual.

and

Where the nearest off-site exposure(s) is(are) less than 1,000 feet (304.8 m) from the tank(s), the fire code official may approve the placement of aboveground or below ground containers of LP-gas in aggregate quantities exceeding 2000-gallon water capacity only after notification of owners/occupants within 1,000 feet (304.8 m) of the tank(s) to assess the potential effect on the community. Notice to adjacent property owners and occupants shall be accomplished in accordance with the established procedures outlined in the Title 25 (Land Development) for notice of applications and administrative actions or decisions, with the exception that notice shall be made to a distance of 1000 feet (304.8 m).

6104.3.2 Special hazards. LP-gas containers shall also be located with respect to special hazards including, but not limited to, above-ground flammable or combustible liquid tanks, oxygen or gaseous hydrogen containers, flooding or electric power lines as specified in Sections 6.4 and 6.5 of NFPA 58.

6104.4 Multiple LP-gas container installations. Multiple LP-gas container installations with a total water storage capacity of more than 180,000 gallons (681 300 L) [150,000-gallon (567 750 L) LP-gas capacity] shall be subdivided into groups containing not more than 180,000 gallons (681 300 L) in each group. Such groups shall be separated by a distance of not less than 50 feet (15 240 mm), unless the containers are protected in accordance with one of the following:

1. Mounded in an approved manner.
2. Protected with approved insulation on areas that are subject to impingement of ignited gas from pipelines or other leakage.
3. Protected by firewalls of approved construction.
4. Protected by an approved system for application of water as specified in Table 6.5.1.2 of NFPA 58.
5. Protected by other approved means.

Where one of these forms of protection is provided, the separation shall not be less than 25 feet (7620 mm) between LP-gas container groups.

6107.2 Smoking and other sources of ignition. "No Smoking" signs complying with Section 310 shall be posted when required by the fire code official. Smoking within 25 feet (7620 mm) of a point of transfer, while filling operations are in progress at LP-gas containers or vehicles, shall be prohibited.

Control of other sources of ignition shall comply with Chapter 3 of this code and Section 6.23 of NFPA 58.

6109.11.2 Construction. The construction of such buildings and rooms shall comply with requirements for Group H occupancies in the Building Code, Chapter 10 of NFPA 58 and both of the following:

1. Adequate vents shall be provided to the outside at both top and bottom, located at least five feet (1524 mm) from building openings.
2. The entire area shall be classified for the purposes of ignition source control in accordance with Section 6.26 of NFPA 58.

6303.1.1.2.1 A maximum of 110 pounds (49.9 kg) of solid Class 3 oxidizer is allowed in nonresidential detached storage adjacent to Group R occupancies, when such materials are necessary for maintenance purposes associated with swimming pools. The oxidizers shall be stored in approved containers and in an approved manner.

CHAPTER 80 REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document and the 2024 International Fire Code. The standards within Chapter 80 of the 2024 International Fire Code and the amendments adopted by the City are listed herein and in the published code by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The references specifically amended below replace the reference within the published code. All other references remain as published by the International Code Council (ICC). The application of the referenced standards shall be as specified in Section 102.7.

| NFPA | | National Fire Protection Association Batterymarch Park Quincy, MA 02269 |
|----------------------------------|--|---|
| Standard Reference Number | Title | Referenced In Code Section Number |
| 13—2025 | Installation of Sprinkler Systems. | 903.3.1.1, 903.3.2, 903.3.8.2, 903.3.8.3.5, 904.14, 905.3.4, 907.6.4, 914.3.2, 1019.3, 1103.4.8, 3201.1, 3204.2, 3205.5, Table 3206.2, 3206.4.1, 3206.10, 3207.2, 3207.2.1, 3208.2.2, 3208.2.2.1, 3208.4, 3210.1, 3401.1, 5104.1, 5104.1.1, 5106.5.7, 5704.3.3.9, Table 5704.3.6.3(7), 5704.3.7.5.1, 5704.3.8.4 |
| 13D—2025 | Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes. | 903.3.1.3 |
| 13R—2025 | Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height. | 903.3.1.2, 903.3.5.2, 903.4.1 |
| 14—2024 | Installation of Standpipe and Hose Systems. | 905.2, 905.3.4, 905.4.2, 905.6.2, 905.8 |
| 20—2025 | Installation of Stationary Pumps for Fire Protection. | 913.1, 913.2, 913.5.1 |

| | | |
|----------|--|--|
| 72—2025 | National Fire Alarm and Signaling Code. | 508.1.6, Table 901.6.1, 903.4.2, 904.3.5, 907.1.2, 907.2, 907.2.6, 907.2.9.3, 907.2.11, 907.2.13.2, 907.3, 907.3.3, 907.3.4, 907.5.2.1.2, 907.5.2.1.3, 907.5.2.2, 907.5.2.2.5, 907.6, 907.6.1, 907.6.2, 907.6.6, 907.7, 907.7.1, 907.7.2, 907.8, 907.8.2, 907.8.4, 915.3.2, 915.3.3, 915.3.4, 915.5.2, 915.6, 917.1, 1032.8, 1103.3.2, 1203.2.4, 1207.5.4, 1207.6.1.2.3, 1207.6.1.2.4, Table 1207.7, 2810.11 |
| 92—2024 | Smoke Control Systems. | 909.7, 909.8 |
| 720—2015 | Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment. | 915.5.1, 915.5.2, 915.6 |
| 855—2023 | Standard for the Installation of Stationary Energy Storage Systems. | 1201.1 |

B104.1 General. The *fire-flow calculation area* shall be the total floor area of all floor levels within the *exterior walls*, and under the horizontal projections of the roof of a building.

Exceptions:

1. The fire-flow calculation area of buildings constructed of Types IA and IB construction shall be the area of the three largest successive floors.
2. The fire-flow calculation area for open parking garages of Types IA and IB construction shall be determined by the area of the largest floor.
3. The fire-flow calculation for one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be the total combined fire-flow calculation areas for structures separated by less than 10 feet (3.05 m).

B104.2 Area separation. Portions of buildings that are separated by fire walls without openings, constructed in accordance with the Building Code, are allowed to be considered as separate fire-flow calculation areas.

Exception: The fire-flow calculation area of buildings separated by fire walls with openings, constructed in accordance with the Building Code, shall be the area of the two adjacent portions of the building with the most demanding fire-flow when combined.

Source: Ord. No. 20171207-098, Pt. 1, 1-17-18; Ord. No. 20210603-056, Pt. 1, 9-1-21; Ord. No. 20250410-039, Pt. 1, 7-10-25.

ARTICLE 8. - WILDLAND-URBAN INTERFACE CODE.

§ 25-12-181 - INTERNATIONAL WILDLAND-URBAN INTERFACE CODE.

- (A) The International Wildland-Urban Interface Code and Appendices A, B, C, and D, 2024 Edition, published by the International Code Council ("2024 International Wildland-Urban Interface Code") is adopted and incorporated by reference into this section with the deletions, amendments, and additions in Subsections (B), (C), (D), and (E) and Section 25-12-183 (Local Amendments to the 2024 Wildland-Urban Interface Code).
- (B) The following provisions of the 2024 Wildland-Urban Interface Code are deleted. Unless specifically listed in this table, a subsection contained within a deleted section or subsection is not deleted:

| | | | |
|-------|--------|-------------|---------|
| 101.1 | 106.10 | 106.12 | 505.9 |
| 106.9 | 106.11 | Table 503.1 | 604.4.1 |

- (C) The following provisions of the 2024 International Wildland-Urban Interface Code are amended. Unless specifically listed in this table, a subsection contained within an amended section or subsection is not amended.

| | | | | | | |
|--------------------------|--------------------------|---------|--------------------------|-------------|-------------|-----------------|
| 101.2 | 106.3 | 401.1 | 403.7 | 504.4 | 505.10 | Table 603.2 |
| 101.4 | 106.7 | 402.1 | Sec. 404 and subsections | 504.7 | 505.10.3 | 603.2.1 |
| 101.5 | 106.8 | 402.1.1 | 501.1 | 504.7.1 | 505.11 | 603.2.2 |
| 102.4 | 107 heading | 402.1.2 | 501.2 | 504.10 | 505.11.1 | 603.2.3 |
| 102.4.1 | Sec. 107 and subsections | 402.2 | 502 Heading | 504.10.3 | 506 heading | 604 heading |
| 103.1 | Sec. 108 and subsections | 402.2.1 | Sec. 502 and subsections | 504.11 | 506.1 | 604.4 |
| 103.2 | Sec. 109 and subsections | 402.2.2 | 503.1 | 504.11.1 | 506.2 | 606.1 |
| 103.3 | 110 heading | 403.1 | 503.2 | 505 heading | 506.4 | 606.2 |
| 104 heading | Sec. 110 and subsections | 403.2 | 503.2.3 | 505.3 | 506.5 | 607.1 |
| Sec. 104 and subsections | Sec. 111 and subsections | 403.2.1 | 503.2.4 | 505.4 | 507.1 | C101.1 |
| Sec. 105 and subsections | Sec. 112 and subsections | 403.2.3 | 504 heading | 505.7 | 602.1 | Table C101.1 |
| 106.1 | Sec. 113 and subsections | 403.2.4 | 504.1 | 505.7.1 | 603 heading | Appendix D |
| 106.2 | 302.2 | 403.3 | 504.3 | 505.8 | 603.2 | |

(D) The following provisions are added to the 2024 Wildland-Urban Interface Code.

| | | |
|-----------|-----------|---------|
| 102.4.3 | 505.2.1.1 | 506.4.2 |
| 202.1 | 505.2.2 | 506.4.3 |
| 302.4 | 505.2.2.1 | 506.4.4 |
| 302.4.1 | 505.2.2.2 | 506.4.5 |
| 403.8 | 505.2.2.3 | 506.4.6 |
| 403.9 | 505.2.2.4 | 506.5.1 |
| 503.2.5 | 505.3.1 | 506.5.2 |
| 504.2.1.1 | 505.3.2 | 506.5.3 |

| | | |
|-----------|-----------|---------|
| 504.2.2 | 505.3.3 | 506.6 |
| 504.2.2.1 | 505.3.4 | 506.6.1 |
| 504.2.2.2 | 505.3.5 | 506.7 |
| 504.2.2.3 | 505.7.2 | 506.8 |
| 504.2.2.4 | 505.11.2 | 506.8.1 |
| 504.3.1 | 506.2.1.1 | 506.8.2 |
| 504.3.2 | 506.2.2 | 603.2.4 |
| 504.3.3 | 506.2.2.1 | |
| 504.3.4 | 506.2.2.2 | |
| 504.3.5 | 506.2.2.3 | |
| 504.7.2 | 506.2.2.4 | |
| 504.11.2 | 506.4.1 | |

(E) The following definitions are deleted from Section 202 (General Definitions) in the 2024 International Wildland-Urban Interface Code:

IGNITION-RESISTANT CONSTRUCTION, CLASS 1

IGNITION-RESISTANT CONSTRUCTION, CLASS 2

IGNITION-RESISTANT CONSTRUCTION, CLASS 3

(F) The city clerk shall file a copy of the 2024 International Wildland-Urban Interface Code with the official ordinances of the City.

Source: Ord. No. [20200409-040](#), Pt. 2, 1-1-21; Ord. No. [20250410-041](#), Pt. 1, 7-10-25.

§ 25-12-182 - CITATIONS TO THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE.

In the City Code, "Wildland-Urban Interface Code" means the 2024 Wildland-Urban Interface adopted by [Section 25-12-181](#) (*International Wildland-Urban Interface Code*) and as amended by [Section 25-12-183](#) (*Local Amendments to the International Wildland-Urban Interface Code*). In this article, "this code" means the Wildland-Urban Interface Code.

Source: Ord. No. [20200409-040](#), Pt. 2, 1-1-21; Ord. No. [20250410-041](#), Pt. 1, 7-10-25.

§ 25-12-183 - LOCAL AMENDMENTS TO THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE.

The following provisions are local amendments to the 2024 International Wildland-Urban-Interface Code. Each provision of this section is a substitute for the identically numbered provision amended or deleted in [Section 25-12-181\(B\)](#) or [\(C\)](#) (*International Wildland-Urban Interface Code*) or is an addition to the 2024 International Wildland-Urban Interface Code.

101.2 Scope. The provisions of the code shall apply to the construction, alteration, movement, repair, maintenance, and use of any building, structure, or premises within the wildland-urban interface areas in this jurisdiction. Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use, or occupancy was legal at the time of the adoption of this code, provided that such continued use does not constitute a distinct danger or an extreme hazard to life or property. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

101.4 Retroactivity. The provisions of this code apply to conditions that arise beginning on and after the effective date of this code. If, in the opinion of the code official, the existing conditions constitute a distinct danger or extreme hazard to life or property, the code official may require compliance with provisions of this code to mitigate those existing conditions.

101.5 Additions or alterations. Additions or alterations shall be permitted to be made to any existing building or structure without requiring the unaltered portion of the existing building or structure to comply with the requirements of this code, provided that the entire addition or alteration to the existing structure conforms to that required for a new building or structure. Additions or alterations shall not create an unsafe condition to the existing structure or

site as determined by the authority having jurisdiction (AHJ). Additions or alterations for a Limited Access Residential Infill Project are required to complete a Fire Hazard Severity Form in accordance with Appendix C and provide mitigation per Section 502.2 where the project receives a score of 15 or more for Part 1, 30 or more for Part 2, or a combined score of 40 or above.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 7 (Referenced Standards) and Chapter 80 (Referenced Standards) of the Fire Code. Such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1, 102.4.2, and 102.4.3.

102.4.1 Conflicts. Except as otherwise provided in City Code, the provisions of this code prevail over a referenced code or standard that conflicts with this code.

102.4.3 Fire Protection Criteria Manual. Additional information on procedures and rules for administration of this code are available in the Fire Protection Criteria Manual.

103.1 Creation of agency. The office of the Fire Marshal at the Austin Fire Department, under the direction of the Fire Chief, is authorized to implement, administer, and enforce the provisions of this code.

103.2 Appointment. The fire chief is appointed by the City Manager in accordance with the policies and procedures of the City of Austin and in compliance with state law. The fire chief serves as the fire code official. Within the Wildland-Urban Interface Code the term "code official" means fire code official.

103.3 Deputies. The fire chief appoints the fire marshal and assistant fire marshals, inspectors, or other employees and delegates duties consistent with the policies and procedures of the Austin Fire Department. Where the terms "code official", "fire code official", "fire chief", "chief", "fire department", or "fire marshal" are used in the Wildland-Urban Interface Code, the provisions apply to assistant fire marshals, inspectors, engineering professionals, and other fire department employees in the execution of their assigned duties.

SECTION 104 DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

The code official in this code has the powers of the fire code official in Section 104 of the Fire Code. Where the term "this code" or "Fire Code" are used within the Fire Code, the provisions apply to the Wildland-Urban Interface Code.

SECTION 105 PERMITS

105.1 General. Where not otherwise provided in the requirements of the Land Development Code, the Building Code, the Fire Code, or the Residential Code, permits are required in accordance with Sections 105.2 and 105.3.

105.2 Permits required. Unless otherwise exempted, buildings or structures regulated by this code shall not be erected, constructed, altered, repaired, moved, removed, converted, demolished, or changed in use or occupancy without an approved applicable city permit. For buildings or structures erected for temporary uses, see Appendix A, Section A108.3, of this code.

105.2.1 Extreme hazard condition. A permit shall not be issued to construct a structure on a site designated as an extreme hazard as defined and set forth by the provisions of this code.

105.3 Work Exempt from Permit. Except as required by the Building Code, Fire Code, or Residential Code, or other adopted codes, a permit is not required for the following:

1. a one-story detached non-habitable accessory structure provided the use and floor area meet the exceptions of those allowed by Section 501.1 of this code; and
2. a fence that does not exceed seven feet (2133.6 mm) high where subject to compliance with the Building Code and eight feet (2438 mm) high where subject to compliance with the Residential Code.

A structure or fence constructed without a permit, as allowed by this provision, must comply with this code. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. The *code official* is authorized to stipulate conditions for permits. Permits shall not be issued where public safety would be at risk, as determined by the *code official*.

105.4 Additional Permit Requirements. For additional permitting requirements including but not limited to application, approval, issuance, and time limitations, see Section 105 of the Fire Code; Section 105 of the Building Code; and Section 105 of the Residential Code.

105.5 Time limits. Article 13 (*Administration of Technical Code*) of this chapter establishes permit application time limits and requirements applicable to permit expiration and reactivation, including a review fee for expired permits. See also Section 105 of the Fire Code.

106.1 General. Plans, engineering calculations, diagrams, and other data shall be submitted in a digital format with each application for a permit. The construction documents shall meet the requirements of the Fire Code and be prepared by a registered design professional where required by the applicable Texas law or City rule or regulation. Where special conditions exist, the *code official* is authorized to require additional documents to be prepared by a registered design professional.

106.2 Information on plans and specifications. Plans and specifications shall be drawn to scale in digital format and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed. Plans shall show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations.

106.3 Site Plan. In addition to the requirements for plans in the Building Code, the Fire Code, and the current Land Development Code, site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, and site water supply systems. The code official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration, repair, or where otherwise warranted.

106.7 Vicinity plan. When required by the code official and in addition to a site plan, a vicinity plan shall be prepared and shall be submitted to the code official for review and approval. The vicinity plan shall be prepared by a Texas licensed Engineer, a Texas licensed Architect, a Texas licensed Landscape Architect, or by other sources when approved by the AHJ.

106.8 Additional construction document requirements. For additional construction document requirements including but not limited to retention of plans, examination of documents, amended construction documents, previous approvals, and phased approval see Section 106 of the Fire Code.

SECTION 107 TEMPORARY STRUCTURES AND USES. For temporary structures and uses see Chapter 31 of the Fire Code.

SECTION 108 FEES. For fee requirements see Section 108 of the Fire Code.

SECTION 109 INSPECTION AND ENFORCEMENT. For inspection and enforcement see Sections 109 and 113 of the Fire Code.

SECTION 110 CERTIFICATE OF OCCUPANCY. For certificate of occupancy requirements see Chapter 25-1 Article 9 (Certificates of Compliance and Occupancy), Section 111 of the Building Code; and Section R110 of the Residential Code.

SECTION 111 SERVICE UTILITIES. For service utilities see Section 111 of the Fire Code.

SECTION 112 MEANS OF APPEALS. For appeals see Section 112 of the Fire Code.

SECTION 113 STOP WORK ORDER. For stop work orders see Section 114 of the Fire Code.

202.1 Supplemental and replacement definitions. The following definitions in this subsection apply throughout this code and supplement the definitions in Section 202 (*Definitions*) of the 2024 International Wildland-Urban Interface Code, as published.

ACCESSORY STRUCTURE. An accessory structure is a non-habitable structure that does not contain any type of plumbing and that is used for such things as general storage buildings, lawn and garden sheds, green houses, pump houses, and similar structures.

BUILDING. Any structure intended for supporting or sheltering any occupancy that would not be considered an accessory structure.

CODE OFFICIAL. The fire chief or the fire chiefs designee designated to interpret and enforce the fire code and this code.

DRIVEWAY. A vehicular ingress and egress route that serves no more than three buildings or structures on an individual lot, including accessory structures, and no more than three dwelling units on an individual lot.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EXTREME HAZARD. A condition that, in the opinion of the code official, makes a site or structure located within wildland-urban interface areas unusually more dangerous due to, but not limited to, restrictions in access, lack of adequate water supply, types of fuels, topography or the lack of surrounding open space to conduct safe fire-fighting operations. Properties that score a 40 or higher on the Fire Hazard Severity form in Appendix C of this code also qualify as an Extreme Hazard.

FIRE SEPARATION DISTANCE. Fire Separation Distance between structures shall be compliant with the definitions as provided in the Building Code and Residential Code. Fire Separation Distance between a structure and the wildland shall be per Section 603.2 of this code.

FLAME SPREAD INDEX. A comparative measure, expressed as a dimensionless number, derived from visual measurements of the spread of flame versus time for a material tested in accordance with ASTM E 84, UL 723, or ASTM E 2768.

FUEL, HEAVY. Vegetation consisting of round wood three to eight inches (76 to 203 mm) in diameter. See fuel models for Closed Juniper Woodland and Mixed Juniper Hardwood Forest described in Appendix D.

FUEL, LIGHT. Vegetation consisting of herbaceous plants and round wood less than one-fourth inch (6.4 mm) in diameter. See fuel models for Sparse Dry Climate Grass described in Appendix D.

FUEL, MEDIUM. Vegetation consisting of round wood one-fourth to three inches (6.4 to 76 mm) in diameter. See fuel models for Aggrading Juniper Shrub described in Appendix D.

GREEN BELT. A series of connected open spaces that may follow natural features such as ravines, creeks or streams.

IGNITION-RESISTANT (IR) CONSTRUCTION. A construction method that uses building materials that when used alone or when assembled as a unit will resist exterior ignition and sustained combustion from direct flame impingement, radiant heat, or embers. IR Construction shall also resist interior ignition of materials by reducing the radiant heat transfer from direct flame in close proximity to the structure through windows or doors. The extent of the required IR Construction shall be dependent on the proximity to the wildland based on the *proximity zone* designation of the structure.

LIMITED ACCESS COMMUNITY. A residential area or subdivision that contains more than 30 dwelling units and only has one main entrance or exit to a primary road connecting the area or subdivision to the broader road network.

LIMITED ACCESS RESIDENTIAL INFILL PROJECT. The addition of one or more new dwelling units in a Limited Access Community.

PROXIMITY ZONE. The designation given to a structure to determine the enhanced ignition-resistant construction required to reduce the effects of a wildfire on the structure. The proximity zone is based on the distance of the structure from the wildland per Section 302.4.

TURNOUT. A turnout is a section of road parallel to a driveway or access road where a vehicle can pull to the side to allow other vehicles to pass.

WILDLAND. An area in which development is essentially nonexistent including but not limited to grassland, pastures and farmland, shrub-covered and treed areas, easements, unmitigated parkland, and other natural surfaces that are not regularly maintained.

WILDLAND-URBAN INTERFACE (WUI) AREA. An area designated by the City Council, based on formulation and input from the Texas A&M Forest Service and modified and implemented by Austin Fire Department Wildfire Division, where conditions affecting the combustibility of both wildland and built fuels allow for the ignition and spread of fire through the combined fuel complex.

302.2 Mapping. The wildland-urban interface (WUI) areas shall be recorded on maps available for inspection by the public. Due to the complexity of the areas and limitations in the mapping programs, some areas that are in the WUI may not show up as such in the map. It shall be by the determination of this code and the code official to determine if the property is in the Wildland-Urban Interface and the Proximity Zone designation as provided in Section 302.4 of this code. Distance to the wildland shall be measured from the structure to the actual wildland, regardless of the location of the property line.

302.4 Proximity Zone designation. Structures located in a designated wildland-urban interface area shall be designated as either Proximity Zone A, Proximity Zone B, or Proximity Zone C depending on the distance from the wildland and shall comply with the applicable Sections 504 through 506 of this code and the requirements of the Building or Residential Codes and the Fire Code as applicable.

Proximity Zone A structures are those that are 50 feet or closer to 40 acres of wildland.

Proximity Zone B structures are those that are greater than 50 feet and up to 150 feet from 40 acres of wildland.

Proximity Zone C structures are those that are greater than 150 feet up to 0.5 miles from 40 acres of wildland and up to 1.5 miles from 750 acres of wildland.

302.4.1 Proximity Zone Conflicts. When a structure is located on a lot where there is a conflict with the Proximity Zone designation, the most restrictive Proximity Zone shall be used for the entire structure.

401.1 Scope. Wildland-urban interface areas shall be provided with emergency vehicle access and water supply in accordance with this chapter and the Fire Code.

402.1 Subdivisions. All subdivisions, as described in the City Code [Chapter 25-4 \(Subdivision\)](#), that are wholly or partially located in a designated wildland-urban interface area and platted after the adoption of this code shall comply with the Land Development Code, Sections 402.1.1 and 402.1.2 of this code, and the Fire Code.

402.1.1 Access. New subdivisions and resubdivisions, as determined by this jurisdiction, shall be provided with fire apparatus access roads and access requirements in accordance with the Chapter 5 of the Fire Code, Section 403 of this code, and the currently adopted Land Development Code. Where more than 30 dwelling units are served by a single fire apparatus access road, including Limited Access Residential Infill Projects, a completed Fire Hazard Severity form in accordance with Appendix C shall be submitted to the code official and mitigation provided per Section 502.2 if the project receives a score of 15 or more for Part 1, 30 or more for Part 2, or a combined score of 40 or above.

402.1.2 Water supply. New subdivisions as determined by this jurisdiction shall be provided with a conforming water supply in accordance with Section 404 of this code and Chapter 5 of the Fire Code.

402.2 Individual structures. Individual structures shall comply with Sections 402.2.1 and 402.2.2 of this code and the Fire Code.

402.2.1 Access. Individual structures hereafter constructed or relocated into or onto a site located within a *wildland-urban interface area* shall be provided with fire apparatus access in accordance with Chapter 5 of the Fire Code and required driveways in accordance with Section 403.2 of this code. Any structures served by a single fire apparatus access road serving more than 30 dwelling units, including Limited Access Residential Infill Projects, shall

submit a completed Fire Hazard Severity form in accordance with Appendix C to the code official and mitigation shall be provided per Section 502.2 where the project receives a score of 15 or more for Part 1, 30 or more for Part 2, or a combined score of 40 or above. Marking of fire protection equipment and the site's address markers shall be provided in accordance with Chapter 5 of the Fire Code and Sections 403.5 and 403.6 of this code.

402.2.2 Water supply. Individual structures hereafter constructed, remodeled, or relocated into or onto a site located within a *wildland-urban interface area* shall be provided with a conforming water supply in accordance with Chapter 5 of the Fire Code. For residential one- and two-family dwellings in WUI areas where a conforming water supply is not available an automatic sprinkler system in accordance with Section 602.1 shall be installed, regardless of the size of the structure.

403.1 Restricted access. Where emergency vehicle access is restricted because of secured access roads or *driveways* or where immediate access is necessary for lifesaving or firefighting purposes, the *code official* is authorized to require a key box to be installed in an *approved* location. The key box shall be of a type *approved* by the *code official* and shall contain keys to gain necessary access as required by the *code official*. Restricted access shall allow occupant egress at all times.

403.2 Driveways. The requirements of this section shall apply exclusively to buildings constructed to meet the Residential Code. Driveways shall be provided where any portion of an exterior wall of the first story of a building is located more than 150 feet (45 720 mm) from a fire apparatus access road. An approved fire apparatus access road shall be provided where required by the Fire Code.

Exception:

1. For a property located within Zone C, the dimension for a required driveway is increased from 150 feet (45 720 mm) to 200 feet (60 960 mm).
2. An increase greater than 200 feet when an alternative is approved by the fire code official.

403.2.1 Dimensions. Driveways shall provide a minimum unobstructed width of 12 feet (3658 mm) and a minimum unobstructed height of 14 feet (4268 mm).

403.2.3 Service limitations. A driveway shall not serve more than three buildings or structures on an individual lot, including accessory structures, and not more than three dwelling units on an individual lot.

Exception: A driveway may serve more buildings or structures, if the driveway meets the requirements for a fire apparatus access road (fire lane) as set forth in Section 503 of the Fire Code. The exact number of buildings or structures that can be served will be determined by the *code official*.

403.2.4 Turnarounds. Driveway turnarounds shall have inside turning radii of not less than 25 feet (7620 mm) and outside turning radii of not less than 50 feet (15 240 mm). Driveways that connect with a road or roads at more than one point shall be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

403.3 Fire apparatus access road. When required, a fire apparatus access road must comply with the Chapter 5 of the Fire Code.

403.7 Grade. The gradient for fire apparatus access roads and driveways shall be per Section 503.2.7 of the Fire Code.

403.8 Service limitations. Multi-family residential projects having more than 30 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

403.9 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION 404 WATER SUPPLY. For conforming water supply requirements see Section 507 of the Fire Code and Appendix B of the Fire Code.

501.1 Scope. All buildings and structures located in a designated wildland-urban interface area shall be constructed in accordance with the Building Code, the Residential Code, and this code.

Exceptions:

1. Accessory structures not exceeding 100 square feet (9.29 m^2) in floor area where located more than 50 feet (15,420 mm) from the nearest adjacent structure.
2. Agricultural buildings located more than 50 feet (15,420 mm) from the nearest adjacent structure.

501.2 Objective. Chapter 5 establishes minimum standards to locate, design, and construct buildings, structures, or portions thereof. The purpose of the minimum standards is to protect life and property, to resist damage from wildfires, and to reduce the spread of building and structure fires to wildland fuels by providing a more ignition-resistant structure. Minimum standards vary based on proximity to the wildland fuels. These standards are intended to provide, above Fire Code requirements, increased protection from the various levels of hazards in wildland-urban interface areas.

SECTION 502 EXTREME HAZARD

502.1 General. A site located within a wildland-urban interface area shall be considered an extreme hazard if:

- (1) The site meets all of the following conditions:

- (a) Site has fuels classified as medium or heavy as defined by this code;
 - (b) Does not have a conforming water supply;
 - (c) Does not have defensible space; and
 - (d) Does not have sufficient fire department access; or
- (2) The site receives a score of 15 or higher for Part 1, 30 or higher for Part 2, or a combined score of 40 or higher as set forth by fire hazard severity form in Appendix C.

A permit to construct or move a structure onto a site designated an extreme hazard shall not be issued unless mitigation to reduce the extreme hazard designation has occurred per Section 502.2 of this code.

Exception: The fire chief is authorized to classify fuel type based on the historic fuel type for the area.

502.1.1 Existing structures. Existing structures, accessory structures, agricultural buildings, and appendages (fences, decks, etc.) shall not be issued a permit for additions or to modify any existing structure on a site classified as an extreme hazard unless mitigation to reduce the extreme hazard designation has occurred per Section 502.2 of this code.

Exception: Interior only remodels where additional dwelling units are not created. Window or exterior door replacements shall not be considered interior only components in extreme hazard designated areas.

502.2 Extreme hazard severity reduction. Construction, modification, or relocation of a structure onto a site classified as an extreme hazard shall require mitigation of conditions described in Section 502.1 as determined by the code official so that the site is no longer considered an extreme hazard.

503.1 General. A building or structure constructed, modified, located in, relocated into a designated wildland-urban interface area shall comply with Chapter 5. Proximity Zone A, Proximity Zone B, or Proximity Zone C ignition-resistant construction shall be constructed in accordance with Sections 504, 505, and 506 respectively. Any material required to be ignition resistant shall comply with Section 503.2. When defensible space is required, it shall comply with Section 603.

503.2 Ignition-resistant building material. Ignition-resistant building materials shall comply with any one of the requirements in Sections 503.2.1 through 503.2.5.

503.2.3 Wood roof coverings. No roof covering in the Wildland-Urban Interface areas, regardless of the distance from the wildland, shall be allowed to be made from wood shake, wood shingle, or similar combustible material, including fire-retardant-treated wood.

503.2.4 Ignition-resistant building material. Material shall be tested on the front and back faces in accordance with the extended ASTM E84 or UL 723 test, for a total test period of 30 minutes, or with the ASTM E2768 test. The materials shall bear identification showing the fire test results. Panel products shall be tested with a ripped or cut longitudinal gap of $\frac{1}{8}$ inch (3.2 mm). The materials, when tested in accordance with the test procedures set forth in ASTM E84 or UL 723 for a test period of 30 minutes, or with ASTM E2768, shall comply with Sections 503.2.4.1 through 503.2.4.3.

Exceptions:

1. Materials composed of a combustible core and a noncombustible exterior covering made from either aluminum at a minimum 0.019-inch (0.48 mm) thickness or corrosion resistant steel at a minimum 0.0149-inch (0.38 mm) thickness shall not be required to be tested with a ripped or cut longitudinal gap.
2. Structures designated as Proximity Zone B or C shall be allowed to use materials designated as a Class A rated material, designed for exterior use, when tested to the ASTM E84 or UL 723 Standard 10-minute test.

503.2.5 Other Approved Materials. Other materials as approved by the fire code official.

SECTION 504 PROXIMITY ZONE A IGNITION-RESISTANT CONSTRUCTION

504.1 General. Proximity Zone A Ignition-resistant construction shall be in accordance with Sections 504.2 through 504.11.

504.2.1.1 Woven roof valleys. Valley shingles that have been weaved or woven (closed valley) to create a continuous layer of shingles over the valley may be flashed using 26 gage (0.019 inch) galvanized sheet metal running the full length of the valley and extending at least 12 inches on both planes of the roof surface. Flashing shall be viewable from the end of the valley at the roof eave for inspections.

504.2.2 Materials and systems installed over a roof assembly. Materials and systems installed over a roof assembly shall comply with the requirements of Sections 504.2.2.1 through 504.2.2.3.

504.2.2.1 Raised-deck systems. Raised-deck systems as defined by the Building Code installed above a roof assembly shall comply with Section 1511.9 and subsections of the Building Code.

Exception: Structures constructed to meet the Residential Code shall comply with Access and Egress requirements of the Residential Code.

504.2.2.2 Skylight housing. Skylight frame material shall be noncombustible.

504.2.2.3 Walkway pad. The use and application of walkway pad material shall not compromise the ASTM E 108 or UL 790 rating of the roof. The material shall meet ASTM E 108 or UL 790, or meet the requirements of section 503.2.

504.2.2.4 Vegetative roofs and landscaped roofs. Vegetative roofs and landscaped roofs, regardless of the distance from the wildland, shall not be allowed within the Wildland-Urban Interface.

504.3 Protection of eaves. Protection of eaves, soffits, fasciae, rafter tails, and exterior ceilings shall comply with the requirements of Sections 504.3.1 through 504.3.5.

504.3.1 Eaves. Eaves shall be protected on the exposed underside of soffits by ignition resistant materials or by materials approved for not less than one-hour fire-resistance-rated construction, two-inch (51 mm) nominal dimension lumber, $\frac{5}{8}$ inch Type-X Sheetrock, or one-inch (25 mm) nominal fire-retardant-treated lumber, or three-quarter inch (19.1 mm) nominal fire-retardant-treated plywood, identified for exterior use and meeting the requirements of Section 2303.2 of the Building Code.

504.3.2 Fasciae. Ignition-resistant fasciae are required and shall be constructed with one of the following:

1. Three-quarter-inch (19.1 mm) solid ignition-resistant material complying with Section 503.2.
2. One-hour fire-resistance-rated construction protected on the exterior by an ignition-resistant building material complying with Section 503.2.
3. Two-inch (51 mm) nominal dimension lumber protected on the exterior by an ignition-resistant building material complying with Section 503.2.

