

**ORDINANCE NO. 000309-39**

**AN ORDINANCE MAKING CORRECTIVE AMENDMENTS TO TITLE 25 OF THE CITY CODE.**

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

**PART 1.** Subsection 25-1-21(21) of the City Code is amended to read as follows:

- (21) **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) ~~[25-2 (Zoning)]~~.

**PART 2.** Section 25-1-363 of the City Code is amended to read as follows:

~~[(A)]~~ 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 ~~[City]~~ has signed a final acceptance letter for subdivision infrastructure or the accountable official and the developer have executed a developer agreement, if applicable.

**PART 3.** Subsection 25-2-4(B)(3) of the City Code is amended to read as follows:

- (3) **ART AND CRAFT STUDIO (GENERAL)** use is the use of a site for the production of art work by one or more individuals ~~[an individual]~~ and the incidental sale of the art produced, limited to the use of hand

tools, domestic mechanical equipment not exceeding two horsepower, or a single kiln not exceeding eight kilowatts.

**PART 4.** Subsection 25-2-4(B)(5) of the City Code is amended to read as follows:

- (5) ART AND CRAFT STUDIO (LIMITED) use is the use of a site for the production of art work by not more than one ~~[an]~~ individual and one ~~[an]~~ assistant and the incidental sale of the art produced.

**PART 5.** Subsection 25-2-32(F) of the City Code is amended to add (14) and (15) to read as follows:

- (14) central urban redevelopment CURE  
(15) East Austin EA

**PART 6.** Subsection 25-2-283(B) of the City Code is amended to read as follows:

- (B) The director shall give notice under Section 25-1-132(B) (*Notice Of Public Hearing*) ~~[25-1-133(B) (*Notice Of Applications And Administrative Decisions*)]~~ of a public hearing held under this section.

**PART 7.** Section 25-2-423 of the City Code is amended to read as follows:

**§ 25-2-423 REZONING IF DEVELOPMENT APPLICATIONS EXPIRE OR ARE NOT APPROVED.**

The director shall request that the Council initiate the rezoning of property in a PUD zoning district if:

- (1) 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  
(2) an approved preliminary plan or site plan expires.

**PART 8.** The table in Subsection 25-2-491(C) of the City Code is amended to change liquor sales use in an industrial park (IP) zoning district from a conditional use to a prohibited use.

**PART 9.** Subsection 25-2-648(A) of the City Code is amended to read as follows:

- (A) This section applies to a planned ~~[area]~~ development area agreement or zoning district. The requirements of this section supersede conflicting provisions of a planned development area agreement or ordinance, if any.

**PART 10.** Subsection 25-2-736(E) of the City Code is amended to read as follows:

- (E) Surface parking ~~[A parking area located at or above grade]~~ is prohibited, except for a parking area for buses, van pooling, the handicapped, or public access to park land.

**PART 11.** Subsection 25-2-738(C) of the City Code is amended to read as follows:

- (C) Surface parking ~~[A 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.

**PART 12.** Subsection 25-2-773 of the City Code is amended to amend Subsection (C) and add a new Subsection (D) to read as follows:

~~[(C) This subsection applies in an SF-3 district.]~~

- (C) ~~[(1)]~~ For a lot ~~[dwelling unit]~~ with fewer than six bedrooms, at least two parking spaces are required. A driveway may be included as one of the required parking spaces. Not more than two parking spaces may be located in the front yard.

- (D) ~~[(2)]~~ For a lot ~~[dwelling unit]~~ with six or more bedrooms, at least one parking space for each bedroom is required. A driveway may be included as one or more of the required parking spaces, but not more than one parking space may be located behind another parking space. Not more than four parking spaces may be located in the front yard.

**PART 13.** Subsection 25-2-775(G) of the City Code is amended to read as follows:

- (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.

**PART 14.** Subsection 25-2-776(A) of the City Code is amended to read as follows:

- (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.

**PART 15.** Subsection 25-2-807(A) of the City Code is amended to read as follows:

- (A) This section applies to a site if:
- (1) the structure and land are zoned historic;
  - (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 required 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.

**PART 16.** Subsection 25-2-1006(C) of the City Code is amended to read as follows:

- (C) The Environmental Criteria Manual shall prescribe standards for screening ~~{features from street view}~~ 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.

