(B) **Effect of Land Development Code**

(1) **Violations Prohibited**. It shall be unlawful, and a violation of this Title, for any person to establish, construct, reconstruct, alter, replace, maintain, use or occupy any structure or land, except under the standards of this Title and any conditions to development approval imposed in accordance with this Title. Enforcement of this Title, and of conditions imposed under this Title, is authorized under Article 23-2J (Enforcement) and by Chapter 1-3 (Citation Program) and Section 1-1-99 (Offenses; General Penalty).

(2) **Administrative and Quasi-Judicial Actions**

(a) No development approval, including a land use permit, building permit, site development permit, or variance may be issued by the City unless the proposed development complies with all applicable provisions of this Title.

(b) No reduction in the requirements of this Title may be approved unless specifically authorized by this Title. Procedures for requesting variances, administrative modifications, and other reductions or modifications to a regulation or standard are established in Article 23-2F (Quasi-Judicial and Administrative Relief), Article 23-4B (Zoning Administration and Procedures), and other provisions of this Title.

(3) **Legislative Actions**. An amendment to the text or map adopted in this Title, as well as any figure, table, or picture, may only be adopted by the city council, under the procedures established in this Title.

(4) **Requirements Cumulative and Non-Exclusive**. The requirements of this Title are cumulative of requirements imposed by other laws. Approvals required by this Title are in addition to other permits that may be required by the City or by any other governmental agency or special district.

Addendum Change

(B) **Effect of Land Development Code**

(1) **Violations Prohibited**. It shall be unlawful, and a violation of this Title, for any person to establish, construct, reconstruct, alter, replace, maintain, use, or occupy any structure or land, except in compliance with the standards of this Title and any conditions to development approval imposed in accordance with this Title. Enforcement of this Title, and of conditions imposed under this Title, is authorized under Article 23-2J (Enforcement) and by Chapter 1-3 (Citation Program) and Section 1-1-99 (Offenses; General Penalty).

(2) **Administrative and Quasi-Judicial Actions**

(a) No development approval, including a land use permit, building permit, site development permit, or variance may be issued by the City unless the proposed development complies with all applicable provisions of this Title.

(b) No reduction in the requirements of this Title may be approved unless specifically authorized by this Title. Procedures for requesting variances, administrative modifications, and other reductions or modifications to a regulation or standard are established in Article 23-2F (Quasi-Judicial and Administrative Relief), Article 23-4B (Zoning Administration and Procedures), and other provisions of this Title.

(3) **Legislative Actions**. An amendment to the text or map adopted in this Title, as well as any figure, table, or picture included herein, may only be adopted by the city council consistent with the applicable procedures established in Division 23-2E-1 (Text Amendments) or Division 23-4B-3 (Zoning Map Designations and Amendments).

(4) **Requirements Cumulative and Non-Exclusive**. The requirements of this Title are cumulative of requirements imposed by other laws. Approvals required by this Title are in addition to other permits that may be required by the City or by any other governmental agency or special district.

(C) Matters Not Affected or Superseded. The adoption of this Title shall not affect or supersede the following classes of ordinances, rights, or obligations:

(1) Any right or liability established, accrued, or incurred under any provision of the predecessor Land Development Code, in effect prior to the effective date of this Title, and any action or proceeding brought for the enforcement of such right or liability; and

(2) Any offence or act committed or done in violation of the predecessor Land Development Code, in effect prior to the effective date of this Title, including any penalty, punishment, or forfeiture which may result therefrom.

(E) **Headings, Text, and Illustrations**

(1) In the event of a conflict or inconsistency between the text of this Title and any heading, caption, figure, illustration, or map, the text shall control.

(2) Unless otherwise indicated, illustrations in this Title are provided for purposes of describing, clarifying, or providing examples. Illustrations are not to scale and do not replace, limit, or expand the meaning of the text.

(F) **Lists and Examples.** Unless otherwise indicated, a list of items or examples that is prefaced by the terms “for example,” “including,” or “such as”:

(1) Is intended to provide examples and is not an exhaustive list of all possibilities; and

(2) Does not imply an order of priority or chronology.

(G) **Computation of Time**. Where this Title specifies the time in which an act is to be done, the time is computed by:

(1) Excluding the first day and including the last day.

(2) If a deadline or required date of action falls on a Saturday, Sunday, or City holiday, the deadline or required date of action is the next day that is not a Saturday, Sunday, or City holiday.

(3) Reference to days is to calendar days unless otherwise indicated.

(E) **Headings, Text, and Illustrations**

(1) In the event of a conflict or inconsistency between the text of this Title and any heading, caption, figure, illustration, or map, the text shall control.

(2) Unless otherwise indicated, illustrations in this Title are provided for purposes of describing, clarifying, or providing examples. Illustrations are not to scale and do not replace, limit, or expand the meaning of the text.

(F) **Lists and Examples.** Unless otherwise indicated, a list of items or examples that is prefaced by the terms "for example," "including," or "such as":

(1) Is intended to provide examples and is not an exhaustive list of all possibilities; and

(2) Does not imply an order of priority or chronology.

(G) **Computation of Time**. Where this Title specifies the time in which an act is to be done, the time is computed by:

(1) Excluding the first day and including the last day.

(2) If a deadline or required date of action falls on a Saturday, Sunday, or City holiday, the deadline or required date of action is the next day that is not a Saturday, Sunday, or City holiday.

(3) Reference to days is to calendar days unless otherwise indicated.

23-1A-5030 Continuation of Prior Ordinances

(A) A provision of this Title that is substantially similar to a provision of the Land Development Code in effect prior to adoption of this Title:

(1) Is a continuation and restatement of the prior provision;

(2) Shall not be deemed a new enactment; and

(3) Continues in effect, without interruption, from the date the earlier provision was adopted.

(B) By way of example, and not exclusion, Article 23-3D (Water Quality) and Chapter 23-4 (Zoning Code) include continuations of earlier provisions as described in Subsection (A).

(B) Composition and Structure. Each technical code board shall consist of 11 members, as provided under Section 2-1-4 (Size and Appointment) of the City Code, and shall comply with all applicable requirements of Chapter 201, Article 1 (General Provisions) of the City Code and the additional requirements of this subsection.

(1) Building and Fire Code Board of Appeals

(a) Members of the Building and Fire Code Board of Appeals should be qualified by experience and training to consider matter related to construction and fire prevention.

(b) The Board's duties and functions, as established in Subsection (C), apply to all administrative decisions and proposed amendments to Division 23-11B-1 (Building Code), Division 23-11B-7 (Fire Code), and Division 23-11B-11 (Residential Code).

(2) Electric Board

(a) Members of the Electric Board should be qualified by experience and training to consider matters related to the installation, maintenance, and design of electrical systems. The Board should, to the extent possible, include an active licensed master electrician, an active licensed journeyman electrician, and an electrical engineer.

(b) The Board's duties and functions, as established in Subsection (C), apply to all administrative decisions and proposed amendments to Division 23-11B-4 (Electrical Code).

(3) Mechanical and Plumbing Board

(a) Members of the Mechanical and Plumbing Board should be qualified by experience and training to consider matters related to the installation and design of mechanical and plumbing systems, including:

(i) A licensed air conditioning contractor;

(ii) A licensed master plumber;

(iii) A representative of a natural gas utility;

(iv) A professional engineer;

(v) A resident of the City.

(b) The Board's duties and functions, as established in Subsection (C), apply to all administrative decisions and proposed amendments to Division 23-11B-5 (Mechanical Code) and Division 23-11B-6 (Plumbing Code).

(C) Duties and Functions. Each of the technical code boards shall perform the duties and functions described in this subsection.

(1) Administrative Appeals

(a) A technical code board shall hear and decide appeals of orders, decisions, or determinations made by the building official relating to the technical codes within that board's jurisdiction, as established under Subsection (B).

(b) Appeals filed with a technical code board are subject to the procedures established in Article 23-2I (Appeals). A board may not waive a code requirement in deciding an appeal.

(B) Composition and Structure. Each technical code board shall consist of 11 members, as provided under Section 2-1-4 (Size and Appointment) of the City Code, and shall comply with all applicable requirements of Chapter 201, Article 1 (General Provisions) of the City Code and the additional requirements of this subsection.

(1) Building and Fire Code Board of Appeals

(a) Members of the Building and Fire Code Board of Appeals should be qualified by experience and training to consider matter related to construction and fire prevention. Membership of the Board should include one or more of the following:

(i) an architect;

(ii) a civil or structural engineer;

(iii) a firefighter or fire protection engineer;

(iv) a general contractor; and

(v) a resident of the City with other relevant background or experience.

(b) The Board's duties and functions, as established in Subsection (C), apply to all administrative decisions and proposed amendments to Division 23-11B-1 (Building Code), Division 23-11B-7 (Fire Code), and Division 23-11B-11 (Residential Code).

(2) Electric Board

(a) Members of the Electric Board should be qualified by experience and training to consider matters related to the installation, maintenance, and design of electrical systems. The Board should, to the extent possible, include an active licensed master electrician, an active licensed journeyman electrician, and an electrical engineer.

(b) The Board's duties and functions, as established in Subsection (C), apply to all administrative decisions and proposed amendments to Division 23-11B-4 (Electrical Code).

(3) Mechanical and Plumbing Board

(a) Members of the Mechanical and Plumbing Board should be qualified by experience and training to consider matters related to the installation and design of mechanical and plumbing systems. Membership of the Board should include one or more of the following:

(i) a licensed air conditioning contractor;

(ii) a licensed master plumber;

(iii) a representative of a natural gas utility;

(iv) a professional engineer; and

(v) a resident of the City with other relevant background or experience.

(b) The Board's duties and functions, as established in Subsection (C), apply to all administrative decisions and proposed amendments to Division 23-11B-5 (Mechanical Code) and Division 23-11B-6 (Plumbing Code).

(C) Duties and Functions. Each of the technical code boards shall perform the duties and functions described in this subsection.

(c) A decision by a technical code board may be appealed to the city council, consistent with the requirements and procedures established in Article 23-2I (Appeals).

(2) Amendments to the Technical Codes

(a) A technical code board may initiate amendments or updates to the technical codes within that board's jurisdiction, as established under Subsection (B) and in accordance with the procedures in Division 23-2E-1 (Text Amendments).

(b) A technical code board shall conduct a public hearing and provide a recommendation to the city council on a proposed amendment or update to the technical codes, as required under Division 23-2E-1 (Text Amendments).

(D) Staff Support for Technical Code Boards. The building official shall serve as an ex officio member of each technical code board established in this section and shall serve as secretary to the board.

23-1B-2060 Zoning and Platting Commission

(A) **Enabling Authority.** The Zoning and Platting Commission derives its authority from Chapters 211 and 212 of the Texas Local Government Code and this Title.

(B) **Structure and Composition.** The Commission shall consist of 11 members, as provided under Section 2-1-4 (Size and Appointment) of the City Code, and shall comply with all applicable standards of Chapter 2-1, Article 1 (General Provisions).

(C) **Duties and Functions**. The Commission shall act as the Land Use Commission under Section 23-1B-2030 (Land Use Commission) and perform such other duties as may be assigned by the city council.

(1) Administrative Appeals

(a) A technical code board shall hear and decide appeals of orders, decisions, or determinations made by the building official relating to the technical codes within that board's jurisdiction, as established under Subsection (B).

(b) Appeals filed with a technical code board are subject to the procedures established in Article 23-2I (Appeals). A board may not waive a code requirement in deciding an appeal.

(c) A decision by a technical code board may be appealed to the city council, consistent with the requirements and procedures established in Article 23-2I (Appeals).

(2) Amendments to the Technical Codes. Following initiation by the building official of a proposed amendment or update to the technical codes, a technical code board shall conduct a public hearing and provide a recommendation to the city council as required under Division 23-2E-1 (Text Amendments).