504.3.3 Gaps between materials. Gaps between exterior facing materials within the eaves or between eave materials and the wall or and roof assembly caused by normal construction techniques or any other unsealed roof opening providing access to the attic space shall be provided with ember protection according to Section 506.5 of this code.

504.3.4 Exposed rafter tails. Exposed rafter tails are allowed when built of material classified as heavy timber per the Building Code, provided that the exterior wall be rated for at least one hour and extend from foundation to bottom of roof deck. The roof deck shall be a noncombustible or ASTM E 84 Class A rated material per 503.2.4 and shall extend a distance of not less than 48 inches on both the exterior and interior side of the exterior wall.

504.3.5 Exterior ceilings. Exterior ceilings below covered patio roofs, porches, balconies, decks, floors above, and all similar structures shall be built using ignition-resistant building materials that comply with Section 503.2. Rated ceiling assemblies shall have an ignition resistant building material as the exterior finish.

504.4 Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible materials. Gutters shall be provided with an approved means to prevent the accumulation of leaves and debris in the gutter and be constructed of a non-corrosive and noncombustible material.

504.7 Appendages and structures. For an unenclosed appendage or projection that is attached to a building, or a detached unenclosed accessory structure, such as a deck, balcony, carport, pergola, patio cover, awning, canopy, or similar structure, the entire appendage, projection, or structure must be constructed using at least one-hour fire-resistance-rated materials, heavy timber, or one of the following:

1. Approved non-combustible materials;
2. Fire-retardant-treated wood approved for exterior use that complies with Section 2303.2 of the Building Code; or
3. Ignition-resistant building materials that comply with Section 503.2.

Exceptions:

1. Coated materials shall not be used as the walking surface of decks.
2. The underside of a deck, not subject to Subsection 504.7.1, consisting of the columns, beams, bracing, and floor joists, shall be allowed to be built from any approved material provided that the entire underside of the deck is completely enclosed with a wall meeting the requirements of Section 504.5. Ventilation shall be provided per Section 504.10. Storage or access points to allow storage under the deck shall not be allowed.

Deck boards shall not have gaps larger than one-eighth inch between the boards or ember protection shall be provided per Section 504.10 attached directly to the underside of the deck boards. Guard rails, handrails, columns, and steps leading to grade shall comply with these materials.

504.7.1 Underfloor areas. Where the structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall be enclosed with exterior walls constructed in accordance with Section 504.5. Ventilation shall be provided per Section 504.10. Storage or access points to allow storage under the deck shall not be allowed.

504.7.2 Fences. Any portion of a fence within 10 feet (3038 mm) of a building or structure shall be built using a material that complies with section 503.2 of this code. New and replacement fences shall comply with this section. Separation distance between structures shall be per the definition of the Building Code or the Residential Code.

504.10 Vents. Where provided in accordance with 504.10.3, ventilation, exhaust, or outside air intake openings shall be in accordance with Section 504.10.1 or Section 504.10.2 to resist building ignition from the intrusion of burning embers and flame through the ventilation openings. Dryer vents and associated ductwork shall be noncombustible.

Exceptions:

1. An opening that is prohibited from being obstructed and must remain clear because of another adopted code or Land Development Code requirement, provided that any flame or ember that penetrates the opening cannot reach combustible materials or surfaces.
2. A dryer vent shall not require ember protection in accordance with 504.10.1 or 504.10.2.

504.10.3 Vent locations. Protection shall be provided for ventilation openings for exhaust, outside air intake, enclosed attics, gable ends, ridge ends, underfloor ventilation, foundations and crawl spaces, either in a horizontal or vertical surface. Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves or in other overhang areas. Gable-end and dormer vents shall be located not less than 10 feet (3048 mm) from lot lines. Underfloor ventilation openings shall be located as close to grade as practical.

504.11 Detached accessory structures. Detached accessory structures located in the wildland-urban interface, including those listed in Section 504.7, shall be required to comply with this code.

504.11.1 Underfloor areas. The underfloor area below the detached accessory structure shall comply with Section 504.6 or Section 504.7.1, as applicable.

504.11.2 Boat Docks. Boat dock walking surfaces shall be constructed of approved noncombustible materials or ignition-resistant materials that comply with Section 503.2. Boat dock roof assemblies shall comply with Section 504.2.

SECTION 505 PROXIMITY ZONE B IGNITION-RESISTANT CONSTRUCTION

505.1 General. Proximity Zone B Ignition-resistant construction shall be in accordance with Sections 505.2 through 505.11.

505.2.1.1 Woven roof valleys. Valley shingles that have been weaved or woven (closed valley) to create a continuous layer of shingles over the valley may be flashed using 26 gage (0.019 inch) galvanized sheet metal running the full length of the valley and extending at least 12 inches on both planes of the roof surface. Flashing shall be viewable from the end of the valley at the roof eave for inspections.

505.2.2 Materials and systems installed over a roof assembly. Materials and systems installed over a roof assembly shall comply with the requirements of Sections 505.2.2.1 through 505.2.2.3.

505.2.2.1 Raised-deck systems. Raised-deck systems as defined by the Building Code installed above a roof assembly shall comply with Section 1511.9 and subsections of the Building Code.

Exception: Structures constructed to meet the Residential Code shall comply with Access and Egress requirements of the Residential Code.

505.2.2.2 Skylight housing. Skylight frame material shall be noncombustible.

505.2.2.3 Walkway pad. The use and application of walkway pad material may not compromise the ASTM E 108 or UL 790 rating of the roof. The material must meet ASTM E 108 or UL 790, or meet the requirements of Section 503.2.

505.2.2.4 Vegetative roofs and landscaped roofs. Vegetative roofs and landscaped roofs, regardless of the distance from the wildland, shall not be allowed within the Wildland-Urban Interface.

505.3 Protection of eaves. Protection of eaves, soffits, fasciae, rafter tails, and exterior ceilings shall comply with the requirements of Sections 505.3.1 through 505.3.5.

505.3.1 Eaves. Eaves shall be completely covered and enclosed by non-combustible materials, by solid combustible materials at least three-quarters inch thick, or materials complying with Section 504.3.

505.3.2 Fasciae. Ignition-resistant fasciae are required and shall be constructed with one of the following:

1. Three-quarters-inch (19.1 mm) solid ignition-resistant material complying with Section 503.2.
2. One-hour fire-resistance-rated construction protected on the exterior by an ignition resistant building material complying with Section 503.2.
3. Two-inch (51 mm) nominal dimension lumber protected on the exterior by an ignition resistant building material complying with Section 503.2.

505.3.3 Gaps between materials. Gaps between exterior facing materials within the eaves or between eave materials and the wall or and roof assembly caused by normal construction techniques or any other unsealed roof opening providing access to the attic space shall be provided with ember protection according to Section 506.5 of this code.

505.3.4 Exposed rafter tails. Exposed rafter tails are allowed when built of material classified as heavy timber per the Building Code, provided that the exterior wall be rated for at least one hour and extend from foundation to bottom of roof deck. The roof deck shall be a noncombustible or ASTM E 84 Class A rated material per 503.2.4 and shall extend a distance of not less than 48 inches on both the exterior and interior side of the exterior wall.

505.3.5 Exterior ceilings. Exterior ceilings below covered patio roofs, porches, balconies, decks, floors above, and all similar structures shall be built using ignition-resistant building materials that comply with Section 503.2. Rated ceiling assemblies shall have an ignition resistant building material as the exterior finish.

505.4 Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible materials. Gutters shall be provided with an approved means to prevent the accumulation of leaves and debris in the gutter and be constructed of a non-corrosive and noncombustible material.

505.7 Appendages and structures. For an unenclosed appendage, projection, or structure that is attached to or located within 30 feet (9144 mm) of a building with habitable spaces, such as a deck, balcony, carport, pergola, patio cover, awning, canopy, or similar structure, the entire appendage, projection, or structure must be constructed using at least one-hour fire-resistance-rated materials, heavy timber, or one of the following:

1. Approved non-combustible materials;
2. Fire-retardant-treated wood approved for exterior use that complies with Building Code Section 2303.2; or
3. Ignition-resistant building materials that comply with Section 503.2 of this code.

Exceptions:

1. Coated materials shall not be used as the walking surface of decks.
2. The underside of a deck not subject to Section 505.7.1 consisting of the columns, beams, bracing, and floor joists, shall be allowed to be built from any approved material provided that the entire underside of the deck is completely enclosed with a wall meeting the requirements of Section 505.5. Ventilation shall be provided per Section 505.10. Storage or access points to allow storage under the deck shall not be allowed.

Deck boards shall not have gaps larger than one-eighth inch between the boards or ember protection shall be provided per Section 505.10 attached directly to the underside of the deck boards. Guard rails, handrails, columns, and steps leading to grade shall comply with these materials.

505.7.1 Underfloor areas. Where the structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall be enclosed with exterior walls constructed in accordance with Section 505.5. Ventilation shall be provided per Section 505.10. Storage or access points to allow storage under the deck shall not be allowed.

505.7.2 Fences. Any portion of a fence within 10 feet (3048 mm) of a building or structure shall be built using a material that complies with Section 503.2 of this code. New and replacement fences shall comply with this section. Separation distance between structures shall be per the definition of the Building Code or the Residential Code.

505.8 Exterior glazing. Skylights shall be tempered glass, multilayered glazed panels, glass block, or have a fire protection rating of not less than 20 minutes.

505.10 Vents. Where provided in accordance with Section 505.10.3, ventilation, exhaust, or outside air intake openings shall be in accordance with Section 505.10.1 or Section 505.10.2 to resist building ignition from the intrusion of burning embers and flame through the ventilation openings. Dryer vents and associated ductwork shall be noncombustible.

Exceptions:

1. An opening that is prohibited from being obstructed and must remain clear because of another adopted code or other Land Development Code requirements, provided that any flame or ember that penetrates the opening cannot reach combustible materials or surfaces.
2. A dryer vent shall not require ember protection in accordance with Sections 505.10.1 or 505.10.2.

505.10.3 Vent locations. Protection shall be provided for ventilation openings for exhaust, outside air intake, enclosed attics, gable ends, ridge ends, underfloor ventilation, foundations and crawl spaces, either in a horizontal or vertical surface. Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves or in other overhang areas. Gable-end and dormer vents shall be located not less than 10 feet (3048 mm) from lot lines. Underfloor ventilation openings shall be located as close to grade as practical.

505.11 Detached accessory structures. Detached accessory structures located in the wildland-urban interface, including those listed in Section 505.7, shall be required to comply with this code.

505.11.1 Underfloor areas. The underfloor area below the detached accessory structure shall comply with Section 505.6 or Section 505.7.1, as applicable.

505.11.2 Boat Docks. Boat dock walking surfaces shall be constructed of approved noncombustible materials or ignition-resistant materials that comply with Section 503.2. Boat dock roof assemblies shall comply with Section 505.2.

SECTION 506 PROXIMITY ZONE C IGNITION-RESISTANT CONSTRUCTION

506.1 General. Proximity Zone C Ignition-resistant construction shall be in accordance with Sections 506.2 through 506.11.

506.2 Roof assembly. Roofs shall have a roof assembly that complies with a Class A rating when tested in accordance with ASTM E108 or UL 790. For roof assemblies where the profile allows a space between the roof covering and roof deck, the space at the eave ends shall be firestopped to preclude entry of flames or embers, or have one layer of 72-pound (32.4 kg) mineral-surfaced, non-perforated cap sheet complying with ASTM D3909 installed over the combustible roof deck.

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry or an exposed concrete roof deck.
2. Class A acceptable roof assemblies shall also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile or slate installed on noncombustible decks or ferrous, copper or metal sheets installed without a roof deck on noncombustible framing.

3. Class A roof assemblies include minimum 16 oz./sq. ft. (0.0416 kg/m²) copper sheets installed over combustible roof decks.
4. One- and two-family residential structures with roof coverings on roofs sloped greater than 2 units vertical in 12 units horizontal, such as shingles, tiles, or metal sheets, tested and certified by ASTM E108 or UL 790 as a Class A roof covering shall be allowed to be installed over a standard combustible roof deck with no less than 30 1b felt or equivalent underlayment.

506.2.1.1 Woven roof valleys. Valley shingles that have been weaved or woven (closed valley) to create a continuous layer of shingles over the valley may be flashed using 26 gage (0.019 inch) galvanized sheet metal running the full length of the valley and extending at least 12 inches on both planes of the roof surface. Flashing shall be viewable from the end of the valley at the roof eave for inspections.

506.2.2 Materials and systems installed over a roof assembly. Materials and systems installed over a roof assembly shall comply with the requirements of Sections 506.2.2.1 through 506.2.2.3.

506.2.2.1 Raised-deck systems. Raised-deck systems as defined by the Building Code installed above a roof assembly shall comply with Section 1511.9 and subsections of the Building Code.

Exception: Structures constructed to meet the Residential Code shall comply with Access and Egress requirements of the Residential Code.

506.2.2.2 Skylight housing. Skylight frame material shall be noncombustible.

506.2.2.3 Walkway pad. The use and application of walkway pad material may not compromise the ASTM E 108 or UL 790 rating of the roof. The material must meet ASTM E 108 or UL 790 or meet the requirements of Section 503.2.

506.2.2.4 Vegetative roofs and landscaped roofs. Vegetative roofs and landscaped roofs, regardless of the distance from the wildland, shall not be allowed within the Wildland-Urban Interface.

506.4 Protection of eaves. Protection of eaves, soffits, fasciae, rafter tails, and exterior ceilings shall comply with the requirements of Sections 506.4.1 through 506.4.6.

506.4.1 Eaves. Eaves shall be completely covered and enclosed by non-combustible materials, by solid combustible materials at least three-quarter inch thick, or materials complying with Section 504.3.

506.4.2 Fasciae. Ignition-resistant fasciae are required and shall be constructed with one of the following:

1. Three-quarter inch (19.1 mm) solid ignition-resistant material complying with Section 503.2.
2. One-hour fire-resistance-rated construction protected on the exterior by an ignition resistant building material complying with Section 503.2.
3. Two-inch (51 mm) nominal dimension lumber protected on the exterior by an ignition resistant building material complying with Section 503.2.

506.4.3 Gaps between materials. Gaps between exterior facing materials within the eaves or between eave materials and the wall or and roof assembly caused by normal construction techniques or any other unsealed roof opening providing access to the attic space shall be provided with ember protection according to Section 506.5.

506.4.4 Exposed rafter tails. Exposed rafter tails are allowed when built of ignition-resistant material complying with Section 503.2 or material classified as heavy timber per the Building Code.

506.4.5 Exterior ceilings. Exterior ceilings below covered patio roofs, porches, balconies, decks, floors above, and all similar structures shall be built using ignition-resistant building materials that comply with Section 503.2. Rated ceiling assemblies shall have an ignition-resistant building material as the exterior finish.

506.4.6 Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible materials. Gutters shall be provided with an approved means to prevent the accumulation of leaves and debris in the gutter and be constructed of a non-corrosive and noncombustible material.

506.5 Vents. Where provided in accordance with Section 506.5.3, ventilation, exhaust, or outside air intake openings shall be in accordance with Section 506.5.1 or Section 506.5.2 to resist building ignition from the intrusion of burning embers and flame through the ventilation openings. Dryer vents and associated ductwork shall be noncombustible.

Exceptions:

1. An opening that is prohibited from being obstructed and must remain clear because of another adopted code or other Land Development Code requirements, provided that any flame or ember that penetrates the opening cannot reach combustible materials or surfaces.
2. A dryer vent shall not require ember protection in accordance with Section 506.5.1 or Section 506.5.2.

506.5.1 Performance requirements. Ventilation openings shall be fully covered with listed vents, tested in accordance with ASTM E2886, to demonstrate compliance with all the following requirements:

1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.

3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

506.5.2 Prescriptive requirements. Where provided, attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical or horizontal surfaces and vents through roofs shall not exceed 144 square inches (0.0929 m^2) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed one-eighth inch (3.2 mm) or shall be designed and approved to prevent flame or ember penetration into the structure.

506.5.3 Vent locations. Protection shall be provided for ventilation openings for exhaust, outside air intake, enclosed attics, gable ends, ridge ends, under eaves and cornices, enclosed eave soffit spaces, enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, underfloor ventilation, foundations and crawl spaces, plenum, or any other opening intended to permit a flow of air between the outside and inside of the structure, either in a horizontal or vertical surface. Gable-end and dormer vents shall be located not less than 10 feet (3048 mm) from lot lines. Underfloor ventilation openings shall be located as close to grade as practical.

506.6 Appendages and structures. For an unenclosed appendage, projection, or structure that is attached to or located within 10 feet (3048 mm) of a building with habitable spaces and projections, such as a deck, balcony, carport, pergola, patio cover, awning, canopy, or similar structure, the entire appendage or structure must be constructed using at least one-hour fire resistance-rated materials, heavy timber, or one of the following:

1. Approved non-combustible materials;
2. Fire-retardant-treated wood approved for exterior use that complies with Section 2303.2 of the Building Code; or
3. Ignition-resistant building materials that comply with Section 503.2 of this code.

Exceptions:

1. Coated materials shall not be used as the walking surface of decks.
2. The underside of a deck consisting of the columns, beams, bracing, and floor joists, shall be allowed to be built from any approved material provided that the entire underside of the deck is completely enclosed with a wall meeting the requirements of Section 504.5. Ventilation shall be provided per Section 506.5. Storage or access points to allow storage under the deck shall not be allowed.

Deck boards shall not have gaps larger than one-eighth inch between the boards or ember protection shall be provided per Section 506.5 attached directly to the underside of the deck boards. Guard rails, handrails, columns, and steps leading to grade shall comply with these materials.

506.6.1 Fences. Any portion of a fence within 10 feet (3038 mm) of a building or structure shall be built using a material that complies with Section 503.2 of this code. New and replacement fences shall comply with this section. Separation distance between structures shall be per the definition of the Building Code or the Residential Code.

Exception: For residential fences associated with structures constructed in compliance with the Residential Code, the dimension may be reduced from 10 feet (3038 mm) to 5 feet (1524 mm).

506.7 Exterior glazing. Skylights shall be tempered glass, multilayered glazed panels, glass block, or have a fire protection rating of not less than 20 minutes.

506.8 Detached accessory structures. Detached accessory structures located in the wildland-urban interface, including those listed in Section 506.6, shall be required to comply with this code.

506.8.1 Underfloor areas. The underfloor area below the detached accessory structure shall comply with Section 506.3 or Section 506.6, as applicable.

506.8.2 Boat Docks. Boat dock walking surfaces shall be constructed of approved noncombustible materials or ignition-resistant materials that comply with Section 503.2. Boat dock roof assemblies shall comply with Section 506.2.

507.1 General. The roof covering on buildings or structures in existence prior to the adoption of this code that are replaced or have 50 percent or more replaced shall be entirely replaced with a roof covering required for new construction as required per Section 504.2.

602.1 General. In areas of the wildland-urban interface where there is a non-conforming water supply per Section 404 of this code, Section 507 of the Fire Code, or Appendix B of the Fire Code, an approved automatic sprinkler system may be installed in all habitable occupancies constructed to meet the Residential Code, excluding townhouses, regardless of the size of the fire-flow calculation area of the structure in lieu of providing a conforming water supply. The installation of the automatic sprinkler systems shall be in accordance with nationally recognized standards appropriate for the building being constructed.

603 Defensible space and Ember Ignition Zone

603.2 Fuel modification. When required, buildings or structures within the wildland-urban interface shall comply with the fuel modification distances contained in Table 603.2. For all purposes the fuel modification distance shall be not less than 30 feet (9144 mm) or to the lot line, whichever is less. Distances specified in Table 603.2 shall be measured on a horizontal plane from the perimeter or projection of the building or structure as shown in Figure 603.2. Distances specified in Table 603.2 are allowed to be increased by the code official because of a site-specific analysis based on local conditions and the fire protection plan.

Exception: An Ember Ignition Zone per Section 603.2.1 of this code is required in all areas of the Wildland-Urban Interface.

Table 603.2
Required Defensible Space

| Proximity Zone | Fuel Modification Distance (feet) ^a |
|--|--|
| Proximity Zone C | 30 ^b |
| Proximity Zone B | 50 ^b |
| Proximity Zone A | 100 ^b |
| For SI: 1 foot = 304.8 mm. | |
| a. Distances are allowed to be increased due to site-specific analysis based on local conditions and the Fire Protection Plan. | |
| b. Or to the property line, whichever is less. | |

603.2.1 Ember Ignition Zone (EIZ). An area of five feet measured from the edge of the roof overhang that extends around the entire perimeter of the structure including covered decks and patios. Uncovered decks shall be measured from the side of the deck on all exposed sides. All buildings or structures located within the Wildland-Urban Interface shall be required to comply with Ember Ignition Zone (EIZ) requirements. The EIZ shall be landscaped using gravel, pavers, or other non-combustible materials. The EIZ shall be maintained free of all combustible materials at all times. The EIZ shall be maintained clear of all weeds, grass, plants, shrubs, trees, branches, and vegetative debris (leaves, needles, cones, bark, etc.). Combustible materials such as lawn furniture, door mats, combustible planter boxes, small storage cabinets, and/or similar materials shall not be located in the EIZ.

Exceptions:

- Protected and Heritage trees are allowed to remain within the EIZ of existing buildings and structures. Pruning or removal of Protected and Heritage trees within the EIZ shall comply with all requirements of the Land Development Code and the Environmental Criteria Manual. EIZ requirements are not a means by which Protected or Heritage trees may be approved for removal.
- For structures of Types I & II construction, the EIZ shall only be required in front of and 10 feet to each side of required egress points of the structure and fire systems access doors.
- Artificial turf shall not be used in the EIZ. Any use within defensible space shall have a Class A Rating per ASTM E108.
- Protective mulch for critical root zone (CRZ) is allowable during construction in the EIZ per Environmental Criteria Manual (ECM). Any protective mulch used shall be removed at the completion of construction.
- Properties within Proximity Zone C shall be allowed green, moist, and closely mowed lawn grass in lieu of hardscape in the EIZ. Dormant grass shall be seeded with perennial Rye grass to maintain the fire resistance during the lawn grass dormant periods.

603.2.2 Responsible party. Persons owning, leasing, controlling, operating, or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing and maintaining nonfire-resistive vegetation on the property owned, leased, or controlled by said person.

603.2.3 Trees. Trees that comply with Section 604.4 are allowed within a defensible space.

603.2.4 Ground cover. Deadwood, woody vegetation, and litter shall be regularly removed from and maintained around trees. Where vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided that they do not form a means of transmitting fire from the natural growth to any structure or tree canopy.

604 Maintenance of Defensible space and Ember Ignition Zone.

604.4 Trees. A person must maintain a tree within a defensible space to prevent fire from entering or spreading through canopies as set forth in City Code requirements. Pruning or removal of Protected and Heritage trees shall comply with all requirements of the Land Development Code and the Environmental Criteria Manual Section 3 (*Tree and Natural Area Preservation*). Defensible space requirements are not a means by which Protected or Heritage trees may be approved for removal. Overhead electric line clearance requirements set forth in the Utilities Criteria Manual Section 1 (*Austin Energy Design Criteria*) apply to a tree within a defensible space. Allowable tree pruning should focus on removal of limbs located under the eaves of structures, and limbs less than six feet (1829 mm) above the ground surface.

606.1 General. The storage of liquefied petroleum gas (LP-gas) and the installation and maintenance of pertinent equipment shall be in accordance with the Fire Code and NFPA 58.

606.2 Location of containers or tanks. LP-gas containers or tanks shall be located within the defensible space in accordance with the Fire Code and NFPA 58.

607.1 General. Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks, or under eaves, canopies, or other projections or overhangs. Where required by the code official, storage of firewood and combustible materials shall be located not less than 20 feet (6096 mm) from structures and separated from the crown of trees by a horizontal distance of not less than 15 feet (4572 mm).

C101.1 Fire hazard severity form. Where required, Table C101.1 shall be used as an alternative for analyzing the fire hazard severity of building sites.

TABLE C101.1 FIRE HAZARD SEVERITY FORM

| 2024 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE® | |
|--|------|
| TABLE C101.1—FIRE HAZARD SEVERITY FORM | |
| PART 1 | |
| A. Subdivision Design Points | |
| 1. Ingress/Egress | |
| Two or more primary roads | 1__ |
| One road, 30 or less dwelling units (two-way) | 3__ |
| One road, more than 30 dwelling units (two-way) | 5__ |
| One road (one way direction) | 10__ |
| 2. Width of Primary Road | |
| 25 feet (7620 mm) or more | 1__ |
| Less than 25 feet (7620 mm) to 20 feet (6096 mm) | 3__ |
| Less than 20 feet (6096 mm) | 5__ |
| 3. Accessibility | |
| Road grade 5% or less | 1__ |
| Road grade more than 5% | 3__ |
| 4. Secondary Road Terminus | |
| Loop roads, cul-de-sacs with an outside turning radius of 50 feet (15 240 mm) or greater | 1__ |
| Cul-de-sac turnaround | 2__ |
| Dead-end roads 150 feet (45 720 mm) or less in length | 3__ |
| Dead-end roads greater than 150 feet (45 720 mm) in length | 5__ |
| 5. Site Specific Access (fire lanes, driveways) | |
| Fire lane provided | 1__ |

| | |
|---|------|
| Fire lane not required per Fire Code 503.1 and Driveway not required per WUIC 403.2 | 1__ |
| 12 foot (3658 mm) or greater Driveway provided | 3__ |
| Less than 12-foot (3658 mm) Driveway provided | 5__ |
| 6. Street Visible Signage | |
| Present | 1__ |
| Not present | 3__ |
| B. Proximity to existing structures (includes adjacent properties) | |
| Greater than 10 feet (3048 mm) from nearest structure | 1__ |
| 10 feet (3048 mm) to 5 feet (1524 mm) from nearest structure | 5__ |
| Less than 5 feet (1524 mm) from nearest structure | 10__ |
| C. Fire Protection—Water Source | |
| Hydrant less than 500 feet or 600 feet for Group R-3 and U occupancies | 1__ |
| With fire sprinklers provided, sufficient fire flow per Appendix B | |
| Hydrant less than 500 feet or 600 feet for Group R-3 and U occupancies | 2__ |
| With no fire sprinklers provided, sufficient fire flow per Appendix B | |
| Hydrant farther than 500 feet or 600 feet for Group R-3 and U occupancies | 2__ |
| With fire sprinklers provided, sufficient fire flow per Appendix B | |
| Hydrant farther than 500 feet or 600 feet for Group R-3 and U occupancies | 5__ |
| With no fire sprinklers provided, sufficient fire flow per Appendix B | |
| Hydrant farther than 1,000 feet with fire sprinklers provided, sufficient fire flow per Appendix B | 7__ |
| Hydrant farther than 1,000 feet with no fire sprinklers provided, sufficient fire flow per Appendix B | 10__ |
| Fire flow less than required per Fire Code Appendix B | 10__ |
| <i>Part 1 Total</i> | |
| PART 2 | |
| D. Vegetation (IWUIC Definitions) | |
| 1. Fuel Types | |
| Light | 1__ |
| Medium | 5__ |
| Heavy | 10__ |
| 2. Defensible Space | |

| | |
|---|------|
| Meets requirements of Table 603.2 and EIZ (603.2.1) | 1__ |
| Does not meet requirements of Table 603.2 but meets EIZ 603.2.1 | 10__ |
| Does not meet requirements of Table 603.2 or EIZ 603.2.1 | 20__ |
| E. Topography | |
| 8% or less | 1__ |
| More than 8%, but less than 20% | 4__ |
| 20% or more, but less than 30% | 7__ |
| 30% or more | 10__ |
| F. Roofing Material | |
| Class A Fire Rated | 1__ |
| Class B Fire Rated | 5__ |
| Class C Fire Rated | 10__ |
| Nonrated/Unknown | 20__ |
| G. Existing Building Construction Materials | |
| Noncombustible siding/appendages | 1__ |
| Noncombustible siding/combustible appendages | 5__ |
| Combustible siding and appendages | 10__ |
| H. Utilities (gas and/or electric) | |
| All underground utilities | 1__ |
| One underground, one above ground | 3__ |
| All above ground | 5__ |
| <i>Part 2 Total</i> | |
| Total for Subdivision | |
| Moderate Hazard 20—39 | |
| Extreme Hazard 40+ | |

APPENDIX D. FUEL MODELS

As set forth in Section 3.2.1 of the Austin-Travis County Community Wildfire Protection Plan, fuel loads and fire behavior within the region are indicated by the following vegetation:

1. Sparse, dry-climate grass, or grassland, is dominated by generally short grasses that may be sparse or discontinuous (Scott and Burgan 2005). Pastures are also considered grasslands.

2. Aggrading juniper shrub fuel type is dominated by live oak-juniper and juniper savanna. It is present throughout the county. It includes both Ashe juniper (*Juniperus ashei*), predominantly in western Travis County, and eastern redcedar (*Juniperus virginiana*), predominately in eastern Travis County. Juniper scorch and mortality values by size class are nearly identical between these two *Juniperus* species (Engle and Stritzke 1995).
3. Closed juniper woodland has sufficient canopy closure to limit growth of tall grass (18 inches or more tall) to less than 50 percent of the ground cover. Juniper, including Ashe juniper and/or eastern redcedar, and deciduous trees are the dominant vegetation types.
4. Mixed juniper hardwood forest fuel type is 25-percent juniper, 75-percent deciduous class.

Source: Ord. No. 20200409-040, Pt. 2, 1-1-21; Ord. No. 20250410-041, Pt. 1, 7-10-25.

ARTICLE 9. - PROPERTY MAINTENANCE CODE.

§ 25-12-211 - PROPERTY MAINTENANCE CODE.

- (A) The International Property Maintenance Code, 2024 Edition, published by the International Code Council ("2024 International Property Maintenance Code") is adopted and incorporated by reference into this section with the deletions in Subsection (B) and amendments in Section 25-12-213 (Local Amendments to the International Property Maintenance Code).
- (B) The following provisions of the 2024 International Property Maintenance Code are deleted. A subsection contained within a deleted section or subsection is not deleted, unless specifically listed below:

| | | |
|---------|---------|---------|
| 101.1 | 102.3 | 103.1 |
| 103.2 | 103.3 | 104.1 |
| 104.2 | 105.2 | 105.3 |
| 105.3.1 | 105.8 | 106.1 |
| 106.2 | 106.3 | 106.4 |
| 107.1 | 107.3 | 107.4 |
| 107.5 | 108.4 | 109.1 |
| 109.1.3 | 109.2 | 109.2.1 |
| 109.4 | 109.4.1 | 109.4.2 |
| 109.6 | 109.7 | 109.7.1 |
| 109.8 | 110.1 | 110.2 |
| 110.5 | 110.6 | 111.1 |
| 111.4 | 201.3 | 201.5 |
| 302.3 | 302.6 | 302.9 |
| 304.3 | 304.5 | 304.7 |
| 304.14 | 304.19 | 305.1 |
| 305.1.1 | 307.1 | 309.1 |
| 309.4 | 401.3 | 404.4.1 |
| 404.5 | 502.2 | 504.3 |
| 505.1 | 505.4 | 602.2 |

| | | |
|-------|-----------|-----------|
| 602.3 | 602.4 | 604.2 |
| 604.3 | 604.3.1.1 | 604.3.2.1 |
| 605.3 | 605.4 | 702.1 |
| 702.2 | 702.3 | 702.4 |
| 704.1 | | |

(C) The city clerk shall retain a copy of the 2024 International Property Maintenance Code with the official ordinances of the City of Austin.

Source: Ord. No. [20171012-SPEC001](#), Pt. 1, 1-1-18/4-1-18; Ord. No. [20210603-060](#), Pt. 1, 9-1-21; Ord. No. [20250410-037](#), Pt. 1, 7-10-25.

§ 25-12-212 - RESERVED

Editor's note— Ord. No. [20250410-037](#), Pt. 1, effective July 10, 2025, repealed § 25-12-212, which pertained to Citations to the Property Maintenance Code and derived from Ord. No. [20171012-SPEC001](#), Pt. 1, 1-1-18/4-1-18; Ord. No. [20210603-060](#), Pt. 1, 9-1-21; Ord. No. [20250410-037](#), Pt. 1, 7-10-25.

§ 25-12-213 - LOCAL AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

The following provisions are local amendments to the 2024 International Property Maintenance Code. Each provision of this section is a substitute for any identically numbered provision of the 2024 International Property Maintenance Code deleted by [Section 25-12-211\(B\) \(Property Maintenance Code\)](#) or is an addition to the 2024 International Property Maintenance Code.

101.1 Title. These regulations are known as the City of Austin Property Maintenance Code and are referred to as the "Property Maintenance Code" or "this code."

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, must be done in accordance with the procedures and provisions of [Title 25 \(Land Development Code\)](#).

103.1 General. The City Manager must designate the department or departments charged with enforcement of this code.

103.2 Designation. The City Manager must designate a code official.

103.3 Inspectors. The code official may designate inspectors to assist with enforcement of this code. Such employees must have powers and duties delegated by the code official.

104.1 Costs. The City may assess a property owner for costs incurred to demolish, board, fence, secure, vacate, relocate occupants, repair, treat, remediate or similar action identified in this code. This includes the costs incurred because a property owner fails to comply with a Commission order. Unless exempted by the Texas Constitution, the expense incurred by the City under this code may be recorded as a lien against the real property on which the building, structure, or noncompliant condition is located, with interest on the unpaid balance to accrue at the maximum rate allowed by law.

104.2 Funds. Unless otherwise provided for or directed by a Commission order, a cost incurred by the city or its agent to repair, remediate, vacate, relocate occupants from, secure, or clean a structure, building, or property because an owner fails to comply with a Commission order must be paid from demolition funds budgeted by the city council.

105.2 Inspections. The code official is authorized to make inspections and may consider written inspection reports prepared and certified by approved agencies or individuals. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

105.3 Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable or probable cause to believe that a violation exists in a structure or upon a premises, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties authorized by this code or City Code. An owner or other authorized individual may refuse to consent to an inspection conducted by the code official. If consent is refused, the code official may seek an administrative search warrant authorized by Article 18 of the Texas Code of Criminal Procedure (*Search Warrants*) and City Code Section 2-10-1 (*Jurisdiction and Authority*). Nothing in this code limits the ability of the code official to inspect as necessary or as authorized by other law.

105.8 Commencement of Proceedings. Whenever the code official finds that a structure or premise is substandard or dangerous, the code official is authorized to begin proceedings to cause the repair, rehabilitation, vacation, demolition, removal, boarding or fencing or other means of closure of the building, structure, or premise.