**PART 17.** Section 25-2-1062 of the City Code is amended by amending Subsection (D) and repealing Subsection (E) as follows:

- (D) A person may not construct a structure that exceeds a height of:
  - (1) two stories or 30 feet [~~in height~~] if the structure is 50 feet or less from property:
    - (a) in an SF-5 or more restrictive zoning district; or
    - (b) on which a use permitted in an SF-5 or more restrictive zoning district is located; or
  - (2) three stories or 40 feet [~~in height~~] if the structure is more than 50 feet and not more than 100 feet [~~or less~~] from property:
    - (a) in an SF-5 or more restrictive zoning district; or
    - (b) on which a use permitted in an SF-5 or more restrictive zoning district is located; [~~or~~]
  - (3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive; or
  - (4) for a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

**PART 18.** Section 25-2-1063 of the City Code is amended by amending Subsection (C) and repealing Subsection (D) as follows:

- (C) A person may not construct a structure that exceeds a height of:

- (1) two stories or 30 feet ~~[in height]~~ if the structure is 50 feet or less from property:
  - (a) in an SF-5 or more restrictive zoning district; or
  - (b) on which a use permitted in an SF-5 or more restrictive zoning district is located; or
- (2) three stories or 40 feet ~~[in height]~~ if the structure is more than 50 feet and not more than 100 feet ~~[or less]~~ from property:
  - (a) in an SF-5 or more restrictive zoning district; or
  - (b) on which a use permitted in an SF-5 or more restrictive zoning district is located; ~~[ ]~~
- (3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive; or
- (4) for a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

**PART 19.** Subsections 25-2-1065(A) and (B) of the City Code are amended to read as follows:

- (A) The massing of buildings and the appropriate scale relationship of a building to another building may be accomplished by:
  - (1) avoiding the use of a continuous or unbroken wall plane;
  - (2) using an architectural feature or element that:
    - (a) creates a variety of scale relationships;
    - (b) creates the appearance or feeling of a residential scale; or
    - (c) is sympathetic to a structure on an adjoining property; or

- (3) using material consistently throughout a project and that is human in scale; or
- (4) using a design technique or element that:
  - (a) creates a human scale appropriate for a residential use; or
  - (b) prevents the construction of a structure in close proximity to a single-family residence zoning district that is:
    - (i) significantly more massive than a structure in a single-family residence zoning district; or
    - (ii) antithetical to an appropriate human scale ~~[scale]~~; and
  - (c) allows the construction of a structure, including a multi-family structure, that exhibits a human scale and massing that is appropriate for a residential use.

- (B) Except for good cause, the first tier of buildings in a multi-family or mixed use ~~[used]~~ project must be clustered in a group that is not more than 50 feet wide, as measured along the side of the buildings that are most parallel to the property line of the site.

**PART 20.** Subsection 25-2-1082(D) of the City Code is amended to read as follows:

- (D) The director shall issue notice of the director's decision on the waiver under Section 25-1-133(B) ~~[25-1-133(A)]~~ (*Notice Of Applications And Administrative Decisions*). The granting or denial of a waiver under this section may be appealed to the Planning Commission.

**PART 21.** Subsection 25-3-3(A) of the City Code is amended to read as follows:

- (A) A traditional neighborhood district consists of an area of not less than 40 contiguous ~~[continuous]~~ acres and not more than 250 contiguous acres. In this chapter, property is considered contiguous even if separated by a public roadway.

**PART 22.** Section 25-4-33 of the City Code is amended to add a new Subsection (H) to read as follows:

- (H) An applicant who satisfies the requirement of Subsection (D)(2) by dedicating right-of-way to provide access to a public street is not required to construct improvements within the right-of-way.

**PART 23.** Subsection 25-5-43(B) of the City Code is amended to read as follows:

- (B) Except as provided in Subsection (C), the director's release of a site plan authorizes the applicant to develop the site ~~{begin development}~~ in accordance with the site plan.

**PART 24.** Section 25-6-52 of the City Code is amended to read as follows:

**§ 25-6-52 CONSTRUCTING A STRUCTURE OR IMPROVEMENT IN RIGHT-OF-WAY PROHIBITED.**

Except as provided in Section 25-6-56 ~~{25-5-56}~~ (*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.