(D) Staff Support for Technical Code Boards. The building official shall serve as an ex officio member of each technical code board established in this section and shall serve as secretary to the board.

23-1B-2060 Zoning and Platting Commission

(A) **Enabling Authority.** The Zoning and Platting Commission derives its authority from Chapters 211 and 212 of the Texas Local Government Code and this Title.

(B) **Structure and Composition.** The Commission shall consist of 11 members, as provided under Section 2-1-4 (Size and Appointment) of the City Code, and shall comply with all applicable standards of Chapter 2-1, Article 1 (General Provisions).

(C) **Duties and Functions**. The Commission shall act as the Land Use Commission under Section 23-1B-2030 (Land Use Commission) and perform such other duties as may be assigned by the city council.

(3) Within the limited-purpose jurisdiction, land use and development must comply with Chapter 23-4 (Zoning), Article 23-3C (Urban Forest Protection and Replenishment), and the regulations applicable in the extraterritorial jurisdiction under Subsection (A)(2);

(4) Within the full or limited-purpose jurisdiction, land use and development must comply with regulations applied through a development agreement approved under Division 23-2L-2 (General Development Agreements), in accordance with Texas Local Government Code, Chapters 43 and 212, Subchapter G.

23-2A-1030 Overview of Legislative and Administrative Approvals

(A) **Purpose and Applicability.** This section provides an overview of the most significant categories of legislative, quasi-judicial, and administrative approvals established by the Land Development Code. Other approvals may also be required by this Title, depending on the nature and extent of a proposed development. For a description of the characteristics and features of the different categories of decisions, see Section 23-1A-3020 (Classification of Applications and Decisions).

(B) **Overview Table.** Table (A) (Overview of Legislative, Quasi-Judicial, and Administrative Approvals) is intended as an aid for using the Land Development Code, but is superseded by other provisions of this Title in the event of a conflict:

Table 23-2A-1030(A) Overview of Legislative, Quasi-Judicial, and Administrative Approvals

Approval Type	Section, Article or Division	Advisory Body	Decision Maker	Appeal
Legislative Decisions	**Establishing Citywide Policies & Requirements for Land Use and Development**			
Map amendments (rezones)	Division 23-4B-3	Land Use Commission	City Council	—
Text code amendments	Division 23-2E-1	Planning Commission	City Council	—
Comprehensive plan amendments	Section 23-2E-2020	Planning Commission	City Council	—
Neighborhood plan amendments	Section 23-2E-2030	Planning Commission	City Council	—

(3) Within the limited-purpose jurisdiction, land use and development must comply with Chapter 23-4 (Zoning), Chapter 23-11 (Technical Codes), Article 23-3C (Urban Forest Protection and Replenishment), and other regulations applicable in the extraterritorial jurisdiction under Subsection (A)(2);

(4) Within the full or limited-purpose jurisdiction, land use and development must comply with regulations applied through a development agreement approved under Division 23-2L-2 (General Development Agreements), in accordance with Texas Local Government Code, Chapters 43 and 212, Subchapter G.

23-2A-1030 Overview of Legislative and Administrative Approvals

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Text code amendments	Division 23-2E-1	Planning Commission	City Council	—
Comprehensive plan amendments	Section 23-2E-2020	Planning Commission	City Council	—
Neighborhood plan amendments	Section 23-2E-2030	Planning Commission	City Council	—

Table 23-2A-1030(A) Overview of Legislative, Quasi-Judicial, and Administrative Approvals				
Approval Type	**Section, Article or Division**	**Advisory Body**	**Decision Maker**	**Appeal**
Quasi-Judicial Decisions	**Determining Rights or Entitlements Based on Evidentiary Hearing and Discretionary Application or Interpretation of Code Requirements**			
Zoning variance	Section 23-4B-4020	—	Board of Adjustment	District Court
Special exception	Division 23-4B-4	Planning Director	Board of Adjustment	District Court
Administrative appeals re: zoning regulations	Article 23-2I	Planning Director	Board of Adjustment	District Court
Environmental variance	Section 23-3D-2060	Environmental Commission	Land Use Commission	—
Heritage tree variance	Section 23-3C-3040	Environmental Commission	Land Use Commission	—
Subdivision variance	Section 23-5B-1050	Development Services Director	Land Use Commission	—
Final plat or preliminary plan	Article 23-5B	Development Services Director	Land Use Commision	
Conditional use permit	Section 23-4B-1020	Development Devices Director	Land Use Commission	City Council
Administrative appeals re: technical codes	Article 23-2I	Building Official	Building & Fire Code Board of Appeals	—
Limited adjustment	Division 23-2F-3	Watershed Director	City Council	—
Project consent agreement	Section 23-2K-2040	Development Services Director	City Council	—
Administrative Decisions	**Decisions Applying & Interpreting the Land Development Code**			
General Land Use Decisions				
Nonconforming determination	Article 23-2G	—	Planning Director	Board of Adjustment
Code interpretation	Section 23-4B-2020	—	Planning Director	Board of Adjustment
Use determination	Section 23-4B-2030	—	Planning Director	Board of Adjustment
Decisions Relating to Site Plan Applications and Special Approvals				
Alternative equivalent compliance	Section 23-2F-2040	—	Development Services Director	—
Administrative environmental variance	Section 23-3D-2070	—	Watershed Director	—
Minor use permit	Section 23-4B-1030	—	Development Services Director	Land Use Commission
Temporary use permit	Section 23-4B-1050	—	Development Services Director	—
Site plan review	Chapter 23-6	—	Development Services Director	—

Table 23-2A-1030(A) Overview of Legislative, Quasi-Judicial, and Administrative Approvals				
Approval Type	**Section, Article or Division**	**Advisory Body**	**Decision Maker**	**Appeal**
Quasi-Judicial Decisions	**Determining Rights or Entitlements Based on Evidentiary Hearing and Discretionary Application or Interpretation of Code Requirements**			
Zoning variance	Section 23-4B-4020	—	Board of Adjustment	District Court
Special exception	Division 23-4B-4	Planning Director	Board of Adjustment	District Court
Administrative appeals re: zoning regulations	Article 23-2I	Planning Director	Board of Adjustment	District Court
Environmental variance	Section 23-3D-2060	Environmental Commission	Land Use Commission	—
Heritage tree variance	Section 23-3C-3040	Environmental Commission	Land Use Commission	—
Subdivision variance	Section 23-5B-1050	Development Services Director	Land Use Commission	—
Final plat or preliminary plan	Article 23-5B	Development Services Director	Land Use Commision	—
Conditional use permit	Section 23-4B-1020	Development Services Director	Land Use Commission	City Council
Administrative appeals re: technical codes	Article 23-2I	Building Official	Building & Fire Code Board of Appeals	—
Limited adjustment	Division 23-2F-3	Watershed Director	City Council	—
Project consent agreement	Section 23-2K-2040	Development Services Director	City Council	—
Administrative Decisions	**Decisions Applying & Interpreting the Land Development Code**			
General Land Use Decisions				
Nonconforming determination	Article 23-2G	—	Planning Director	Board of Adjustment
Code interpretations	Section 23-4B-2020 Section 23-1B-2050	—	Planning Director	Board of Adjustment or Technical Code Board
Use determination	Section 23-4B-2030	—	Planning Director	Board of Adjustment
Decisions Relating to Site Plan Applications and Special Approvals				
Alternative equivalent compliance	Section 23-2F-2040	—	Development Services Director	—
Administrative environmental variance	Section 23-3D-2070	—	Watershed Director	—
Minor use permit	Section 23-4B-1030	—	Development Services Director	Land Use Commission
Temporary use permit	Section 23-4B-1050	—	Development Services Director	—

Table 23-2A-1030(A) Overview of Legislative, Quasi-Judicial, and Administrative Approvals				
Approval Type	**Section, Article or Division**	**Advisory Body**	**Decision Maker**	**Appeal**
Sign permit	23-8A-2010	—	Director or Building Official	
Decisions Regarding Applicability of Regulations				
Residential exemption (amnesty)	Section 23-2F-2020	—	Development Services Director	—
Vested rights approvals	Division 23-2K-2	—	Development Services Director	—
Land status determination	Section 23-5A-1040	—	Development Services Director	—
Subdivision Decisions				
Preliminary plan	Division 23-5B-2	Development Services Director	Land Use Commission	—
Final plat	Division 23-5B-3	Development Services Director	Land Use Commission	—
Minor plats	Section 23-5B-3060	—	Development Services Director	—
Subdivision construction plan	Division 23-5B-5	—	Development Services Director	—
Construction Level Permit Decisions				
Building permit	Article 23-7B	—	Development Services Director	—
Certificate of occupancy or compliance	Division 23-2H-4	—	Development Services Director	—
Trade permits		—	Development Services Director	Building & Fire Code Board of Appeals
Demolition permit	Article 23-7B	—	Building Official	—
Relocation permit	Article 23-7C	—	Building Official	—

Addendum Change

Table 23-2A-1030(A) Overview of Legislative, Quasi-Judicial, and Administrative Approvals				
Approval Type	**Section, Article or Division**	**Advisory Body**	**Decision Maker**	**Appeal**
Site plan review	Chapter 23-6	—	Development Services Director	—
Sign permit	23-8A-2010	—	Director or Building Official	
Decisions Regarding Applicability of Regulations				
Residential exemption (amnesty)	Section 23-2F-2020	—	Development Services Director	—
Vested rights approvals	Division 23-2K-2	—	Development Services Director	—
Land status determination	Section 23-5A-1040	—	Development Services Director	—
Subdivision Decisions				
Preliminary plan	Division 23-5B-2	Development Services Director	Land Use Commission	—
Final plat	Division 23-5B-3	Development Services Director	Land Use Commission	—
Minor plats	Section 23-5B-3060	—	Development Services Director	—
Subdivision construction plan	Division 23-5B-5	—	Development Services Director	—
Construction Level Permit Decisions				
Building permit	Article 23-7B	—	Development Services Director	—
Certificate of occupancy or compliance	Division 23-2H-4	—	Development Services Director	—
Trade permits		—	Development Services Director	Building & Fire Code Board of Appeals
Demolition permit	Article 23-7B	—	Building Official	—
Relocation permit	Article 23-7C	—	Building Official	—

[1]Note Regarding Code Interpretations: A code interpretation is appealable to the Board of Adjustment under Section 23-4B-2020 (Code Interpretations) if the interpretation is related to zoning regulations and to a technical code boards under Section 23-1B-2050 (Technical Code Boards) if it is related to the Building Code, Residential Code, or other technical codes. An appeal of a code interpretation associated with a site plan or building permit suspends the site plan or building permit, as provided by Section 23-2I-1040 (Development Not Permitted During Appeal), pending resolution of the appeal.

Division 23-2A-3: Residential Development Regulations

Contents

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23-2A-3020 Review Authority 1
23-2A-3030 One to Two-Unit Residential 1
23-2A-3040 Three to Six-Unit Residential 3
23-2A-3050 Variances 4

23-2A-3010 Purpose and Applicability

(A) This division establishes regulations and review procedures applicable under the Land Development Code to residential development of one to six units per lot.

(B) The purpose of this division is to account for the varying capacity of residential projects to comply with this Title and to better tailor applicable regulations and permit review procedures to a project's overall scale and intensity. Recognizing the impacts that regulation may have on housing construction, this division seeks to moderate the costs associated with small-to-medium scale residential projects while still achieving meaningful compliance with this Title.

23-2A-3020 Review Authority

(A) Authority and responsibility for implementing this division is delegated to the Development Services Director, which is referred to in this division as "the director." However, the city manager may from time to time delegate particular functions under this division to one or more other City departments, which shall control over the general delegation in this subsection.

(B) In exercising authority under this division, the director may consult with other City departments regarding issues within that department's area of expertise. For a summary of general functions performed by various City departments under this Title, see Section 23-1B-3020 (Overview of City Departments).