105.9 Corrective Action. The code official is authorized to require the owner of the property or other responsible person to take action to correct a violation of this code. If the owner or other responsible person does not take corrective action within a specified time period, the code official may serve notice to the person(s) to appear before the Building and Standards Commission to show cause why the structure or premise should not be ordered repaired, boarded, fenced, vacated, occupants relocated, or demolished.

106.1 Appeal. A person affected by a notice may appeal the violation findings contained in the notice to the Building and Standards Commission.

106.2 Deadline to Appeal. An appeal must be submitted to the code official within 20 days from the date the notice is mailed by the City. It is presumed the City mailed the notice on the date printed on the notice.

106.3 Requirements. An appeal must be in writing and must contain a brief statement identifying the notice or action being appealed, setting forth any facts supporting the appeal, describing the relief sought, and presenting the reasons why the appealed notice or action should be reversed, modified or otherwise set aside. A request for additional time to comply with the notice due to financial inability or other extenuating circumstance is not a proper basis for appeal.

106.4 Effect of an appeal. Unless otherwise provided in this code or, in the opinion of the code official, a delay would present an immediate danger or unreasonable risk to any person or property, filing an appeal stays further City action under the notice being appealed.

107.1 Unlawful acts. A person that fails to comply with this code, a notice of violation issued under this code, or an order issued under this code commits an offense.

107.3 Prosecution of a violation. A violation of this code is a misdemeanor punishable as set forth in City Code Section 25-1-462 (Criminal Enforcement). The filing of a criminal action does not preclude the pursuit of a civil, quasi-judicial, or administrative action for violation of this code.

108.4 Criminal Offense and Penalty. A person commits an offense if the person fails to comply with a stop work order issued by the code official. Each day that a person fails to comply with a stop work order is a separate occurrence. An offense under this section is a class C misdemeanor. The maximum penalty must be \$500 per offense, per occurrence. Proof of a culpable mental state is not required for conviction of an offense under this section.

109.1 General. When the code official finds a structure, premise, or equipment is unsafe, is unfit for human occupancy, or is unlawful, such structure, premise, or equipment must be subject to the provisions of this code. If the code official finds a structure unsafe, the owner of the property shall provide an action plan for repairs to the code official and provide approved accommodations for the occupants of the structure within two days of receiving notice.

109.1.3 Structure Unsafe for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary, cooling facilities or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. If the code official finds a structure unsafe, the owner of the property shall provide an action plan for repairs to the code official and provide approved accommodations for the occupants of the structure within two days of receiving notice.

109.2 Closing of vacant structures. If a structure is determined to be unsafe, dangerous, or unfit for human habitation, the code official is authorized to post an unsafe or dangerous placard on the premises and shall order the structure to be secured so as not to be an attractive nuisance through any available public agency or by contract or arrangement by private persons. The cost thereof shall be charged against the real estate upon which the structure is located and shall be recorded as a lien upon such real estate and shall be collected by any other legal resource.

109.2.1 Utility Termination Authorized. The code official may request utility termination for a structure or premise as provided for under the applicable provisions of state law and City Code. Provisions of state law and City Code regarding notice and appeal of utility termination apply to a utility terminated under this section.

109.4 Notice to person responsible. Whenever the code official determines that a violation of this code exists or has grounds to believe that a violation exists, notice will be issued and served as set forth in applicable state law, City Code, and this code. Failure of the code official to serve any person required to be served does not invalidate any proceedings as to any other person properly served or relieve that person from any duty or obligation imposed by this code.

109.4.1 Form. A written notice directed to the owner of record and, if applicable, occupant of the structure or premise notice must:

1. identify the structure or premise by street address, or provide a description sufficient for identification of the structure or premise;
2. state that the code official has found the structure or premise to be substandard or dangerous, with a summary description of the applicable provisions of this code and the alleged violations;
3. specify the corrective measures required to bring the structure or premise into compliance with applicable provisions of this code;
4. provide a time period for compliance;
5. include a description of the applicable appeal procedures; and
6. include a provision stating that a translation will be provided on request if the recipient is not able to read the notice in English.

109.4.2 Method of Service. Required notices must be served via any method or combination of methods permitted in state law, City Code, and this code.

109.4.3 Property Manager. The code official may also provide a copy of any notice sent to a property owner to the manager of the property. On receipt of a copy of the notice under this section, a property manager must notify the owner of the specifics of the notice within 10 days and must make every reasonable effort to have the owner correct the violation.

109.6 Responsibility of Owner. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official.

109.6.1 Responsibility of Purchaser. A purchaser of a premise subject to a notice, order, or other notification issued under this code and recorded in the real property records of the county where the property is located must comply with the terms of the notice, order, or other notification.

109.6.2 Effect of Transfer. A transfer of the property does not impact the validity of the notice, order, or other notification.

109.6.3 Duty to comply. A person has a duty to comply with the provisions, requirements, and prohibitions in this code even if the code official has not served the person with separate notice personally informing the person of the duty to comply with this code.

109.7 Placarding. A structure or premise vacated under this code will be placarded at each entrance and exit of the structure or premise. The placard must be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY
IT IS UNLAWFUL TO REMOVE OR DAMAGE THIS NOTICE.
CODE OFFICIAL
CITY OF AUSTIN

109.7.1 Placard Removal. Until the required repair, abatement, demolition, or removal is complete, a person may not remove or damage the placard after it is posted by the code official. A required repair, abatement, demolition, or removal is complete when the code official releases the notice or order, or when the building official issues a certificate of occupancy for the structure.

109.8 Prohibited Occupancy. A person may not remain in or enter any building, structure, or premise that is subject to an order to vacate or is posted with a placard. A person may not induce, allow, or authorize another person to occupy a structure or premise that is subject to an order to vacate or that is posted with a placard.

109.8.1 Affirmative Defense. It is an affirmative defense to prosecution under this section if a person enters a structure or premise described above to repair, abate, demolish, or remove the structure or condition under an applicable permit.

110.1 Imminent danger. When, in the opinion of the code official, a condition exists that could cause serious or life-threatening injury or death in the near future, the code official is authorized to recommend the occupants to vacate the premises. A condition means a structure or part of a structure that has fallen or may fall; a structure or part of a structure that has collapsed or may collapse; the presence of explosives, explosive fumes or vapors, toxic fumes, gases, materials; or the presence of dangerous or defective equipment. If a premise is vacated due to an imminent danger, a notice reading as follows: "This Structure/Premise Is Unsafe To Occupy" must be posted at each entrance to such structure or premise.

110.2 Temporary Safeguards. The code official may secure a structure before a public hearing is held by the Commission if the code official determines that the structure violates this code; and is unoccupied or is occupied only by persons who do not have a lawful right of possession to the structure.

110.2.1 Notice.

1. Before the 11th day after the date a structure is secured or repaired, the code official must give notice of the closure:
 - a. by personal service to the owner; or
 - b. by regular mail and certified mail, return receipt requested, to the owner at the owner's last known address; or
 - c. if personal service cannot be obtained and the owner's post office address is unknown, by:
 - i. publication at least twice within a 10-day period in a newspaper of general circulation in the county in which the structure is located, or
 - ii. posting the notice on or near the front door of the structure.
2. The notice must contain the following:
 - a. an identification, which is not required to be a legal description, of the structure and the premise on which it is located;
 - b. a description of the violations of this code or the City Code that are found at the structure;
 - c. a statement that the code official has secured the structure or premise; and
 - d. an explanation of the owner's right to request a hearing about any matter relating to the securing of the structure by the code official.

110.2.2 Appeal of Emergency Closure. The owner of a structure may appeal an emergency closure to the Commission. An appeal must be in writing and must be provided to the code official within 30 days after the date the code official secured the structure. Unless the appellant, in writing, requests or agrees to postpone the hearing on the appeal to a later date, a hearing on the appeal must be heard at the next available agenda date at which a quorum of the Commission is present.

110.2.3 Costs. The City may assess costs incurred for emergency closures under this code against the owner of the affected premise and, unless exempted under the Texas Constitution, may secure those costs with a lien against the affected premise.

110.5 Costs of Emergency Repairs. The City may assess costs incurred for emergency repairs under this code against the owner of the affected premise and, unless exempted under the Texas Constitution, may secure those costs with a lien against the affected premise.

110.6 Appeal of Emergency Repairs. The owner of a structure may appeal emergency repairs to the Commission. An appeal must be in writing and must be provided to the code official within 30 days after the date the code official repaired the structure. Unless the appellant, in writing, requests or agrees to postpone the hearing on the appeal to a later date, a hearing on the appeal must be heard at the next available agenda date at which a quorum of the Commission is present.

111.1 General. An owner must demolish and remove a structure, equipment, or property condition if the code official finds:

1. the structure, equipment, or property condition so deteriorated, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy; and
2. it is unreasonable to repair the structure, equipment, or property condition.

111.4 Salvage materials. If the City demolishes and removes a structure, then the City, or its agent, may sell the salvage and valuable materials at the highest price obtainable.

201.3 Terms defined in other codes. If a term is not defined in this code but is otherwise defined in Title 25 (Land Development), the term has the meaning given in Title 25 (Land Development).

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "boarding house", "building," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

202.1 Supplemental and replacement definitions. The definitions in this subsection apply throughout this code and supplement the definitions in Section 202 (*General Definitions*) of the 2024 International Property Maintenance Code, as published, unless the term is defined in both places, in which case the definition in this subsection replaces and supersedes the definition in Section 202 of the 2024 International Property Maintenance Code.

ACTION PLAN. A written plan that identifies the repairs that are needed, the timeline needed for repairs, alternative methods of compliance, and the projected finish date of the repair.

ACTIVITY. Constructing, enlarging, altering, repairing, moving, demolishing, erecting, installing, removing, converting, or replacing a structure, component of a structure, or any electrical, gas, mechanical, or plumbing system.

ADULT. A person 18 years of age or older.

BED AND BREAKFAST. The use of an owner-occupied single-family residential structure to provide limited meal service and rooms for temporary lodging for overnight guests in return for compensation.

BOARDING HOUSE. A structure, other than a hotel, where lodging and meals are provided for 16 or more adults on a weekly or longer basis in return for compensation. When used in this code, the term Boarding House includes fraternity and sorority houses, dormitories, residence halls, and transient boarding houses.

COMMISSION. The Building and Standards Commission described in Section 2-1-122 (*Building and Standards Commission*) of the City Code.

COMMISSION ORDER. An order issued by the Commission.

COMPENSATION. Any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid to, accepted, or received by the owner or operator of a lodging establishment; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

DANGEROUS. A condition that violates this code that could cause serious or life-threatening injury or death.

HOTEL. A structure or a part of a structure, in which there are guest rooms, rooming units, or apartments which may be rented on a daily basis and are used primarily for transient occupancy, and for which desk service is provided. In addition, one or more of the following services may be provided: maid, telephone, bellboy, or furnishing of linen. When used in this code, the term hotel includes a motel.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, scorpions, bed bugs, rodents, vermin, or other pests.

JUDICIAL ORDER. An order issued by a court of competent jurisdiction.

ORDER. A commission order or a judicial order.

PERSONALTY. Personal property that is not attached to real property.

PREMISE. A lot, plot or parcel of land, property, or easement. The term includes the structures located on the lot, plot or parcel of land, or easement.

SUBSTANDARD. A structure or premise that does not comply with this code.

SURCHARGE. The vertical load imposed on retained soil that may impose a lateral force in addition to the lateral earth pressure of retained soil.

202.2 Nuisance. Each of the following is declared to be a nuisance for purposes of this code:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human health or is detrimental to health, as determined by the health officer.
4. Unsanitary conditions described in City Code Section 10-5-21 (*Duty to Maintain Property in a Sanitary Condition*).
5. A utility room not maintained free of flammable liquids, oil and grease, and other similar materials.
6. Yards, courts, and vacant lots not maintained clean and free of holes, excavations, dead trees and tree limbs, sharp protrusions, and other objects, conditions and hazards that are reasonably capable of causing injury to a person.
7. A manufactured residential building, mobile home, or tourist court not maintained in accordance with the provisions of this code, the manufacturer specifications under which the structure was constructed, or Title 25 (Land Development) of the City Code.

301.4 General requirement to obtain a permit. After receiving written notice that an activity was conducted on the premises without the appropriate permit, an owner must obtain a permit for the activity that was conducted without the appropriate permit.

302.3 Sidewalks and driveways (common areas). All common areas, including, but not limited to, sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

302.6 Exhaust vents. Pipes, ducts, conductors, fans, dryer vents or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another tenant.

302.6.1 Exhaust vents maintained. Pipes, ducts, conductors, fans, dryer vents, and blowers shall be maintained in good repair and be free from obstructions or debris.

304.3 Address Identification. A premise must be identified with address numbers that are legible and visible from the street or road. The address numbers must comply with the Fire Code and Fire Criteria Manual.

304.5 Foundation walls. Foundation walls and foundation skirting shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition to prevent the entry of rodents and other pests.

304.7 Roofs and drainage. All roof components shall be maintained in good repair and shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.19 Gates. All exterior gates, components of a gate, operator systems, if provided, and hardware must be maintained in good condition.

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a boarding house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions. The following conditions violate this code and are declared unsafe:

1. A structure or a component of a structure cannot perform as intended;
2. A wall or column is not anchored to support a floor or roof;
3. Structural members, including stairs, landings, decks, balconies, walking surfaces, handrails, and guardrails, cannot perform as intended;
4. Structural members, including stairs, landings, decks, balconies, walking surfaces, handrails, and guardrails, are not anchored to support use of the structural member; or
5. Any portion of the foundation system is not supported by footings, is not supported by adequate soil, has cracks or breaks, or is not adequately anchored.

Exception: If a person, using an approved method, establishes that the condition is safe, then the condition does not violate this code.

307.1 General. Handrails and guards shall be maintained in good repair and in accordance with the Building Code in effect at the time of construction.

307.3 Openings. Any openings in guards must be spaced in accordance with the Building Code in effect at the time of construction. If guards were not required at the time of construction, the openings must be spaced in a manner to prevent a four inch or larger sphere from passing between the openings.

309.1 Infestation. Structures shall be kept free from insect, scorpion, bed bug, and rodent infestation. Where insects, scorpions, bed bugs, and rodents are found, they shall be immediately exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate insect, scorpion, bed bug, and rodent harborage and prevent reinfestation.

309.1.1 Exception. The keeping, maintenance or management of common domestic honeybee colonies, *Apis mellifera* species, must be in accordance with City Code Chapter 3-6 (*Beekeeping*).

309.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a boarding house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

401.3 Alternative devices. Artificial light or mechanical ventilation that complies with the applicable Building Code or Residential Code requirements is authorized as an alternative to the requirements for natural light and ventilation prescribed in Sections 402 and 403.

404.4.1 Room area. Except for qualifying efficiency units, a bedroom must contain at least 70 square feet; and a bedroom occupied by more than two adults must contain at least 120 square feet plus an additional 50 square feet for each adult in excess of three.

404.5 Unsafe occupancy. The number of persons occupying a dwelling unit must not create conditions that, in the opinion of the code official, endanger the life, health, safety, or welfare of the occupants.

501.3 General requirement to obtain a permit. After receiving written notice that an activity was conducted on the premises without the appropriate permit, an owner must obtain a permit for the activity that was conducted without the appropriate permit.

502.2 Boarding houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration, or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard. If the code official finds a structure unsafe, the owner of the property shall provide an action plan for repairs to the code official and provide approved accommodations for the occupants of the structure within two days of notice.

505.1 General requirements for water systems. A sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture must be properly connected to either a public water system or to an approved private water system. A kitchen sink, lavatory, laundry facility, bathtub, and shower must be supplied with hot or tempered and cold running water in accordance with the Plumbing Code.

505.4 Water heating facilities. A water heating facility must be properly installed, maintained and capable of providing an adequate amount of water to be drawn at each sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than 110°F (43°C). If the code official finds a structure unsafe, the owner of the property shall provide an action plan for repairs to the code official and provide approved accommodations for the occupants of the structure within two days of notice.

505.4.1 Compliance. A water heating facility in a structure with one or more dwelling units complies with the requirement in Section 505.4 if the temperature of the water drawn at the kitchen sink reaches 110°F (43°C) within three minutes.

505.4.2 Valves. A relief valve discharge pipe and approved combination temperature and pressure-relief valve must be properly installed and maintained on water heaters.

505.4.3 Gas-burning water heater. Unless installed in a sealed enclosure with adequate combustion air that does not take air from the living space, a gas-burning water heater must not be located in a bathroom, toilet room, bedroom, or other occupied room that is normally kept closed when in use. Direct vent water heaters are not required to be installed within an enclosure.

601.3 General requirement to obtain a permit. After receiving written notice that an activity was conducted on the premises without the appropriate permit, an owner must obtain a permit for the activity that was conducted without the appropriate permit.

602.2 Residential occupancies. Heating facilities that are capable of maintaining a room temperature of 68°F (20°C) in habitable spaces, bathrooms, and toilet rooms are required in each dwelling unit. Cooking appliances and unvented fuel-burning space heaters cannot be used to meet or maintain the room temperature required by this section. A portable electric space heater may be used on a temporary basis if used consistent with manufacturer's specifications. If the code official finds a structure unsafe, the owner of the property shall provide an action plan for repairs to the code official and provide approved accommodations for the occupants of the structure within two days of notice.

602.3 Heat supply. An occupied commercial structure that includes dwelling units or sleeping units must maintain a temperature of at least 68°F (20°C) in all habitable areas, bathrooms, and toilet rooms.

602.4 Occupiable workspaces. Except as otherwise provided, an occupied commercial structure with indoor occupiable workspaces must maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

602.4.1 Processing, storage, and operation. A commercial structure with areas that require cooling or special temperature conditions are not required to maintain the temperature in Section 602.4.

602.4.2 Physical activities. Areas within a commercial structure where persons are primarily engaged in vigorous physical activities are not required to maintain the temperature in Section 602.4.

603.7 Cooling Facilities Required.

(A) An owner shall:

- (i) Provide and maintain, in operating condition, refrigerated air equipment capable of maintaining a room temperature of at least 15 degrees cooler than the outside temperature, but in no event higher than 85°F in each habitable room.
- (ii) Maintain all air conditioning systems, including air conditioning unit covers, panels, conduits, and disconnects, properly attached, and in operating condition.

(B) The required room temperature shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

(C) It is a defense to prosecution under this paragraph that at least one habitable room is 85°F, if the outside temperature is over 110°F.

604.2 Service. In accordance with NFPA 70, the size and usage of appliances and equipment determines the need for additional electrical facilities. If the electrical system is defective or damaged, a dwelling unit must be served by an electrical service with a rating of at least 100 amperes.

604.3 Electrical System hazards. If the code official finds that the electrical system in the structure constitutes a hazard to the occupants or the structure by reason of inadequate service, the owner of the property shall provide an action plan for repairs to the code official and provide approved accommodations for the occupants of the structure within two days of receiving notice.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that are exposed to water must be replaced in accordance with the provisions of the Electrical Code.

Exception: The following equipment may be repaired when an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors; and
18. Electronic control, signaling and communication equipment.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that are exposed to fire, must be replaced in accordance with the provisions of the Electrical Code.

Exception: Electrical switches, receptacles and fixtures may be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

605.3 Luminaires. Luminaires must be maintained in good condition and in accordance with the applicable code(s) in effect at the time of construction.

605.4 Wiring. Except as otherwise provided, flexible cords, including extension cords, must not be:

1. Used for permanent wiring;
2. Used for running through doors, windows, or cabinets; or
3. Concealed within walls, floors, or ceilings.

Exception: A flexible cord used as permanent wiring, for running through doors, windows, or cabinets, or to be concealed within walls, floors, or ceilings complies with this code if the flexible cord was manufactured for such use and was installed as part of a project permitted by the City. For purposes of this exception, a project permitted by the City means the project passed all required inspections, was completed by a licensed electrician, and was installed consistent with the manufacturer's specifications.

702.1 General requirements for egress. A safe, continuous, and unobstructed path of travel must be provided from any point in a structure to the public right-of-way. Means of egress must comply with this code as well as applicable provisions of the Fire Code, the Building Code, and the Residential Code.

702.2 Aisles. Aisles must be unobstructed to achieve the width required in the Fire Code, the Building Code, and the Residential Code.

702.3 Locked doors. Except for door hardware that conforms to the applicable Building, Fire, or Residential Code, doors used for egress must be readily openable from the side used to exit a structure. Readily openable means a door that can be opened without the need for keys, special knowledge, or effort.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following:

1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.
2. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

702.5 Additional emergency escape, and rescue opening requirements. Unless the sleeping room(s) meet a specific exception of the code under which the structure was constructed, sleeping rooms in R-2 and R-3, one- and two-family and multiple-family occupancy groups must have at least one emergency escape and rescue opening. An existing escape or opening complies with this code if:

1. the existing emergency escape and rescue opening meets the minimum height and width dimensions, openable area and the maximum sill height requirement of the code(s) under which the structure was constructed; or
2. at the time of construction no code was in effect, an existing emergency escape and rescue opening satisfies this code if it has:
 - a. a minimum net clear openable area of 5 square feet (0.465 m^2),
 - b. a minimum net clear opening height of 22 inches (559 mm),
 - c. a minimum net clear opening width of 20 inches (457 mm), and
 - d. a sill height not greater than 48 inches (1219 mm) above the floor; or
3. it meets an alternative method of compliance described in Section 702.5.1.

702.5.1 Alternate Method of Compliance for existing emergency escape and rescue openings. An alternate method of compliance for a sleeping room with an emergency escape and rescue opening that does not meet the requirements referenced in Section 702.5 is to install hard-wired, dual chamber smoke alarms with battery backup capability that are served with primary power from the structure wiring. The smoke alarms must be installed inside and outside of the sleeping room and must be interconnected through either wired or wireless interconnection.

704.1 General requirements for fire protection systems. All systems, devices, and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination must be maintained in an operable condition at all times in accordance with the applicable requirements in [Chapter 25-12 \(Technical Codes\)](#).

CHAPTER 9 QUASI-JUDICIAL ENFORCEMENT.

SECTION 901 BUILDING AND STANDARDS COMMISSION.

901.1 Purpose. The Building and Standards Commission is established to hear cases concerning alleged violations of City Code related to the condition of, and minimum standards for, the maintenance of existing residential and nonresidential structures, premises, property, and establishments; and to hear appeals when required by City Code and this code. The Commission has the powers and duties under this code, Section 2-1-122 (*Building and Standards Commission*) and applicable state law.

901.2 Duties. The Commission shall hear and decide cases concerning alleged violations of this code and appeals as required by this code and City Code. The Commission shall issue orders regarding the cases, as appropriate. The Commission shall hear evidence from each party that attends a hearing. Each order that requires removing or relocating an occupant or repairing, securing, or demolishing a structure must include a time period for compliance.

901.3 Powers. The Commission may order or initiate any action, remedy, response, security, or penalty within its authority under applicable state law, this code, or City Code, including:

1. ordering a structure be repaired within a fixed period;
2. declaring a structure or premise to be substandard or dangerous in accordance with the powers granted under state law, City Code, and this code;
3. ordering, as necessary:
 - a. that a structure be vacated;
 - b. that occupants be relocated;
 - c. that persons or property be removed from private property;
 - d. entry on private property; or
 - e. that a substandard or dangerous condition or structure on private property be removed or demolished.
4. issuing orders or directives to any peace officer of the state, including the Austin Chief of Police, a sheriff, or constable, to enforce and carry out the lawful orders or directives of the Commission;
5. determining the amount and duration of the civil penalty allowed under state law;
6. hearing and deciding appeals which may be taken to the Commission; and
7. considering and recommending amendments to the City's housing and building regulations or ordinances.

901.4 Rules. The Commission shall adopt rules for its own procedure. The rules shall establish procedures to provide opportunity for presentation of evidence and testimony in its hearings by persons who are alleged to have violated ordinances.

901.5 Meetings. Meetings of the Commission are held at the call of the Chairperson and at other times as the Commission may determine. The Chairperson, or the Acting Chairperson in the absence of the Chairperson, may administer oaths and compel the attendance of witnesses. Six members constitute a quorum and the concurring vote of six members is necessary to take any action. The Commission must render all decisions and findings in writing in accordance with the applicable requirements of state law and City Code.

901.6 Records. The Commission shall keep records of its minutes, hearings, decisions, and other official actions. The Commission's minutes shall show the vote of each Commission member on each question submitted to the Commission and the fact that a member is absent or fails to vote. Commission records shall be filed in the office of the code official.

901.7 Notice. Notice and any required recordation of all Commission hearings, orders, or actions must be posted, filed, served, accomplished or disseminated in accordance with the applicable provisions of state law and City Code.

901.8 Orders. A Commission order is final unless appealed in accordance with Chapters 54 and 214 of the Texas Local Government Code. Except for appeals related to temporary safeguards, a Commission order does not include appeals.

901.9 Civil Penalty. The Commission is authorized to determine the amount and duration of the civil penalty allowed under state law. The filing of a criminal action or a conviction under Section 902.1 does not preclude assessment or enforcement of the civil penalty.

901.10 Satisfaction of Civil Penalty.

901.10.1 Applicability. This section applies to a civil penalty assessed under Section 901.9 of this code for violations relating to:

1. a structure that is designated as an historic landmark or located in a designated historic district; or
2. a residential structure with three or fewer dwelling units.

901.10.2 Offset Provision. The code official must accept as full payment of the civil penalty an amount equal to the assessed penalty minus the cost to complete repairs or other corrective action required by the Commission order establishing the penalty if:

1. all repairs or other corrective action required by the Commission order establishing the penalty have been completed;
2. the code official has determined that all repairs or other corrective action comply with City regulations; and
3. the City has not initiated a lawsuit based on the Commission order assessing the penalty.

901.10.3 Evidence. A person that seeks an offset must provide evidence to the code official of the cost of repairs or other corrective action required by a Commission order.

901.10.4 Determination. The code official must determine whether the evidence, as that term is used in Section 901.10.3, is associated with a repair or other corrective action ordered by the Commission. The determination by the code official may not be appealed.

901.11 Validity of Order Not Affected by Transfer. When a Commission order has been filed in the deed records, the Commission order is valid even if the property is sold or otherwise transferred. A person who acquires an interest in property after a Commission order is recorded is subject to the requirements of the Commission order. Each Commission order must include the text of this provision.

SECTION 902 FAILURE TO COMPLY WITH A COMMISSION ORDER.

902.1 Criminal Offense and Penalty. A person commits an offense if the person fails to comply with a final order issued by the Commission. Each day that a person fails to comply with a final order is a separate occurrence. An offense under this section is a class C misdemeanor. The maximum penalty must be \$500 per offense, per occurrence. Proof of a culpable mental state is not required for conviction of an offense under this section.

SECTION 903 PERFORMANCE OF WORK REQUIRED FOR COMPLIANCE WITH A COMMISSION ORDER.

903.1 Demolition and Remediation authorized. In addition to any other remedy provided in this section, and on the failure of the owner to comply with any predicate or requirement of a Commission order, the code official may perform, procure, or contract for any work, services, materials, accommodations, or action required of the property owner by the Commission order. This includes engineering surveys or inspections, cost estimates, construction scheduling, asbestos testing, design services, plan preparation, permitting, fencing, stabilization, grading, filing, draining, the closure of a building, the vacation and relocation of occupants, the removal of personality or disposal of debris, and the treatment or cleaning of the premises and the lot.

903.2 Personality on the Premises. A property owner is responsible for removing personality from a structure that must be vacated or demolished. If the City or its agent demolishes the structure, the personality remaining on the property is considered abandoned and may be removed by the City or its agent in the same manner as other rubbish or debris.

CHAPTER 10 LANDLORD/TENANT RELATIONSHIPS.

1001 Responsibility of Landlord. The owner of a building, structure, or property remains responsible for compliance with this Code notwithstanding any rental or other agreement purporting to give tenants or other third parties certain duties or responsibilities with respect to the building, structure, or property.

1002 Retaliation.

1002.1 Prohibited. A property owner, owner's agent, management company, or other person responsible for managing a property commits an offense if the property owner, owner's agent, management company, or other person responsible for managing a property raises a tenant's rent, diminishes services to the tenant, or attempts eviction for reasons other than nonpayment of rent or other good cause for six months after a complaint is filed by the tenant with the code official complaining of violations of this code or for six months after completion of repairs required by a notice or order issued under this code, whichever time period is longer.

1002.2 Penalty. Unless a culpable mental state is established, a violation of Section 1002 (*Retaliation*) is an offense, punishable by a fine not to exceed \$500 per occurrence. If proof of a culpable mental state is established, a violation of Section 1002 (*Retaliation*) is punishable by a fine not to exceed \$2,000 per occurrence.

1002.3 Affirmative Defense. It is an affirmative defense to prosecution under Section 1002 (*Retaliation*) if the action was:

1. an increase in rent under an escalation clause for utilities, taxes, or insurance in a written rental agreement;
2. an increase in rent or reduction in services against the complaining tenant which are a part of a pattern of rental increases or service reductions uniformly applied for an entire multifamily dwelling project of four or more units; or
3. an increase in rent that is reasonably related to repairs or improvements actually made by the landlord after a complaint has been filed and which do not cause the total rent to exceed fair market value of the premises. However, no rental increase may be made until the structure is in full compliance with any notice or order issued under this code.

CHAPTER 11 INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED.

1101 GENERAL. No person must obstruct, impede, or interfere with work performed by any of the following individuals for purposes of boarding, securing, repairing, vacating, or demolishing a building, structure, or property under the provisions of this code, or in performing a necessary act preliminary or incidental to work authorized under this code:

1. a peace officer;
2. a City employee;
3. a City contractor;
4. an authorized representative of the City;
5. a person who owns or holds an estate or interest in a building, structure, or property; or
6. a person to whom such a structure has been lawfully sold under this code.

CHAPTER 12 [Reserved for Expansion].

CHAPTER 13 REGULATED LODGING ESTABLISHMENTS.

1301 Inspections. The code official must make inspections to determine the condition of boarding houses, hotels, and bed and breakfast establishments located within the City, to ensure compliance with this chapter and other applicable laws. For the purpose of making inspections, the code official or the code official's representative may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and premises on

presentation of the proper credentials. An owner or other authorized individual may refuse to consent to an inspection conducted by the code official. If consent is refused, that refusal is grounds for suspension of any current license, or denial of any license renewal associated with or assigned to that boarding house, hotel, or bed and breakfast establishment. The code official may seek an administrative search warrant authorized by Article 18 of the Texas Code of Criminal Procedure (*Search Warrant*) and City Code Section 2-10-1 (*Jurisdiction and Authority*). Nothing in this code limits the ability of the code official to inspect as necessary or as authorized by other law.

1302 Licenses and permits required. No person may operate a boarding house, hotel, or bed and breakfast establishment unless a license for the operation, in the name of the owner or operator and for the specific dwelling unit, partial unit, accessory unit, building, structure, or property used, has been issued by the code official and is currently valid and in good standing. Unless specifically exempted by the provisions of Chapter 10-3 (*Food and Food Handlers*), each regulated lodging establishment that provides meals or food service is required to have a permit as a food service establishment issued by the Health Authority.

1303 Leasing, renting, or advertising units or rooms in an unlicensed hotel, boarding house, or bed and breakfast establishment is an offense.

- (A) An owner, manager, operator, or person in control of a hotel, boarding house, or bed and breakfast establishment commits an offense if the owner or other person leases, rents, advertises, promotes, or otherwise solicits or induces occupancy of a room, structure, dwelling unit, or partial unit in a hotel, boarding house, or bed and breakfast establishment which does not have a valid license issued and displayed as required by this chapter or as required by Title 25 (Land Development).
- (B) A person may not advertise or promote a licensed establishment without including the license number assigned to the establishment by the city in the advertisement or promotion.
- (C) Each day that an owner, manager, operator, or other person in control of the property leases, rents, advertises, promotes, or otherwise solicits or induces occupancy of a room in a hotel, boarding house, or bed and breakfast establishment which does not have a valid license issued, disclosed, and displayed as required by this chapter is a separate occurrence. An offense under this section is a class C misdemeanor, punishable by a fine not to exceed \$500 per offense, per occurrence, unless proof of a culpable mental state is proven. If proof of a culpable mental state is demonstrated, an offense under this section is punishable by a fine not to exceed \$2,000 per occurrence.
- (D) It is an affirmative defense to a violation of Section 1303 if the advertisement or promotion conspicuously disclosed that reservation, occupancy, or rental of the facility is contingent on a pending city licensure application.

1304 Application. An application for a license required by this chapter must be in writing and submitted to the code official. To be considered complete, the application must include all information and documentation required by the Land Development Code regulations specific to the use type or indicated as required by the code official and this code.

1305 Fee. Each application for a hotel, motel, boarding house, or bed and breakfast establishment license must be accompanied by the payment of a fee in an amount established by separate ordinance. A regulated lodging establishment fee must be prorated on a quarterly basis.

1306 Issuance. A boarding house, hotel, or bed and breakfast establishment license must be issued by the code official after the code official determines that the owner or operator has complied with all applicable ordinances and rules. A license must not be issued or renewed by the code official for any applicant or location in the absence of proof of the applicant or location's substantial compliance with all applicable local hotel occupancy tax rules and regulations.

1307 License suspension.

- (A) Except as provided in subsection (D), whenever the code official finds on inspection of the physical premises or review of applicable records of any boarding house, hotel, or bed and breakfast establishment that conditions or practices exist that violate any provision of the Property Maintenance Code, City Code, or any rule or regulation adopted under this code, or that the establishment has failed to comply with any provision, prohibition, or requirement related to the registration, reporting, collection, segregation, accounting, disclosure, or payment of local hotel occupancy taxes, the code official must give written notice to the owner of the property and the operator of the boarding house, hotel, or bed and breakfast establishment that unless the violations are corrected by an identified deadline, the license must be suspended.
- (B) At the end of the time provided for correction of the violation(s), the code official must re-inspect the location or records of the boarding house, hotel, or bed and breakfast establishment and, if the conditions or practices have not been corrected, must suspend the license and give written notice to the licensee that the license has been suspended.
- (C) On receipt of notice of suspension, the licensee must immediately stop operation of the boarding house, hotel, or bed and breakfast establishment, and no person may occupy for sleeping or living purposes any rooming unit therein. The notice required by this subsection must be served in accordance with the notice provisions of applicable law.
- (D) The code official may immediately suspend a license if the code official determines that the license was issued in error. A suspension is effective until the code official determines that the licensee has complied with the requirements of the City Code or any rule or regulation adopted under this code. The code official must give written notice to the owner of the property and the operator of the establishment that the license is suspended.