**PART 25.** Subsection 25-8-2(C) of the City Code is amended to read as follows:

- (C) The Council shall determine the boundaries of the Edwards Aquifer recharge zone after receiving a recommendation from the Director of the Watershed Protection Department. For property within 1500 feet of a boundary, the Director of the Watershed Protection Department may require that an applicant provide a certified report from a geologist or hydrologist verifying the boundary location.

**PART 26.** Subsection 25-8-455(A)(1) of the City Code is amended to read as follows:

- (1) For each acre of land in a critical water quality zone that an applicant dedicates in fee simple to the City or another entity, 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. Land dedicated under this subsection may also be credited toward the parkland dedication requirements of Chapter 25-4, Article 3, Division 5 (*Parkland Dedication*).

**PART 27.** Subsection 25-8-604(A) of the City Code is amended to read as follows:



(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.

**PART 28.** Subsection 25-9-61(B) of the City Code is amended to read as follows:

(B) The maximum cost reimbursement for the cost of a facility is described in the following table.

**FACILITIES ELIGIBLE FOR COST REIMBURSEMENT**

Facility	Maximum Reimbursement (Per LUE)
1. Water Treatment (only water treatment plants to be assumed for ownership by the City for system-related needs)	\$ 468
2. Water Transmission (only water transmission lines 24 inches or greater in diameter, and water transmission valves and encasements for lines 24 inches or greater in diameter)	\$ 345
3. Water Reservoirs (only water reservoirs)	\$ 175
4. Water Pumpage (only water pumpage facilities including treatment plant pumpage)	\$ 153
5. Wastewater Treatment (only wastewater treatment plants to be assumed for ownership by the City for <u>system-related</u>	\$ 949

~~{system-rated needs}~~)

- 6. Wastewater Interceptors \$ 404  
(only gravity mains 18 inches or greater in diameter, force mains 12 inches or greater in diameter, tunnels, tunnel liners, and special manholes)
  
- 7. Wastewater Lift Stations \$ 80  
(only major, permanent lift stations)

**PART 29.** Section 25-9-3 of the City Code is amended to read as follows:

**§ 25-9-3 SERVICE OUTSIDE SERVICE AREA PROHIBITED.**

The City may not provide water or wastewater service outside the service area of the Water and Wastewater Utility unless the Council by ordinance waives the prohibition. ~~{, except as provided in Section 25-9-92 (Property Required To Be In Utility Service Area).}~~

**PART 30.** Section 25-9-92 of the City Code is amended to read as follows:

**§ 25-9-92 PROPERTY REQUIRED TO BE IN UTILITY SERVICE AREA.**

The ~~{(A) Except as provided by Subsection (B), 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.

~~{(B) The Director of the Water and Wastewater Utility may issue a tap permit for a property outside the City's water and wastewater utility service area if the Council grants a variance or waiver under Section 25-9-328 (Relief Procedures) from the prohibition in Section 25-9-319 (Collection Of Capital Recovery Fees).}~~

**PART 31.** Subsection 25-9-224(E) of the City Code is amended to read as follows:

- (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) ~~{(C)}~~.

**PART 32.** Subsection 25-9-253(E) of the City Code is amended to read as follows:

- (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) ~~{(B)}~~.

**PART 33.** Subsection 25-10-128(F) of the City Code is amended to read as follows:

- (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.

**PART 34.** Section 25-11-32 of the City Code is amended to read as follows:

**§ 25-11-32 BUILDING PERMIT REQUIREMENT.**

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 ~~{25-23}~~, 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.

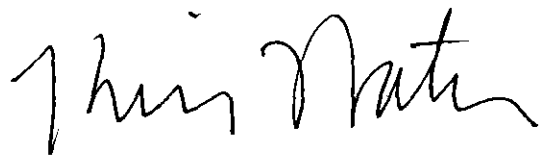
**PART 35.** The Council waives the requirements of Sections 2-2-3, 2-2-7, and 25-1-502 of the City Code for this ordinance.

**PART 36.** This ordinance takes effect on March 20, 2000.

**PASSED AND APPROVED**

March 9, 2000

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Kirk Watson  
Mayor

APPROVED:



Andrew Martin  
City Attorney

ATTEST:



Shirley A. Brown  
City Clerk