23-2A-3030 One to Two-Unit Residential

(A) **Applicability**

(1) This section specifies regulations and review procedures applicable under this Title to development associated with one to two residential units located on a lot or legal tract, except that development of a boat dock, bulkhead, or shoreline access is subject to all applicable requirements of this Title.

(2) One and two-unit residential development that is subject to this section is exempt from regulations of this Title not specified under this section.

Addendum Change

Division 23-2A-3: Residential Development Regulations

Contents

23-2A-3010 Purpose and Applicability 1
23-2A-3020 Review Authority 1
23-2A-3030 One to Two-Unit Residential 1
23-2A-3040 Three to Six-Unit Residential 3
23-2A-3050 Administrative Modifications 4

23-2A-3010 Purpose and Applicability

(A) This division establishes regulations and review procedures applicable under the Land Development Code to residential development of one to six units per lot.

(B) The purpose of this division is to account for the varying capacity of residential projects to comply with this Title and to better tailor applicable regulations and permit review procedures to a project's overall scale and intensity. Recognizing the impacts that regulation may have on housing construction, this division seeks to moderate the costs associated with small-to-medium scale residential projects while still achieving meaningful compliance with this Title.

23-2A-3020 Review Authority

(A) Authority and responsibility for implementing this division is delegated to the Development Services Director, which is referred to in this division as "the director." However, the city manager may from time to time delegate particular functions under this division to one or more other City departments, which shall control over the general delegation in this subsection.

(B) In exercising authority under this division, the director may consult with other City departments regarding issues within that department's area of expertise. For a summary of general functions performed by various City departments under this Title, see Section 23-1B-3020 (Overview of City Departments).

23-2A-3030 One to Two-Unit Residential

(A) **Applicability**

(1) This section specifies regulations and review procedures applicable under this Title to development associated with one to two residential units located on a lot or legal tract, except that development of a boat dock, bulkhead, or shoreline access is subject to all applicable requirements of this Title.

(2) Residential development that is subject to this section is exempt from regulations of this Title not specified under this section. Requirements imposed under this section do not apply to interior remodels.

(B) **Review Procedures.** An application to construct, remodel, or expand one to two residential units under this section:

(1) Is exempt from the requirement for site plan approval under Section 23-6A-2010 (Site Plan Exemptions), but must include a residential development plan sufficient to determine whether the proposed development complies with the regulations in Subsection (C); and

(2) An engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the construction, remodel, or expansion:

(a) Is more than 300 square feet; and

(b) Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted.

(C) **Development Regulations.** An application for new construction, remodel, or expansion must comply with the requirements described in this subsection.

(1) **Zoning**. Compliance with all applicable regulations of Chapter 23-4 (Zoning Code) or a separately adopted zoning ordinance is required, including limitations on impervious cover.

(2) **Drainage.** Compliance with the following regulations is required:

(a) Section 23-10E-1030 (Obstruction of Waterways Prohibited);

(b) Section 23-10E-1040 (Duty to Maintain Unobstructed Waterways);

(c) Section 23-10E-2020 (Director Authorized to Require Erosion Hazard Zone Analysis);

(d) Section 23-10E-2030 (Floodplain Maps, Delineation, and Depiction);

(e) Erosion hazard zone requirements in Section 23-10E-3010 (Criteria For Approval Of Development Applications);

(f) Division 23-10E-4 (Special Standards in Zoning Jurisdiction); and

(g) Section 23-10E-5020 (Dedication of Easements and Rights-Of-Way).

(3) **Waterway Setbacks**

(a) Except as provided in Subsection (C)(3)(b):

(i) For a legal tract or a lot platted on or after October 28, 2013, compliance with the waterway setback requirements established in Division 23-3D-4 (Waterway and Floodplain Protection);

(ii) For a lot platted on or after May 18, 1986, but before October 28, 2013, compliance with the waterway setback requirements in effect on October 27, 2013, which shall be specified in the Environmental Criteria Manual; and

(b) For all properties located within 75 feet of the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, or Lake Walter E. Long, compliance with the waterway setback requirements established in Division 23-3D-4 (Waterway and Floodplain Protection) is required.

(4) **Tree Protection**. Compliance with the applicable requirements of Division 23-3C-2 (Young Public, Keystone and Protected Trees) and Division 23-3C-3 (Heritage Trees) is required.

(B) **Review Procedures.** An application to construct or expand one to two residential units under this section:

(1) Is exempt from the requirement for site plan approval under Section 23-6A-2010 (Site Plan Exemptions), but must include a residential development plan sufficient to determine whether the proposed development complies with the regulations in Subsection (C); and

(2) Must include an engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the application proposes construction, modification to a roofline, or expansion that:

(a) Is more than 300 square feet; and

(b) Is located:

(i) on an unplatted tract;

(ii) within a residential subdivision approved without prelimiary plan: or

(iii) within a residential subdivision approved with a preliminary plan and final platted more than five years before the building permit application was submitted.

(C) **Development Regulations.** An application to construct or expand one to two residential units must comply with the requirements described in this subsection.

(1) **Zoning**. Compliance with all applicable regulations of Chapter 23-4 (Zoning Code) or a separately adopted zoning ordinance is required, including limitations on impervious cover.

(2) **Drainage.** Compliance with the following regulations is required:

(a) Section 23-10E-1050 (Obstruction of Waterways Prohibited);

(b) Section 23-10E-1060 (Duty to Maintain Unobstructed Waterways);

(c) Section 23-10E-2020 (Director Authorized to Require Erosion Hazard Zone Analysis);

(d) Section 23-10E-2030 (Floodplain Maps, Delineation, and Depiction);

(e) Erosion hazard zone requirements in Section 23-10E-3010 (Criteria For Approval Of Development Applications);

(f) Division 23-10E-4 (Special Standards in Zoning Jurisdiction); and

(g) Section 23-10E-5020 (Dedication of Easements and Rights-Of-Way).

(3) **Waterway Setbacks**

(a) Except as provided in Subsection (C)(3)(b):

(i) For a legal tract or a lot platted on or after October 28, 2013, compliance with the waterway setback requirements established in Division 23-3D-4 (Waterway and Floodplain Protection);

(ii) For a lot platted on or after May 18, 1986, but before October 28, 2013, compliance with the waterway setback requirements in effect on October 27, 2013, which shall be specified in the Environmental Criteria Manual; and

(5) **Construction on Slopes.** For a legal tract or a lot platted on or after May 18, 1986, compliance with all applicable requirements of Section 23-3D-8030 (Construction on Slopes) is required.

(6) **Cut and Fill Standards.** Compliance with all applicable requirements of Sections 23-3D-8060 (Cut Standards) and Section 23-3D-8070 (Fill Standards) is required.

(7) **Erosion and Sedimentation**. Compliance with all applicable requirements of Division 23-3D-7 (Erosion and Sedimentation Control).

(8) **Technical Codes**. Compliance with all applicable requirements of Chapter 23-12 (Technical Codes) is required.

(9) **Plat Restrictions.** Compliance with municipal regulatory restrictions on a recorded plat or covenant is required, to the extent the restrictions are determined to apply.

23-2A-3040 Three to Six-Unit Residential

(A) **Applicability**

(1) This section specifies regulations and review procedures applicable to development associated with three to six units on a platted residential lot, except that this section does not apply to development that:

(a) Includes a boat dock, bulkhead, or shoreline access;

(b) Exceeds 45 percent impervious cover;

(c) Is on a lot that was not originally part of a residential subdivision;

(d) Is located in the Barton Springs Zone; or

(e) Requires a variance from the Land Use Commission.

(2) Three to six-unit residential development that is subject to this section is exempt from regulations of this Title not specified under this section.

(B) **Review Procedures.** An application to construct, remodel, or expand three to six residential units under this section:

(1) Is exempt from the requirement for site plan approval under Section 23-6A-2010 (Site Plan Exemptions), but must include a residential development plan sufficient to determine whether the proposed construction complies with the regulations in Subsection (C); and

(2) Must include an engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the construction, remodel, or expansion:

(a) Is more than 300 square feet; and

(b) Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted.

(b) For all properties located within 75 feet of the shoreline of Lake Austin, compliance with the waterway setback requirements established in Division 23-3D-4 (Waterway and Floodplain Protection) is required.

(4) **Tree Protection**. Compliance with the applicable requirements of Division 23-3C-2 (Young Public, Keystone and Protected Trees) and Division 23-3C-3 (Heritage Trees) is required.

(5) **Construction on Slopes.** For a legal tract or a lot platted on or after May 18, 1986, compliance with all applicable requirements of Section 23-3D-8030 (Construction on Slopes) is required.

(6) **Cut and Fill Standards.** Compliance with all applicable requirements of Sections 23-3D-8060 (Cut Standards) and Section 23-3D-8070 (Fill Standards) is required.

(7) **Erosion and Sedimentation**. Compliance with all applicable requirements of Division 23-3D-7 (Erosion and Sedimentation Control).

(8) **Technical Codes**. Compliance with all applicable requirements of Chapter 23-12 (Technical Codes) is required.

(9) **Plat Restrictions.** Compliance with municipal regulatory restrictions on a recorded plat or covenant is required, to the extent the restrictions are determined to apply.

23-2A-3040 Three to Six-Unit Residential

(A) **Applicability**

(1) This section specifies regulations and review procedures applicable to development associated with three to six units on a platted residential lot, except that this section does not apply to development that:

(a) Includes a boat dock, bulkhead, or shoreline access;

(b) Exceeds 45 percent impervious cover;

(c) Is on a lot that was not originally part of a residential subdivision;

(d) Is located in the Barton Springs Zone; or

(e) Requires a variance from the Land Use Commission.

(2) Residential development that is subject to this section is exempt from regulations of this Title not specified under this section. Regulations imposed under this section do not apply to interior remodels.

(B) **Review Procedures.** An application to construct or expand three to six residential units under this section:

(1) Is exempt from the requirement for site plan approval under Section 23-6A-2010 (Site Plan Exemptions), but must include a residential development plan sufficient to determine whether the proposed construction complies with the regulations in Subsection (C); and

(5) **Construction on Slopes.** For a legal tract or a lot platted on or after May 18, 1986, compliance with all applicable requirements of Section 23-3D-8030 (Construction on Slopes) is required.

(6) **Cut and Fill Standards.** Compliance with all applicable requirements of Sections 23-3D-8060 (Cut Standards) and Section 23-3D-8070 (Fill Standards) is required.

(7) **Erosion and Sedimentation**. Compliance with all applicable requirements of Division 23-3D-7 (Erosion and Sedimentation Control).

(8) **Technical Codes**. Compliance with all applicable requirements of Chapter 23-12 (Technical Codes) is required.

(9) **Plat Restrictions.** Compliance with municipal regulatory restrictions on a recorded plat or covenant is required, to the extent the restrictions are determined to apply.

23-2A-3040 Three to Six-Unit Residential

(A) **Applicability**

(1) This section specifies regulations and review procedures applicable to development associated with three to six units on a platted residential lot, except that this section does not apply to development that:

(a) Includes a boat dock, bulkhead, or shoreline access;

(b) Exceeds 45 percent impervious cover;

(c) Is on a lot that was not originally part of a residential subdivision;

(d) Is located in the Barton Springs Zone; or

(e) Requires a variance from the Land Use Commission.

(2) Three to six-unit residential development that is subject to this section is exempt from regulations of this Title not specified under this section.

(B) **Review Procedures.** An application to construct, remodel, or expand three to six residential units under this section:

(1) Is exempt from the requirement for site plan approval under Section 23-6A-2010 (Site Plan Exemptions), but must include a residential development plan sufficient to determine whether the proposed construction complies with the regulations in Subsection (C); and

(2) Must include an engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the construction, remodel, or expansion:

(a) Is more than 300 square feet; and

(b) Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted.