1308 Appeals.

- (A)

The following actions of the code official may be appealed to the Building and Standards Commission as provided in this code: the denial of an application for a license to operate a boarding house, hotel, or bed and breakfast establishment; the suspension of a license to operate a boarding house, hotel, or bed and breakfast establishment; and the issuance of a notice that a license to operate a boarding house, hotel, or bed and breakfast establishment will be suspended unless existing conditions or practices are corrected.

- (B) An appeal filed under this section must be filed with the code official no later than the 20th day following the date on which the license was denied or suspended, or notice of violation was received. The appeal must identify each alleged point of error, facts and evidence supporting the appeal, reasons why the action of the code official should be set aside, modified, or reversed, and must be sworn. The appeal must be set for hearing before the Commission on the next available agenda date following receipt of the appeal and must be heard following setting on the scheduled agenda if a quorum is present at the hearing, unless the appellant requests a later date and waives the scheduled hearing.

- (C) An appeal of under this section does not stay enforcement of license requirements.

1309 Expiration.

Each boarding house, hotel, motel, or bed and breakfast establishment license expires at the end of the calendar year for which the license is issued, unless prior to the end of the calendar year, the license is voided, suspended, or revoked as provided in this chapter, as provided in another section of City Code, or by court order, or other operation of law.

1310 Transfer and notice on sale of premises. A license issued under this chapter is not transferable. Every person holding a license must give written notice to the code official no later than 10 days before the conveyance, transfer, or any other disposition of the ownership of, interest in, or control of any boarding house, hotel, or bed and breakfast establishment. The notice must include the name and address of the person succeeding to the ownership or control of the boarding house, hotel, or bed and breakfast establishment.

1311 Display. The license required by this chapter must be displayed at all times in a conspicuous place designated by the code official within each boarding house, hotel, or bed and breakfast establishment.

Source: Ord. No. 20171012-SPEC001, Pt. 1, 1-1-18/4-1-18; Ord. No. 20210603-060, Pt. 1, 9-1-21; Ord. No. 20250410-037, Pt. 1, 7-10-25.

ARTICLE 10. - EXISTING BUILDING CODE.

§ 25-12-231 - INTERNATIONAL EXISTING BUILDING CODE.

- (A) The International Existing Building Code, 2024 Edition, published by the International Code Council ("2024 International Existing Building Code") is adopted and incorporated by reference into this section with the deletions in Subsection (B) and the amendments in Section 25-12-233 (Local Amendments to the International Existing Building Code).
- (B) The following sections of the 2024 International Existing Building Code are deleted.

| | | |
|----------------------|---------|-------|
| 103 plus subsections | 105.1.1 | 105.2 |
| 105.5 | 106.2.6 | 111.3 |
| 112 plus subsections | | |

- (C) The city clerk shall retain a copy of the 2024 International Existing Building Code with the official ordinances of the City.

Source: Ord. No. 20170928-096, Pt. 2, 1-1-18; Ord. No. 20210603-059, Pt. 2, 9-1-21; Ord. No. 20250410-045, Pt. 2, 7-10-25.

§ 25-12-232 - CITATIONS TO THE EXISTING BUILDING CODE.

In the City Code, "Existing Building Code" means the 2024 International Existing Building Code adopted in Section 25-12-231 (International Existing Building Code), as amended by Section 25-12-233 (Local Amendments to the International Existing Building Code). In this article, "this code" means the Existing Building Code.

Source: Ord. No. 20170928-096, Pt. 2, 1-1-18; Ord. No. 20210603-059, Pt. 2, 9-1-21; Ord. No. 20250410-045, Pt. 2, 7-10-25.

§ 25-12-233 - LOCAL AMENDMENTS TO THE INTERNATIONAL EXISTING BUILDING CODE.

Each provision in this section is a substitute for the identically numbered provision deleted in Section 25-12-231(B) (International Existing Building Code) or is an addition to the 2024 International Existing Building Code.

SECTION 103 CODE COMPLIANCE AGENCY.

[A] 103.1 Authority. The building official administers, enforces, and interprets this code. The building official may designate one or more deputy building officials.

105.1.1 Annual permit. Instead of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, and minor building alterations and repairs, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit. The facility shall maintain records on all work performed under the annual permit in accordance with Section 105.1.2 (*Annual Permit Records*).

105.1.1.1 Authorized Scope of Work. See Building Criteria Manual, Section 1.1.2 (*Building Inspection Processes*) for authorized work under the annual permit.

105.5 Time Limits. Chapter 25-12, Article 13 (*Administration of Technical Codes*) establishes permit application time limits and requirements applicable to permit expiration and reactivation, including a review fee for expired permits.

106.2.6 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. For a building or structure involving below-grade construction, the site plan shall show the location of proposed earth retention system components allowed under Section 3202.1.4 (*Earth Retention System Components*) of the Building Code. The building official is authorized to waive or modify the requirement of the site plan when the application for permit is for alteration, repair or change of occupancy when otherwise warranted.

111.3 Authority to Disconnect Service Utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property, where one or more circumstances listed in Section 15-9-101(A)(2) (*Basis for Termination of Service*) exist, or where such utility connection has been made without the approval required by Section 112.1 or Section 112.2. The building official shall provide notice in accordance with Section 15-9-106 (*Notice of Service Disconnection*) of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter in accordance with Section 15-1-106 (*Notice of Service Disconnection*).

SECTION 112 BUILDING AND FIRE CODE BOARD OF APPEALS. The Building and Fire Code Board of Appeals shall comply with Chapter 2-1 (*Boards and Commissions*).

Source: Ord. No. 20170928-096, Pt. 2 , 1-1-18; Ord. No. 20210603-059, Pt. 2, 9-1-21; Ord. No. 20250410-045, Pt. 2, 7-10-25.

ARTICLE 11. - RESIDENTIAL CODE.

Footnotes:

--- (4) ---

Editor's note— Ord. No. 20170406-048, Pt. 1, effective July 5, 2017, repealed the former Art. 11, §§ 25-12-241—25-12-243, and enacted a new Art. 11 as set out herein. The former Art. 11 pertained to similar subject matter. See Code Comparative Table for complete derivation.

§ 25-12-241 - INTERNATIONAL RESIDENTIAL CODE.

- (A) The International Residential Code for One- and Two-Family Dwellings, 2024 Edition, published by the International Code Council ("2024 International Residential Code") and Appendices BA, BB, BF, BI, BJ, BK, BL, BM, and BO are adopted and incorporated by reference into this section with the deletions in Subsections (B), (C), and (D) and the amendments in Section 25-12-243 (*Local Amendments to the International Residential Code*).
- (B) The following definitions, parts, sections, and subsections of the 2024 International Residential Code are deleted:

| | | |
|--|---|--|
| R105.2 | R105.5 | R106.1.4 |
| Definition of HEIGHT, BUILDING from R202 (<i>Definitions</i>) | Definition of SUBSTANTIAL DAMAGE from R202 (<i>Definitions</i>) | Definition of SUBSTANTIAL IMPROVEMENT from R202 (<i>Definitions</i>) |
| R301.2.4 | R318.2 | R322 (<i>Accessibility</i>), plus subsections |
| R905.7.4 | R905.8.5 | Part IV (<i>Energy Conservation</i>) |
| Part VII (<i>Plumbing</i>), except for P2904 | | |

(C) The city clerk shall file a copy of the 2024 International Residential Code with the official ordinances of the City.

Source: [Ord. No. 20170406-048](#), Pt. 1, 7-5-17; [Ord. No. 20210603-054](#), Pt. 1, 9-1-21; [Ord. No. 20250410-040](#), Pt. 1, 7-10-25.

§ 25-12-242 - CITATIONS TO THE RESIDENTIAL CODE.

In the City Code, "Residential Code" means the 2024 International Residential Code adopted in [Section 25-12-241 \(International Residential Code\)](#) as amended by [Section 25-12-243 \(Local Amendments to the International Residential Code\)](#). In this article, "this code" means the Residential Code.

Source: [Ord. No. 20170406-048](#), Pt. 1, 7-5-17; [Ord. No. 20210603-054](#), Pt. 1, 9-1-21; [Ord. No. 20250410-040](#), Pt. 1, 7-10-25.

§ 25-12-243 - LOCAL AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE.

Each provision in this section is a substitute for the identically numbered provision deleted in [Section 25-12-241\(B\), \(C\), and \(D\) \(International Residential Code\)](#) or is an addition to the 2024 International Residential Code.

R101.2.2 Plumbing. The provisions of the International Plumbing Code and the Plumbing Code apply when a person installs, alters, repairs, and replaces plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system. The Plumbing Code supersedes the International Plumbing Code to the extent of conflict.

Exception:

1. A residential fire sprinkler system shall be designed and installed as required by Section P2904 and shall comply with the Fire Code. Backflow prevention shall be provided as required by the Plumbing Code.
2. Chapter 30 (*Sanitary Drainage*), Chapter 31 (*Vents*), and Chapter 32 (*Traps*) in the 2024 International Residential Code may apply to tiny houses used as single-family homes to the point of the building drain and the building sewer junction. Water conservation and backflow prevention requirements shall comply with the Plumbing Code.

R101.2.3 Building Criteria Manual. Additional information on procedures and rules related to administering the Residential Code is available in the Building Criteria Manual.

R101.2.4 Persons authorized to obtain permits for mechanical work. Except as otherwise provided in Section R105 (*Permits*), only an air conditioning and refrigeration contractor licensed by the State of Texas to perform mechanical work and registered with the City may obtain a permit required by the Residential Code to perform mechanical work.

R104.10 Flood Hazard Areas. A request for a variance to a flood hazard area requirement is decided in accordance with [Chapter 25-12, Article 3 \(Flood Hazard Areas\)](#).

R105.2 Work Exempt from Permit. A permit is not required for the work described in this provision. Work exempt from a permit must still comply with this code and all other applicable laws and City Code requirements.

Building:

1. A one-story detached accessory structure that is no more than 200 square feet (18.58 m²) of floor area, no more than 15 feet (4,572 mm) in height, does not create a dwelling, contains no plumbing, and is not located within a flood hazard area.
2. Unless located within a flood hazard area, a fence that is not over seven feet (2,133.6 mm) high.
3. Unless supporting a surcharge or located within a flood hazard, a retaining wall that is not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall.
4. A water tank that is supported directly upon grade if the tank's capacity does not exceed 5,000 gallon and the ratio of height to diameter or width does not exceed 2 to 1, and the tank is not located within a flood hazard area.
5. A sidewalk, driveway or concrete flatwork that is not located in the public right-of-way.
6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
7. A swimming pool that is prefabricated and less than 24 inches (610 mm) deep. Anything not covered under Section 801.1 (*General*) of the 2024 International Swimming Pool and Spa Code will be exempt.
8. Playground equipment, including a swing.
9. A window awning that does not project more than 54 inches (1,372 mm) from the exterior wall and the only required support is the exterior wall.
10. Decks that meet the following criteria:
 - a. Do not exceed an area of 200 square feet (18.58 m²);
 - b. Do not exceed a height of 30 inches (762 mm) above grade at any point;
 - c. Are not attached to a dwelling or townhouse;
 - d. Do not provide egress from the dwelling; and

- e. Are not located within a flood hazard area.
- 11. A gypsum board repair that does not exceed 128 square feet, is not part of a fire resistance rated construction assembly, a shear-wall assembly, or a tub and shower surround.
- 12. Asphalt shingles that replace existing asphalt shingles, unless the property is located in the Wildland-Urban Interface area and 50 percent or more of the roofing is being replaced.
- 13. Replacement of any roof covering that does not adversely affect the roof structure, unless the property is located in the Wildland-Urban Interface area and 50 percent or more of the roofing is being replaced.
- 14. A foundation repair that does not exceed 128 square feet.
- 15. A floor decking repair that does not exceed 128 square feet.
- 16. A non-structural exterior deck repair that is limited to the existing deck boards and does not include guardrails or handrails.
- 17. Repairing or replacing exterior trim components including wood fascia, trim, and soffits.
- 18. Siding that does not exceed 128 square feet and is not part of a fire-resistance rated assembly.
- 19. Roof decking that does not exceed 128 square feet.
- 20. Replacing or installing an overhead garage door on a garage.
- 21. Replacing doors of same size and operation.
- 22. Other work as determined by the building official.

Mechanical:

- 1. A portable heating appliance.
- 2. A portable ventilation appliance.
- 3. A portable cooling unit.
- 4. A steam, hot- or chilled-water pipe within heating or cooling equipment regulated by the Residential Code.
- 5. Replacing a minor part of equipment that does not alter its approval or make it unsafe.
- 6. A portable evaporative cooler.
- 7. A self-contained refrigeration system that contains 10 pounds (4.54 kg) or less of refrigerant or that is actuated by motors of one horsepower (746 W) or less.
- 8. A portable-fuel-cell appliance that is not connected to a fixed pipe system and is not interconnected to a power grid.
- 9. Replacing supply and return duct runs.
- 10. Replacing an exhaust or dryer duct run measuring less than 15 feet (4,572 mm) in length.
- 11. Increase the number of supply registers within existing duct run.
- 12. Other work as determined by the building official.

R105.3.1.1 In flood hazard areas, determination of substantially improved or substantially damaged existing buildings. For an application to reconstruct, rehabilitate, add or otherwise improve an existing building or structure located in a flood hazard area, the building official shall examine or require another to examine the construction documents and shall prepare a finding with regard to the value of the proposed work. If the work is a substantial improvement as defined in Section R202 (*Definitions*), the proposed work shall comply with Chapter 25-12, Article 3 (*Flood Hazard Areas*).

R105.5 Time Limits. Article 13 (*Administration of Technical Codes*) of Chapter 25-12 establishes permit application time limits and requirements applicable to permit expiration and reactivation, including a review fee for expired permits.

R105.10 Registration. An air conditioning and refrigeration contractor shall register with the City before performing any work regulated by this code.

R106.1.4 Information for Construction in Flood Hazard Areas. For a building or structure located in whole or in part in flood hazard areas as established by Table R301.2(1) (*Climatic and Geographic Design Criteria*), the construction documents shall comply with Chapter 25-12, Article 3 (*Flood Hazard Areas*).

R109.5 Residential change-out program. The building official may establish, by rule, an inspection program for repair or replacement of certain components in individual owned and occupied dwellings within the zoning jurisdiction of the City.

R112.5 Modifications from flood plain management regulations. A request for a variance to a flood hazard area requirement is decided in accordance with Chapter 25-12, Article 3 (*Flood Hazard Areas*).

R202 Definitions

HEIGHT, BUILDING has the same meaning as "height" as defined in City Code Section 25-1-21 (*Definitions*).

START OF CONSTRUCTION means the date a permit is issued for new construction or substantial improvements to existing structures if construction, repair, reconstruction, rehabilitation, addition, placement or other improvement starts within 180 days from the date the permit is issued. Construction starts when permanent construction of a building (including a manufactured home) is first placed and includes pouring a slab or footing, installing pilings,

or constructing columns. Permanent construction does not include preparing land (clearing, excavating, grading, or filling); installing streets or walkways; excavating for a basement, footing, pier, or foundation, erecting temporary forms or installing accessory buildings not occupied as dwelling units or not part of the main building. For a substantial improvement, construction starts when a wall, ceiling, floor, or other structural part of a building is altered even if the alteration does not affect the external dimensions of the building.

SUBSTANTIAL DAMAGE means an amount of damage that results in restoration costs that equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any combination of repairs, alterations, reconstructions, rehabilitations, additions, or improvements to a building or structure during the immediate 10-year period with cumulative costs that equal or exceed 50 percent of the market value of the structure before the improvement or repair is started or, if the structure was damaged and is being restored, before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. Substantial improvement does not include:

1. an improvement required to correct existing health, sanitary, safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or
2. an alteration to a historic structure if the alteration will not disqualify the structure from continuing its designation as a historic structure, which means a structure that is listed or preliminarily determined eligible for listing in the National Register of Historic Places, determined by the Secretary of the United States Department of Interior as contributing to the historical significance of a registered historic district, or a district preliminarily determined to qualify as a historic district, or designated as historic under a State of Texas or local historic preservation program that is approved by the United States Department of the Interior.

SURCHARGE means the vertical load imposed on retained soil that may impose a lateral force in addition to the lateral earth pressure of retained soil.

VISITABLE DWELLING means a dwelling subject to Visitability requirements in section R322 (*Accessibility and Visitability*).

TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

| Ground Snow Load ^o | Wind Design | | | | Seismic Design Category | Subject to Damage From | | | Ice Barrier Underlayment Required ^h | Flood Hazards ^g | Air Freezing Index ⁱ | Me An Ter |
|-------------------------------------|----------------|-------------------------------------|---------------------------|--|-------------------------------|-------------------------|-------------------------------------|----------------------|--|--|---------------------------------------|-----------------|
| | Speed (mph) | Topographic Effects ^k | Special Wind Region | Windborne Debris zone ^m | | ^a Weathering | Frost Line ^b Depth | ^c Termite | | | | |
| 5 | 105 | No | No | No | A | Negligible | 12 in (305 mm) | Yes | No | Construction Commenced After 9/2/1981 | 30 | 68. |

MANUAL J DESIGN CRITERIA

| Elevation | Altitude correction factor | Coincident wetbulb | Indoor winter design drybulb temperature | Indoor winter design dry-bulb temperature | Outdoor winter design dry-bulb temperature | Heating temperature difference |
|-----------|----------------------------|--|--|---|--|--------------------------------|
| 597 | M | 74 | | 72 | 30 | 42 |
| Latitude | Daily range | Indoor summer design relative humidity | Indoor summer design relative humidity | Indoor summer design dry-bulb temperature | Outdoor summer design dry-bulb temperature | Cooling temperature difference |
| 30 | M | | 50 | 74 | 100 | 26 |

R301.2.4 Floodplain Construction. A building or structure constructed in whole or in part in a flood hazard area (including A Zones) as established in Table R301.2(1) and substantial improvement and repair of substantial damage of a building or structure in a flood hazard area shall be designed and constructed according to Chapter 25-12, Article 3 (Flood Loads and Hazard Areas).

R318.2 Egress Door. Not less than one egress shall be provided for each dwelling unit. The egress door shall be a side-hinged, pivoted, or balanced door type and shall provide a clear width not less than 32 inches (813 mm) where measured between the face of the door and the stop, with the door open 90 degrees (1.57 rad). The clear height of the door opening shall not be less than 78 inches (1981 mm) in height measured from the top of the threshold to the bottom of the stop. Other doors shall not be required to comply with these minimum dimensions. Egress doors shall be readily openable from inside the dwelling unit without the use of a key or special knowledge or effort.

R322 Accessibility and Visitability.

R322.1 Scope. Where there are three or more dwelling units or sleeping units in a single structure, the provisions of Chapter 11 (*Accessibility*) of the Building Code for Group R-3 shall apply. Visitability Section R322 shall apply to the new construction of dwelling units that are subject to this code and include habitable space on the first floor.

Exceptions:

1. Owner-occupied lodging houses with five or fewer guestrooms are not required to be accessible.
2. Existing buildings subject to the Building Code shall comply with the Existing Building Code Section 306 (*Accessibility for Existing Buildings*).
3. Tiny homes as defined by the Residential Code.
4. Remodels and additions to existing visitable dwellings shall not eliminate previously approved Visitability features without replacing them with equally compliant features required for new dwellings with permit application dates as shown below:
 - a. Existing dwellings with a building permit application filing date between February 10, 2014 and June 30, 2015, shall remain compliant with Visitability requirements with the exception of Section R322.9 (*Exterior Visitable Route*).
 - b. Existing dwellings with a building permit application filing date of July 1, 2015 and later shall remain compliant with all Visitability requirements including an Exterior Visitable Route. Dwellings that were exempted from the provision of an Exterior Visitable Route per Section R322.9.1 (*Waiver of Exterior Visitable Route*) shall not be retroactively required to provide an Exterior Visitable Route or reapply for a waiver.

R322.2 Live/Work Units. In live/work units, the nonresidential portion shall be accessible in accordance with Sections 508.5.9 and 508.5.11 of the Building Code. In a structure where there are four or more live/work units, the dwelling portion of the live/work unit shall comply with Section 1108.6.2.1 of the Building Code.

R322.3 Care Facilities. Where care facilities are permitted to be constructed in accordance with Section R101.2, the portions of the dwelling used to operate a business providing care shall be accessible in accordance with Chapter 11 (*Accessibility*) of the Building Code.

R322.4 Compliance Required at Plan Review. A permit application for a visitable dwelling must include detailed plans that demonstrate compliance with Section R322 (*Visitability*).

R322.5 Visitable Bathrooms. A visitable dwelling must be designed and constructed with at least one bathroom group or a half bath on the first floor that meets the following requirements:

1. a clear opening of at least 30 inches;
2. lateral two-inch by six-inch or larger nominal wood blocking is installed flush with stud edges of bathroom walls; and
3. except for the portion of the wall located directly behind the lavatory, the centerline of the blocking is 34 inches from and parallel to the interior floor level.

R322.6 Visitable Light Switches, Receptacles, and Environmental Controls. The first floor of a visitable dwelling must meet the following requirements:

1. light switches and environmental controls are less than 48 inches above the interior floor level; and
2. except for floor outlets and receptacles, outlets and receptacles are at least 15 inches above the interior floor level.

R322.7 Visitability Bathroom Route. A bathroom group or half bathroom designated for visitability under R322.5 (*Visitable Bathrooms*) must be accessible by a route with a clear opening of at least 32 inches that begins at the visitable entrance designated under R322.8 (*Visitable Dwelling Entrance*) and continues through the living room, dining room, and kitchen, and is level with ramped or beveled changes at door thresholds.

Exception: Provided an alternate route is available, a visitable route is not required through an area located on a split-level or sunken floor.

R322.8 Visitable Dwelling Entrance. A visitable dwelling must include at least one no-step entrance with a beveled threshold of one-half inch or less and a door with a clear width of at least 32 inches. This entrance may be located at the front, rear, side, or in the garage or carport of the dwelling.

R322.9 Exterior Visitable Route. An entrance that complies with R322.8 (*Visitable Dwelling Entrance*) must be accessible using a route with a cross slope of no greater than two percent (1:50) that originates from a garage, driveway, public street, or public sidewalk. An exterior route that includes a ramp must comply with the Residential Code.

R322.9.1 Waiver of Exterior Visitable Route Provision for Certain Properties. The requirements of R322.9 do not apply to a lot with 10 percent or greater slope that existed prior to development; or to a property that requires the use of switchbacks to comply with R322.9.

The Building Official may also waive the requirements for an Exterior Visitable Route if the applicant provides documentation as required by the Building Official.

R325.9 Required Air Conditioning.

1. An owner shall:
 - a. provide, and maintain, in operating condition, refrigerated air equipment capable of maintaining a room temperature that is at least 15 degrees cooler than the outside temperature, but in no event higher than 85°F in each habitable room; and
 - b. maintain all fixed air conditioning systems, including air conditioning unit covers, panels, conduits, and disconnects, in operating condition, property attached; and
2. The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

R905.7.4 Material Standards for Wood Shingles. Wood shingles shall be of naturally durable wood and shall comply with the requirements of Section R902.2 and Table R905.7.4.

R905.8.5 Material Standards for Wood Shakes. Wood shakes shall comply with the requirements of Section R902.2 and Table R905.8.5.

Part IV (*Energy Conservation*)

Chapter 11 Energy Efficiency

N1101.1 Scope. The residential provisions of City Code Chapter 25-12, Article 12 (*Energy Code*) apply to the design and construction of buildings regulated by the Residential Code.

Source: Ord. No. 20170406-048, Pt. 1, 7-5-17; Ord. No. 20191114-064, Pts. 20—26, 11-25-19; Ord. No. 20210603-054, Pt. 1, 9-1-21; Ord. No. 20250410-040, Pt. 1, 7-10-25.

ARTICLE 4. - ENERGY CODE.

§ 25-12-261 - INTERNATIONAL ENERGY CONSERVATION CODE.

- (A) The International Energy Conservation Code, 2024 Edition, published by the International Code Council ("2024 International Energy Conservation Code") and Appendices CG, CH, CI, CJ, RE, RF, RJ, and RK, are adopted and incorporated by reference into this section with the deletions and amendments in Subsections (B), (C), and (D) and Section 25-12-263 (Local Amendments to the International Energy Conservation Code).
- (B) The following commercial provisions of the 2024 International Energy Conservation Code are deleted. A subsection contained within a deleted section or subsection is not deleted, unless specifically listed below:

| | | |
|-----------------|-----------------|-------------|
| C201.3 | Table CG101.2.1 | CH103.1.3.1 |
| C402.4 | CG101.2.2 | CH103.1.3.2 |
| C402.5.3 | CG101.2.5 | CH103.1.4.1 |
| Table C405.13.2 | CH103.1.1.2 | CH103.1.4.2 |
| C405.15.1 | CH103.1.2.1 | CI101.1 |
| CG101.2.1 | CH103.1.2.3 | CI102.1 |

- (C) For purposes of commercial energy efficiency compliance with ASHRAE standards, as allowed under the 2024 International Energy Conservation Code, the following provisions of the 2022 edition of ASHRAE standard 90.1 (ASHRAE 90.1-2022), published by the American Society of Heating, Refrigeration, and Air-Conditioning Engineers, are deleted. A subsection contained within a deleted section or subsection is not deleted, unless specifically listed below:

| | | |
|-----------|---------|----------|
| 2.2 | 6.7.3.2 | 9.4.1 |
| 4.2.1.1 | 7.7.3.2 | 10.5.1.1 |
| 5.5.3.1.4 | 7.9.1 | 10.7.3.1 |

| | | |
|---------|---------|--------|
| 5.5.4.1 | 8.4.3.1 | G2.4.2 |
| 6.5.10 | 8.7.3.1 | |

(D) The following residential provisions of the 2024 International Energy Conservation Code are deleted. A subsection contained within a deleted section or subsection is not deleted, unless specifically listed below:

| | | |
|---|-------------------|----------------|
| R202 definition of "Residential Building" | R402.1.2 | Table R402.1.2 |
| R402.1.3 | Table R402.1.3 | R402.3 |
| R402.5.1.2 | R402.5.1.2.1 | R402.5.1.3 |
| R402.6 | R403.3.7 | R403.3.8 |
| Table R403.3.8 | R403.3.9 | R403.6.3 |
| Table R405.2 | Table R405.4.2(l) | Table R406.2 |
| R503.1.1.1 | RJ101.1 | RK101.1 |

Source: Ord. 20130606-091; [Ord. No. 20160623-099, Pt. 1, 9-1-16](#); [Ord. No. 20210603-055, Pt. 1, 9-1-21](#); [Ord. No. 20250410-038, Pt. 1, 7-10-25](#).

§ 25-12-262 - CITATIONS TO THE ENERGY CODE.

In the City Code, "Energy Code" means the 2024 International Energy Conservation Code adopted by [Section 25-12-261 \(International Energy Conservation Code\)](#) and as amended by [Section 25-12-263 \(Local Amendments to the International Energy Conservation Code\)](#). In this article, "this code" means the Energy Code.

Source: Ord. 20130606-091; [Ord. No. 20160623-099, Pt. 1, 9-1-16](#); [Ord. No. 20210603-055, Pt. 1, 9-1-21](#); [Ord. No. 20250410-038, Pt. 1, 7-10-25](#).

§ 25-12-263 - LOCAL AMENDMENTS TO THE INTERNATIONAL ENERGY CONSERVATION CODE.

(A) The following provisions are local amendments to the commercial provisions of the 2024 International Conservation Code. Each provision in this subsection is a substitute for an identically numbered provision deleted by [Section 25-12-261\(B\)](#) or an addition to the 2024 International Energy Conservation Code.

C201.3 Terms defined in other codes. Terms not defined in this code that are defined in the Building Code, Electrical Code, Fire Code, Mechanical Code, Plumbing Code, Residential Code, and [Chapter 25-12, Article 3 \(Flood Hazard Areas\)](#) have the meaning ascribed to them in those codes.

C402.2.8 Insulation encapsulation requirement. Insulation (including but not limited to loose fill, spray applied cellular fiber insulation as well as other blanket and batts insulation) installed in assemblies more than 60 degrees from the horizontal must be in substantial contact with an *air barrier* on all sides.

Exception: Air impermeable insulation. Air impermeable insulation is defined as:

A material having an air permeance equal to or less than 0.02 L/s-m^2 at 75 Pa pressure differential tested according to ASTM E2178 or E283.

C402.4 Roof solar reflectance and thermal emittance. Low slope roofs directly above cooled *conditioned spaces* in Climate Zones 0 through 3 shall comply with one or more of the options in [Table C402.4](#).

Exceptions: The following roofs and portions of roofs are exempt from the requirements of [Table C402.4](#):

1. Portions of the roof that include or are covered by the following:
 - 1.1. Photovoltaic systems or components.
 - 1.2. Solar air or water-heating systems or components.
 - 1.3. *Vegetative roofs* or landscaped roofs.
 - 1.4. Above-roof decks or walkways.
 - 1.5. Skylights.
 - 1.6. HVAC systems and components, and other opaque objects mounted above the roof.

- 1.7. Repairs to roof surfaces when the repair does not exceed the lesser of 50% of the roof surface or 20 squares (2,000 sq. ft.).
2. Portions of the roof shaded during the peak sun angle on the summer solstice by permanent features of the *building* or by permanent features of adjacent *buildings*.
3. Portions of roofs that are ballasted with a minimum stone ballast of 17 pounds per square foot (74 kg/m^2) or 23 psf (117 kg/m^2) pavers.
4. Roofs where not less than 75 percent of the roof area complies with one or more of the exceptions to this section.

Roof surfaces with an incline greater than 2 units vertical in 12 units horizontal shall incorporate a roof material having a minimum reflectance of 0.35 or a minimum initial SRI of 29.

C402.5.3 Maximum *U-factor* and SHGC. The maximum *U-factor* and *solar heat gain coefficient* (SHGC) for fenestration shall be as specified in **Table C402.5**.

The window projection factor shall be determined in accordance with Equation 4-4.

$$\text{PF} = A/B \text{ (Equation 4-4).}$$

where:

PF = Projection factor (decimal).

A = Distance measured horizontally from the furthest continuous extremity of any overhang, eave or permanently attached shading device to the vertical surface of the glazing.

B = Distance measured vertically from the bottom of the glazing to the underside of the overhang, eave or permanently attached shading device.

Where different windows or glass doors have different PF values, they shall each be evaluated separately.

Exception: Where windows are required to comply with the *visible transmittance* (VT) requirement outlined in section 3.2.2.E, Glazing and Facade Relief on Building Facades, of the City of Austin's Subchapter E, Design Standards and Mixed-Use ordinance, the solar heat gain coefficient (SHGC) requirement shall not apply. Instead, the window shall have a projection factor (PF) ≥ 0.5 .

C402.8 Commercial Solar Ready (Mandatory). A designated zone must be identified on the construction documents as "Reserved for Future Solar Installation". This identified "SolarReady Zone" must be located within the Potential Solar Area (defined below), free from obstructions such as, but not limited to, vents, pipes, ducts, and other equipment and must comply with access, pathway, smoke ventilation, spacing, and other requirements of the City of Austin Land Development Code.

Exceptions:

1. Potential Solar Area of less than 2,000 square feet (185.8 square meters).
2. High hazard *buildings* (Group H).
3. *Buildings* located within the downtown network, as identified by Austin Energy.
4. *Buildings* equipped with on-site renewable energy systems in accordance with **Sections C405.15 or C406.3.1**.

C402.8.1 Solar-Ready Zone area. The size of the Solar-Ready Zone must be at least half the Potential Solar Area. Potential Solar Area is calculated as the gross rooftop area minus the Affected Area. Affected Area means the following areas:

1. Areas of the roof that are shaded for at least 50% of annual daylight hours.
2. Areas of the roof that are not Low-Sloped Roof that are oriented from 300° northwest, north to 90° east.
3. Gross area of all skylights.
4. Area of rooftop equipment and required access paths.
5. Areas of roofs used for helicopter landing or for rooftop parking.
6. Green roofs and occupied rooftop areas.
7. Areas required by City Code to not contain solar equipment.

No part of the Solar-Ready Zone can be in an Affected Area. The designated Solar-Ready Zone and the Potential Solar Area can be made up of multiple non-contiguous areas. Each sub-area must be at least 80 square feet (7.432 square meters) and must be a rectangle the short side of which measures at least 6 feet (1.83 meters).

C402.8.2 Structural loads. Areas of the roof that are part of the Solar-Ready Zone must have structural design loads for roof dead load and roof live load clearly indicated on the construction documents.

C402.8.3 Equipment location and interconnection pathway. The construction documents must indicate a location for inverters and metering equipment and a pathway for routing of conduit from the Solar-Ready Zone to the point of interconnection with the electrical service.

C402.8.4 Electrical distribution system. The *building*'s electrical service distribution system must have reserved space to allow for the future installation of solar electric and must be permanently marked as "For Future Solar Electric".

C403.7.10 Ventilation filtration and filtration of return air. Ventilation systems shall incorporate filtration having a minimum efficiency reporting value (MERV) rating of 6 or greater. All return air as well as all air that is heated, cooled, or humidity controlled must be drawn through the air filtration system.

TABLE C405.13.2
ELECTRICAL ENERGY USE CATEGORIES

| LOAD CATEGORY | DESCRIPTION OF ENERGY USE |
|---|---|
| Total HVAC system | Heating, cooling and ventilation, including but not limited to fans, pumps, boilers, chillers and water heating. Energy used by 120-volt equipment, or by 208/120-volt equipment that is located in a building where the main service is 480/277-volt power, is permitted to be excluded from total HVAC system energy use. |
| Interior lighting | Lighting systems located within the building. |
| Exterior lighting | Lighting systems located on the building site but not within the building. |
| Plug loads | Devices, appliances and equipment connected to convenience receptacle outlets. |
| Process load | Any single load that is not included in an HVAC, lighting or plug load category and that exceeds 5 percent of the peak connected load of the whole building, including but not limited to data centers, manufacturing equipment and commercial kitchens. |
| Electric vehicle charging | Electric vehicle charging loads that are powered through the building's electrical service. |
| Building operations and other miscellaneous loads | The remaining loads not included elsewhere in this table, including but not limited to vertical transportation systems, automatic doors, motorized shading systems, ornamental fountains, fireplaces, swimming pools, spas and snow-melt systems. |
| Electric hot water heating for uses other than space conditioning | Electricity used to generate hot water. Exception: Electric water heating with design capacity that is less than 10 percent of the building service rating. |

C405.15.1 On-site renewable energy systems. Buildings shall be provided with on-site renewable electricity generation systems with a direct current (DC) nameplate power rating of not less than 0.75 watts per square foot (8.1 W/m^2) multiplied by the sum of the gross conditioned floor area of all floors, not to exceed the combined gross conditioned floor area of the three largest floors.