(2) Must include an engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the application proposes construction, modification to a roofline, or expansion that:

(a) Is more than 300 square feet; and

(b) Is located:

(i) on an unplatted tract;

(ii) within a residential subdivision approved without preliminary plan; or

(iii) within a residential subdivision approved with a preliminary plan and final platted more than five years before the building permit application was submitted.

(C) **Development Regulations.** A building permit application submitted under this section must comply with the requirements described in Subsection 23-2A-3030(C) (One to Two-Unit Residential), except that regulations for tree protection are modified as provided under Division 23-3C-2 (Small Public, Keystone, and Protected Trees).

(D) **Reduced Application Fees.** To facilitate residential development under this section, review and inspection fees required by this Title may be reduced as established by separate ordinance.

23-2A-3050 Administrative Modifications

(A) Applicability.

(1) For a one to two-unit residential development, an applicant may request an administrative modification under this section from the waterway setbacks, construction on slopes, or cut and fill requirements imposed under Section 23-2A-3030 (One to Two-Unit Residential).

(2) For anyresidential development subject to this division, an applicant may request an administrative modification under Section 23-3D-2070 (Administrative Modifications).

(B) Standards for Approval. The director shall grant an administrative modification under Subsection (A)(1) if, in the director's judgment, the proposed development meets the objectives of the standard for which the modification is requested and:

(1) The usable lot area cannot accommodate the assumed square footage of impervious cover established under Section 23-3D-3050 (Impervious Cover Assumptions), after accounting for all applicable regulations;

(2) The total proposed impervious cover does not exceed the assumed square footage of impervious cover established by Section 23-3D-3050 (Impervious Cover Assumptions); and

(3) The administrative modification is the minimum deviation necessary to accommodate the development..

(C) **Development Regulations.** A building permit application submitted under this section must comply with the requirements described in Subsection 23-2A-3030(C) (One to Two-Unit Residential), except that regulations for tree protection are modified as provided under Division 23-3C-2 (Young Public, Keystone, and Protected Trees).

(D) **Reduced Application Fees.** To facilitate residential development under this section, review and inspection fees required by this Title may be reduced as established by separate ordinance.

23-2A-3050 Variances

(A) An applicant may request:

(1) A variance or special exception from the Board of Adjustment under Division 23-4B-4 (Criteria for Variances and Special Exceptions) from any zoning regulation applicable to proposed development under this division;

(2) For a one to two-unit residential project, a variance from the Land Use Commission, consistent with applicable requirements of Section 23-3D-2060 (Exceptions and Variances); or

(3) For a three to six-unit residential project, an administrative modification under Section 23-2D-2070 (Administrative Modifications).

(B) An applicant for a residential development permit subject to this division may not obtain a variance from requirements specifying which regulations of this Title apply under Section 23-2A-3030 (One to Unit-Residential) or Section 23-2A-3040 (Three to Six-Unit Residential).

(2) Must include an engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the application proposes construction, modification to a roofline, or expansion that:

(a) Is more than 300 square feet; and

(b) Is located:

(i) on an unplatted tract;

(ii) within a residential subdivision approved without preliminary plan; or

(iii) within a residential subdivision approved with a preliminary plan and final platted more than five years before the building permit application was submitted.

(C) **Development Regulations.** A building permit application submitted under this section must comply with the requirements described in Subsection 23-2A-3030(C) (One to Two-Unit Residential), except that regulations for tree protection are modified as provided under Division 23-3C-2 (Small Public, Keystone, and Protected Trees).

(D) **Reduced Application Fees.** To facilitate residential development under this section, review and inspection fees required by this Title may be reduced as established by separate ordinance.

23-2A-3050 Administrative Modifications

(A) Applicability.

(1) For a one to two-unit residential development, an applicant may request an administrative modification under this section from the waterway setbacks, construction on slopes, or cut and fill requirements imposed under Section 23-2A-3030 (One to Two-Unit Residential).

(2) For anyresidential development subject to this division, an applicant may request an administrative modification under Section 23-3D-2070 (Administrative Modifications).

(B) Standards for Approval. The director shall grant an administrative modification under Subsection (A)(1) if, in the director's judgment, the proposed development meets the objectives of the standard for which the modification is requested and:

(1) The usable lot area cannot accommodate the assumed square footage of impervious cover established under Section 23-3D-3050 (Impervious Cover Assumptions), after accounting for all applicable regulations;

(2) The total proposed impervious cover does not exceed the assumed square footage of impervious cover established by Section 23-3D-3050 (Impervious Cover Assumptions); and

(3) The administrative modification is the minimum deviation necessary to accommodate the development..

(C) **Development Regulations.** A building permit application submitted under this section must comply with the requirements described in Subsection 23-2A-3030(C) (One to Two-Unit Residential), except that regulations for tree protection are modified as provided under Division 23-3C-2 (Young Public, Keystone, and Protected Trees).

(D) **Reduced Application Fees.** To facilitate residential development under this section, review and inspection fees required by this Title may be reduced as established by separate ordinance.

23-2A-3050 Variances

(A) An applicant may request:

(1) A variance or special exception from the Board of Adjustment under Division 23-4B-4 (Criteria for Variances and Special Exceptions) from any zoning regulation applicable to proposed development under this division;

(2) For a one to two-unit residential project, a variance from the Land Use Commission, consistent with applicable requirements of Section 23-3D-2060 (Exceptions and Variances); or

(3) For a three to six-unit residential project, an administrative modification under Section 23-2D-2070 (Administrative Modifications).

(B) An applicant for a residential development permit subject to this division may not obtain a variance from requirements specifying which regulations of this Title apply under Section 23-2A-3030 (One to Unit-Residential) or Section 23-2A-3040 (Three to Six-Unit Residential).

23-2A-3060 Variances

(A) An applicant may request:

(1) A variance or special exception from the Board of Adjustment under Division 23-4B-4 (Criteria for Variances and Special Exceptions) from any zoning regulation applicable to proposed development under this division; or

(2) For a one to two-unit residential project, a variance from the Land Use Commission, consistent with applicable requirements of Section 23-3D-2060 (Land Use Commission Variances).

(B) A variance may not be approved from requirements of this division specifying which regulations of this Title apply under Section 23-2A-3030 (One to Unit-Residential) or Section 23-2A-3040 (Three to Six-Unit Residential).

Division 23-2B-3: Fees and Fiscal Surety

Contents

23-2B-3010 Fees 1
23-2B-3020 Fiscal Security. 1

23-2B-3010 Fees

Fees required under this Title shall be established by separate ordinance. All required fees must be paid before the responsible director may approve an application.

23-2B-3020 Fiscal Security

(A) An applicant must post fiscal surety required by this Title with the responsible director. The amount of the fiscal surety posted must be:

(1) Equal the estimated cost to the City to construct the infrastructure or conduct other work for which the fiscal surety is posted;

(2) Provided by a qualified professional; and

(3) Approved by the responsible director.

(B) Except as otherwise authorized by this Title, an applicant shall post as fiscal surety a cash deposit, a performance bond, or a letter of credit.

(C) The responsible director shall return fiscal security to the applicant if it is determined that:

(1) The applicant obtained a certificate of occupancy, certificate of compliance, or final acceptance letter approving 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.

(D) If the responsible director determines that an applicant has failed to adequately construct required infrastructure or otherwise breached the obligations secured by the fiscal surety:

(1) The director may draw on fiscal surety to pay the cost of fulfilling the applicant's obligations;

(2) The director shall pay the balance of the unspent fiscal surety, if any, to the applicant; and

(3) The applicant shall be responsible and liable to the City for the cost of work required under this Title that exceeds the amount of fiscal surety, if any.

Division 23-2B-3: Fees and Fiscal Surety

Contents

23-2B-3010 Fees 1
23-2B-3020 Fiscal Security. 1

23-2B-3010 Fees

Fees required under this Title shall be established by separate ordinance. All required fees must be paid before the responsible director may approve an application, or at such earlier time as may be required under this Title or by administrative rule.

23-2B-3020 Fiscal Security

(A) An applicant must post fiscal surety required by this Title with the responsible director. The amount of the fiscal surety posted must be:

(1) Equal the estimated cost to the City to construct the infrastructure or conduct other work for which the fiscal surety is posted;

(2) Provided by a qualified professional; and

(3) Approved by the responsible director.

(B) Except as otherwise authorized by this Title, an applicant shall post as fiscal surety a cash deposit, a performance bond, or a letter of credit.

(C) The responsible director shall return fiscal security to the applicant if it is determined that:

(1) The applicant obtained a certificate of occupancy, certificate of compliance, or final acceptance letter approving 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.

(D) If the responsible director determines that an applicant has failed to adequately construct required infrastructure or otherwise breached the obligations secured by the fiscal surety:

(1) The director may draw on fiscal surety to pay the cost of fulfilling the applicant's obligations;

(2) The director shall pay the balance of the unspent fiscal surety, if any, to the applicant; and

(3) The applicant shall be responsible and liable to the City for the cost of work required under this Title that exceeds the amount of fiscal surety, if any.

Division 23-2C-5: Notice of Applications and Administrative Decisions

Contents

23-2C-5010 Notice of Application. 1
23-2C-5020 Notice of Administrative Decision 1

23-2C-5010 Notice of Application

(A) **Applicability**. If a provision of this Title requires the responsible director to provide notice of the filing of an application, the director shall provide mailed notice of the application to persons who qualify as interested parties under Section 23-2C-2020 (Interested Parties).

(B) **Contents of Notice.** Notice of an application provided under this section must:

(1) Describe the 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 and whether approval of the application requires a public hearing;

(5) Provide a means for submitting comments on the application;

(6) State the earliest date that approval on the application may occur; and

(7) Include the address and telephone number of the responsible director from whom additional information may be obtained.

(C) **Deadline for Mailing Notice.** The responsible director shall mail notice of an application under this section no later than 14 days after the application is filed.

(D) **Action on Application.** Unless otherwise provided by this Title, the responsible director may not approve an application for which notice is required under this section sooner than 14 days after the date that notice is provided.

23-2C-5020 Notice of Administrative Decision

(A) **Applicability**. If a provision of this Title requires the responsible director to provide notice of an administrative decision, the director shall mail notice of the decision to persons who qualify as registered parties under Section 23-2C-2030 (Registered Parties).

(B) **Contents of Notice.** Notice of an administrative decision under this section must:

(1) Describe the nature of the administrative decision;

(2) Identify the applicant and the location of the site, unless the decision is a general code interpretation unrelated to a particular site; and

(3) If the decision is subject to a right of appeal under this Title, provide information regarding the appeals process under Article 23-2I (Appeals).

Addendum Change

Division 23-2C-5: Notice of Applications and Administrative Decisions

Contents

23-2C-5010 Notice of Application. 1
23-2C-5020 Notice of Administrative Decision 1

23-2C-5010 Notice of Application

(A) **Applicability**. If a provision of this Title requires the responsible director to provide notice of the filing of an application, the director shall provide mailed notice of the application to persons who qualify as interested parties under Section 23-2C-2020 (Interested Parties).

(B) **Contents of Notice.** Notice of an application provided under this section must:

(1) Describe the nature of the application and the proposed development;

(2) Identify the applicant and the location of the site;

(3) Identify the entity that may approve the application and whether approval of the application requires a public hearing;

(4) State that a party receiving notice of the application must register under Section 23-2C-2030 (Registered Parties) in order to obtain notice of a subsequent decision on the application;

(5) Provide a means for registering under Section 23-2C-2030 (Registered Parties) and for submitting comments on the application;

(6) State the earliest date that approval on the application may occur; and

(7) Include the address and telephone number of the responsible director from whom additional information may be obtained.

(C) **Deadline for Mailing Notice.** The responsible director shall mail notice of an application under this section no later than 14 days after the application is filed.

(D) **Action on Application.** Unless otherwise provided by this Title, the responsible director may not approve an application for which notice is required under this section sooner than 14 days after the date that notice is provided.

23-2C-5020 Notice of Administrative Decision

(A) **Applicability**. If a provision of this Title requires the responsible director to provide notice of an administrative decision, the director shall mail notice of the decision to persons who qualify as registered parties under Section 23-2C-2030 (Registered Parties).

(B) **Contents of Notice.** Notice of an administrative decision under this section must:

(1) Describe the nature of the administrative decision;

(2) Identify the applicant and the location of the site, unless the decision is a general code interpretation unrelated to a particular site; and

(2) General Provisions

(a) For purposes of applying the requirements in Subsection (C)(1):

(i) If the director requires removal of off-street parking due to safety conditions, the parking spaces need not be replaced;

(ii) In wood construction, exterior walls include the studs, sole plate, and top plate;

(iii) Limits of construction for driveway closings or sidewalk modifications are excluded from square footage for purposes of Section 23-6A-2010 (Site Plan Exemptions); and

(iv) Replacement or repair of load bearing walls or structural elements, including framing, is allowed to the extent required by the building official to meet minimum health and safety requirements.

(b) The director shall deny an application to alter or repair a noncomplying structure under this subsection if the building official determines, based on the structure's condition, that it is infeasible to retain the portion of existing walls required under the applicable provisions of Subsection (C)(1).

(D) Involuntary Damage or Destruction. A nonconforming structure that is damaged or destroyed involuntarily by acts such as fire, explosion, flood, tornado, riot, act of the public enemy, or accident may be rebuilt or replaced with a new structure if:

(1) An application to replace or rebuilt the structure is submitted no later than 18 months from the date the original structure was damaged or destroyed;

(2) The new structure is located in the same footprint and does not exceed the height or number of stories as the original nonconforming structure;

(3) For property within a flood hazard area, the alteration or replacement complies with all applicable technical codes in Chapter 23-11 (Technical Codes); and

(4) It does not exceed the degree of nonconformity with the requirements of this Title as the original structure.

23-2G-1080 Effect of Conditional Use Permit

(A) **Purpose and Applicability.** This section establishes requirements for uses that are nonconforming with this Title based on a requirement to obtain a conditional use permit or on the earlier issuance of a conditional use permit for the use. If a use that is nonconforming under this section is located within a nonconforming structure, additional restrictions may apply as provided in this article.

(B) **Absence of Conditional Use Permit.** If an existing use was established as an allowed use, the use becomes nonconforming if it would require approval of a conditional use permit under this Title and may not be expanded beyond its existing site area boundaries or changed to another conditional use without obtaining a conditional use permit as required by this Title.

(C) **Previous Conditional Use Permit.** A use that was authorized by a conditional use permit, but is not allowed by this Title in its current location may be:

(2) General Provisions

(a) For purposes of applying the requirements in Subsection (C)(1):

(i) If the director requires removal of off-street parking due to unsafe conditions, the parking spaces need not be replaced;

(ii) In determining whether existing off-street parking causes unsafe conditions, the director may consider the safety impacts that removal of off-site parking spaces may have on adjacent streets;

(iii) In wood construction, exterior walls include the studs, sole plate, and top plate;

(iv) Limits of construction for driveway closings or sidewalk modifications are excluded from square footage for purposes of Section 23-6A-2010 (Site Plan Exemptions); and

(v) Replacement or repair of load bearing walls or structural elements, including framing, is allowed to the extent required by the building official to meet minimum health and safety requirements.

(b) The director shall deny an application to alter or repair a noncomplying structure under this subsection if the building official determines, based on the structure's condition, that it is infeasible to retain the portion of existing walls required under the applicable provisions of Subsection (C)(1).

(D) Involuntary Damage or Destruction. A nonconforming structure that is damaged or destroyed involuntarily by acts such as fire, explosion, flood, tornado, riot, act of the public enemy, or accident may be rebuilt or replaced with a new structure if:

(1) An application to replace or rebuilt the structure is submitted no later than 18 months from the date the original structure was damaged or destroyed;

(2) The new structure is located in the same footprint and does not exceed the height or number of stories as the original nonconforming structure;

(3) For property within a flood hazard area, the alteration or replacement complies with all applicable technical codes in Chapter 23-11 (Technical Codes); and

(4) It does not exceed the degree of nonconformity with the requirements of this Title as the original structure.

23-2G-1080 Effect of Conditional Use Permit

(A) **Purpose and Applicability.** This section establishes requirements for uses that are nonconforming with this Title based on a requirement to obtain a conditional use permit or on the earlier issuance of a conditional use permit for the use. If a use that is nonconforming under this section is located within a nonconforming structure, additional restrictions may apply as provided in this article.

(B) **Absence of Conditional Use Permit.** If an existing use was established as an allowed use, the use becomes nonconforming if it would require approval of a conditional use permit under this Title and may not be expanded beyond its existing site area boundaries or changed to another conditional use without obtaining a conditional use permit as required by this Title.

Division 23-2I-1: General Provisions

Contents

23-2I-1010 Purpose, Applicability, **and Review Authority** **1**

23-2I-1020 Appeal of Administrative Decisions 1

23-2I-1030 Deadline for Appeal 2

23-2I-1040 Development Not Permitted During Appeal. 2

23-2I-1050 Appeals Process and Forms. 3

23-2I-1010 Purpose, Applicability, and Review Authority

(A) This article establishes uniform procedures for the initiation, conduct, and disposition of administrative appeals authorized under this Title.

(B) The purpose of these requirements is to fairly accommodate appeal rights of persons aggrieved by City decisions, while also ensuring that appeals are conducted fairly and expeditiously in a manner that protects the rights of all parties and ensures finality in development permitting and other land use decisions.

(C) The Development Services Director is the delegated authority responsible for administering the requirements of this article and is hereafter referred to as "the director."

23-2I-1020 Appeal of Administrative Decisions

(A) A person may appeal an administrative decision only if:

(1) The person is:

(a) An interested party under Section 23-2C-2020 (Interested Parties); or

(b) For an appeal to the Board of Adjustment, qualifies as an aggrieved party under the Texas Local Government Code, Chapter 211; and

(2) This Title specifically provides a right of appeal for the decision;

(3) The person provides comments, if required under Subsection (B); and

(4) A notice of appeal under Section 23-2I-2010 (Notice of Appeal) is submitted not later than the 14 or 20-day deadline specified under Section 23-2I-1030 (Deadline for Appeal).

(B) To appeal an administrative decision for which public notice is provided under this Title, a person must have provided comments regarding the decision as required by this subsection.

(1) For a matter that is subject to a public hearing before a board or commission, a person must communicate an interest in the matter that is the subject of a public hearing by:

(a) 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

(b) Appearing and speaking on the record at the public hearing.

Addendum Change

Division 23-2I-1: General Provisions

Contents

23-2I-1010 Purpose, Applicability, **and Review Authority** **1**

23-2I-1020 Appeal of Administrative Decisions 1

23-2I-1030 Deadline for Appeal 2

23-2I-1040 Development Not Permitted During Appeal. 2

23-2I-1050 Appeals Process and Forms. 3

23-2I-1010 Purpose, Applicability, and Review Authority

(A) This article establishes uniform procedures for the initiation, conduct, and disposition of administrative appeals authorized under this Title.

(B) The purpose of these requirements is to fairly accommodate appeal rights of persons aggrieved by City decisions, while also ensuring that appeals are conducted fairly and expeditiously in a manner that protects the rights of all parties and ensures finality in development permitting and other land use decisions.

(C) The Development Services Director is the delegated authority responsible for administering the requirements of this article and is hereafter referred to as "the director."

23-2I-1020 Appeal of Administrative Decisions

(A) A person may appeal an administrative decision only if the requirements of this subsection are met.

(1) The person must be:

(a) An interested party under Section 23-2C-2020 (Interested Parties); or

(b) For an appeal to the Board of Adjustment, qualifies as an aggrieved party under the Texas Local Government Code, Chapter 211; and

(2) A right of appeal for the decision must be specifically provided by this Title. Examples appeals authorized under this Title include:

(a) Appeals of discretionary land use approvals under Division 23-4B-1 (Land Use Approvals);

(b) Appeals of administrative decisions related to zoning regulations under Division 23-4B-2 (Code Interpretations and Use Determinations);

(c) Appeals of technical code interpretations under Section 23-1B-2050 (Technical Code Boards); and

(d) Appeals of enforcement orders under Division 23-2J-4 (Appeal Procedures).

(3) The person provides comments, if required under Subsection (B); and

(4) A notice of appeal under Section 23-2I-2010 (Notice of Appeal) is submitted not later than the 14 or 20-day deadline specified under Section 23-2I-1030 (Deadline for Appeal).

Division 23-2I-2: Initiation and Processing of Appeals

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23-2I-2010 Notice of Appeal

(A) To initiate an appeal under this article, a notice of appeal must be filed on a form prescribed by the director and must include:

(1) The name, address, and telephone number of the appellant;

(2) The name of the applicant, if the decision sought to be appealed is a site plan or building permit and 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 under Section 23-2C-2020 (Interested Parties);

(6) A statement of the reasons the appellant believes the decision does not comply with the applicable code requirements or approval criteria, including citations to relevant sections of this Title; and

(7) An appeal fee established by separate ordinance.

(B) A notice of appeal may not be accepted as timely unless it meets the requirements in Subsection (A) on or before the deadline provided under Section 23-2I-1030 (Deadline for Appeal). The responsible director shall allow an appellant to supplement a notice of appeal after the applicable deadline has passed only if the additional information is not required to satisfy the requirements of this section.

23-2I-2020 Assignment of Appeals Board

(A) After accepting a notice of appeal under Section 23-2I-2010 (Notice of Appeal), the director shall assign the appeal to the appropriate board in accordance with this section.

(B) An appeal that challenges the director's interpretation or application of Chapter 23-4 (Zoning), or a separately adopted zoning ordinance, shall be heard by the Board of Adjustment.

(C) An appeal that challenges the director's interpretation or application of technical codes, as adopted under Chapter 23-11 (Technical Codes), shall be heard by the Building and Fire Code Board of Appeals or other appropriate technical code board, as determined by the director.

Addendum Change

Division 23-2I-2: Initiation and Processing of Appeals

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23-2I-2050 Ex Parte Contacts Prohibited 2

23-2I-2010 Notice of Appeal

(A) To initiate an appeal under this article, a notice of appeal must be filed on a form prescribed by the director and must include:

(1) The name, address, and telephone number of the appellant;

(2) The name of the applicant, if the decision sought to be appealed is a site plan or building permit and the appellant is not the applicant;

(3) The decision being appealed and the date of the decision;

(4) A brief description of the appellant's status as an interested party under Section 23-2C-2020 (Interested Parties) or, for an appeal to the Board of Adjustment, a description of how the appellant is aggrieved by the decision;

(5) A statement of the reasons the appellant believes the decision does not comply with the applicable code requirements or approval criteria, including citations to relevant provisions of this Title; and

(6) An appeal fee established by separate ordinance.

(B) A notice of appeal may not be accepted as timely unless it meets the requirements in Subsection (A) on or before the deadline provided under Section 23-2I-1030 (Deadline for Appeal). The director shall allow an appellant to supplement a notice of appeal after the applicable deadline has passed only if the additional information is not required to satisfy the requirements of this section.

23-2I-2020 Assignment of Appeals Board

(A) After accepting a notice of appeal under Section 23-2I-2010 (Notice of Appeal), the director shall assign the appeal to the appropriate board in accordance with this section.

(B) An appeal that challenges the director's interpretation or application of Chapter 23-4 (Zoning), or a separately adopted zoning ordinance, shall be heard by the Board of Adjustment.

(C) An appeal that challenges the director's interpretation or application of technical codes, as adopted under Chapter 23-11 (Technical Codes), shall be heard by the Building and Fire Code Board of Appeals or other appropriate technical code board, as determined by the director.

(D) An appeal that challenges the director's interpretation of requirements other than zoning regulations or technical codes shall be heard by the Land Use Commission.