Exceptions: The following buildings or building sites shall comply with Section C405.15.2:

1. A building site located where an unshaded flat plate collector oriented toward the equator and tilted at an angle from horizontal equal to the latitude receives an annual daily average incident solar radiation less than $1.1 \text{ kBtu/ft}^2 \text{ per day}$ ($3.5 \text{ kWh/m}^2 \text{ /day}$).
2. A building where more than 80 percent of the roof area is covered by any combination of permanent obstructions such as, but not limited to, mechanical equipment, vegetated space, access pathways or occupied roof terrace.
3. Any building where more than 50 percent of the roof area is shaded from direct-beam sunlight by natural objects or by structures that are not part of the building for more than 2,500 annual hours between 8:00 a.m. and 4:00 p.m.
4. A building with gross conditioned floor area less than 5,000 square feet (465 m^2).
5. Alterations.
6. A building with Potential Solar Area of less than 2,000 square feet (185.8 square meters).
7. High hazard buildings (Group H).
8. Buildings located within the downtown network, as identified by Austin Energy.

CG101 Definitions.

LOW POWER LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING RECEPTACLE. A 208/240 Volt 20-ampere minimum branch circuit and a receptacle.

CG101.2.1 Quantity. The number of required electric vehicle (EV) spaces, *EV capable spaces* and *EV ready spaces* shall be determined in accordance with this section and either **Table CG101.2.1** or **Table CG101.2.2** based on the total number of *automobile parking spaces* and shall be rounded up to the nearest whole number. For R-2 buildings, the **Table CG101.2.1** or **Table CG101.2.2** requirements shall be based on the total number of *dwelling units* or the total number of *automobile parking spaces*, whichever is less. For parking garages, the **Table CG101.2.1** or **Table CG101.2.2** requirements shall be based on *automobile parking spaces* within the battery electric vehicle location limits given under City of Austin Fire Code Section 323.4.

1. Where more than one parking facility is provided on a *building site*, the number of required *automobile parking spaces* required to have EV power transfer infrastructure shall be calculated separately for each parking facility.
2. Where one shared parking facility serves multiple building occupancies, the required number of spaces shall be determined proportionally based on the floor area of each building occupancy.
3. Installed electric vehicle supply equipment installed spaces (*EVSE spaces*) that exceed the minimum requirements of this section may be used to meet the minimum requirements for *EV ready spaces* and *EV capable spaces*.
4. Installed *EV ready spaces* that exceed the minimum requirements of this section may be used to meet the minimum requirements for *EV capable spaces*.
5. Where the number of *EV ready spaces* allocated for R-2 occupancies is equal to the number of *dwelling units* or to the number of *automobile parking spaces* allocated to R-2 occupancies, whichever is less, requirements for *EVSE spaces* for R-2 occupancies shall not apply.
6. Requirements for a Group S-2 parking garage shall be determined by the occupancies served by that parking garage. Where new automobile spaces do not serve specific occupancies, the values for Group S-2 parking garage in **Table CG101.2.1** shall be used.
7. Group S-2 parking garages with no less than 50% long term parking spaces shall provide no less than 10% EV capable spaces. Long term parking spaces are considered as parking spaces where users generally park for more than 8 hours at a time, including overnight, at places such as airports, transit hubs, etc.
8. The installation of each DCFC EVSE shall be permitted to reduce the minimum number of required EV capable spaces without EVSE or EVCS with Level 2 EVSE by five and reduce proportionally the required electrical load capacity to the service panel or subpanel.
9. The installation of two Low Power Level 2 EV charging receptacles shall be permitted to reduce the minimum number of required EV capable spaces without EVSE in **Table CG101.2.1** by one in Group R-1 and Group R-2 occupancies.

Exception: Parking facilities serving occupancies other than R2 with fewer than 10 *automobile parking spaces*.

TABLE CG101.2.1
REQUIRED EV POWER TRANSFER
INFRASTRUCTURE

| OCCUPANCY | EVSE SPACES | EV READY SPACES | EV CAPABLE SPACES |
|--------------------------------------|-------------|-----------------|-------------------|
| Group A | 0% | 0% | 10% |
| Group B | 0% | 0% | 30% |
| Group E | 0% | 0% | 30% |
| Group F | 0% | 0% | 5% |
| Group H | 0% | 0% | 0% |
| Group I | 0% | 0% | 30% |
| Group M | 0% | 0% | 30% |
| Group R-1 | 0% | 5% | 35% |
| Group R-2 | 0% | 5% | 35% |
| Group R-3 and R- 4 | 0% | 0% | 5% |
| Group S exclusive of parking garages | 0% | 0% | 0% |

| | | | |
|---------------------------|----|----|-----|
| Group S-2 parking garages | 0% | 0% | 30% |
|---------------------------|----|----|-----|

TABLE CG101.2.2
REQUIRED EV POWER TRANSFER
INFRASTRUCTURE - POWER
ALLOCATION METHOD

| TOTAL NUMBER OF ACTUAL PARKING SPACES | MINIMUM TOTAL kVA @ 6.6 kVA | TOTAL kVA REQUIRED IN ANY COMBINATION OF EV CAPABLE, ^{3, 4} LOW POWER LEVEL 2, LEVEL 2, ^{1, 2} OR DCFC |
|---------------------------------------|---|--|
| 0—9 | 0 | 0 |
| 10—25 | 26.4 | 26.4 |
| 26—50 | 52.8 | 52.8 |
| 51—75 | 85.8 | 85.8 |
| 76—100 | 112.2 | 112.2 |
| 101—150 | 165 | 165 |
| 151—200 | 231 | 231 |
| 201 and over | 20 percent of actual parking spaces x 6.6 | Total required kVA = P x .20 x 6.6 Where: P = Parking spaces in facility |

1. Level 2 EVSE @ 6.6 kVA minimum.
2. At least one Level 2 EVSE shall be provided.
3. Maximum allowed kVA to be utilized for EV capable spaces is 75 percent.
4. If EV capable spaces are utilized, they shall meet the requirements of section CG101.2.2.

CG101.2.2 EV capable spaces. Each *EV capable space* used to meet the requirements of Section CG101.2.1 shall comply with the following:

1. A continuous raceway or cable assembly shall be installed between an enclosure or outlet located within 3 feet (914 mm) of the *EV capable space* and electrical distribution equipment.
2. Installed raceway or cable assembly shall be sized and rated to supply a minimum circuit capacity in accordance with **Section CG101.2.5**.
3. The electrical distribution equipment to which the raceway or cable assembly connects shall have dedicated overcurrent protection device space and electrical capacity to supply a calculated load in accordance with **Section CG101.2.5**.
4. The enclosure or outlet and the electrical distribution equipment directory shall be marked: "For electric vehicle supply equipment (EVSE)."

Exception: In parking garages, the conduit required for *EV capable spaces* may be omitted.

CG101.2.5 System and circuit capacity. The system and circuit capacity shall comply with **Sections CG101.2.5.1** and **CG101.2.5.2**, Group S-2 parking garages providing at least 50% long term parking shall meet CG101.2.5.4. *Long term parking* is parking spaces where users generally park for more than 8 hours at a time, including overnight, at places such as airports, transit hubs, etc.

CG101.2.5.4 Long-term parking garages system and circuit capacity. Provide a minimum electrical panel capacity of at least 1.8 kVA (120V/15A) per EV capable space.

CH103.1.1.2 Dedicated branch circuits for future electric space-heating equipment. Spaces containing combustion space-heating equipment with a capacity not more than 65,000 Btu/h (19 kW) shall be provided with a dedicated 240-volt branch circuit with ampacity of not less than 50. The branch circuit shall terminate within 6 feet (1829 mm) of the space heating equipment and be in a location with ready access. Both ends of the branch circuit shall be

labeled "Spare" and be electrically isolated. Spaces containing combustion equipment for space heating with a capacity of not less than 65,000 Btu/h (19 kW) shall be provided with a dedicated branch circuit rated and sized in accordance with Section CH103.1.1.3 and terminating in a junction box within 3 feet (914 mm) of the location the space heating equipment in a location with ready access. Both ends of the branch circuit shall be labeled "Spare."

Exceptions:

1. Where a branch circuit provides electricity to the space heating combustion equipment and is rated and sized in accordance with Section CH103.1.1.3.
2. Where a branch circuit provides electricity to space cooling equipment and is rated and sized in accordance with Section CH103.1.1.3.
3. Where future electric space heating equipment would require three-phase power and the space containing combustion equipment for space heating is provided with an electrical panel with a label stating "Spare" and a bus bar rated and sized in accordance with Section CH103.1.1.3.
4. Buildings where the 99.6 percent design heating temperature is not less than 50°F (10°C).

CH103.1.2.1 Combustion service water heating electrical infrastructure. For each piece of combustion equipment for water heating with an input capacity of not more than 75,000 Btu/h (22 kW), the following electrical infrastructure is required:

1. An individual 240-volt branch circuit with an ampacity of not less than 30 shall be provided and terminate within 6 feet (1829 mm) of the water heater and shall be in a location with ready access.
2. The branch circuit overcurrent protection device and the termination of the branch circuit shall be labeled "Spare."
3. The space for containing the future water heater shall include the space occupied by the combustion equipment and shall have a height of not less than 7 feet (2134 mm), a width of not less than 3 feet (914 mm), a depth of not less than 3 feet (914 mm) and with a volume of not less than 700 cubic feet (20 m^3).

Exceptions:

1. Where the space containing the water heater provides for air circulation sufficient for the operation of a heat pump water heater, the minimum room volume shall not be required.
2. Water heaters serving multiple dwelling units in a R-2 occupancy.

CH103.1.2.3 Dedicated branch circuits for future electric heat pump water heating equipment. Spaces containing combustion equipment for water heating with a capacity of greater than 75,000 Btu/h (21 980 W) shall be provided with a dedicated branch circuit rated and sized in accordance with Section CH103.1.2.4 and terminating in a junction box within 3 feet (914 mm) of the location the water heating equipment in a location with ready access. Both ends of the branch circuit shall be labeled "Spare."

Exceptions:

1. Where future electric water heating equipment would require three-phase power and the main electrical service panel has a reserved space for a bus bar rated and sized in accordance with Section CH103.1.2.4 and labeled "Spare."
2. Water heaters serving multiple dwelling units in a R-2 occupancy.

CH103.1.3.1 Commercial cooking. Spaces containing commercial cooking appliances shall be provided with a dedicated branch circuit with a minimum electrical capacity in accordance with Table CH103.1.3.1 based on the appliance in the space. The branch circuit shall terminate within 3 feet (914 mm) of the appliance in a location with ready access. Both ends of the branch circuit shall be labeled "Spare" and be electrically isolated.

CH103.1.3.2 All other cooking. Spaces containing all other cooking equipment not designated as commercial cooking appliances shall be provided with a dedicated branch circuit in compliance with NFPA 70 Section 422.10. The branch circuit shall terminate within 6 feet (1829 mm) of fossil fuel ranges, cooktops and ovens and be in a location with ready access. Both ends of the branch circuit shall be labeled "Spare" and be electrically isolated.

CH103.1.4.1 Commercial drying. Spaces containing clothes drying equipment and end uses for commercial laundry applications shall be provided with conduit that is continuous between a junction box located within 3 feet (914 mm) of the equipment and an electrical panel. The junction box, conduit and bus bar in the electrical panel shall be rated and sized to accommodate a branch circuit with sufficient capacity for equivalent electric equipment with equivalent equipment capacity. The electrical junction box and electrical panel shall have labels stating, "Spare."

CH103.1.4.2 Residential drying. Spaces containing clothes drying equipment, appliances and end uses serving multiple dwelling units or sleeping areas with a capacity less than or equal to 9.2 cubic feet (0.26 m^3) shall be provided with a dedicated 240-volt branch circuit with a minimum capacity of 30 amperes, shall terminate within 6 feet (1829 mm) of fossil fuel clothes dryers and shall be in a location with ready access. Both ends of the branch circuit shall be labeled "Spare" and be electrically isolated.

C101.1 Demand responsive controls. Electric heating and cooling systems shall be provided with demand responsive controls capable of executing the following actions in response to a *demand response signal*:

1. Automatically increasing the zone operating cooling setpoint by the following values: 1°F (0.5°C), 2°F (1°C), 3°F (1.5°C) and 4°F (2°C).
2. Automatically decreasing the zone operating heating setpoint by the following values: 1°F (0.5°C), 2°F (1°C), 3°F (1.5°C) and 4°F (2°C).

Where a *demand response signal* is not available, the heating and cooling system controls shall be capable of performing all other functions. Where *thermostats* are controlled by direct digital control including, but not limited to, an energy management system, the system shall be capable of *demand responsive control* and capable of adjusting all thermal setpoints to comply. The demand responsive controls shall comply with either **Section CI101.1.1** or **Section CI101.1.2**.

Exceptions:

1. Group I occupancies.
2. Group H occupancies.
3. Controls serving *data center systems*.
4. Occupancies or applications requiring precision in indoor temperature control as approved by the *code official*.
5. *Buildings* that comply with Load Management measure G02 in **Section C406.3.3**.
6. *Buildings* with energy storage capacity for not less than a 25 percent load reduction at peak load for a period of not less than 3 hours.
7. Special occupancy or special applications where wide temperature ranges are not acceptable (such as retirement homes, process applications, museums, some areas of hospitals) and are approved by the authority having jurisdiction.

CI102.1 Demand responsive water heating. Electric storage water heaters with a rated water storage volume of 40 gallons (151 L) to 120 gallons (454 L) and a nameplate input rating equal to or less than 12 kW shall be provided with demand responsive controls in accordance with Table CI102.1.

Exceptions:

1. Water heaters that provide a hot water delivery temperature of 180°F (82°C) or greater.
 2. Water heaters that comply with Section IV, Part HLW or Section X of the ASME Boiler and Pressure Vessel Code.
 3. Water heaters that use three-phase electric power.
 4. Water heaters with a preprogrammed water heater timer. The timer shall be preprogrammed to turn the water heater off between the hours of 3:00 p.m. and 7:00 p.m. from June 1 to September 30 and from 12:00 a.m. to 4:00 a.m. throughout the year. The timer shall have a readily accessible override, as defined by the building official in an administrative rule, capable of restoring power to the water heater for one hour when activated.
 5. Special occupancy or special applications where water temperature ranges are not acceptable (such as retirement homes, process applications, some areas of hospitals or other health care facilities) and are approved by the authority having jurisdiction.
- (B) For purposes of commercial energy efficiency compliance with ASHRAE standards, the following provisions are local amendments to ASHRAE 90.1 - 2022. Each provision in this subsection is a substitute for an identically numbered provision deleted by Section 25-12-261(C) or an addition to the Energy Code.

2.2 The provisions of this standard do not apply to:

- a. Single-family houses, multifamily *structures* of four stories or fewer above grade, manufactured houses (mobile homes), and manufactured houses (modular); or
- b. *Buildings* that use neither electricity nor fossil fuels.

3.2 Definitions.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

AUTOMOBILE PARKING SPACE. A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

COMBUSTION EQUIPMENT. Any equipment or appliance used for space heating, service water heating, cooking, clothes drying or lighting that uses a fossil fuel.

COMMERCIAL COOKING APPLIANCES. Commercial cooking appliances used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through a local exhaust ventilation system. Such appliances include deep fat fryers, upright broilers, griddles, broilers, steam-jacketed kettles, hot-top ranges, under-fired broilers (charbroilers), ovens, barbecues, rotisseries and similar appliances.

ELECTRIC VEHICLE (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles and electric motorcycles, primarily powered by an electric motor that draws current from a building electrical service, electric vehicle supply equipment (EVSE), a rechargeable storage battery, a fuel cell, a photovoltaic array or another source of electric current.

ELECTRIC VEHICLE CAPABLE SPACE (EV CAPABLE SPACE). A designated automobile parking space that is provided with electrical infrastructure such as, but not limited to, raceways, cables, electrical capacity, a panelboard or other electrical distribution equipment space necessary for the future installation of an EVSE.

ELECTRIC VEHICLE READY SPACE (EV READY SPACE). An automobile parking space that is provided with a branch circuit and an outlet junction box or receptacle that will support an installed EVSE.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). Equipment for plug-in power transfer, including ungrounded, grounded and equipment grounding conductors; electric vehicle connectors; attached plugs; any personal protection system; and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

ELECTRIC VEHICLE SUPPLY EQUIPMENT INSTALLED SPACE (EVSE SPACE). An automobile parking space that is provided with a dedicated EVSE connection.

LOW POWER LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING RECEPTACLE. A 208/240 Volt 20-ampere minimum branch circuit and a receptacle.

LOW-RISE RESIDENTIAL BUILDINGS. Single-family houses, multifamily structures of four stories or fewer above grade, manufactured houses (mobile homes), and manufactured houses (modular).

4.2.1.1 New Buildings. New *buildings* shall comply with Sections 4.2.2 through 4.2.5 and either the provisions of:

- a. Sections 5, "Building Envelope"; 6, "Heating, Ventilating, and Air Conditioning"; 7, "Service Water Heating"; 8, "Power"; 9, "Lighting"; 10, "Other Equipment"; and 11, "Additional Efficiency Requirements," or
- b. Section 12, "Energy Cost Budget Method," or
- c. Normative Appendix G, "Performance Rating Method," or
- d. Normative Appendix G, "Performance Rating Method" with the following modifications to substitute the carbon emissions metric for the *energy cost* metric:
 1. Replace references to "annual energy cost" with "carbon emissions" in the definitions of *baseline building performance* and *proposed building performance* under Section 3.
 2. Replace all references to "*energy cost*" in Section 4.2.1.1 with "carbon emissions," as appropriate, throughout.
 3. Replace all references to "Performance Cost Index" in Section 4.2.1.1 with "Performance Index (Carbon Emissions)," as appropriate throughout.
 4. Replace Table 4.2.1.1 with Table 13-2.
 5. Replace references to "*energy cost*" with references to "carbon emissions" as appropriate in Sections G1.2.2, G1.3.2, G2.1, G2.4.2, and G2.5 section headings.
 6. Replace Section G2.4.1 with the following:

Section G2.4.1 The *baseline building performance* and *proposed building performance* shall be determined using the conversion factors in Table G2.1.

TABLE G2.1
UNITS OF FUEL TO CARBON EMISSIONS CONVERSION FACTORS

| Building Project Energy Source | Units | Carbon Emissions CO2 e, lb/unit |
|--------------------------------|-------|------------------------------------|
| Electricity | kWh | 1.2 |
| Natural gas | therm | 19.96 |
| Propane | therm | 19.080 |
| Distillate fuel oil | gal | 28.330 |

Exception: Alternative conversion factors as appropriate for *building* location and as approved by the *authority having jurisdiction* are allowed.

When using Normative Appendix G, the Performance Cost Index (PCI) of new *buildings*, *additions* to existing *buildings*, and/or *alterations* to existing *buildings* shall be less than or equal to the Performance Cost Index Target (PCI_T) when calculated in accordance with the following:

$$\text{PCI}_T = [\text{BBUEC} + (\text{BPF} \times \text{BBREC}) - \text{PRE}] / \text{BBP}$$

Where:

PCI = Performance Cost Index calculated in accordance with Section G1.2.2.

BBUEC = baseline *building* unregulated *energy cost*, the portion of the annual *energy cost* of a *baseline building design* that is due to *unregulated energy use*

BPF = *building performance factor* from **Table 4.2.1.1**. For *building area types* not listed in **Table 4.2.1.1**, use "All others." Where a building has multiple *building area types*, the required BPF shall be equal to the area-weighted average of the *building area types* based on their *gross floor area*. Where a project includes an existing building and an *addition*, the required BPF shall be equal to the area-weighted average, based on the *gross floor area*, of the *existing building* BPF determined as described in **Section 4.2.1.3** and the addition BPF from **Table 4.2.1.1**.

BBREC = *baseline building regulated energy cost*, the portion of the annual *energy cost* of a baseline building design that is due to *regulated energy use*.

$$\text{PRE} = \text{PBP}_{\text{nre}} - \text{PBP}_{\text{pre}}$$

PBP = *proposed building performance*, including the reduced, *annual purchased energy cost* associated with all *on-site renewable energy generation systems*.

PBP_{nre} = *proposed building performance* without any credit for reduced annual *energy costs* from *onsite renewable energy generation systems*.

PBP_{pre} = *proposed building performance*, excluding any *renewable energy system* in the *proposed design* and including an *on-site renewable energy system* that meets but does not exceed the requirements of **Section 10.5.1.1** modeled following the requirements for a *budget building design* in **Table 12.5.1, row 15**.

BBP = *baseline building performance*.

Regulated *energy cost* shall be calculated by multiplying the total *energy cost* by the ratio of *regulated energy use* to total *energy use* for each *fuel type*. Unregulated *energy cost* shall be calculated by subtracting regulated *energy cost* from total *energy cost*.

When $(\text{PBP}_{\text{re}} - \text{PBP})/\text{BBP} > 0.05$, new *buildings*, *additions* to *existing buildings*, and/or *alterations* to *existing buildings* shall comply with the following:

$$\text{PCI} + [(\text{PBP}_{\text{pre}} - \text{PBP})/\text{BBP}] - 0.05 < \text{PCI}_t$$

Informative Notes:

1. PBP_{nre} = *proposed building performance*, no *renewable energy*.
2. PBP_{pre} = *proposed building performance*, *prescriptive renewable energy*.
3. PRE = *prescriptive renewable energy*.
4. See Informative Appendix I for using other metrics, including *site energy*, *source energy*, and carbon emissions, in conjunction with the Normative Appendix G *Performance Rating Method* when approved by the *rating authority*.

5.4.4 Roof Solar Reflectance and Thermal Emittance. Roofs in Climate Zones 0 through 3 with a slope less than or equal to 2 units vertical in 12 units horizontal shall have one of the following:

- a. A minimum three-year-aged solar reflectance of 0.55 and a minimum three-year-aged thermal emittance of 0.75 when tested in accordance with CRRC S100.
- b. A minimum Solar Reflectance Index of 64 when determined in accordance with the Solar Reflectance Index method in ASTM E1980 using a convection coefficient of 2.1 Btu/h·ft² · °F, based on three-year-aged solar reflectance and three-year-aged thermal emittance tested in accordance with CRRC S100.

Exceptions:

1. Ballasted roofs with a minimum stone *ballast* of 17 lb/ft² or 23 lb/ft² pavers.
2. *Vegetated roof* systems that contain a minimum thickness of 2.5 inches of growing medium and covering a minimum of 75% of the *roof area* with durable plantings.
3. *Roofs* where a minimum of 75% of the roof area:
 - a. is shaded during the peak sun angle on June 21 by permanent components or features of the *building*;
 - b. is covered by offset photovoltaic arrays, *building*-integrated photovoltaic arrays, or solar air or water collectors; or
 - c. is permitted to be interpolated using a combination of subsections 1 and 2 above.
4. Repairs to *roofs*urfaces when the repair does not exceed the lesser of 50% of the *roofs*urface or 20 squares (2,000 sq. ft.).
5. *Roofs* over semi-heated spaces, or *roofs* over *conditioned spaces* that are not *cooled spaces*.

The values for three-year-aged solar reflectance and three-year-aged thermal emittance shall be determined by a laboratory accredited by a nationally recognized accreditation organization and shall be *labeled* and certified by the *manufacturer*.

Roof surfaces with an incline greater than 2 units vertical in 12 units horizontal shall incorporate a roof material having a minimum reflectance of 0.35 or a minimum initial SRI of 29.

5.4.5 Insulation encapsulation requirement. Insulation (including but not limited to loose fill, spray applied cellular fiber insulation as well as other blanket and batts insulation) installed in assemblies more than 60 degrees from the horizontal must be in substantial contact with an air barrier on all sides.

Exception: Air impermeable insulation. Air impermeable insulation is defined as:

A material having an air permeance equal to or less than 0.02 L/s·m² at 75 Pa pressure differential tested according to ASTM E2178 or E283.

5.4.6 Commercial Solar Ready (Mandatory). A designated zone must be identified on the construction documents as "Reserved for Future Solar Installation". This identified "Solar-Ready Zone" must be located within the Potential Solar Area (defined below), free from obstructions such as, but not limited to, vents, pipes, ducts, and other equipment and must comply with access, pathway, smoke ventilation, spacing, and other requirements of the City of Austin Land Development Code.

Exceptions:

1. Potential Solar Area of less than 2,000 square feet (185.8 square meters).
2. High hazard *buildings* (Group H).
3. *Buildings* located within the downtown network, as identified by Austin Energy.
4. *Buildings* equipped with on-site renewable energy in accordance with **Section 10.5.1** or **Section 11.5.2.6**.

5.4.6.1 Solar-Ready Zone area. The size of the Solar-Ready Zone must be at least half the Potential Solar Area. Potential Solar Area is calculated as the gross rooftop area minus the Affected Area. Affected Area means the following areas:

1. Areas of the *roof* that are shaded for at least 50% of annual daylight hours.
2. Areas of the *roof* that are not Low-Sloped Roof that are oriented from 300° northwest, north to 90° east.
3. Gross area of all skylights.
4. Area of rooftop equipment and required access paths.
5. Areas of *roofs* used for helicopter landing or for rooftop parking.
6. Green *roofs* and occupied rooftop areas.
7. Areas required by City Code to not contain solar equipment.

No part of the Solar Ready Zone can be in an Affected Area. The designated Solar-Ready Zone and the Potential Solar Area can be made up of multiple non-contiguous areas. Each sub-area must be at least 80 square feet (7.432 square meters) and must be a rectangle the short side of which measures at least 6 feet (1.83 meters).

5.4.6.2 Structural loads. Areas of the *roof* that are part of the Solar-Ready Zone must have structural design loads for *roof* dead load and roof live load clearly indicated on the construction documents.

5.4.6.3 Equipment location and interconnection pathway. The construction documents must indicate a location for inverters and metering equipment and a pathway for routing of conduit from the Solar-Ready Zone to the point of interconnection with the electrical service.

5.4.6.4 Electrical distribution system. The *building's* electrical service distribution system must have reserved space to allow for the future installation of solar electric and must be permanently marked as "For Future Solar Electric".

5.5.4.1 General. Compliance with *U-factors*, *SHGC*, and *VT/SHGC* shall be demonstrated for the overall *fenestration* product. *Gross wall areas* and *gross roof areas* shall be calculated separately for each *space-conditioning category* for the purposes of determining compliance.

Exceptions:

1. If there are multiple assemblies within a single *class of construction* for a single *space-conditioning category*, it shall be permitted to demonstrate compliance based on an area weighted average *U-factor*, *SHGC*, *VT/SHGC*, or *LSG*. The area-weighted average across multiple *classes of construction* or multiple *space conditioning categories* shall not be permitted for use to demonstrate compliance.
2. *Vertical fenestration* shall be permitted to demonstrate compliance based on an area-weighted average *U-factor*, *SHGC*, *VT/SHGC*, or *LSG* across multiple *classes of construction* for a single *space conditioning category*, but not across multiple *space conditioning categories*.
3. Where windows are required to comply with the *visible transmittance (VT)* requirement outlined in Section 3.2.2.E, Glazing and Facade Relief on Building Facades, of the City of Austin's Subchapter E, Design Standards and Mixed-Use ordinance, the *solar heat gain coefficient (SHGC)* requirement shall not apply. Instead, the window shall have a *projection factor (PF)* ≥ 0.5 .

6.4.3.1.3 Demand responsive controls. Electric heating and cooling systems shall be provided with demand responsive controls capable of executing the following actions in response to a *demand response signal*:

1. Automatically increasing the zone operating cooling setpoint by the following values: 1°F (0.5°C), 2°F (1°C), 3°F (1.5°C) and 4°F (2°C).
2. Automatically decreasing the zone operating heating setpoint by the following values: 1°F (0.5°C), 2°F (1°C), 3°F (1.5°C) and 4°F (2°C).

Where a *demand response signal* is not available, the heating and cooling system controls shall be capable of performing all other functions. Where *thermostats* are controlled by direct digital control including, but not limited to, an energy management system, the system shall be capable of demand responsive control and capable of adjusting all thermal setpoints to comply. The demand responsive controls shall comply with either **Section 6.4.3.1.3.1** or **6.4.3.1.3.2**.

Exceptions:

1. Group I occupancies.
2. Group H occupancies.
3. Controls serving *data center systems*.
4. Occupancies or applications requiring precision in indoor temperature control as approved by the *code official*.
5. *Buildings* that comply with Load Management measure G02 in **Section 11.5.2.8**.
6. *Buildings* with energy storage capacity for not less than a 25 percent load reduction at peak load for a period of not less than 3 hours.
7. Special occupancy or special applications where wide temperature ranges are not acceptable (such as retirement homes, process applications, museums, some areas of hospitals) and are approved by the *authority having jurisdiction*.

6.4.3.1.3.1 Air conditioners and heat pumps with two or more stages of control and cooling capacity of less than 65,000 Btu/h. *Thermostats* for air conditioners and heat pumps with two or more stages of control and a cooling capacity less than 65,000 Btu/h (19 kW) shall be provided with a demand responsive control that complies with the communication and performance requirements of AHRI 1380.

6.4.3.1.3.2> All other heating and cooling systems. *Thermostats* for heating and cooling systems shall be provided with a demand responsive control that complies with one of the following:

1. Certified OpenADR 2.0a VEN, as specified under Clause 11, Conformance.
2. Certified OpenADR 2.0b VEN, as specified under Clause 11, Conformance.
3. Certified by the *manufacturer* as being capable of responding to a *demand response signal* from a certified OpenADR 2.0b VEN by automatically implementing the control functions requested by the VEN for the equipment it controls.
4. IEC 62746-10-1.

6.4.4.2.3 Ventilation filtration and filtration of return air. Ventilation systems shall incorporate filtration having a minimum efficiency reporting value (MERV) rating of 6 or greater. All return air as well as all air that is heated, cooled, or humidity controlled must be drawn through the air filtration system.

6.4.8 Hydronic heating design requirements. For all hydronic space heating systems, the design entering water temperature for coils, radiant panels, radiant floor systems, radiators, baseboard heaters and any other device that uses hot water to provide heat to a space shall be not more than 130°F (54°C).

6.5.10 Door Switches. Any *conditioned space* with a *door*, including *doors* with more than one-half glass, opening to the outdoors shall be provided with controls that, when any such *door* is open:

- a. disable *mechanical heating* or *reset* the heating setpoint to 55°F or lower within five minutes of the *door* opening; and
- b. disable *mechanical cooling* or *reset* the cooling *set point* to 90°F or greater within five minutes of the *door* opening. *Mechanical cooling* may remain enabled if *outdoor air* temperature is below *space* temperature.

Exceptions:

1. *Building* entries with *automatic* closing devices.
2. Any *space* without a *thermostat*.
3. *Alterations* to existing *buildings*.
4. Loading docks.
5. Radiant heating systems.
6. Where HVAC equipment must remain on for safety, sanitation, or other health related reasons.

6.7.3.2 Manuals. *Construction documents* shall require that an operating manual and a maintenance manual be provided to the *building* owner or the designated representative of the *building* owner within 90 days after the date of *system* acceptance. These manuals shall be in accordance with industry-accepted standards (see Informative Appendix E) and shall include, at a minimum, the following:

- a. Submittal data stating *equipment* size and fuel type, and selected options for each piece of *equipment* requiring maintenance.
- b. Operation manuals and maintenance manuals for each piece of *equipment* and *system* requiring maintenance, except *equipment* not furnished as part of the project. Required routine maintenance actions shall be clearly identified.
- c. Names and addresses of at least one *service agency*.
- d. HVAC controls *system* maintenance and calibration information, including wiring diagrams, schematics, and control sequence descriptions. Desired or field-determined *set points* and demand response *set points* shall be permanently recorded on control drawings at *control devices* or, for digital control *systems*, in programming comments.
- e. A complete narrative of how each *system* is intended to operate, including suggested *set points* and demand response *set points*.

7.4.4.5 Demand responsive water heating. Electric storage water heaters with a rated water storage volume of 40 gallons (151 L) to 120 gallons (454 L) and a nameplate input rating equal to or less than 12 kW shall be provided with demand responsive controls in accordance with Table 7.4-3.

Exceptions:

1. Water heaters that provide a hot water delivery temperature of 180°F (82°C) or greater.
2. Water heaters that comply with Section IV, Part HLW or Section X of the ASME Boiler and Pressure Vessel Code.
3. Water heaters that use three-phase electric power.
4. Water heaters with a preprogrammed water heater timer. The timer shall be preprogrammed to turn the water heater off between the hours of 3:00 p.m. and 7:00 p.m. from June 1 to September 30 and from 12:00 a.m. to 4:00 a.m. throughout the year. The timer shall have a readily accessible override, as defined by the building official in an administrative rule, capable of restoring power to the water heater for one hour when activated.
5. Special occupancy or special applications where water temperature ranges are not acceptable (such as retirement homes, process applications, some areas of hospitals or other health care facilities) and are approved by the authority having jurisdiction.

TABLE 7.4-3
DEMAND RESPONSIVE CONTROLS FOR WATER HEATING

| EQUIPMENT TYPE | CONTROLS | |
|--------------------------------|---|-----------------------------------|
| | Manufactured before 7/1/2025 | Manufactured on or after 7/1/2025 |
| Electric storage water heaters | AHRI Standard 1430 or ANSI/CTA-2045-B Level 1 and also capable of initiating water heating to meet the temperature setpoint in response to a demand response signal | AHRI Standard 1430 |

7.7.3.2 Manuals. *Construction documents* shall require that an operating manual and a maintenance manual be provided to the *building* owner, or the designated representative of the *building* owner, within 90 days after the date of *system* acceptance. These manuals shall be in accordance with industry-accepted standards and shall include, at a minimum, information on water heating fuel type, operation manuals and maintenance manuals for each component of the *system* requiring maintenance, except components not furnished as part of the project. Required routine maintenance actions shall be clearly identified. Automated demand response sequences and controls shall be clearly identified.

7.9.1 Verification and Testing. Service hot-water controls shall be verified and tested in accordance with this section and **Section 4.2.5.1**. Testing shall verify that *systems* and controls are configured and operating in accordance with applicable requirements of:

- a. *service water heating system* temperature controls (**Sections 7.4.4.1, 7.4.4.3, and 7.4.4.5**),
- b. recirculation pump or heat trace controls (**Section 7.4.4.2**), or
- c. pool/time switch controls (**Section 7.4.5.3**).