(E) If an appeal challenges the director's interpretation or application of multiple codes falling within the jurisdiction of more than one body, the director may divide the appeal into separate cases and assign each case to the appropriate board.

(F) An appeal heard by the city council shall be assigned to the council under the applicable requirements.

23-2I-2030 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.

23-2I-2040 Tolling and Correction of Application

(A) A timely filed appeal tolls the expiration period for the application or approval associated with the decision under appeal.

(B) An applicant for a site plan or building permit that is subject to appeal may process changes to the application as an administrative correction, without further notification, to address issues raised in an administrative appeal or by comments submitted by interested parties under Section 23-2I-1020 (Appeal of Administrative Decisions).

23-2I-2050 Ex Parte Contacts Prohibited

(A) A member of a board or commission assigned to hear an appeal under Section 23-2I-2020 (Assignment of Appeals Board) shall follow the requirements of this section before final disposition of the appeal and the expiration of any applicable period for seeking reconsideration or judicial review. This section does not apply to an appeal of a conditional use permit to the city council or a minor use permit to the Land Use Commission.

(B) A board or commission member may not communicate regarding issues relevant to an Appeal with interested parties or members of the public outside of a public meeting. Communications with a staff or executive liaison designated under Section 2-1-7 (Staff Support) or with legal counsel are permitted.

(C) A board or commission member that receives material information regarding an appeal that is not made available to other board members and to interested parties is disqualified from participating in the case unless the board member publicly discloses the information and its source as soon as reasonably possible.

(D) A board or commission member may disqualify him or herself if an interested party or other individual has sought to influence the member's vote other than at a public meeting on the appeal.

(E) A board member may not investigate an appeal other than making routine site visits.

(D) An appeal that challenges the director's interpretation of requirements other than zoning regulations or technical codes shall be heard by the Land Use Commission.

(E) If an appeal challenges the director's interpretation or application of multiple codes falling within the jurisdiction of more than one body, the director may divide the appeal into separate cases and assign each case to the appropriate board.

(F) An appeal heard by the city council shall be assigned to the council consistent with applicable procedures.

23-2I-2030 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.

23-2I-2040 Tolling and Correction of Application

(A) A timely filed appeal tolls the expiration period for the application or approval associated with the decision under appeal.

(B) An applicant for a site plan or building permit that is subject to appeal may process changes to the application as an administrative correction, without further notification, to address issues raised in an administrative appeal or by comments submitted by interested parties under Section 23-2I-1020 (Appeal of Administrative Decisions).

23-2I-2050 Ex Parte Contacts Prohibited

(A) A member of a board or commission assigned to hear an appeal under Section 23-2I-2020 (Assignment of Appeals Board) shall follow the requirements of this section before final disposition of the appeal and the expiration of any applicable period for seeking reconsideration or judicial review. This section does not apply to an appeal of a conditional use permit to the city council or a minor use permit to the Land Use Commission.

(B) A board or commission member may not communicate regarding issues relevant to an appeal with interested parties or members of the public outside of a public meeting. Communications with a staff or executive liaison designated under Section 2-1-7 (Staff Support) or with legal counsel are permitted.

(C) A board or commission member that receives material information regarding an appeal that is not made available to other board members and to interested parties is disqualified from participating in the case unless the board member publicly discloses the information and its source as soon as reasonably possible.

(D) A board or commission member may disqualify him or herself if an interested party or other individual has sought to influence the member's vote other than at a public meeting on the appeal.

(E) A board member may not investigate an appeal other than making routine site visits.

Division 23-2K-2: Vested Rights Determinations

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23-2K-2010 Vested Rights Determination

(A) **Deadline for Determination**. No later than 10 business days after acceptance of a complete vested rights petition, the director shall review the petition under Section 23-2K-2020 (Criteria for Approval) and make a determination consistent with the requirements of this section.

(B) **Action on Petition**

(1) In making a determination on a vested rights petition, the director may:

(a) Approve the petition and require the development applications necessary to initiate, continue, or complete the project to be reviewed under regulations in effect on the vesting date, except for those regulations exempt from vesting under state law;

(b) Deny the petition and require the development application associated with the project to be reviewed under current regulations of this Title; or

(c) Approve the petition in part, as authorized by Subsection (B)(2).

(2) 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 (Issuance of Local Permits) or Section 43.002 (Continuation of Land Use) of the Local Government Code.

(C) **Contents of Determination**. The director shall provide a written determination to the applicant, which must state:

(1) Whether the petition is approved or denied, wholly or partly, and the basis for the decision;

(2) Findings of fact in support of the determination 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.

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Division 23-2K-2: Vested Rights Determinations

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23-2K-2010 Vested Rights Determination

(A) **Deadline for Determination**. No later than 10 business days after acceptance of a complete vested rights petition, the director shall review the petition under Section 23-2K-2020 (Criteria for Approval) and make a determination consistent with the requirements of this section.

(B) **Action on Petition**

(1) In making a determination on a vested rights petition, the director may:

(a) Approve the petition and require the development applications necessary to initiate, continue, or complete the project to be reviewed under regulations in effect on the vesting date, except for those regulations exempt from vesting under state law;

(b) Deny the petition and require the development application associated with the project to be reviewed under current regulations of this Title; or

(c) Approve the 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.

(d) Except as otherwise provided by this Title, the director may not waive or modify applicable regulations or provide relief not required by Chapter 245 (Issuance of Local Permits) or Section 43.002 (Continuation of Land Use) of the Local Government Code.

(C) **Contents of Determination**. The director shall provide a written determination to the applicant, which must state:

(1) Whether the petition is approved or denied, wholly or partly, and the basis for the decision;

(2) Findings of fact in support of the determination 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.

(D) **Reconsideration**. An applicant may request that the director reconsider a vested rights determination at any time before the application expires under Section 23-2B-1040 (Update and Expiration). A request for reconsideration tolls the expiration date, as provided in Section 23-2B-1050 (Tolling of Expiration Period), including the 45-day period for completeness review under Section 23-2B-1030 (Application Completeness).

(E) **Administrative Remedies Not Affected**. A vested rights determination under this section does not affect the availability of a variance or other administrative remedy authorized by this Title.

(F) **Posting of Vested Rights Determinations**. The director shall post vested rights petitions and vested rights determinations on the City's website.

23-2K-2020 Criteria for Approval

(A) **Type 1 Petition**. The director shall review a Type 1 Chapter 245 (Issuance of Local Permits) 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 (Issuance of Local Permits) of the Local Government Code if the permit is required to initiate, continue, or finish a project for which an earlier application was submitted to the City. 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 finished, 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 earlier permit or other application that initiated the original project on which the vested rights claim is based;

(b) Whether the permit application for which vested rights are claimed is related to and consistent with the original project;

(c) The nature and extent of earlier development of the property, including any permitting or construction activity that occurred after the vesting date requested by the applicant;

(d) Any earlier vested rights determinations made for development of the property; and

(e) Whether the project has expired under Division 23-2K-3 (Expiration), of this article or other applicable regulations.

(D) **Reconsideration**. An applicant may request that the director reconsider a vested rights determination at any time before the application expires under Section 23-2B-1040 (Update and Expiration). A pending request for reconsideration tolls the expiration date, as provided in Section 23-2B-1050 (Tolling of Expiration Period), including the 45-day period for completeness review under Section 23-2B-1030 (Application Completeness).

(E) **Administrative Remedies Not Affected**. A vested rights determination under this section does not affect the availability of a variance or other administrative remedy authorized by this Title.

(F) **Posting of Vested Rights Determinations**. The director shall post vested rights petitions and vested rights determinations on the City's website.

23-2K-2020 Criteria for Approval

(A) **Type 1 Petition**. The director shall review a Type 1 Chapter 245 (Issuance of Local Permits) 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 (Issuance of Local Permits) of the Local Government Code if the permit is required to initiate, continue, or finish a project for which an earlier application was submitted to the City. 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 finished, 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 earlier permit or other application that initiated the original project on which the vested rights claim is based;

(b) Whether the permit application for which vested rights are claimed is related to and consistent with the original project;

(c) The nature and extent of earlier development of the property, including any permitting or construction activity that occurred after the vesting date requested by the applicant;

(d) Any earlier vested rights determinations made for development of the property; and

(e) Whether the project has expired under Division 23-2K-3 (Expiration), of this article or other applicable regulations.

Revised Version

Article 23-3C: Urban Forest Protection and Replenishment

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Division 23-3C-1: General Provisions

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23-3C-1010 Purpose and Applicability

(A) Purpose.

(1) The purpose of this article is to conserve, protect, and enhance existing trees and natural landscapes that are healthy and contribute to a safe and livable community. It is recognized that the preservation of existing trees contributes to the overall quality of life and environment of the City.

(2) In addition to its social, ecological, cultural, historical, and aesthetic values, the City's urban forest is estimated to save residents approximately $19 million annually in reduced energy costs. Consequently, the urban forest is an integral part of the City's infrastructure and the City has an interest in preserving, protecting, and enhancing this vital resource.

(B) Applicability.

(1) This article applies in the zoning jurisdiction.

(2) This article applies to City projects and projects on City property, in and outside the zoning jurisdiction.

23-3C-1020 Definitions

This section defines words and phrases that are used primarily in this article. For words and phrases used generally throughout this Title, see Section 23-13A-1030 (General Terms and Phrases).

Dead Tree. A tree in which damage to the vascular tissue is so extensive that recovery is not possible.

Diameter at Breast Height or DBH. The diameter of the trunk of a tree typically measured four and one-half feet above natural grade.

Fatally Diseased Tree. A tree in which the abnormal growth or dysfunction:

a. is communicable to other trees, or

b. makes restoration to sound condition impracticable.

Heritage Tree. A tree that has a DBH of at least 24 inches and is one of the following species or additional species listed in the Environmental Criteria Manual:

a. Texas Ash;

b. Bald Cypress;

c. American Elm;

d. Cedar Elm;

e. Texas Madrone;

f. Bigtooth Maple;

g. All oaks;

h. Pecan;

i. Arizona Walnut; and

j. Eastern Black Walnut.

Imminent Hazard. A tree that has started to fail or is likely to fail in the near future and poses a threat to people or property.

Keystone Tree. A tree that has a DBH of at least 8 inches, but less than 19 inches.

Protected Tree. A tree that has a DBH of at least 19 inches.

Regulated Tree. A small public tree, keystone tree, protected tree, or heritage tree.

Remove or Impact. An act that causes or may be reasonably expected to cause a tree to die, including:

a. Uprooting;

b. Severing or injuring the trunk;

c. Damaging the critical root zone; and

d. Pruning more than 25% of the live canopy.

Small Public Tree. A tree that has a DBH of at least 2 inches, but less than 8 inches and has at least 2/3 of its trunk located on City property.

Tree Permit. A permit to remove or impact a regulated tree that is not associated with a site plan or subdivision construction plan.

23-3C-1030 Review Authority

(A) Except for functions specifically delegated to the Development Services Director, referred to throughout this article as "the director," authority and responsibility for implementing this article is delegated to the city arborist, who is appointed by the city manager. However, the city manager may from time to time delegate particular functions under

this chapter to one or more other City departments, which shall control over the general delegations in this subsection.

(B) In exercising authority under this article, the city arborist may consult with other City departments regarding issues within that department's area of expertise. For a summary of general functions performed by various City departments under this Title, see Section 23-1B-3020 (Overview of City Departments).

(C) The director shall adopt administrative rules to aid in administering and enforcing this article and to implement street tree regulations in Article 23-9E (Right-of-Way Construction). The rules shall be adopted under Chapter 1-2 (Adoption of Rules) and must be consistent with the requirements of this article. Rules adopted under this article shall include:

(1) tree survey and assessment requirements;

(2) application and preservation standards;

(3) guidelines for identifying impacts;

(4) methods to protect regulated trees during development;

(5) mitigation measures;

(6) planting requirements for single-family lots;

(7) right of way tree planting;

(8) criteria and performance indicators, including a canopy cover goal, for assessing the state of the urban forest;

(9) process for submitting a retroactive tree permit application to remove or impact a regulated tree damaged by natural causes;

(10) a summary of the regulations in this article including tree types, sizes, and applicability; and

(11) Other provisions necessary for the administration and enforcement of this article.

23-3C-1040 Application Procedures

(A) A person may not remove or impact a regulated tree without the city arborist's review and approval under this article either through approval of a tree permit or through the city arborist's review and approval of a development application. Additionally, a person may not remove a heritage tree without the city arborist's approval under this article and a variance under Division 3 of this article.

(B) If a regulated tree has sustained substantial damage by natural causes and is an imminent hazard, a person may remove or impact the regulated tree prior to submitting a tree permit application.

(C) A tree permit application or development application proposing to impact or remove a regulated tree may be filed by:

(1) For a tree on public property or a public street or easement:

(a) A City department, public utility, or political subdivision with the authority to install utility lines or other public facilities in, on, or above the property, street, or easement; or

(b) The owner of the property adjacent to the property where the tree is located or the owner's agent.

(2) For a tree on private property:

(a) The owner of the property on which the tree is located or the owner's agent; or

(b) The City, if the tree is fatally diseased, dead, or an imminent hazard and poses a significant risk to the public.

(D) A tree permit application must:

(1) Be filed with the director;

(2) Include information as prescribed by the Environmental Criteria Manual and other applicable rules; and

(3) Include the review and inspection fee under Section 23-3C-1060 (Review and Inspection Fees).

(E) A development application must:

(1) Include a grading and tree protection plan and other information as prescribed by the Environmental Criteria Manual and other applicable rules; and

(2) Demonstrate that the design will preserve the existing natural character of the landscape as prescribed in the Environmental Criteria Manual by incorporating regulated trees unless they are approved for removal or impact by the city arborist under this article.

23-3C-1050 Review Procedures

A. **Review.** All tree permit applications and all development applications proposing to remove a regulated tree must be reviewed by the city arborist for compliance with this article.

B. **Mitigation.** The city arborist shall require mitigation measures consistent with this article and the Environmental Criteria Manual before approving a tree permit application or a development application proposing to remove or impact a regulated tree. The responsible director shall not grant final approval of the development application proposing to remove or impact a regulated tree until the applicant satisfies the mitigation condition or posts fiscal surety to ensure performance of the condition.

C. **Recommendation.** The city arborist must make a recommendation before a tree permit application or a development permit application proposing to remove or impact a regulated tree may be administratively approved or presented to the Land Use Commission or City Council.

D. **Heritage Tree.** For a tree permit application or development application proposing to remove or impact a heritage tree, the applicant must also file a request for variance under Division 3 of this article.

23-3C-1060 Review and Inspection Fees

A. **Review and Inspection Fees.** An applicant must pay the review and inspection fees established by separate ordinance if review by the city arborist is required under this article.

B. **Waiver.** The review and inspection fees are waived if the tree permit application or development application proposing to remove or impact a regulated tree is for:

(1) Operation and maintenance of an occupied residential structure not associated with a development application, such as residential wastewater line repairs that impact a regulated tree; or

(2) A regulated tree on the basis that the tree poses an imminent hazard, is dead, or is fatally diseased.

23-3C-1070 Administrative Modification of City Policies, Rules, and Design Standards

(A) The city arborist may request that a city department administratively modify a policy, rule, or design standard to the extent necessary to preserve a regulated tree if enforcement will otherwise result in removing or impacting the regulated tree..

(B) At the city arborist's request, a responsible director may administratively modify the applicable policy, rule, or design standard if the director determines that a waiver or modification will not pose a threat to public safety.

(C) This section does not provide authority for an administrative modification that is not otherwise authorized under city code.

23-3C-1080 Effective and Expiration Dates

A. **Tree Permit.** A tree permit becomes effective imediiately after approval by the city arborist, and expires one year after its effective date; provided that the mitigation conditions in the permit remain in effect until the conditions are met.

B. **Development Application.** A development application proposing to remove or impact a regulated tree becomes effective immmediately after approval of the associated development application, and expires when the associated permit expires.

23-3C-1090 Annual Reports

The city arborist shall report annually to the Environmental Commission. The report shall include, at a minimum, development impacts to regulated trees and the state of the urban forest.

Revised Version

Division 23-3C-2: Small Public, Keystone, and Protected Trees

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23-3C-2010 Small Public Trees

(A) Applicablity. This subsection applies only to small public trees located on city right-of-way and parkland.

(B) In Rights of Way. Small Public Trees in city right-of-way should be preserved to the extent feasible.

(C) On Parkland. A tree permit or development application that proposes to remove or impact a small public tree on city parkland may be approved by the city arborist only after determining that:

(1) the tree is an imminent hazard, which cannot reasonably be mitigated without removing the tree;

(2) the tree is dead;

(3) the tree is fatally diseased; or

(4) for a parkland improvement, the goals of the proposed improvement may be achieved without removing or impacting the tree.

(D) A tree permit is not required to remove or impact a small public tree that is:

(1) located on City right of way,

(2) located on City property that is not parkland, or

(3) subject to street tree requirements in Section 23-9F-6040(Street Tree Requirements).

23-3C-2020 Keystone Trees

(A) Permit. A tree permit application ordevelopment application that proposes to remove or impact a keystone may be approved by the city arborist only after determining that:

(1) the tree poses an imminent hazard, which cannot reasonably be mitigated without removing the tree;

(2) the tree is dead;

(3) the tree is fatally diseased; or

(4) removing or impacting the tree cannot be avoided through minor changes to the development proposal that would not change the building layout or number of units, such as grading, access, parking, or landscape island configuration.

(B) Single Family.

(1) No permit is required to remove or impact a keystone tree located on one or two-unit residential development.

(2) Keystone trees may be used to fulfill mitigation requirements for one or two unit single-family development if Protected or Heritage trees are approved for removal or impact, or to satisfy planting requirements.The city arborist shall review keystone trees proposed to fulfill mitigation or planting requirements during review of the building permit to ensure the keystone trees are identified prior to construction.

23-3C-2030 Protected Trees

(A) A protected tree shall be preserved unless the city arborist determines that the tree:

(1) poses an imminent hazard, which cannot reasonably be mitigated without removing the tree;

(2) is dead;

(3) is fatally diseased;

(4) prevents reasonable access to the property;

(5) prevents reasonable use of the property;

(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 and reasonable alternative construction methods have been exhausted.

(B) The city arborist may recommend that the Board of Adjustment or Land Use Commission approve variances or that the responsible director approve administrative modifications as authorized under this Title, if the variance or modification would allow design solutions that the city arborist believes are reasonably likely to preserve a tree.

23-3C-2040 Appeal

(A) An applicant may appeal denial of a tree permit application for a protected tree or development application that proposes to remove or impact a protected tree to the Land Use Commission.

(B) An appeal under this section is subject to the procedures in Article 23-2I (Appeals). Additionally, prior to the Land Use Commission hearing on an appeal, the Environmental Commission shall consider the appeal request and may make a recommendation to the Land Use Commission.

Revised Version

Division 23-3C-3: Heritage Trees

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23-3C-3010 Removal or Impact Prohibited

(A) Removing or impacting a heritage tree is prohibited unless the city arborist has issued a permit for the removal or impact under this division.

(B) A permit to remove or impact a heritage tree may be issued only if a variance is approved under Section 23-3C-3020 (Administrative Variance) or 23-3C-3040 (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.

23-3C-3020 Administrative Variance

(A) The director may grant a variance from Section 23-3C-3010 (Removal or Impact Prohibited) to allow removing or impacting 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) The director may grant a variance from Section 23-3C-3010 (Removal or Impact Prohibited) to allow removing or impacting a heritage tree that does not have at least one stem that is 30 inches in dbh or larger (measured per the ECM) only after determining, based on the city arborist's recommendation, that the heritage tree meets the criteria in Section 23-3C-2020 (A), 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 23-3C-3060 (Variance Prerequisite); and

(2) removing or impacting the heritage tree is not the result of a method chosen by the applicant to develop the property, unless the design will allow for the maximum provision of ecological service, historic, and cultural value of other trees on the site.

(C) A variance granted under this section:

(1) shall be the minimum change necessary;

(2) shall require mitigation as a condition of waiver approval for waivers requested under Subsection (B) of this section; and

(3) may not be issued until the applicant has satisfied the mitigation conditions required under Subsection (D)(2) of this section or posted fiscal surety adequate to ensure that performance of the mitigation conditions will be achieved not later than one year after issuance of the variance.

(D) The director shall prepare written findings to support the grant or denial of a variance request under Subsection (B) of this Section.

23-3C-3030 Appeal

(A) An applicant may appeal denial of an administrative variance under Section 23-3C-3020 (Administrative Variance) to the Land Use Commission.

(B) An appeal under this section requires review by the Environmental Commission.

23-3C-3040 Land Use Commission Variance

(A) The Land Use Commission may grant a variance from Section 23-3C-3010 (Removal or Impact Prohibited) to allow removing or impacting a heritage tree that has at least one stem that is 30 inches DBH or larger after determining, based on the city arborist's recommendation, that the heritage tree meets the criteria in Section 23-3C-2020 (A), and:

(1) the applicant has applied for and been denied a variance, waiver, exemption, modification, or alternative compliance from another City Code provision that would eliminate the need to or impact he heritage tree, as required in Section 23-3C-3060 (Variance Prerequisite); and

(2) removing or impacting the heritage tree is not the result of a method chosen by the applicant to develop the property, unless the design will allow for the maximum provision of ecological service, historic, and cultural value of other 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 for variances requested; and

(3) may not be issued until the applicant has satisfied the mitigation conditions required under Subsection (B)(2) of this section or posted fiscal surety adequate to ensure that

performance of the mitigation conditions will be achieved not later than one year after issuance of the variance.

(C) Consideration of a variance under this section requires review by the Environmental Commission.

23-3C-3050 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 or impact 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, or the owner's agent.

(B) For a heritage tree located on private property, an application requesting a variance to allow removing or impacting the heritage tree may be filed by:

(1) the owner of the property on which the tree is located, or the owner's agent; or

(2) the city arborist, if the tree is fatally diseased or poses an imminent hazard.

(C) An application requesting a variance to allow removing or impacting a heritage tree must:

(1) be filed with the director;

(2) include the fee prescribed by ordinance; and

(3) include the information prescribed by the Environmental Criteria Manual.

23-3C-3060 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 23-3C-3010 (Removal or Impact Prohibited), before requesting a variance to allow removing or impacting a heritage tree on private property the applicant shall:

(1) request a variance, waiver, exemption, modification or alternative compliance from the Code provisions that would eliminate the need to remove or impact 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 or impact the heritage tree.

(B) A request for a variance to allow development thatremoves or impacts a heritage tree may not be considered unless the variance, waiver, exemption, modification, or alternative compliance from other City Code provisions is denied.

(C) This section does not apply to an application for a variance to remove or impact a heritage tree based on the criteria in Section 23-3C-2020(A)(1), (2), or (3).

(D) The body considering the variance, waiver, exemption, modification, or alternative compliance shall 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.

(E) This section 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.

23-3C-3070 Variance Effective Date and Expiration

(A) Approval of a variance request to allow removing or impacting a heritage tree is effective immediately.

(B) A variance to allow removing or impacting 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.

Division 23-3D-2: Exceptions and Variances

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23-3D-2060 Land Use Commission Variances . . . 7
23-3D-2070 Administrative Modifications . . . 8
23-3D-2080 Summary of Variances and Modifications . . . 10

23-3D-2010 Limited Adjustment

(A) Except as prohibited by Division 23-3D-9 (Save Our Springs Initiative), a limited adjustment from the standards of this article may be granted under Division 23-2F-3 (Limited Adjustments).