Verification and *FPT* documentation shall comply with **Section 4.2.5.1.2**.

8.4.3.1 Monitoring. Measurement devices shall be installed in new *buildings* to monitor the electrical *energy* use for each of the following separately:

- a. Total electrical *energy*,
- b. HVAC *systems*,
- c. Interior lighting,
- d. Exterior lighting,
- e. Receptacle circuits,
- f. Refrigeration *systems*,
- g. *Electric vehicle* charging.

For *buildings* with tenants, these *systems* shall be separately monitored for the total *building* and (excluding shared *systems*) for each individual tenant.

Exception to 8.4.3.1: Where the design load of any of the categories (b) through (g) are less than 10% of the whole-building load, these categories shall be allowed to be combined with other categories.

8.4.5 Additional electric infrastructure. Electric infrastructure in *buildings* that contain combustion equipment shall be installed in accordance with this section.

8.4.5.1 Combustion space heating. Spaces containing combustion equipment for space heating shall comply with **Sections 8.4.5.1.1, 8.4.5.1.2 and 8.4.5.1.3**.

8.4.5.1.1 Designated exterior locations for future electric space-heating equipment. Spaces containing combustion equipment for space heating shall be provided with designated exterior location(s) shown on the plans and of sufficient size for outdoor space-heating heat pump equipment, with a chase that is sized to accommodate refrigerant lines between the exterior location and the interior location of the space heating equipment, and with natural drainage for condensate from heating operation or a condensate drain located within 3 feet (914 mm) of the location of the future exterior space-heating heat pump equipment.

8.4.5.1.2 Dedicated branch circuits for future electric space-heating equipment. Spaces containing combustion space-heating equipment with a capacity not more than 65,000 Btu/h (19 kW) shall be provided with a dedicated 240-volt branch circuit with ampacity of not less than 50. The branch circuit shall terminate within 6 feet (1829 mm) of the space heating equipment and be in a location with ready access. Both ends of the branch circuit shall be labeled "Spare" and be electrically isolated. Spaces containing combustion equipment for space heating with a capacity of not less than 65,000 Btu/h (19 kW) shall be provided with a dedicated branch circuit rated and sized in accordance with **Section 8.4.5.1.3**, and terminating in a junction box within 3 feet (914 mm) of the location the space heating equipment in a location with ready access. Both ends of the branch circuit shall be labeled "Spare."

Exceptions:

1. Where a branch circuit provides electricity to the space heating combustion equipment and is rated and sized in accordance with **Section 8.4.5.1.3**.
2. Where a branch circuit provides electricity to space cooling equipment and is rated and sized in accordance with **Section 8.4.5.1.3**.
3. Where future electric space heating equipment would require three-phase power and the space containing combustion equipment for space heating is provided with an electrical panel with a label stating "Spare" and a bus bar rated and sized in accordance with **Section 8.4.5.1.3**.
4. *Buildings* where the 99.6 percent design heating temperature is not less than 50°F (10°C).

TABLE 8.4.5.1
ALTERNATE ELECTRIC SPACE HEATING EQUIPMENT CONVERSION FACTORS (VA/kBtu/h)

| 99.6% HEATING DESIGN TEMPERATURE | | P_s |
|---|-------------------------|----------------------|
| Greater Than (°F) | Not Greater Than | VA/kBtu/h |
| 50 | N/A | N/A |
| 45 | 50 | 94 |
| 40 | 45 | 100 |
| 35 | 40 | 107 |
| 30 | 35 | 115 |
| 25 | 30 | 124 |
| 20 | 25 | 135 |
| 15 | 20 | 149 |
| 10 | 15 | 164 |
| 5 | 10 | 184 |
| 0 | 5 | 210 |
| -5 | 0 | 243 |
| -10 | -5 | 289 |
| -15 | -10 | 293 |

For SI: °C = [(° F) - 32]/1.8, 1 British thermal unit per hour = 0.2931 kW.

8.4.5.1.3 Additional space heating electric infrastructure sizing. Electric infrastructure for future electric space heating equipment shall be sized to accommodate not less than one of the following:

1. An electrical capacity not less than the nameplate space heating combustion equipment heating capacity multiplied by the value in **Table 8.4.5.1**, in accordance with **Equation 8.4.5.1**.

$$VA_s = Q_{com} \times P_s \quad \text{Equation 8.4.5.1}$$

Where:

VA_s = The required electrical capacity of the electrical infrastructure in volt-amps.

Q_{com} = The nameplate heating capacity of the combustion equipment in kBtu/h.

P_s = The VA per kBtu/h from **Table 8.4.5.1** in VA/kBtu/h.

2. An electrical capacity not less than the peak space heating load of the *building* areas served by the space heating combustion equipment, calculated in accordance with **Section 6.4.2.1**, multiplied by the value for the 99.6 percent design heating temperature in **Table 8.4.5.1**, in accordance with **Equation 8.4.5.2**.

$$VA_s = Q_{design} \times P_s \quad \text{Equation 8.4.5.2}$$

Where:

VA_s = The required electrical capacity of the electrical infrastructure in volt-amps.

Q_{design} = The 99.6 percent design heating load of the spaces served by the combustion equipment in kBtu/h.

P_s = The VA per kBtu/h from **Table 8.4.5.1** in VA/kBtu/h.

8.4.5.2 Combustion service water heating. Spaces containing combustion equipment for *service water heating* shall comply with **Sections 8.4.5.2.1, 8.4.5.2.2 and 8.4.5.2.3**.

8.4.5.2.1 Combustion service water heating electrical infrastructure. For each piece of combustion equipment for water heating with an input capacity of not more than 75,000 Btu/h (22 kW), the following electrical infrastructure is required:

1. An individual 240-volt branch circuit with an ampacity of not less than 30 shall be provided and terminate within 6 feet (1829 mm) of the *water heater* and shall be in a location with *ready access*.
2. The branch circuit overcurrent protection device and the termination of the branch circuit shall be *labeled* "Spare."
3. The space for containing the future *water heater* shall include the space occupied by the combustion equipment and shall have a height of not less than 7 feet (2134 mm), a width of not less than 3 feet (914 mm), a depth of not less than 3 feet (914 mm) and with a volume of not less than 700 cubic feet ($20m^3$).

Exceptions:

1. Where the space containing the *water heater* provides for air circulation sufficient for the operation of a heat pump *water heater*, the minimum room volume shall not be required.
2. Water heaters service multiple dwelling units in a R-2 occupancy.

8.4.5.2.2 Designated locations for future electric heat pump water heating equipment. Designated locations for future electric heat pump water heating equipment shall be in accordance with one of the following:

1. Designated exterior location(s) shown on the plans, of sufficient size for outdoor water heating heat pump equipment and with a chase that is sized to accommodate refrigerant lines between the exterior location and the interior location of the water heating equipment.
2. An interior location with a minimum volume the greater of 700 cubic feet (19,822 L) or 7 cubic feet (198 L) per 1,000 Btu/h (293 W) combustion equipment water heating capacity. The interior location shall include the space occupied by the combustion equipment.
3. An interior location with sufficient airflow to exhaust cool air from future water heating heat pump equipment provided by not fewer than one 16-inch (406 mm) by 24-inch (610 mm) grill to a heated space and one 8-inch (203 mm) duct of not more than 10 feet (3048 mm) in length for cool exhaust air.

8.4.5.2.3 Dedicated branch circuits for future electric heat pump water heating equipment. Spaces containing combustion equipment for water heating with a capacity of greater than 75,000 Btu/h (21,980 W) shall be provided with a dedicated branch circuit rated and sized in accordance with **Section 8.4.5.2.4** and terminating in a junction box within 3 feet (914 mm) of the location the water heating equipment in a location with *ready access*. Both ends of the branch circuit shall be *labeled* "Spare."

Exceptions:

1. Where future electric water heating equipment would require three-phase power and the main electrical service panel has a reserved space for a bus bar rated and sized in accordance with **Section 8.4.5.2.4** and *labeled* "Spare."

2. Water heaters serving multiple dwelling units in a R-2 occupancy.

8.4.5.2.4 Additional water heating electric infrastructure sizing. Electric infrastructure water heating equipment with a capacity of greater than 75,000 Btu/h (21,980 W) shall be sized to accommodate one of the following:

1. An electrical capacity not less than the combustion equipment water heating capacity multiplied by the value in **Table 8.4.5.2** plus electrical capacity to serve recirculating loads as shown in **Equation 8.4.5.3**.

$$VA_w = (Q_{\text{capacity}} \times P_w) + [Q_{\text{recirc}} \times 293 (\text{VA}/(\text{Btu/h}))] \quad \text{Equation 8.4.5.3.}$$

where

VA_w = The required electrical capacity of the electrical infrastructure for water heating in volt-amps.

Q_{capacity} = The water heating capacity of the combustion equipment in kBtu/h.

P_w = The VA per kBtu/h from Table 8.4.5.2 in VA/kBtu/h.

Q_{recirc} = The capacity required for temperature maintenance by recirculation, if applicable, in Btu/h.

2. An alternate design that complies with this code, is *approved* by the authority having jurisdiction and uses no energy source other than electricity or *on-site renewable energy*.

TABLE 8.4.5.2
ALTERNATE ELECTRIC WATER HEATING EQUIPMENT CONVERSION
FACTORS (VA/kBtu/h)

| 99.6% HEATING DESIGN TEMPERATURE | | P_s |
|---|-------------------------|-------------------------|
| Greater Than (°F) | Not Greater Than | VA/kBtu/h |
| 55 | 60 | 118 |
| 50 | 55 | 123 |
| 45 | 50 | 129 |
| 40 | 45 | 136 |
| 35 | 40 | 144 |
| 30 | 35 | 152 |
| 25 | 30 | 162 |
| 20 | 25 | 173 |
| 15 | 20 | 185 |
| 10 | 15 | 293 |
| 5 | 10 | 293 |
| 0 | 5 | 293 |
| Less than 0°F | | 293 |

For SI: $^{\circ}\text{C} = [(^{\circ}\text{F}) - 32]/1.8$, 1 British thermal unit per hour = 0.2931 kW.

8.4.5.3 Combustion cooking. Spaces containing combustion equipment for cooking shall comply with **Section 8.4.5.3.1** or **8.4.5.3.2**.

8.4.5.3.1 Commercial cooking. Spaces containing commercial cooking appliances shall be provided with a dedicated branch circuit with a minimum electrical capacity in accordance with **Table 8.4.5.3.1** based on the appliance in the space. The branch circuit shall terminate within 3 feet (914 mm) of the appliance in a location with ready access. Both ends of the branch circuit shall be labeled "Spare" and be electrically isolated.

8.4.5.3.2 All other cooking. Spaces containing all other cooking equipment not designated as commercial cooking appliances shall be provided with a dedicated branch circuit in compliance with NFPA 70 Section 422.10. The branch circuit shall terminate within 6 feet (1829 mm) of fossil fuel ranges, cooktops and ovens and be in a location with ready access. Both ends of the branch circuit shall be labeled "Spare" and be electrically isolated.

TABLE 8.4.5.3.1
COMMERCIAL COOKING MINIMUM BRANCH CIRCUIT CAPACITY

| COMMERCIAL COOKING APPLIANCE | MINIMUM BRANCH CIRCUIT CAPACITY |
|---|---------------------------------|
| Range | 469 VA/kBtu/h |
| Steamer | 114 VA/kBtu/h |
| Fryer | 200 VA/kBtu/h |
| Oven | 266 VA/kBtu/h |
| Griddle | 195 VA/kBtu/h |
| All other commercial cooking appliances | 114 VA/kBtu/h |

For SI: 1 British thermal unit per hour = 0.2931 kW.

8.4.5.4 Combustion clothes drying. Spaces containing combustion equipment for clothes drying shall comply with **Section 8.4.5.4.1** or **Section 8.4.5.4.2**.

8.4.5.4.1 Commercial drying. Spaces containing clothes drying equipment and end uses for commercial laundry applications shall be provided with conduit that is continuous between a junction box located within 3 feet (914 mm) of the equipment and an electrical panel. The junction box, conduit and bus bar in the electrical panel shall be rated and sized to accommodate a branch circuit with sufficient capacity for equivalent electric equipment with equivalent equipment capacity. The electrical junction box and electrical panel shall have labels stating, "Spare."

8.4.5.4.2 Residential drying. Spaces containing clothes drying equipment, appliances and end uses serving multiple dwelling units or sleeping areas with a capacity less than or equal to 9.2 cubic feet (0.26 m^3) shall be provided with a dedicated 240-volt branch circuit with a minimum capacity of 30 amperes, shall terminate within 6 feet (1829 mm) of fossil fuel clothes dryers and shall be in a location with ready access. Both ends of the branch circuit shall be labeled with the words "Spare" and be electrically isolated.

8.4.6 On-site transformers. Enclosed spaces and underground vaults containing onsite electric transformers on the building side of the electric utility meter shall have sufficient space to accommodate transformers sized to serve the additional electric loads identified in **Sections 8.4.5.1, 8.4.5.2, 8.4.5.3** and **8.4.5.4**.

8.7.3.1 Record Documents. Construction documents shall require that within 90 days after the date of system acceptance, record documents shall be provided to the property owner, including:

- a. a single-line diagram of the property electrical distribution system,
- b. floor plans indicating location and area served for all distribution,
- c. site plans indicating location and area served for all distribution, and
- d. details for additional electric infrastructure, including branch circuits, conduit, prewiring, panel capacity and electrical service capacity for heating, water heating, cooking and clothes drying equipment, as well as interior and exterior spaces designated for future electric equipment.

9.4.1 Lighting Control. Building lighting controls shall be installed to meet the provisions of **Sections 9.4.1.1, 9.4.1.2, 9.4.1.3, 9.4.1.4, and 9.4.1.5**.

9.4.1.5 Demand responsive lighting controls. Interior general lighting in Group B, E, M and S occupancies shall have demand responsive controls complying with **Section 9.4.1.5.1** in not less than 75 percent of the interior floor area.

Exceptions:

1. Where the combined interior floor area of Group B, E, M and S occupancies is less than 10,000 square feet (929 m^2).

2. Buildings where a *demand response signal* is not available from a controlling entity other than the *owner*.
3. Parking garages.
4. Ambulatory care facilities.
5. Outpatient clinics.
6. Physician or dental offices.

9.4.1.5.1 Demand responsive lighting controls function. Demand responsive controls for lighting shall be capable of the following:

1. Automatically reducing the output of controlled lighting to 80 percent or less of full power or light output upon receipt of a *demand response signal*.
2. Where high-end trim has been set, automatically reducing the output of controlled lighting to 80 percent or less of the high-end trim setpoint upon receipt of a *demand response signal*.
3. Dimming controlled lights gradually and continuously over a period of not longer than 15 minutes to achieve their demand response setpoint.
4. Returning controlled lighting to its normal operational settings at the end of the demand response period.

Exception: Storage rooms and warehouse storage areas shall be permitted to switch off 25 percent or more of general lighting power rather than dimming.

10.4.9 Electrical energy storage system. *Buildings* shall comply with **Section 10.4.9.1** or **Section 10.4.9.2**.

10.4.9.1 Electrical energy storage system (ESS) capacity. Each *building* shall have one or more ESS with a total rated energy capacity and rated power capacity as follows:

1. ESS-rated energy capacity (kWh) $\geq 1.0 \times$ installed on-site renewable electric energy system rated power (kWDC).
2. ESS-rated power capacity (kW) $\geq 0.25 \times$ installed on-site renewable electric energy system rated power (kWDC).

Where installed, DC-coupled battery systems shall meet the requirements for rated energy capacity alone.

10.4.9.2 Electrical energy storage system (ESS) ready. Each *building* shall have one or more reserved ESS-ready areas to accommodate future electrical storage in accordance with **Sections 10.4.9.2.1** through **10.4.9.2.4**.

10.4.9.2.1 ESS-ready location. Each ESS-ready area shall be located in accordance with **Section 1207** of the *International Fire Code*.

10.4.9.2.2 ESS-ready minimum area requirements. Each ESS-ready area shall be sized in accordance with the spacing requirements of **Section 1207** of the *International Fire Code* and the UL 9540 or UL 9540A designated rating of the planned system. Where rated to UL 9540A, the area shall be sized in accordance with the *manufacturer's* instructions.

10.4.9.2.3 Electrical distribution equipment. The on-site electrical distribution equipment shall have sufficient capacity, rating and space to allow the installation of overcurrent devices and circuit wiring in accordance with NFPA 70 for future electrical ESS complying with the capacity criteria of **Section 10.4.9.2.4**.

10.4.9.2.4 ESS-ready minimum system capacity. Compliance with ESS-ready requirements in **Sections 10.4.9.2.1** through **10.4.9.2.3** shall be based on a minimum total energy capacity and minimum rated power capacity as follows:

1. ESS-rated energy capacity (kWh) \geq gross conditioned floor area of the three largest floors (ft^2) $\times 0.0008 \text{ kWh}/\text{ft}^2$.
2. ESS-rated power capacity (kW) \geq gross conditioned door area of the three largest doors (ft^2) $\times 0.0002 \text{ kW}/\text{ft}^2$.

10.4.10 Electric vehicle power transfer infrastructure. Parking facilities shall be provided with electric vehicle power transfer infrastructure in accordance with **Sections 10.4.10.1** through **10.4.10.6**.

10.4.10.1 Quantity. The number of required electric vehicle (EV) spaces, *EV capable spaces* and *EV ready spaces* shall be determined in accordance with this section and either **Table 10.4.10-1** or **Table 10.4.10-2** based on the total number of *automobile parking spaces* and shall be rounded up to the nearest whole number. For R-2 *buildings*, the **Table 10.4.10-1** or **Table 10.4.10-2** requirements shall be based on the total number of *dwelling units* or the total number of *automobile parking spaces*, whichever is less. For parking garages, the **Table 10.2.10-1** or **Table 10.4.10-2** requirements shall be based on *automobile parking spaces* within the battery electric vehicle location limits given under City of Austin Fire Code Section 323.4.

1. Where more than one parking facility is provided on a *building* site, the number of required *automobile parking spaces* required to have EV power transfer infrastructure shall be calculated separately for each parking facility.
2. Where one shared parking facility serves multiple *building* occupancies, the required number of spaces shall be determined proportionally based on the floor area of each *building* occupancy.
3. Installed electric vehicle supply equipment installed spaces (*EVSE spaces*) that exceed the minimum requirements of this section may be used to meet the minimum requirements for *EV ready spaces* and *EV capable spaces*.
4. Installed *EV ready spaces* that exceed the minimum requirements of this section may be used to meet the minimum requirements for *EV capable spaces*.
- 5.

Where the number of EV ready spaces allocated for R-2 occupancies is equal to the number of *dwelling units* or to the number of *automobile parking spaces* allocated to R-2 occupancies, whichever is less, requirements for *EVSE* spaces for R-2 occupancies shall not apply.

6. Requirements for a Group S-2 parking garage shall be determined by the occupancies served by that parking garage. Where new automobile spaces do not serve specific occupancies, the values for Group S-2 parking garage in Table 10.4.10.1 shall be used.
7. Group S-2 parking garages with no less than 50% long term parking spaces shall provide no less than 10% EV capable spaces. Long term parking spaces are considered as parking spaces where users generally park for more than 8 hours at a time, including overnight, at places such as airports, transit hubs, etc.
8. The installation of each DCFC EVSE shall be permitted to reduce the minimum number of required EV capable spaces without EVSE or EVCS with Level 2 EVSE by five and reduce proportionally the required electrical load capacity to the service panel or subpanel.
9. The installation of two Low Power Level 2 EV charging receptacles shall be permitted to reduce the minimum number of required EV capable spaces without EVSE in Table CG101.2.1 by one in Group R-1 and Group R-2 occupancies.

Exception: Parking facilities serving occupancies other than R2 with fewer than 10 *automobile parking spaces*.

TABLE 10.4.10-1
REQUIRED EV POWER TRANSFER
INFRASTRUCTURE

| OCCUPANCY | EVSE SPACES | EV READY SPACES | EV CAPABLE SPACES |
|--------------------------------------|-------------|-----------------|-------------------|
| Group A | 0% | 0% | 10% |
| Group B | 0% | 0% | 30% |
| Group E | 0% | 0% | 30% |
| Group F | 0% | 0% | 5% |
| Group H | 0% | 0% | 0% |
| Group I | 0% | 0% | 30% |
| Group M | 0% | 0% | 30% |
| Group R-1 | 0% | 5% | 35% |
| Group R-2 | 0% | 5% | 35% |
| Group R-3 and R-4 | 0% | 0% | 5% |
| Group S exclusive of parking garages | 0% | 0% | 0% |
| Group S-2 parking garages | 0% | 0% | 30% |

TABLE 10.4.10-2
REQUIRED EV POWER TRANSFER
INFRASTRUCTURE - POWER
ALLOCATION METHOD

| TOTAL NUMBER OF ACTUAL PARKING SPACES | MINIMUM TOTAL kVA @ 6.6 kVA | TOTAL kVA REQUIRED IN ANY COMBINATION OF EV CAPABLE, ^{3, 4} LOW POWER LEVEL 2, LEVEL 2, ^{1, 2} OR DCFC |
|---------------------------------------|-----------------------------|--|
| 0—9 | 0 | 0 |

| | | |
|--------------|---|--|
| 10—25 | 26.4 | 26.4 |
| 26—50 | 52.8 | 52.8 |
| 51—75 | 85.8 | 85.8 |
| 76—100 | 112.2 | 112.2 |
| 101—150 | 165 | 165 |
| 151—200 | 231 | 231 |
| 201 and over | 20 percent of actual parking spaces x 6.6 | Total required kVA = P x .20x6.6 Where: P = Parking spaces in facility |

1. Level 2 EVSE @ 6.6 kVA minimum.
2. At least one Level 2 EVSE shall be provided.
3. Maximum allowed kVA to be utilized for EV capable spaces is 75 percent.
4. If EV capable spaces are utilized, they shall meet the requirements of Section CG101.2.2.

10.4.10.2 EV capable spaces. Each *EV capable space* used to meet the requirements of **Section 10.4.10.1** shall comply with the following:

1. A continuous raceway or cable assembly shall be installed between an enclosure or outlet located within 3 feet (914 mm) of the *EV capable space* and electrical distribution equipment.
2. Installed raceway or cable assembly shall be sized and rated to supply a minimum circuit capacity in accordance with **Section 10.4.10.5**.
3. The electrical distribution equipment to which the raceway or cable assembly connects shall have dedicated overcurrent protection device space and electrical capacity to supply a calculated load in accordance with **Section 10.4.10.5**.
4. The enclosure or outlet and the electrical distribution equipment directory shall be marked: "For electric vehicle supply equipment (EVSE)."

Exception: In parking garages, the conduit required for *EV capable spaces* may be omitted.

10.4.10.3 EV ready spaces. Each branch circuit serving *EV ready spaces* used to meet the requirements of **Section 10.4.10.1** shall comply with the following:

1. Terminate at an outlet or enclosure located within 3 feet (914 mm) of each *EV ready space* it serves.
2. Have a minimum system and circuit capacity in accordance with **Section 10.4.10.5**.
3. The electrical distribution equipment directory shall designate the branch circuit as "For electric vehicle supply equipment (EVSE)" and the outlet or enclosure shall be marked "For electric vehicle supply equipment (EVSE)."

10.4.10.4 EVSE spaces. An installed EVSE with multiple output connections shall be permitted to serve multiple *EVSE spaces*. Each EVSE installed to meet the requirements of **Section 10.4.10.1**, serving either a single *EVSE space* or multiple *EVSE spaces*, shall comply with the following:

1. Have a minimum system and circuit capacity in accordance with **Section 10.4.10.5**.
2. Have a nameplate rating not less than 6.2 kW.
3. Be located within 3 feet (914 mm) of each *EVSE space* it serves.
4. Be installed in accordance with **Section 10.4.10.6**.

10.4.10.5 System and circuit capacity. The system and circuit capacity shall comply with **Sections 10.4.10.5.1** and **10.4.10.5.2**, Group S-2 parking garages with no less than 50% long term parking spaces shall meet **Section 10.4.10.5.4**. Long term parking spaces are considered as parking spaces where users generally park for more than 8 hours at a time, including overnight, at places such as airports, transit hubs, etc.

10.4.10.5.1 System capacity. The electrical distribution equipment supplying the branch circuit(s) serving each *EV capable space*, *EV ready space* and *EVSE space* shall comply with one of the following:

1. Have a calculated load of 7.2 kVA or the nameplate rating of the equipment, whichever is larger, for each *EV capable space*, *EV ready space* and *EVSE space*.
2. Meets the requirements of **Section 10.4.10.5.3.1**.

10.4.10.5.2 Circuit capacity. The branch circuit serving each *EV capable space*, *EV ready space* and *EVSE space* shall comply with one of the following:

1. Have a rated capacity not less than 50 amperes or the nameplate rating of the equipment, whichever is larger.

2. Meets the requirements of **Section 10.4.10.5.3.2**.

10.4.10.5.3 System and circuit capacity management. Where system and circuit capacity management is selected in **Section 10.4.10.5.1** or **Section 10.4.10.5.2**, the installation shall comply with **Sections 10.4.10.5.3.1** and **10.4.10.5.3.2**.

10.4.10.5.3.1 System capacity management. The maximum equipment load on the electrical distribution equipment supplying the branch circuits(s) serving *EV capable spaces*, *EV ready spaces* and *EVSE spaces* controlled by an energy management system shall be the maximum load permitted by the energy management system, but not less than 3.3 kVA per space.

10.4.10.5.3.2 Circuit capacity management. Each branch circuit serving multiple *EVSE spaces*, *EV ready spaces*, or *EV capable spaces* controlled by an energy management system shall comply with one of the following:

1. Have a minimum capacity of 25 amperes per space.
2. Have a minimum capacity of 20 amperes per space for R-2 occupancies where all *automobile parking spaces* are *EV ready spaces* or *EVSE spaces*.

10.4.10.5.4 Long-term parking garages system and circuit capacity. Provide a minimum electrical panel capacity of at least 1.8 kVA (120V/15A) per *EV capable space*.

10.4.10.6 EVSE installation. *EVSE* shall be installed in accordance with NFPA 70 and shall be *listed* and *labeled* in accordance with UL 2202 or UL 2594. *EVSE* shall be accessible in accordance with **Section 1107** of the International Building Code.

10.5.1.1 On-Site Renewable Energy. The *building* site shall have equipment for on-site renewable energy with a rated capacity of not less than 0.50 W/ft² or 1.7 Btu/ft² multiplied by the sum of the *gross conditioned floor area* for all floors up to the three largest floors.

Exceptions to 10.5.1.1:

1. Any *building* located where an unshaded flat plate collector oriented toward the equator and tilted at an angle from horizontal equal to the latitude receives an annual daily average incident solar radiation less than 1.1 kBtu/ft² day.
2. Any *building* where more than 80% of the *roof* area is covered by any combination of equipment other than for *on-site renewable energy systems*, planters, vegetated *space*, *skylights*, or occupied *roof deck*.
3. Any *building* where more than 50% of roof area is shaded from direct-beam sunlight by natural objects or by *structures* that are not part of the *building* for more than 2500 annual hours between 8:00 a.m. and 4:00 p.m.
4. New *construction* or *additions* in which the sum of the *gross conditioned floor area* of the three largest *floors* of the new construction or addition is less than 10,000 ft².
5. *Alterations*.
6. A *building* with Potential Solar Area of less than 2,000 square feet (185.8 square meters).
7. High hazard *buildings* (Group H).
8. *Buildings* located within the downtown network, as identified by Austin Energy.

10.7.3.1 Record Documents. *Construction documents* shall require that within 90 days after the date of *system acceptance*, *record documents* shall be provided to the *building* owner. *Record documents* shall include, as a minimum, the location of pathways for routing of raceways or cable from the renewable energy system to the electrical service panel and electrical energy storage system area, location and layout of a designated area for electrical energy storage system, and location of designated *EVSE spaces*, *EV-Ready spaces*, and *EV- Capable spaces* in parking facilities.

G2.4.2 Annual Energy Costs. The design energy cost and baseline energy cost shall be determined using actual rates for purchased energy. Where on-site renewable energy or site-recovered energy is used, the baseline building design shall be based on the energy source used as the backup energy source, or the baseline system energy source in that category if no backup energy source has been specified, except where the baseline energy source is prescribed in **Tables G3.1.1-2 and G3.1.1-3**. Where the proposed design includes onsite electricity generation systems other than on-site renewable energy systems, the baseline design shall include the same generation systems excluding its site-recovered energy.

Informative Note: The above provision allows users to gain credit for features that yield load management benefits.

(C) The following provisions are local amendments to the residential provisions to the 2024 International Energy Conservation Code. Each provision in this subsection is a substitute for an identically numbered provision deleted by **Section 25-12-261(D)** or an addition to the Energy Code.

R101.2 Scope. This code applies to the design and construction of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) and Group R-2, R-3 and R-4 *buildings* four stories or less in height above *grade plane*.

R201.3 Terms defined in other codes. Terms not defined in this code that are defined in the Building Code, Electrical Code, Fire Code, Mechanical Code, the Plumbing Code, Residential Code, and **Chapter 25-12**, Article 3 (*Flood Hazard Areas*) have the meaning ascribed to them as in those codes.

R202 General Definitions. Residential Building. For this code, includes detached one- and two-family dwellings and multiple single-family dwellings (townhouses) as well as Group R-2, R-3 and R-4 *buildings* four stories or less in height above *grade plane*.

R302.2 Exterior Design Conditions. The design parameters in Table 302.2 shall be used for calculations under this code.

**TABLE R302.2 EXTERIOR DESIGN
CONDITIONS**

| CONDITION | VALUE |
|---|-------|
| Winter ^a , Design Dry-bulb (°F) | 30 |
| Summer ^a , Design Dry-bulb (°F) | 100 |
| Summer ^a , Design Wet-bulb (°F) | 74 |
| Climate Zone | 2A |
| For SI: deg C=[(°F)-32]/l.8 | |
| ^a Adjustments shall be permitted to reflect local climates, which differ from the tabulated temperatures, or local weather experience determined by the building official. | |

R402.1.2 Insulation and fenestration criteria. The *building thermal envelope* shall meet the requirements of Table R402.1.2(1) for *existing buildings* and Table R402.1.2(2) for new construction. Assemblies shall have a *U-factor* or *F-factor* equal to or less than that specified in Table R402.1.2(1) for *existing buildings* and Table R402.1.2(2) for new construction.

Fenestration shall have a *U-factor* and glazed fenestration SHGC equal to or less than that specified in Table R402.1.2(1) for *existing buildings* and Table R402.1.2(2) for new construction.

**TABLE R402.1.2(1) MAXIMUM ASSEMBLY *U*-FACTORS^{a, b} AND FENESTRATION
REQUIREMENTS FOR
EXISTING BUILDINGS**

| | |
|---|-------|
| CLIMATE ZONE | 2 |
| VERTICAL FENESTRATION <i>U</i> -FACTOR | 0.40 |
| SKYLIGHT <i>U</i> -FACTOR | 0.60 |
| GLAZED VERTICAL FENESTRATION SHGC | 0.25 |
| SKYLIGHT SHGC | 0.28 |
| CEILING <i>U</i> -FACTOR | 0.030 |
| ATTIC ROOFLINE <i>U</i> -FACTOR | 0.045 |
| WOOD FRAME WALL <i>U</i> -FACTOR | 0.075 |
| MASS WALL <i>U</i> -FACTOR ^c | 0.165 |
| FLOOR <i>U</i> -FACTOR | 0.064 |
| BASEMENT WALL <i>U</i> -FACTOR ^d | 0.36 |
| UNHEATED SLAB <i>F</i> -FACTOR ^e | 0.73 |
| HEATED SLAB <i>F</i> -FACTOR ^e | 0.74 |
| CRAWL SPACE <i>U</i> -FACTOR | 0.477 |

For SI: 1 foot = 304.8 mm.

^a The values in this table apply to *additions* having an area no more than 40% of the existing construction.

^b Non-*/fenestration U*-factors and *F*-factors shall be obtained from measurement, calculation or an *approved* source.

^c Mass walls shall be in accordance with **Section R402.2.6**. Where more than half the insulation is on the interior, the mass wall *U*-factors shall not exceed 0.14 in *Climate Zone 2*.

^d In Warm Humid locations as defined by **Figure R301.1** and **Table R301.1**, the *basement wall U*-factor shall not exceed 0.360.

^e *F*-factors for slabs correspond to the *R*-values of **Table R402.1.3(1)** and the installation conditions of **Section R402.2.10.1**.

TABLE R402.1.2(2) MAXIMUM ASSEMBLY *U*-FACTORS AND FENESTRATION REQUIREMENTS FOR NEW CONSTRUCTION^a

| | |
|---|-------|
| CLIMATE ZONE | 2 |
| VERTICAL FENESTRATION <i>U</i> -FACTOR | 0.35 |
| SKYLIGHT <i>U</i> -FACTOR | 0.60 |
| GLAZED VERTICAL FENESTRATION SHGC | 0.25 |
| SKYLIGHT SHGC | 0.28 |
| CEILING <i>U</i> -FACTOR | 0.030 |
| ATTIC ROOFLINE <i>U</i> -FACTOR | 0.045 |
| WOOD FRAME WALL <i>U</i> -FACTOR ^b | 0.066 |
| MASS WALL <i>U</i> -FACTOR | 0.165 |
| FLOOR <i>U</i> -FACTOR | 0.064 |
| BASEMENT WALL <i>U</i> -FACTOR ^c | 0.360 |
| UNHEATED SLAB <i>F</i> -FACTOR ^d | 0.73 |
| HEATED SLAB <i>F</i> -FACTOR ^d | 0.74 |
| CRAWL SPACE <i>U</i> -FACTOR | 0.477 |

For SI: 1 foot = 304.8 mm.

^a Non-*/fenestration U*-factors and *F*-factors shall be obtained from measurement, calculation, or an *approved* source or Appendix RF where such appendix is adopted or *approved*.

^b Mass walls shall be in accordance with **Section R402.2.6**. Where more than half the insulation is on the interior, the mass wall *U*-factors shall not exceed 0.14 in *Climate Zone 2*.

^c In Warm Humid locations as defined by **Figure R301.1** and **Table R301.1**, the *basement wall U*-factor shall not exceed 0.360.

^d *F*-factors for slabs correspond to the *R*-values of **Table R402.1.3(2)** and the installation conditions of **Section R402.2.10.1**.

R402.1.3 R-value alternative. Assemblies with *R*-value of insulation materials equal to or greater than that specified in **Table R402.1.3(1)** for *existing buildings* and **Table R402.1.3(2)** for new construction shall be an alternative to the *U*-factor or *F*-factor in **Table R402.1.2(1)** for *existing buildings* and **Table R402.1.2(2)** for new construction, respectively.

TABLE R402.1.3(1) INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT^{a, b}FOR EXISTING BUILDINGS

| | |
|--|------------------------------|
| CLIMATE ZONE | 2 |
| VERTICAL FENESTRATION <i>U</i> -FACTOR | 0.40 |
| SKYLIGHT <i>U</i> -FACTOR | 0.60 |
| GLAZED VERTICAL FENESTRATION SHGC | 0.25 |
| SKYLIGHT SHGC | 0.28 |
| CEILING <i>R</i> -VALUE | 38 |
| ATTIC ROOFLINE <i>R</i> -VALUE ^{c, d, g, h} | 25&0ci or 0&25ci |
| WOOD FRAME WALL <i>R</i> -VALUE ^{c, d} | 15, 13&2ci, or 0&10ci |
| MASS WALL <i>R</i> -VALUE ⁱ | 4/6 |
| FLOOR <i>R</i> -VALUE ^{c, d} | 13 OR 7&5ci or 0&10ci |
| BASEMENT WALL <i>R</i> -VALUE ^f | 0 |
| UNHEATED SLAB <i>R</i> -VALUE & DEPTH ^e | 0 |
| HEATED SLAB <i>R</i> -VALUE & DEPTH ^{c, d, e} | R-5ci edge and R-5 full slab |
| CRAWL SPACE WALL <i>R</i> -VALUE ^{c, d} | 0 |

For SI: 1 foot = 304.8 mm

NR = Not Required.

ci = continuous insulation.

^a The values in this table apply to *repairs, renovations, or additions* that increase the *conditioned floor area* by no more than 40 percent. All other construction shall use the values for new construction in Table R402.1.3(2).

^b *R*-values are minimums, *U*-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed *R*-value of the insulation shall not be less than the *R*-value specified in the table.

^c "5ci or 13" means R-5 *continuous insulation* (ci) on the interior or exterior surface of the wall or R-13 *cavity insulation* on the interior side of the wall. "10ci or 13" means R-10 *continuous insulation* (ci) on the interior or exterior surface of the wall or R-13 *cavity insulation* on the interior side of the wall. "15ci or 19 or 13&5ci" means R-15 *continuous insulation* (ci) on the interior or exterior surface of the wall; or R-19 *cavity insulation* on the interior side of the wall; or R-13 *cavity insulation* on the interior of the wall in addition to R-5 *continuous insulation* on the interior or exterior surface of the wall.

^d The first value is *cavity insulation*, the second value is *continuous insulation* (ci) or *insulated siding*. Therefore, as an example, "13&2ci" means R-13 *cavity insulation* plus R-2 *continuous insulation* or *insulated siding*. Where R-13&2ci is used, non-insulated structural sheathing shall cover no more than 25% of the exterior.

^e Slab insulation shall be installed in accordance with Section R402.2.10.1.

^f *Basement wall* insulation is not required in Warm Humid locations as defined by Figure R301.1 and Table R301.1.

^g Air-impermeable insulation of R-25&0 or greater may be used if mechanical equipment and air distribution system are located entirely within the *building thermal envelope*. "Air-impermeable" shall be defined as having an air permeance not exceeding 0.02 L/s·m² at 75 Pa pressure differential tested according to ASTM E 2178 or ASTM E 283.

^h R-0&25ci *continuous insulation* can be used where the insulation is completely above the roof framing and sub-roofing.

ⁱ Mass walls shall be in accordance with **Section R402.2.6**. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

TABLE R402.1.3(2) INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT^aFOR NEW CONSTRUCTION

| | |
|--|-------------------------------|
| CLIMATE ZONE | 2 |
| VERTICAL FENESTRATION <i>U</i> -FACTOR | 0.35 |
| SKYLIGHT <i>U</i> -FACTOR | 0.60 |
| GLAZED VERTICAL FENESTRATION SHGC | 0.25 |
| SKYLIGHT SHGC | 0.28 |
| CEILING <i>R</i> -VALUE | 38 |
| ATTIC ROOFLINE <i>R</i> -VALUE ^{b, c, f, g} | 25&0ci or 0&25ci |
| WOOD FRAME WALL <i>R</i> -VALUE ^{b, c} | 19, 15&2ci, 13&3ci, or 0&15ci |
| MASS WALL <i>R</i> -VALUE ^h | 4/6 |
| FLOOR <i>R</i> -VALUE ^{b, c} | 13 OR 7&5ci OR 0&10ci |
| BASEMENT WALL <i>R</i> -VALUE ^{b, e} | 0 |
| UNHEATED SLAB <i>R</i> -VALUE & DEPTH ^d | 0 |
| HEATED SLAB <i>R</i> -VALUE & DEPTH ^{b, c, d} | R-5ci edge and R-5 full slab |
| CRAWL SPACE WALL <i>R</i> -VALUE ^{b, c} | 0 |

For SI: 1 foot = 304.8 mm

NR = Not Required.

ci = continuous insulation.

^a R-values are minimums. *U*-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed *R*-value of the insulation shall not be less than the *R*-value specified in the table.

^b "5ci or 13" means R-5 *continuous insulation* (ci) on the interior or exterior surface of the wall or R-13 *cavity insulation* on the interior side of the wall. "10ci or 13" means R-10 *continuous insulation* (ci) on the interior or exterior surface of the wall or R-13 *cavity insulation* on the interior side of the wall. "15ci or 19 or 13&5ci" means R-15 *continuous insulation* (ci) on the interior or exterior surface of the wall; or R-19 *cavity insulation* on the interior side of the wall; or R-13 *cavity insulation* on the interior of the wall in addition to R-5 *continuous insulation* on the interior or exterior surface of the wall.

^c The first value is *cavity insulation*, the second value is *continuous insulation* (ci) or *insulated siding*. Therefore, as an example, "13&2ci" means R-13 *cavity insulation* plus R-2 *continuous insulation* or *insulated siding*. Where R-13&2ci is used, non-insulated structural sheathing shall cover no more than 25% of the exterior.

^d Slab insulation shall be installed in accordance with **Section R402.2.10.1**.

^e *Basement wall insulation* is not required in Warm Humid locations as defined by **Figure R301.1** and **Table R301.1**.

^f Air-impermeable insulation of R-25&0 or greater may be used if mechanical equipment and air distribution system are located entirely within the *building thermal envelope*. "Air-impermeable" shall be defined as having an air permeance not exceeding 0.02 L/s·m² at 75 Pa pressure differential tested according to ASTM E 2178 or ASTM E 283.

^g R-0&25ci *continuous insulation* can be used where the insulation is completely above the roof framing and sub-roofing.

^h Mass walls shall be in accordance with **Section R402.2.6**. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

R402.3 Radiant Barriers. *Radiant barriers* shall be installed in accordance with ASTM C1743.

Exceptions:

1. Roofs covered with clay or concrete tile having a solar reflectance of 0.40 or greater.
2. Roofs covered with other materials having a solar reflectance of 0.50 or greater.
3. *Residential buildings* with sealed attics.
4. *Residential buildings* with mechanical equipment and all *ductwork* located wholly within the conditioned space.
5. Existing construction where there is no modification to the roof framing structure.

R402.5.1.2 Air Leakage Testing. The *building* or each *dwelling unit* or *sleeping unit* in the *building* shall be tested for air leakage. Testing shall be conducted in accordance with ANSI/RESNET/ICC 380, ASTM E 779, ASTM E 1827 or ASTM E3158 and reported at a pressure differential of 0.2 inches water gauge (50 Pascals). Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*. The report shall include address of the residence, *building* permit number, name and employer of the technician performing the test, and date of the test. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope* have been sealed.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other *infiltration* control measures.
2. *Dampers* including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended *infiltration* control measures.
3. Interior doors, where installed at the time of the test, shall be open.
4. Exterior or interior terminations for continuous *ventilation* systems shall be sealed.
5. Heating and cooling systems, where installed at the time of the test, shall be turned off.
6. Supply and return registers, where installed at the time of the test, shall be fully open.

Exceptions:

1. Existing construction where the volume of the conditioned area is unchanged and *additions* that cannot be physically separated from the existing construction.
2. For heated, attached private garages and heated, detached private garages accessory to one- and two-family dwellings and townhouses not more than three stories above *grade plane* in height, *building thermal envelope* tightness and insulation installation shall be considered acceptable where the items in **Table R402.5.1.1**, applicable to the method of construction, are field verified. Where required by the *code official*, an approved third party from the installer shall inspect both *air barrier* and insulation installation criteria. Heated, attached private garage space and heated, detached private garage space shall be thermally isolated from all other habitable, *conditioned spaces* in accordance with **Sections R402.2.13** and **R402.4.5**, as applicable.
3. Where tested in accordance with **Section R403.3.13**, testing of each *dwelling unit* or *sleeping unit* is not required.

R402.5.1.3 Maximum Air Leakage Rate. Where tested in accordance with **Section R402.5.1.2**, the air leakage rate for *buildings, dwelling units or sleeping units* shall be as follows:

1. Where complying with **Section R401.2.1**, the *building, dwelling units, or sleeping units* in the *building* shall have an air leakage rate not greater than 4.0 air changes per hour.
2. Where complying with **Section 401.2.2** or **R401.2.3**, the *building, dwelling units or sleeping units* in the *building* shall have an air leakage rate not greater than 4.0 air changes per hour, or $0.22 \text{ cfm}/\text{ft}^2 (1.1 \text{ L/s} \times \text{m}^2)$ of the *building thermal envelope area* or *testing unit enclosure area*, as applicable.

Exceptions:

1. Where *dwelling units or sleeping units* are attached or located in an R-2 occupancy and are tested without simultaneously testing adjacent *dwelling units or sleeping units*, the air leakage rate is permitted to be not greater than $0.27 \text{ cfm}/\text{ft}^2 (1.35 \text{ L/s} \times \text{m}^2)$ of the *testing unit enclosure area*. Where adjacent *dwelling units or sleeping units* are simultaneously tested in accordance with ASTM E779, the air leakage rate is permitted to be not greater than $0.27 \text{ cfm}/\text{ft}^2$ of the *testing unit enclosure area* that separates *conditioned space* from the exterior.
2. Where *buildings* have 1,500 square feet (139.4 m^2) or less of *conditioned floor area*, the air leakage rate is permitted to be not greater than $0.27 \text{ cfm}/\text{ft}^2 (1.35 \text{ L/s} \times \text{m}^2)$.

R402.6 Maximum Fenestration U-factor and SHGC. The area-weighted average maximum *fenestration U-factor* permitted using trade-offs from **Section R402.1.5** or **R405** shall be 0.50. The area-weighted average maximum SHGC permitted using tradeoffs from **Section R405** *fenestration* facing East, South and West shall be 0.30. The SHGC of *fenestration* facing within 45 degrees of East and West shall be no greater than 0.25, unless the projection factor multiplier in **Table R402.6.1** is applied. Glazed *fenestration* facing within 45 degrees of North shall not be included in the area-weighted SHGC calculation.

TABLE R402.6.1 SHGC MULTIPLIER FOR CERTAIN FENESTRATION

| Projection Factor | SHGC Multiplier (Glazed fenestration from 45 to 135 degrees and 225 to 315 degrees) | SHGC Multiplier (Glazed fenestration from 135 to 225 degrees) |
|-------------------|---|---|
| 0.10—0.25 | 0.85 | 0.75 |
| 0.26—0.50 | 0.75 | 0.60 |
| 0.51—0.75 | 0.60 | 0.40 |
| 0.76—1.00 | 0.40 | 0.20 |
| >1.00 | 0.20 | 0.10 |

Exception: The maximum *U-factor* and *solar heat gain coefficient (SHGC)* for *fenestration* shall not be required in storm shelters complying with ICC 500.

R403.1.1.1 Thermostat Connectivity to Internet. The *thermostat* controlling the primary heating or cooling system of the *dwelling unit* shall be capable of connecting to the internet via either a cable or WiFi connection and allow cooling and heating set points to be altered remotely.

Exception: Heating and cooling systems with proprietary *thermostats* or controls that don't allow connection to the internet.

R403.3.7 Duct System Testing. Each *duct system* shall be tested for air leakage in accordance with **ANSI/RESNET/ICC 380** or **ASTM E1554**. Total leakage shall be measured with a pressure differential of 0.1-inch water gauge (25 Pa) across the *duct system* and shall include the measured leakage from the supply and return *ductwork*. A written report of the test results shall be signed by the party conducting the test and provided to the *code official*. *Duct system* leakage testing at either rough-in or post-construction shall be permitted with or without the installation of registers or grilles. Where installed, registers and grilles shall be sealed during the test. Where registers and grilles are not installed, the face of the register boots shall be sealed during the test.

Exceptions:

1. Testing shall not be required for *duct systems* serving *ventilation* systems that are not integrated with *duct systems* serving heating or cooling systems.
2. Testing shall not be required where there is not more than 10 feet (3.03 m) of total *ductwork* external to the *space conditioning equipment* and both the following are met:
 - 2.1 The *duct system* is located entirely within *conditioned space*.
 - 2.2 The *ductwork* does not include plenums constructed of *building cavities* or gypsum board.

3. Where the *space conditioning equipment* is not installed, testing shall be permitted. The total measured leakage of the supply and return *ductwork* shall be less than or equal to 3.0 cubic feet per minute (85 L/min) per 100 square feet (9.29 m²) of *conditioned floor area*.

4. Where tested in accordance with **Section R403.3.13**, testing of each *duct system* is not required.

R403.3.8 Duct System Leakage. The total measured *duct system* leakage shall not be greater than the values in **Table R403.3.8**, based on the location of the *duct system*. For *buildings* complying with **Sections R405 or R406**, where *duct system* leakage to outside is tested in accordance with **ANSI/RESNET/ICC 380** or **ASTM E1554**, the leakage to outside value shall not be used for compliance with this section but shall be permitted to be used in the calculation procedures of **Sections R405** and **R406**.

TABLE R403.3.8 MAXIMUM TOTAL DUCT SYSTEM LEAKAGE

| | Total leakage cfm/100 ft ² (LPM/9.29 m ²) | Total leakage cfm (LPM) |
|---|--|-------------------------|
| <i>Space conditioning equipment</i> is not installed ^{b, c} | 3 (85) | 30 (850) |
| All components of the <i>duct system</i> are installed ^c <i>Space conditioning equipment</i> is not installed, but the <i>ductwork</i> is located entirely in <i>conditioned space</i> ^{c, d} All components of the <i>duct system</i> are installed and entirely located in <i>conditioned space</i> ^c | 4 (113) | 42 (1189) |
| ^a A ducted return is a <i>duct</i> made of sheet metal or flexible <i>duct</i> that connects one or more return grilles to the return-side inlet of the <i>air-handling unit</i> . Any other method to convey air from return or transfer grille(s) to the <i>air-handling unit</i> does not constitute a ducted return for the purpose of determining maximum total <i>duct system</i> leakage allowance. | | |
| ^b <i>Duct system</i> testing is permitted where <i>space conditioning equipment</i> is not installed, provided the return <i>ductwork</i> is installed, and the measured leakage from the supply and return <i>ductwork</i> is included. | | |
| ^c For <i>duct systems</i> to be considered inside a <i>conditioned space</i> , where the <i>ductwork</i> is located in ventilated attic spaces or unvented attics with vapor diffusion ports, <i>duct system</i> leakage to outside must comply with Item 2.1 of Section R403.3.4 . | | |
| ^d Prior to the issuance of a certificate of occupancy, where the <i>air-handling unit</i> is not verified as being located in <i>conditioned space</i> , the total <i>duct system</i> leakage must be re-tested. | | |

R403.3.10 Balancing of Air Distribution System. Volumetric airflow in cubic feet per minute (CFM) shall meet the design/application requirements. Airflow testing shall be performed by a third-party testing contractor *approved* by the building official, with all interior doors closed and all blowers operating at cooling speed.

The airflow at each supply register shall be measured. Supply registers with a design airflow exceeding 35 CFM shall have a measured airflow of within ±20% of design airflow. Supply registers with design airflow below 35 CFM but having a measured airflow 60 CFM or higher shall be balanced to bring measured airflow to within ±20% of design airflow. Documentation shall verify that actual total system airflow is within ±10 percent of total system design airflow. All documentation shall be submitted with the final mechanical Code compliance package and provided to the *code official*.

Measurement of supply airflow shall be performed using a balometer (flow hood) per the manufacturer's instructions.

Documentation shall include the following:

- a. Address of *building*.
- b. Name and company of technician performing the testing.
- c. Date of final test.

Exceptions:

- 1. Ductless systems.

2. Existing construction with no modification of or addition to the existing *ductwork*.
3. An *addition* of 200 square feet or less of *conditioned space* to existing construction.
4. Systems with a Manual J recommended sizing of 4.5 tons or other size not typically available from manufacturers must be balanced to within ±20% of design air flow as indicated on the Manual J for that *building*. It is the responsibility for the HVAC contractor to communicate the lack of availability of a properly sized system to the third-party testing contractor.

R403.3.11 Pressure Differential. The pressure difference between each bedroom and adjacent interior area (i.e. hallway) shall not exceed 5 Pascals. The pressure difference between the interior area in the vicinity of the return side of the air handling equipment and the outside of the *building* does not exceed -5 Pascals. Testing shall be performed by a third-party testing contractor approved by the building official, with all interior doors closed and all blowers operating at cooling speed.

Exception: Ductless systems where the supply and return airflow are handled by a single unit within the room.

R403.3.12 System Static Pressure. Total system static pressure with filters installed shall not exceed 0.8-inch water column on gas furnaces and 0.6-inch water column on electric air handlers. Static pressure testing using a digital manometer or magnehelic shall be performed by a third-party testing contractor *approved* by the building official. Documentation verifying static pressure testing results within the allowed ranges shall be submitted with the final mechanical code compliance package and provided to the *code official*.

Documentation shall include the following:

- a. Address of *building*.
- b. Name and company of third-party testing contractor performing the testing.
- c. Date of final test.
- d. Procedure used for the test.
- e. Results of the test listing static pressure for applications tested.

Exceptions:

1. Existing construction with no modification of or addition to the existing *ductwork*, or replacement of mechanical equipment.
2. Ductless systems.
3. Systems where the air handler equipment is housed within the return plenum.
4. Air handlers for systems having a rated cooling capacity above 55,000 Btu per hour.

R403.3.13 Batch Testing. For *buildings* having eight or more *dwelling units* or *sleeping units*, seven or 20 percent of the *dwelling units* or *sleeping units*, whichever is greater shall be tested as required by Sections R402.5.1.2, R403.3.7, R403.3.8, R403.3.10, R403.3.11, R403.3.12, and R403.6.3. If each tested *dwelling unit* or *sleeping unit* within the batch meets code requirements, then all *dwelling units* or *sleeping units* in the batch are considered to meet code.

The third-party testing contractor shall perform all required tests on at least three consecutive *dwelling units* or *sleeping units*. Test results must meet code requirements before batch testing is allowed. Initial testing is required for each new multifamily project. *Dwelling units* or *sleeping units* must be within the same *building* to qualify for inclusion in a batch.

Batch Identification and Sampling

The builder shall identify a "batch" which is a *building* where the *dwelling units* or *sleeping units* are completed and ready for testing. The third-party testing contractor randomly selects the *dwelling units* and/or *sleeping units* from a batch for testing. A batch shall include a top floor *dwelling unit*, a ground floor *dwelling unit*, a middle floor *dwelling unit*, and the *dwelling unit* with the largest *conditioned floor area*. Where *buildings* have fewer than eight *dwelling units* or *sleeping units*, each *dwelling unit* or *sleeping units* shall be tested. All *dwelling units* or *sleeping units* within the batch must be ready for testing (drywall complete, interior door jams installed, HVAC system installed, and final air sealing completed) before the third-party testing contractor can select the units to be tested.

Failure to Meet Code Requirement(s)

- a. If any *dwelling units* or *sleeping units* within the identified batch fail to meet a code requirement as a result of testing, the builder will be directed to fix the cause(s) of failure, and 30% of the remaining *dwelling units* or *sleeping units* in the batch will be randomly selected for testing regarding the specific cause(s) of failure.
- b. If any failures occur in the additional *dwelling units* or *sleeping units*, all remaining *dwelling units* or *sleeping units* in the batch must be individually tested for code compliance.
- c. A multifamily project with 3 failures within a 6-month period is no longer eligible to use the sampling protocol in that community or project until successfully repeating "Initial Testing." Sampling can be reinstated after at least 3 consecutive *dwelling units* or *sleeping units* are individually verified to meet all code requirements.
- d. No *dwelling unit* or *sleeping unit* in a batch may be issued a Certificate of Occupancy until testing has been performed and passed on the *dwelling units* or *sleeping units* selected for testing.

R403.3.12 Filtration for Air Distribution Systems. Filters installed in air distribution systems shall have a minimum efficiency reporting value (MERV) rating of 6 or greater. Filters shall be located to prevent unfiltered air from passing through the mechanical equipment. Filters shall be installed prior to operation of the air handling unit.

R403.6.3 Testing. Mechanical *ventilation* systems shall be tested and verified to provide the minimum *ventilation* flow rates required by **Section R403.6**, in accordance with ANSI/RESNET/ICC 380. Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*.

Exceptions:

1. Kitchen range hoods that are ducted to the outside with ducting having a diameter of 6 inches (152 mm) or larger, a length of 10 feet (3048 mm) or less, and not more than two 90-degree (1.57 rad) elbows or equivalent shall not require testing.
2. A third-party test shall not be required where the *ventilation* system has an integrated diagnostic tool used for airflow measurement, and a user interface that communicates the installed airflow rate.
3. Where tested in accordance with **Section R403.3.13**, testing of each mechanical ventilation system is not required.

R403.7.2 Documentation of Heating and Cooling Equipment Sizing. Documentation verifying the methodology and accuracy of heating and cooling equipment sizing shall be submitted with final mechanical code compliance package. Documentation shall include the following information:

- a. Address of residence.
- b. Name of individual performing load calculations.
- c. Name and version of load calculation software.
- d. Design temperatures (outdoor and indoor) according to the Air Conditioning Contractors of America's (ACCA) Manual J, ACCA Manual N, American Society of Heating, Refrigeration and Air-Conditioning Engineers, U.S. Department of Energy standards, or other methodology *approved* by the City of Austin.
- e. Area of walls, windows, skylights and doors within $\pm 10\%$ of architectural plans or actual *building*.
- f. Orientation of windows and glass doors, *infiltration* rate, *duct* loads, internal gains, insulation values, and *Solar Heat Gain Coefficient* of windows.
- g. Heating and cooling load calculations.
- h. Design supply airflows for each room.

R403.14 Space Heating. The use of electric resistance as a primary source of space heating is prohibited in all *dwelling units* or *sleeping units* having a *conditioned floor area* in excess of 500 square feet.

Exception: *Buildings* where *dwelling units* are cooled using chilled water.

R405.2 Simulated Building Performance Compliance. Compliance based on *simulated building performance* requires that a *building* comply with the following:

1. The requirements of the sections indicated within **Table R405.2**.
2. The proposed total *building thermal envelope* thermal conductance (TC) shall be less than or equal to the required total *building thermal envelope* TC using the prescriptive *U-factors* and *F-factors* from **Table R402.1.2(1)** for *existing buildings* and **Table R402.1.2(2)** for new construction multiplied by 1.08 in *Climate Zone 1* in accordance with **Equation 4-2** and **Section R402.1.5**. The area-weighted maximum *fenestration SHGC* permitted in *Climate Zone 2* shall be 0.30.

Equation 4-2: $TC_{Proposed\ design} \leq 1.08 \times TC_{Prescriptive\ reference\ design}$

3. For each *dwelling unit* with one or more fuel-burning appliances for space heating, water heating, or both, the annual energy use of the *dwelling unit* shall be less than or equal to 80 percent of the annual energy use of the *standard reference design*. For all other *dwelling units*, the annual energy use of the *proposed design* shall be less than or equal to 85 percent of the annual energy use of the *standard reference design*. For each *dwelling unit* with greater than 5,000 square feet ($465\ m^2$) of *living space* located above *grade plane*, the annual energy use of the *dwelling unit* shall be reduced by an additional 5 percent of annual energy use of the *standard reference design*.

Exception: The energy use based on site energy expressed in Btu or Btu per square foot of *conditioned floor area* shall be permitted to be substituted for the *energy cost*.

Table R405.2 REQUIREMENTS FOR SIMULATED BUILDING PERFORMANCE

| SECTION ^a | TITLE |
|----------------------|-------------|
| General | |
| R401.3 | Certificate |

| Building Thermal Envelope | |
|---------------------------------|---|
| R402.1.1 | Vapor retarder |
| R402.1.6 | Rooms containing fuel burning appliances |
| R402.2.3 | Attic knee wall |
| R402.2.4 | Eave baffle |
| R402.2.5.1 | Access hatches and door insulation installation and retention |
| R402.2.10 | Slab-on-grade floors |
| R402.2.11 | Crawl space walls |
| R402.3 | Radiant barriers |
| R402.5.1.1 | Installation |
| R402.5.1.2 | Air leakage testing |
| R402.5.1.3 | Maximum air leakage rate |
| R402.5.2 | Fireplaces |
| R402.5.3 | Fenestration air leakage |
| R402.5.4 | Recessed lighting |
| R402.5.5 | Air-sealed electrical and communication outlet boxes |
| R402.6 | Maximum fenestration <i>U</i> -factor and SHGC |
| Mechanical | |
| R403.1 | Controls |
| R403.2 | Hot water boiler temperature reset |
| R403.3 | Duct systems and Additional HVAC Testing |
| R403.4 | Mechanical system piping insulation |
| R403.5 | Service hot water system |
| R403.6 | Mechanical ventilation |
| R403.7, except Section R403.7.1 | Equipment sizing and efficiency rating |
| R403.8 | Systems serving multiple dwelling units |
| R403.10 | Energy consumption of pools and spas |
| R403.11 | Portable spas |
| R403.12 | Residential pools and permanent residential spas |

| | |
|--|---------------------------------|
| R403.13 | Gas fireplaces |
| R403.14 | Space heating |
| Electrical Power and Lighting Systems | |
| R404.1 | Lighting equipment |
| R404.2 | Interior lighting controls |
| Chapter 7 [RE] | Residential Solar Ready |
| Appendix RE | Electric Vehicle Power Transfer |
| Appendix RJ | Demand Responsive Controls |
| Appendix RK | Electric Readiness |

^a Reference to a code section includes all the relative subsections except as indicated in the table.

TABLE R405.4.2(1) SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

| BUILDING COMPONENT | STANDARD REFERENCE DESIGN | PROPOSED DESIGN |
|--------------------------------|--|-----------------|
| Above-grade walls | Type: mass wall if proposed wall is mass; otherwise wood frame | As proposed |
| | Gross area: same as proposed | As proposed |
| | <i>U</i> -factor: from Table R402.1.2(2) | As proposed |
| | Solar reflectance = 0.25 | As proposed |
| | Emittance = 0.90 | As proposed |
| Basement and crawl space walls | Type: same as proposed | As proposed |
| | Gross area: same as proposed | As proposed |
| | <i>U</i> -factor: from Table R402.1.2(2), with insulation layer on interior side of walls. | As proposed |
| Above-grade floors | Type: wood frame | As proposed |
| | Gross area: same as proposed | As proposed |
| | <i>U</i> -factor: from Table R402.1.2(2) | As proposed |
| Ceilings | Type: wood frame | As proposed |
| | Gross area: same as proposed | As proposed |
| | <i>U</i> -factor: from Table R402.1.2(2) | As proposed |

| | | |
|--|---|---|
| Roofs | Type: composition shingle on wood sheathing | As proposed |
| | Gross area: same as proposed | As proposed |
| | Solar reflectance = 0.25 | As proposed |
| | Emittance = 0.90 | As proposed |
| | Radiant barrier per R402.3 | As proposed |
| Attics | Type: vented with an aperture of 1 ft ² per 300 ft ² of ceiling area. | As proposed |
| Foundations | Type: same as proposed | As proposed |
| | Foundation wall extension above and below grade: same as proposed. Foundation wall or slab perimeter length: same as proposed. Soil characteristics: same as proposed | As proposed |
| | Foundation wall <i>U</i> -factor and slab-on-grade <i>F</i> -factor: as specified in Table R402.1.2(2) | As proposed |
| Opaque doors | Area: 40 ft ² | As proposed |
| | Orientation: North | As proposed |
| | <i>U</i> -factor: same as <i>fenestration</i> from Table R402.1.2(2) | As proposed |
| Vertical fenestration other than opaque doors | Total area ^h = 15% of <i>conditioned floor area</i> | As proposed |
| | Orientation: equally distributed to four cardinal compass orientations (N, E, S & W) | As proposed |
| | <i>U</i> -factor: area-weighted average of 0.35 | As proposed |
| | SHGC: 0.25 | As proposed |
| | Interior shade fraction: 0.92 - (0.21 x SHGC for the standard reference design) | Interior shade fraction: 0.92-(0.21 x SHGC) as proposed |
| | External shading: none | As proposed |
| Skylights | None | As proposed |
| Thermally isolated sunrooms | None | As proposed |
| Air leakage rate | For detached one-family dwellings, the air leakage rate at a pressure of 0.2-inch water gauge (50 Pa) shall be 4 air changes per hour. For detached one-family dwellings that are 1,500 ft ² (139.4 m ²) or smaller and attached <i>dwelling units</i> or <i>sleeping units</i> , the air leakage rate at a pressure of 0.2-inch water gauge (50 Pa) shall be 0.27 cfm/ft ² of the <i>testing unit enclosure area</i> . | The measured air leakage rate ¹ |

| | | |
|-----------------------------------|---|--|
| Mechanical ventilation rate | <p>The mechanical <i>ventilation</i> rate shall be in addition to the air leakage rate and shall be the same as in the <i>proposed</i> design, but not greater than $B \times M$ where:</p> $B = 0.01 \times CFA + 7.5 \times (N_{br} + 1), \text{ cfm.}$ <p>$M = 1.0$ where the measured air leakage rate is ≥ 3.0 air changes per hour at 50 Pascals, and otherwise, $M = \text{minimum } (1.7, Q/B)$</p> <p>$Q = \text{the proposed mechanical } ventilation \text{ rate, cfm.}$</p> <p>$CFA = \text{conditioned floor area, ft}^2$</p> <p>$N_{br} = \text{number of bedrooms.}$</p> | The measured mechanical <i>ventilation</i> rate ^b , Q , shall be in addition to the measured air leakage rate. |
| Mechanical ventilation fan energy | <p>The mechanical <i>ventilation</i> system type shall be the same as in the <i>proposed design</i>. Heat recovery or energy recovery shall be modeled for mechanical <i>ventilation</i> where required by Section R403.6.1. Heat recovery or energy recovery shall not be modeled for mechanical <i>ventilation</i> where not required by Section R403.6.1.</p> <p>Where mechanical <i>ventilation</i> is not specified in the <i>proposed design</i>.</p> <p>None</p> <p>Where mechanical <i>ventilation</i> is specified in the <i>proposed design</i>, annual vent fan energy use, in units of kWh/yr, shall equal:</p> $(8.76 \times B \times M)/e_f$ <p>where:</p> <p>B and M are determined in accordance with the air exchange mechanical ventilation rate row of this table.</p> <p>e_f = the minimum exhaust fan efficacy, as specified in Table R403.6.2, corresponding to the system type at a flow rate of $B \times M$</p> | As proposed |
| Internal gains | <p>I_{Gain}, in units of Btu/day per <i>dwelling unit</i>, shall equal $17,900 + 23.8 \times CFA + 4,104 \times N_{br}$ where:</p> <p>$CFA = \text{conditioned floor area, ft}^2$.</p> <p>$N_{br} = \text{number of bedrooms.}$</p> | Same as <i>standard reference design</i> . |
| Internal Mass | An internal mass for furniture and contents of 8 pounds per square foot of floor area | Same as standard reference, plus any additional mass specifically designed as a thermal storage element ^c but not integral to the <i>building thermal envelope</i> or structure |
| Structural mass | For masonry floor slabs, 80% of floor are covered by R-2 carpet and pad, and 20% of floor directly exposed to room air. | As proposed |
| | For masonry <i>basement</i> walls: as proposed, but with insulation as specified in Table R402.1.3 , located on the interior side of the walls. | As proposed |
| | For other walls, for ceilings, floors, and interior walls, wood frame construction. | As proposed |

| | | |
|--|---|--|
| Heating systems ^{d, e, j, k} | Fuel Type: Same as <i>proposed design</i> Capacity: same as <i>proposed design</i> and in accordance with Section R403.7 | As proposed |
| | Product class: Same as <i>proposed design</i> | As proposed |
| | Efficiencies: | As proposed |
| | Heat pump: Complying with 10 CFR §430.32 | As proposed |
| | Fuel gas and liquid fuel furnaces: Complying with 10 CFR §430.32 | As proposed |
| Cooling systems ^{d, f, k} | Fuel Type: Electric Capacity: same as proposed design and in accordance with Section R403.7 | As proposed |
| | Efficiencies: Complying with 10 CFR §430.32 | As proposed |
| Service water heating ^{d, g, k} | Use, in units of gal/day = $25.5 + (8.5 \times N_{br})$ Where: N_{br} = number of bedrooms | Use, in units of gal/day = $(25.5 + (8.5 \times N_{br})) * (1 - HWDS)$ Where: N_{br} = number of bedrooms. HWDS = factor for the compactness of the hot water distribution system |
| | Compactness ratio ⁱ factor | |
| | 1 story | 2 or more stories |
| | >60% | >30% |
| | >30% to ≤60% | >15% to ≤30% |
| | >15% to ≤30% | >7.5% to ≤15% |
| | ≤15% | ≤7.5% |
| | HWDS | |
| | | |
| | | |
| | Fuel Type: Same as <i>proposed design</i> | As proposed |
| | Rated Storage Volume: Same as <i>proposed design</i> | As proposed |
| | Draw Pattern: Same as <i>proposed design</i> | As proposed |
| | Efficiencies: Uniform Energy Factor complying with 10 CFR §430.32 | As proposed |
| | Tank Temperature: 120° F (48.9° C) | Same as <i>standard reference design</i> |

| | | | | | |
|------------------------------|---|--|--|---|--|
| Thermal distribution systems | Duct insulation: in accordance with Section R403.3.3. | | | | Duct insulation: as proposed ^m . |
| | Duct location: | | | | <i>Duct</i> location: as proposed ¹ |
| | Foundation Type | Slab on grade | Unconditioned crawl space | Basement or conditioned crawl space | |
| | <i>Duct</i> location (supply and return) | One-story <i>building</i> : 100% in unconditioned attic. All other: 75% in unconditioned attic and 25% inside <i>conditioned space</i> | One-story <i>building</i> : 100% in unconditioned crawlspace. All other: 75% in unconditioned crawlspace and 25% inside <i>conditioned space</i> | 75% inside <i>conditioned space</i> 25% unconditioned attic | |
| | <i>Duct system</i> leakage to outside: For <i>duct systems</i> serving > 1,000 ft ² (92.9 m ²) of <i>conditioned floor area</i> , the duct leakage to outside rate shall be 4 cfm (113.3 L/min) per 100 ft ² (9.29 m ²) of <i>conditioned floor area</i> . For <i>duct systems</i> serving ≤ 1,000 ft ² (92.9 m ²) of <i>conditioned floor area</i> , the duct leakage to outside rate shall be 40 cfm (1132.7 L/min). | | | | <i>Duct System</i> Leakage to Outside: The measured total <i>duct system</i> leakage rate shall be entered into the software as the <i>duct system</i> leakage to outside rate. Exceptions: 1. Where <i>duct system</i> leakage to outside is tested in Accordance ANSI/RESNET/ICC 380 or ASTME1554 , the measured value shall be permitted to be entered. 2. Where total <i>duct system</i> leakage is measured without the <i>space conditioning equipment</i> installed, the simulation value shall be 4 cfm (113.3 L/min) per 100 ft ² (9.29 m ²) of <i>conditioned floor area</i> . |
| | <i>Distribution System Efficiency</i> (DSE): For hydronic systems and ductless systems a thermal <i>distribution system efficiency</i> (DSE) of 0.88 shall be applied to both the heating and cooling system efficiencies. | | | | <i>Distribution System Efficiency</i> (DSE): For hydronic systems and ductless systems, DSE shall be as specified in Table R405.4.2(2) . |
| Thermostat | Type: Programmable, cooling temperature setpoint = 75°F Heating temperature setpoint = 72°F | | | | Same as <i>standard reference design</i> . |
| Dehumidistat | Where a mechanical <i>ventilation</i> system with latent heat recovery is not specified in the <i>proposed design</i> : None. Where the <i>proposed design</i> utilizes a mechanical <i>ventilation</i> system with latent heat recovery: Dehumidistat type: Manual, setpoint = 60% relative humidity. Dehumidifier: whole-dwelling with integrated energy factor = 1.77 liters/kWh. | | | | Same as <i>standard reference design</i> . |

Table R406.2 REQUIREMENTS FOR ENERGY RATING INDEX

| SECTION ^a | TITLE |
|---------------------------------|---|
| General | |
| R401.3 | Certificate |
| Building Thermal Envelope | |
| R402.1.1 | Vapor retarder |
| R402.1.6 | Rooms containing fuel burning appliances |
| R402.2.4 | Eave baffle |
| R402.2.5.1 | Access hatches and doors insulation installation and retention |
| R402.2.10 | Slab-on-grade floors |
| R402.2.11 | Crawl space walls |
| R402.3 | Radiant barriers |
| R402.5.1.1 | Installation |
| R402.5.1.2 | Air Leakage testing |
| R402.5.1.3 | Maximum air leakage rate |
| R402.5.2 | Fireplaces |
| R402.5.3 | Fenestration air leakage |
| R402.5.4 | Recessed lighting |
| R402.5.5 | Air-sealed electrical and communication outlet boxes (air sealed boxes) |
| R402.6 | Maximum fenestration <i>U</i> -factor and SHGC |
| R406.3 | Building thermal envelope |
| Mechanical | |
| R403.1 | Controls |
| R403.2 | Hot water boiler temperature reset |
| R403.3 | Duct systems and Additional HVAC Testing |
| R403.4 | Mechanical system piping insulation |
| R403.5 | Service hot water systems |
| R403.6 | Mechanical ventilation |
| R403.7, except Section R403.7.1 | Equipment sizing and efficiency rating |

| | |
|--|--|
| R403.8 | Systems serving multiple dwelling units |
| R403.10 | Energy consumption of pools and spas |
| R403.II | Portable spas |
| R403.12 | Residential pools and permanent residential spas |
| R403.13 | Gas fireplaces |
| R403.14 | Space heating |
| Electrical Power and Lighting Systems | |
| R404.1 | Lighting equipment |
| R404.2 | Interior lighting controls |
| Chapter 7 [RE] | Residential Solar Ready |
| Appendix RE | Electric Vehicle Power Transfer |
| Appendix RJ | Demand Responsive Controls |
| Appendix RK | Electric Readiness |

^a Reference to a code section includes all the relative subsections except as indicated in the table.

R503.1.1.1 Fenestration Alterations. Where new *fenestration* area is added to an *existing building*, the new *fenestration* shall comply with Section R402.4.

Where some or all of an existing *fenestration* unit is replaced with a new *fenestration* product, including sash and glazing, the replacement *fenestration* unit shall meet the applicable requirements for *U-factor* and SHGC as specified in Table R402.1.3(1). Where more than one replacement *fenestration* unit is to be installed, an area-weighted average of the *U-factor*, SHGC or both of all replacement *fenestration* units shall be an alternative that can be used to show compliance.

CHAPTER 7 [RE] Residential Solar Ready

R701.1 Residential Solar Ready. New *Residential Buildings* must have a *Solar-Ready Zone*. The *Solar-Ready Zone* must not include areas shaded by parts of the *building* or other obstructions.

R701.2 Obstructions. *Solar-Ready Zones* must be free from and not shaded by obstructions, including but not limited to vents, chimneys, parapets and roof-mounted equipment.

R701.3 Electrical Service Reserved Space. The main electrical service panel must have a reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and must be *labeled* "For Solar Electric." The reserved space must be positioned at the opposite (load) end from the input feed location or main circuit location. Wall area must have a reserved space to allow installation of an Austin Energy PV meter per the Austin Energy Design Criteria manual.

R701.4 One-family and Two-family Dwellings. New detached one-family or two-family dwellings must have a total *Solar-Ready Zone* area of not less than 240 square feet (22.3 m²) per dwelling, exclusive of required access or setback areas. The *Solar-Ready Zone* must be oriented between 90 and 300 degrees of true North. The *Solar-Ready Zone* must comprise areas not less than six feet (1.83 m) on one side and at least one area of not less than 100 square feet (9.29 m²) exclusive of any required access or set back areas.

Exceptions:

1. A *Building* with less than 800 square feet (74.32 m²) of roof area per *dwelling unit*.
2. A *Building* with a *Solar-Ready Zone* that is shaded by trees or adjacent structures for more than 50 percent of annual daylight hours.
3. A *Building Site* on which the applicant has demonstrated, through documentation, existence of a unique hardship preventing compliance.
4. New *residential buildings* with a permanently installed *on-site renewable energy system* with an output of not less than one watt per square foot (0.092 m²) of *conditioned floor area*, or an *on-site renewable energy system* with a total output of at least two kilowatts.

R701.5 Townhouses. New *Townhouses* must have a total *Solar-Ready Zone* area of not less than 160 square feet (14.86 m^2) per *townhouse unit*, exclusive of required access or setback areas. The *Solar-Ready Zone* must be oriented between 90 and 300 degrees of true North. The *Solar-Ready Zone* must comprise areas not less than six feet (1.83 m) on a side and at least one area of not less than 100 square feet (9.29 m^2) exclusive of required access or set back areas.

Exceptions:

1. Townhouses with less than 600 square feet (55.74 m^2) of roof area per *townhouse unit*.
2. A *building* with a *Solar-Ready Zone* that is shaded by trees or adjacent structures for more than 50 percent of annual daylight hours.
3. A *Building Site* on which the applicant has demonstrated, through documentation, existence of a unique hardship preventing compliance.

R701.6 Multifamily Buildings. New multifamily *buildings* of four stories or fewer must have a *Solar-Ready Zone* that is not less than 35% of the total roof area of the *building*.

Exceptions:

1. A *building* with a *Solar-Ready Zone* that is shaded by trees or adjacent structures for more than 50 percent of annual daylight hours.
2. A *Building Site* on which the applicant has demonstrated, through documentation, existence of a unique hardship preventing compliance.

RJ101.1 Demand Responsive Water Heating. Electric storage water heaters with a rated water storage volume of 40 gallons (150 L) to 120 gallons (450 L) and a nameplate input rating equal to or less than 12 kW shall be provided with *demand responsive controls* in accordance with **Table RJ101.1**.

Exceptions:

1. Water heaters that are controlled by a preprogrammed water heater timer. The timer shall be preprogrammed to turn the water heater off between the hours of 3:00 p.m. and 7:00 p.m. from June 1 to September 30. The timer shall have a readily accessible override, as defined by the building official, capable of restoring power to the water heater for one hour when activated. The timer shall be permanently programmed by the manufacturer or locked to prevent alteration of the programming by the building occupants. *Buildings* that are accessory to a *residential building* are considered *residential buildings* for the purposes of this section.
2. Water heaters that are capable of delivering water at a temperature of 180°F (82°C) or greater.
3. Water heaters that comply with **Section IV, Part HLW** or **Section X** of the ASME Boiler and Pressure Vessel Code.
4. Water heaters that use 3-phase electric power.

RK101.1 Electric readiness. Water heaters, household clothes dryers and cooking appliances that use fuel gas or liquid fuel shall comply with **Sections RK101.1.1 through RK101.1.5**.

RK101.1.5 Water Heater Space. A space that is at least 3 feet (0.91 m) by 3 feet (0.91 m) wide by 7 feet (2.13) high shall be available surrounding or within 3 feet (0.91 m) of the installed water heater.

Exceptions:

1. Installed heat pump water heaters.
2. Water heaters serving multiple dwelling units in a R-2 occupancy.

Source: Ord. 20130606-091; Ord. No. 20160623-099, Pt. 1, 9-1-16; Ord. No. 20170615-100, Pts. 1—3, 10-1-17; Ord. No. 20210603-055, Pt. 1, 9-1-21; Ord. No. 20250410-038, Pt. 1, 7-10-25.

ARTICLE 13. - ADMINISTRATION OF TECHNICAL CODES.

§ 25-12-266 - APPLICATION AND APPROVAL.

City Code Chapter 25-1, Article 4 (*Application and Approval*) establishes general provisions and requirements for filing and review of a permit application. Unless a permit is issued, an application for any proposed work expires one year after the date the application is filed. See the Building Criteria Manual for additional rules.

Source: Ord. 20100624-143; Ord. No. 20160421-039, Pt. 15, 5-2-16; Ord. No. 20210603-059, Pt. 3, 9-1-21.

§ 25-12-267 - EXPIRATION.

Except as provided in Section 25-12-268 (Extension) and Section 25-12-269 (Reactivation), a permit issued per the requirements of Chapter 25-11 (Building, Demolition, and Relocation Permits; Special Requirements for Historic Structures) and Chapter 25-12 (Technical Codes) expires on the 181st day:

1. after the date that the permit is issued, if the project has received no inspections as required under this chapter; or
2. after the date of the last scheduled inspection if that inspection is scheduled before the 181st day and once performed, shows progress towards completion of the project.

Exception: An annual permit issued under Section 105.1.1 of the Building Code is only valid for a period of 360 days from the date of issuance and does not qualify for extension or reactivation.

Source: Ord. 20100624-143; [Ord. No. 20210603-059](#), Pt. 3, 9-1-21.

§ 25-12-268 - EXTENSION.

Upon written request submitted prior to the expiration date, the building official may grant a one-time extension for a period not to exceed 180 days. Except as provided in [Section 25-12-269 \(Reactivation\)](#), a permit issued per the requirements of this chapter expires on the 181st day after the extension is granted if the project has received no inspections required by this chapter.

Source: Ord. 20100624-143; [Ord. No. 20210603-059](#), Pt. 3, 9-1-21.

§ 25-12-269 - REACTIVATION.

- (A) Except as provided in Subsection (C), the building official may reactivate a permit issued pursuant to [Chapter 25-11 \(Building, Demolition, and Relocation Permits; Special Requirements for Historic Structures\)](#) and [Chapter 25-12 \(Technical Codes\)](#) for a project that has received no inspections for a period of more than 180 days.
- (B) A permit holder shall submit an application to reactivate a permit on a form provided by the building official and pay a reactivation fee established by separate ordinance.
- (C) The building official may not reactivate a permit if the permit:
 - (1) was reactivated at least once; and
 - (2) does not comply with the City Code in effect at the time a permit holder requests a reactivation.
- (D) The building official may adopt an administrative rule that establishes additional criteria for reactivating a permit.
- (E) A permit that is reactivated in accordance with this section expires on the 181st day after the date that the permit is reactivated if the project has received no inspections as required by [Chapter 25-11 \(Building, Demolition, and Relocation Permits; Special Requirements for Historic Structures\)](#) and [Chapter 25-12 \(Technical Codes\)](#).

Source: Ord. 20100624-143; [Ord. No. 20210603-059](#), Pt. 3, 9-1-21.

§ 25-12-270 - REVIEW FEE FOR EXPIRED PERMITS.

An applicant for a permit under this chapter shall pay an expired permit review fee, established by separate ordinance, if the applicant has obtained one or more expired permits that have not been either reactivated in accordance with the requirements of [Section 25-12-269 \(Reactivation\)](#) or withdrawn by the property owner, in writing, on a form provided by the building official.

Source: Ord. 20100624-143; [Ord. No. 20210603-059](#), Pt. 3, 9-1-21.

§ 25-12-271 - NOTICE OF APPEAL OR CASE BEFORE BOARD OR COMMISSION UNDER THIS CHAPTER.

Notice of a hearing on an appeal or case before a board or commission created by, or having jurisdiction over, regulations contained in, or enforcement authorized under this chapter, shall be given by mailing notice before the tenth day before the date of the hearing to:

- (1) the applicant;
- (2) the notice owner of the subject property, if any;
- (3) all parties to the appeal, including interested parties; and
- (4) for an appeal or case before the Building and Standards Commission, to the record owner, and all lienholders of record on the subject property.

Source: Section 13-8-800; Ord. 990225-70; Ord. 031211-11; [Ord. No. 20210603-059](#), Pt. 3, 9-1-21.

§ 25-12-272 - RECOMMENDATION.

The Building and Fire Code Board of Appeals is the board authorized to make recommendations for changes to this article.

Source: [Ord. No. 20210603-059](#), Pt. 3, 9-1-21.

ARTICLE 14. - SWIMMING POOL AND SPA CODE.

§ 25-12-301 - INTERNATIONAL SWIMMING POOL AND SPA CODE.

- (A) The International Swimming Pool and Spa Code, 2024 Edition, published by the International Code Council ("Swimming Pool and Spa Code") is adopted and incorporated by reference into this section with the deletions and amendments in Subsections (B) and the amendments in Section 25-12-303 (Local Amendments to the 2024 Swimming Pool and Spa Code).
- (B) The following provisions of the 2024 International Swimming Pool and Spa Code are deleted. A subsection contained within a deleted section or subsection is not deleted, unless specifically listed below:

| | | | | |
|---------------|---------|---------|-------|-------|
| Section 101.1 | 102.9 | 103.1 | 105.3 | 105.4 |
| Section 105.6 | 106.6.3 | 305.2.7 | | |

- (C) The title of Section 103 (*Code Compliance Agency*) is amended as set forth in Section 25-12-303 (Local Amendments to the 2024 Swimming Pool and Spa Code).
- (D) Section 202 (*Definitions*) is amended as set forth in Section 25-12-303 (Local Amendments to the 2024 Swimming Pool and Spa Code).
- (E) The city clerk shall retain a copy of the 2024 Swimming Pool and Spa Code with the official ordinances of the City.
- (F) References.

- (1) The provisions of the International Plumbing Code and the Plumbing Code apply to this code. The Plumbing Code supersedes the International Plumbing Code to the extent of conflict.
- (2) The provisions of the International Mechanical Code and the Mechanical Code apply to this code. The Mechanical Code supersedes the International Mechanical Code to the extent of conflict.

Source: [Ord. No. 20200604-051](#), Pt. 1, 9-1-20; [Ord. No. 20250410-043](#), Pt. 1, 7-10-25.

§ 25-12-302 - CITATIONS TO THE SWIMMING POOL AND SPA CODE.

In the City Code, "Swimming Pool and Spa Code" means the 2024 Swimming and Spa Code adopted by Section 25-12-301 (Swimming and Spa Code) and as amended by Section 25-12-303 (Local Amendments to Swimming and Spa Code). In this article, "this code" means the Swimming and Spa Code.

Source: [Ord. No. 20200604-051](#), Pt. 1, 9-1-20; [Ord. No. 20250410-043](#), Pt. 1, 7-10-25.

§ 25-12-303 - LOCAL AMENDMENTS TO THE 2024 SWIMMING POOL AND SPA CODE.

- (A) The following provisions are local amendments to the 2024 Swimming Pool and Spa Code. Each provision in this subsection is a substitute for an identically numbered provision of the 2024 Swimming Pool and Spa Code deleted by Section 25-12-132(B) or an addition to the 2024 Swimming Pool and Spa Code.

101.1 Public Swimming Pool Compliance with State Pool and Spa Regulations. A public swimming pool must be constructed, maintained, and operated as required by the Swimming Pool and Spa Code and the State Pool and Spa Regulations.

102.9 Other Laws.

102.9.1 The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

102.9.2 In the City Code, a reference to "Texas Department of Health Standards for Swimming Pools and Spas" now means the State Pool and Spa Regulations.

103 AUTHORITY AND ACCOUNTABLE OFFICIAL.

103.1 Authority. The health authority administers, implements, and enforces the requirements in this code that are applicable to a public swimming pool. The building official administers, implements, and enforces the requirements in this code that are applicable to a residential swimming pool.

103.1.1 Accountable Official. The health authority and the building official are, collectively, the accountable official.

105.3 Construction Documents.

- (A) In this section, director means the director of the Development Services Department.
- (B) A person may not construct or structurally alter a public swimming pool unless the construction plans are approved by the director and the health authority.
- (C) A person must submit construction plans to construct or alter a public swimming pool to the director and health authority.
- (D) Construction plans must comply with the requirements of the Building Criteria Manual and must:
- (1) propose the design for the public swimming pool;

- (2) describe the construction materials; and
 - (3) include the mechanical plans, including a description of any equipment makes and models.
- (E) Construction plans are approved if:
- (1) the director finds that the construction plans comply with [Title 25 \(Land Development\)](#), and
 - (2) the health authority finds that the construction plans comply with this code and state regulations.

105.4 Time Limits. City Code [Chapter 25-12](#), Article 13 (*Administration of Technical Codes*) establishes permit application time limits and requirements applicable to permit expiration and reactivation, including a review fee for expired permits.

105.6 Fees. Fees applicable to this code are set by separate ordinance.

105.6.3 Fee Refunds. The Building Criteria Manual establishes applicable standards for a refund of a fee.

SECTION 202 DEFINITIONS.

202.1 Supplemental Definition. The definitions in this subsection apply throughout this code and supplement the definitions found in Section 202 (*Definitions*) of the 2024 Swimming Pool and Spa Code.

HEALTH AUTHORITY. The definition included in Section 1-1-2 (*General Definitions*) applies in this code.

STATE POOL AND SPA REGULATIONS. The regulations adopted by the State of Texas applicable to swimming pools and spas. The regulations, as amended from time to time, include:

- (A) Texas Health and Safety Code Chapter 757 (*Pool Yard Enclosures*).
- (B) Texas Health and Safety Code Sections 341.064 (*Swimming Pools and Bathhouses*), 341.081 (*Authority of Home-Rule Municipalities*), 341.082 (*Appointment of Environmental Health Officer in Certain Home-Rule Municipalities*), 341.091 (*Criminal Penalty*), 341.092 (*Civil Enforcement*), and 341.0695 (*Interactive Water Features and Fountains*).
- (C) Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter K (*Artificial Swimming Lagoons*), Subchapter L (*Standards for Public Pools and Spas*), and Subchapter M (*Public Interactive Water Features and Fountains*); and
- (D) Swimming Pool and Spa Code.

305.2.7 Chain Link Fence Dimensions and Requirements.

- (A) The opening formed by a chain link fence may not exceed 1 $\frac{3}{4}$ inches (44 mm).
- (B) For a chain link fence with slats to reduce the openings that are fastened at the top and bottom, the opening may not exceed 1 $\frac{3}{4}$ inches (44 mm).
- (C) A chain link fence shall be secured to a top rail and a bottom rail or tension wire.
- (D) A tension wire shall be installed in a manner that prevents a sphere with a four-inch diameter from passing under the fence if a 100-pound upward force is applied to the fence's mid-span areas.
- (E) The height of a chain link fence shall be at least 60 inches.
- (F) A chain link fence shall be designed to meet minimum wind speed requirements.

Source: [Ord. No. 20200604-051](#), Pt. 1, 9-1-20; [Ord. No. 20250410-043](#), Pt. 1, 7-10-25.

CHAPTER 25-13. - AIRPORT HAZARD AND COMPATIBLE LAND USE REGULATIONS.

ARTICLE 1. - GENERAL PROVISIONS.

§ 25-13-1 - DEFINITIONS.

In this chapter:

- (1) AIRPORT means Austin-Bergstrom International Airport.
- (2) CONTROLLED COMPATIBLE LAND USE AREA has the meaning ascribed to it by Local Government Code Chapter 241.
- (3) NONCONFORMING, when used in reference to a land use, structure, or object of natural growth, means a land use, structure, or object of natural growth that on the date this chapter became applicable to it:
 - (a) did not comply with the requirements of this chapter;
 - (b) complied with all other applicable City regulations; and
 - (c) for a structure, the Federal Aviation Administration had issued a determination of "no hazard" under Code of Federal Regulations Title 14, Part 77.
- (4)

STRUCTURE means a temporary or permanent object constructed or installed by one or more persons and includes a building, tower, smokestack, overhead transmission line, mobile object, and earth formation.

(5) YEARLY DAY-NIGHT AVERAGE SOUND LEVEL means a sound level that is determined in accordance with Code of Federal Regulations, Title 14, Part 150.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-2 - ESSENTIAL COMMUNITY PURPOSE.

The airport fulfills an essential community purpose.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-3 - ADMINISTRATION AND ENFORCEMENT.

The Watershed Protection and Development Review Department is responsible for administering and enforcing this chapter.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-4 - BOARD OF ADJUSTMENT.

The Board of Adjustment shall, in accordance with Local Government Code Chapter 241, Subchapter C, hear and decide:

- (1) an appeal from an order, requirement, decision, or determination made by the director in the enforcement of this chapter; and
- (2) a request for a variance from a requirement of this chapter.

Source: Ord. 010809-78; Ord. 031211-11.

ARTICLE 2. - HEIGHT LIMITS AND AIRPORT HAZARDS.

§ 25-13-21 - IMAGINARY SURFACES AND AIRPORT HAZARD ZONES DESCRIBED.

(A) Code of Federal Regulations Title 14, Part 77, Subpart C establishes the following imaginary surfaces for the airport:

- (1) approach surface;
- (2) conical surface;
- (3) horizontal surface;
- (4) primary surface; and
- (5) transitional surface.

(B) Airport hazard zones are established as follows:

- (1) land beneath an approach surface is included in an approach zone;
- (2) land beneath a conical surface is included in a conical zone;
- (3) land beneath a horizontal surface is included in a horizontal zone; and
- (4) land beneath a transitional surface is included in a transitional zone.

(C) The airport hazard zones described in this section are depicted on an Airport Hazard Zone Map on file with the City Department of Aviation.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-22 - HEIGHT LIMITS.

(A) Except as provided in Subsection (B) and Article 4 (Nonconforming Uses, Structures, And Objects; Marking And Lighting), a person may not allow a structure or object of natural growth to exceed the height limits of this subsection.

- (1) For an approach zone, the maximum height coincides with the elevation of the approach surface.
- (2) For a conical zone, the maximum height coincides with the elevation of the conical surface.
- (3) For a horizontal zone, the maximum height coincides with the elevation of the horizontal surface.
- (4) For a transitional zone, the maximum height coincides with the elevation of the transitional surface.

(B) The height limits of Subsection (A) do not apply to a structure or object of natural growth with a maximum height of 50 feet above the natural ground level.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-23 - AIRPORT HAZARDS DESCRIBED AND PROHIBITED.

- (A) An airport hazard is a land use, structure, or object of natural growth located in the controlled compatible land use area that:
- (1) exceeds the height limits of Section 25-13-22 (Height Limits);
 - (2) interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft;
 - (3) interferes with a pilot's ability to distinguish between airport lights and other lights, results in glare in the eyes of a pilot, or impairs visibility in the vicinity of the airport;
 - (4) creates a wildlife hazard, as defined by Code of Federal Regulations Title 14, Part 139; or
 - (5) otherwise endangers or interferes with the landing, taking off, or maneuvering of an aircraft.
- (B) Except as provided in Article 4 (Nonconforming Uses, Structures, And Objects; Marking And Lighting), a person may not create or maintain an airport hazard.

Source: Ord. 010809-78; Ord. 020418-18; Ord. 031211-11.

ARTICLE 3. - COMPATIBLE LAND USES.

§ 25-13-41 - AIRPORT OVERLAY ZONES.

- (A) Within the controlled compatible land use area, the following airport overlay zones are created:
- (1) Airport overlay zone one (AO-1) consists of the portions of the controlled compatible land use area that have a yearly day-night average sound level of at least 70 decibels and not more than 75 decibels.
 - (2) Airport overlay zone two (AO-2) consists of the portions of the controlled compatible land use area that have a yearly day-night average sound level of at least 65 decibels and not more than 70 decibels.
 - (3) Airport overlay zone one (AO-3) consists of the portions of the controlled compatible land use area that have a yearly day-night average sound level of less than 65 decibels and are located within approximately one-half mile of the 65 decibel contour line.
- (B) The controlled compatible land use area and the airport overlay zones are depicted on the Austin-Bergstrom International Airport Land Use Map on file with the City Department of Aviation. The director of the Department of Aviation shall determine the location or meaning of a boundary or other feature on the map.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-42 - RESTRICTION ON LAND USES.

In the controlled compatible land use area, a person may not engage in a land use unless:

- (1) the land use is permitted under this article; and
- (2) in the zoning jurisdiction, the land use is permitted under Chapter 25-2 (Zoning).

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-43 - DETERMINATION OF LAND USE CLASSIFICATION.

The director shall determine the appropriate land use classification for an existing or proposed use or activity.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-44 - AIRPORT OVERLAY LAND USE TABLE.

- (A) The Airport Overlay Land Use Table in Subsection (C) prescribes the land uses that are permitted, permitted under certain conditions including noise level reduction measures, or prohibited in the airport overlay zones. Chapter 25-12, Article 1, Division 2 (Noise Level Reduction Measures For Certain Airport Compatible Land Uses) prescribes the noise level reduction measures required by this section for certain land uses.
- (B) In the Airport Overlay Land Use Table:
- (1) "P" means the land use and related structures are permitted.
 - (2) "P-25db" means the land use and related structures are permitted, but measures to achieve a minimum outdoor-to-indoor noise level reduction of 25 decibels are required for a structure.
 - (3) "P-30db" means the land use and related structures are permitted, but measures to achieve a minimum outdoor-to-indoor noise level reduction of 30 decibels are required for a structure.
 - (4) "P-25db certain areas" means the land use and related structures are permitted, but measures to achieve a minimum outdoor-to-indoor noise level reduction of 25 decibels are required for a portion of a building that is a public reception area, an office, a noise sensitive area, or an area where the normal noise level is low.

- (5) "P-sound system" means the land use and related structures are permitted, but a special sound reinforcement system is required.
- (6) "P-25db residential" means the land use and related structures are permitted, but measures to achieve a minimum outdoor-to-indoor noise level reduction of 25 decibels are required for a residential building.
- (7) "P-30db residential" means the land use and related structures are permitted, but measures to achieve a minimum outdoor-to-indoor noise level reduction of 30 decibels are required for a residential building.
- (8) "R" means that the land use and related structures are restricted by Section 25-13-45 (Residential And School Uses In Airport Overlay Zone Three).
- (9) "X" means the land use and related structures are prohibited.

(C) Airport Overlay Land Use Table.

| Land Use | AO-1 | AO-2 | AO-3 |
|---|----------------------|--------------------|--------------------|
| Residential Uses | | | |
| All residential | X | X | R |
| Public Uses | | | |
| Schools | X | X | R |
| Hospitals and nursing homes | P-30db | P-30db | P-25db |
| Churches, auditoriums, and concert halls | P-30db | P-30db | P-25db |
| Government services | P-25db | P | P |
| Transportation | P-25db certain areas | P | P |
| Parking | P-25db certain areas | P | P |
| Commercial Uses | | | |
| Hotel or motel | P-30db | P-25db | P-25db |
| Offices, business and professional | P-25db | P | P |
| Wholesale and retail - building materials, hardware, and farm equipment | P-25db certain areas | P | P |
| Retail trade - general | P-25db | P | P |
| Utilities | P-25db certain areas | P | P |
| Communication | P-25db | P | P |
| Manufacturing and Production Uses | | | |
| Manufacturing, general | P-25db certain areas | P | P |
| Photographic and optical | P-25db | P | P |
| Farming, ranching, and forestry | P-30db residential | P-25db residential | P-25db residential |

| | | | |
|--|----------------|----------------|----------------|
| Mining and fishing, resource production and extraction | P | P | P |
| Recreational Uses | | | |
| Outdoor sports arenas and spectator sports | P-sound system | P-sound system | P-sound system |
| Outdoor music shells, amphitheaters | X | X | X |
| Nature exhibits and zoos | X | P | P |
| Amusements, parks, resorts, and camps | P | P | P |
| Golf courses, riding stables, and water recreation | P-25db | P | P |

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-45 - RESIDENTIAL AND SCHOOL USES IN AIRPORT OVERLAY ZONE THREE.

- (A) This section applies to a residential use or a school use located in airport overlay zone three.
- (B) The uses are permitted only on property that:
 - (1) is included in a recorded final plat on August 20, 2001;
 - (2) is located in a municipal utility district on August 20, 2001; or
 - (3) is located in a neighborhood plan combining district on December 31, 2001.
- (C) Except as provided in Subsection (D), the noise level reduction measures prescribed by Section 25-12-12 (Measures To Achieve A Noise Level Reduction Of 25 Decibels) are required.
- (D) This subsection applies to a structure constructed before August 20, 2001.
 - (1) Noise level reduction measures are required. For the original structure, this requirement is satisfied by:
 - (a) compliance with the Energy Code in effect on August 20, 2001; or
 - (b) incorporation of measures to achieve an outdoor-to-indoor noise level reduction of at least 25 decibels, as determined by the building official.
 - (2) A portion of the structure that is replaced, rebuilt, or expanded must comply with the noise level reduction measures prescribed by Section 25-12-12 (Measures To Achieve A Noise Level Reduction Of 25 Decibels).
- (E) A use or related structure that does not meet the requirements of this section is prohibited.

Source: Ord. 010809-78; Ord. 031211-11.

ARTICLE 4. - NONCONFORMING USES, STRUCTURES, AND OBJECTS; MARKING AND LIGHTING.

§ 25-13-61 - LIMITATION ON REQUIREMENTS FOR NONCONFORMING USES, STRUCTURES, AND OBJECTS.

Except as otherwise provided in this article, this chapter does not require:

- (1) a change in a nonconforming land use;
- (2) the removal, lowering, or other change of a nonconforming structure or object of natural growth; or
- (3) any other interference in the continuation of a nonconforming land use.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-62 - ABANDONMENT OF NONCONFORMING LAND USE.

A person may not resume a nonconforming land use that the director determines has been abandoned.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-63 - REPLACEMENT OF NONCONFORMING OBJECTS OF NATURAL GROWTH.

A person may not replace a nonconforming object of natural growth that has been removed or destroyed.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-64 - NONCONFORMING STRUCTURES.

- (A) Except as otherwise provided in Subsection (B) and Section 25-13-82 (Restriction On Permits), a person may repair, replace, rebuild, or expand a nonconforming structure. The portion of a nonconforming structure that is replaced, rebuilt, or expanded must comply with the noise level reduction measures prescribed by Article 3 (Compatible Land Uses), if any.
- (B) Maintenance or improvement of a nonconforming structure that is prohibited by Article 3 (Compatible Land Uses) is limited to:
 - (1) that required by law to comply with minimum health and safety standards; and
 - (2) the implementation of outdoor-to-indoor noise level reduction measures.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-65 - MARKING AND LIGHTING.

The director or the Board of Adjustment may require as a condition of approval of a permit or variance that the owner of a structure or object of natural growth install, operate, and maintain on the structure or object of natural growth any markers and lights necessary to indicate to aircraft the presence of an airport hazard.

Source: Ord. 010809-78; Ord. 031211-11.

ARTICLE 5. - PERMITS.

§ 25-13-81 - PERMIT REQUIRED.

- (A) Except as provided in Subsection (B), a person must obtain a permit under this chapter from the director before the person may:
 - (1) construct a new structure;
 - (2) substantially change or repair an existing structure;
 - (3) establish a new use, or substantially change an existing use;
 - (4) replace, rebuild, or substantially change or repair a nonconforming structure;
 - (5) replace, substantially change, allow to grow higher, or replant a nonconforming object of natural growth.
- (B) A permit under this chapter is not required for a structure or object of natural growth that:
 - (1) is not more than 75 feet in height above the natural ground level;
 - (2) does not exceed the height limits of Section 25-13-22 (Height Limits); and
 - (3) is permitted under Section 25-13-42 (Land Uses).

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-82 - RESTRICTION ON PERMITS.

The director may not issue a permit that allows:

- (1) the establishment of an airport hazard described in Section 25-13-23 (Airport Hazards Described And Prohibited);
- (2) the establishment of a use that is prohibited by, or does not conform to the requirements of, Article 3 (Compatible Land Uses);
- (3) the height of a nonconforming structure or object of natural growth to become greater than:
 - (a) the height on the date this chapter became applicable to it; or
 - (b) if the height has been reduced since that date, the height on the date of the permit application; or
- (4) a nonconforming structure, object of natural growth, or use that is an airport hazard to become a greater hazard than:
 - (a) the hazard presented on the date this chapter became applicable to it; or
 - (b) if the degree of the hazard has been reduced since that date, the hazard presented on the date of the permit application.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-83 - PERMIT ISSUANCE.

The director shall issue a permit if the application complies with the requirements of this chapter.

Source: Ord. 010809-78; Ord. 031211-11.