23-3D-2020 Condemnation and Accessibility Exceptions

(A) The director may approve replacement of existing development located on a property, or included in an approved site plan, if the development is reconfigured as a result of right-of-way configuration and the replacement complies with this section.

(B) For development that existed in the condemned area of the property, the director may:

(1) Approve replacement of development that existed in the condemned area onto the remainder of the property; and

(2) Administratively modify the following requirements of this article, if the director determines that the replacement development will not increase the pollutant loading:

(a) requirements applicable to development in the water quality transition zone and the critical water quality zone; and

(b) the limitations of this article on impervious cover.

(C) For property that had existing development or that was included in a released site plan on March 10, 1996, the director may approve additional development that exceeds the impervious cover limitations of this article 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 Building Code.

Addendum Change

Division 23-3D-2: Exceptions and Variances

Contents

23-3D-2010 Limited Adjustment . . . 1
23-3D-2020 Condemnation and Accessibility Exceptions . . . 1
23-3D-2030 Redevelopment Exception in Urban and Suburban Watersheds . . . 2
23-3D-2040 Redevelopment Exception in the Barton Springs Zone . . . 2
23-3D-2050 Redevelopment Exception in the Water Supply Rural and Water Supply Suburban Watersheds . . . 5
23-3D-2060 Land Use Commission Variances . . . 7
23-3D-2070 Administrative Modifications . . . 8
23-3D-2080 Summary of Variances and Modifications . . . 10

23-3D-2010 Limited Adjustment

(A) Except as prohibited by Division 23-3D-9 (Save Our Springs Initiative), a limited adjustment from the standards of this article may be granted under Division 23-2F-3 (Limited Adjustments).

23-3D-2020 Condemnation and Accessibility Exceptions

(A) The director may approve replacement of existing development located on a property, or included in an approved site plan, if the development is reconfigured as a result of right-of-way configuration and the replacement complies with this section.

(B) For development that existed in the condemned area of the property, the Watershed director may:

(1) Approve replacement of development that existed in the condemned area onto the remainder of the property; and

(2) Administratively modify the following requirements of this article, if the director determines that the replacement development will not increase the pollutant loading:

(a) requirements applicable to development in the water quality transition zone and the critical water quality zone; and

(b) the limitations of this article on impervious cover.

(C) For property that had existing development or that was included in a released site plan on March 10, 1996, the director may approve additional development that exceeds the impervious cover limitations of this article 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 Building Code.

(1) Applicability. Council approval of redevelopment under this section is required if:

(a) Includes more than 25 additional dwelling units;

(b) Is located outside the City's zoning jurisdiction;

(c) Is proposed on property with an existing industrial use;

(d) Is inconsistent with a neighborhood plan; or

(e) 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.

(2) **Criteria.** Council shall consider the following factors in determining whether to approve a proposed redevelopment:

(a) Benefits of the redevelopment to the community;

(b) Whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;

(c) The effects of off-site infrastructure requirements of the redevelopment; and

(d) Compatibility with the City's comprehensive plan.

(E) **Mitigation Land.** Redevelopment of property under this section requires the purchase or restriction of mitigation land in compliance with this subsection.

(1) The combined impervious cover of the mitigation land and the portion of the redevelopment treated by water quality controls 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 standard may be satisfied by:

(a) Paying into the Water Supply Mitigation Fund a nonrefundable amount established by ordinance;

(b) Transferring to the City in compliance with Paragraph (3) mitigation land approved by the Watershed Director within a water supply rural or water supply suburban watershed, either inside or outside the City's jurisdiction;

(c) Placing restrictions in compliance with Paragraph (3) on mitigation land approved by the Watershed 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 Watershed Director.

(3) An applicant redeveloping under this section must 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 Schedule B and C documents, and an owner's title policy;

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(a) Includes more than 25 additional dwelling units;

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(c) A title commitment with copies of all Schedule 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.

(F) **Administrative Rules.** The Watershed Director shall adopt rules establishing criteria for the review and approval of redevelopment under this section to ensure that the proposed mitigation, manner of development, and water quality controls offset the potential environmental impact of the redevelopment.

23-3D-2060 Land Use Commission Variances

(A) **Variance Authorized.** This section authorizes the Land Use Commission to grant a variance from specified requirements of this article.

(B) **Variance Procedures.**

(1) Application and Public Notice Requirements. A request for a variance under this section is subject to the general procedures for Land Use Commission variances established in Division 23-2F-1 (Variances and Special Exceptions), including Section 23-2F-1030 (Application Requirements) and Section 23-2F-1040 (Public Hearing and Notification).

(2) Limited to Site Plan or Subdivision. Except as provided in Division 23-2A-3 (Residential Development Regulations) or by another provision of this Title, a variance under this section may only be requested for a project that requires approval of a site plan or subdivision application.

(3) Environmental Commission Review. The Environmental Commission shall consider an application for a variance under this section and forward its recommendation to the Land Use Commission. The Land Use Commission shall consider the Environmental Commission's recommendation before acting on a variance.

(4) Applicant's Burden. An applicant for a variance under this section must establish that the request meets applicable criteria under Subsection (C).

(C) **Criteria for Approval.**

(1) General Criteria. Except as provided in Subsections (A)(2)-(3), the Land Use Commission may grant a variance from a requirement of this article after determining that:

(a) 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; and

(b) The variance:

(i) 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;

(ii) Is the minimum deviation from the code standard necessary to allow a reasonable use of the property; and

(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.

(F) **Administrative Rules.** The Watershed Director shall adopt rules establishing criteria for the review and approval of redevelopment under this section to ensure that the proposed mitigation, manner of development, and water quality controls offset the potential environmental impact of the redevelopment.

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(2) Limited to Site Plan or Subdivision. Except as provided in Division 23-2A-3 (Residential Development Regulations) or by another provision of this Title, a variance under this section may only be requested for a project that requires approval of a site plan or subdivision application.

(3) Environmental Commission Review. The Environmental Commission shall consider an application for a variance under this section and forward its recommendation to the Land Use Commission. The Land Use Commission shall consider the Environmental Commission's recommendation before acting on a variance.

(4) Applicant's Burden. An applicant for a variance under this section must establish that the request meets applicable criteria under Subsection (C).

(C) **Criteria for Approval.**

(1) General Criteria. Except as provided in Subsections (B)(2)-(3), the Land Use Commission may grant a variance from a requirement of this article after determining that:

(a) 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; and

(b) The variance:

(i) 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;

(ii) Is the minimum deviation from the code standard necessary to allow a reasonable use of the property; and

(1) A buffer zone is established around each critical environmental feature described in this article.

(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 compliance 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, except for restoration activities or the construction of educational trails as approved by the Watershed Director; 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 yard or hiking trail;

(b) A recharge basin approved under Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards) that discharges to a point recharge feature; or

(c) An innovative runoff management practice approved by the Watershed Director 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 compliance 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, or 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 in the Environmental Criteria Manual.

(1) A buffer zone is established around each critical environmental feature described in this article.

(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;

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(c) An innovative runoff management practice approved by the Watershed Director 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 compliance 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, or other permits as determined by the Watershed 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 in the Environmental Criteria Manual.

23-3D-8130 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, as defined in the Environmental Criteria Manual.

(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) Texas Parks and Wildlife Department;

(3) Balcones Canyonlands Conservation Plan Coordinating Committee Secretary; and Travis or Williamson County, as applicable.

(C) The notice must include a statement that the development could cause the loss of threatened or endangered species habitat.

23-3D-8130 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, as defined in the Environmental Criteria Manual.

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(1) United States Fish and Wildlife Service;

(2) Texas Parks and Wildlife Department;

(3) Balcones Canyonlands Conservation Plan Coordinating Committee Secretary; and

(4) Travis or Williamson County, as applicable.

(C) The notice must include a statement that the development could cause the loss of threatened or endangered species habitat.

Division 23-3E-1: Citywide Affordable Housing Bonus Program

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23-3E-1070 Fee Adjustment and Update 10
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23-3E-1010 Purpose and Intent

(A) The purpose of this division is to establish general requirements and procedures for the submittal and review of an application for the Citywide Affordable Housing Bonus Program (AHBP), which is a voluntary, incentive-based density bonus program that provides enhanced development potential for projects that increase the supply of moderate to lower-cost housing consistent with the requirements of this division.

(B) The intent of the AHBP is to:

(1) Implement the goals and policies of the Austin Comprehensive Plan and the Austin Strategic Housing Blueprint;

(2) Increase housing supply, diversity, and affordability while preserving and enhancing the unique character of the City's neighborhoods; and

(3) Narrow the housing deficit for households that cannot afford market-priced rental or for-sale housing.

23-3E-1020 Applicability and Review Authority

(A) Applicability

(1) The AHBP applies citywide, except in the following zones:

(a) **Downtown Zones.** A density bonus request in the Downtown Core (DC) Zone and Commercial Center (CC) Zone must meet the requirements of Division 23-3E-2 (Downtown Density Bonus Program).

(b) **University Neighborhood Overlay Zone.** A density bonus request in the University Neighborhood Overlay (UNO) Zone must meet the requirements of Section 23-4D-9130 (University Neighborhood Overlay Zone).

Addendum Change

Division 23-3E-1: Citywide Affordable Housing Bonus Program

Contents

23-3E-1010 Purpose and Intent 1
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23-3E-1060 Non-Residential and Mixed-Use Bonus Fee 10
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23-3E-1090 Land Use Restrictions. 11
23-3E-1100 **Reporting**, Compliance, and Enforcement. 12

23-3E-1010 Purpose and Intent

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(B) The intent of the AHBP is to:

(1) Implement the goals and policies of the Austin Comprehensive Plan and the Austin Strategic Housing Blueprint;

(2) Increase housing supply, diversity, and affordability while preserving and enhancing the unique character of the City's neighborhoods; and

(3) Narrow the housing deficit for households that cannot afford market-priced rental or for-sale housing.

23-3E-1020 Applicability and Review Authority

(A) Applicability

(1) The AHBP applies citywide in zones in which a bonus is available or offered, except in the following zones:

(a) **Downtown Zones.** A density bonus request in the Downtown Core (DC) Zone and Commercial Center (CC) Zone must meet the requirements of Division 23-3E-2 (Downtown Density Bonus Program).

(b) **University Neighborhood Overlay Zone.** A density bonus request in the University Neighborhood Overlay (UNO) Zone must meet the requirements of Section 23-4D-9130 (University Neighborhood Overlay Zone).

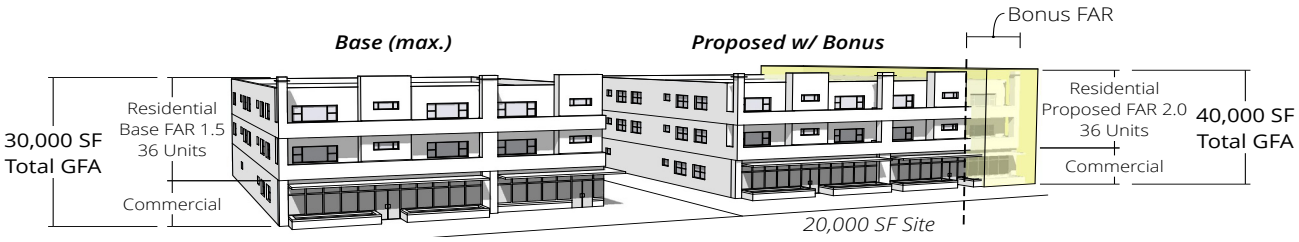
Additional Floor Area Ratio (FAR)

Bonus Units

$$36 \text{ proposed units} \times \left(\frac{2.0 \text{ proposed FAR} - 1.5 \text{ base FAR}}{2.0 \text{ proposed FAR}}\right) = 9 \text{ bonus units}$$

Bonus Square Feet

$$40{,}000 \text{ sf proposed GFA} \times \left(\frac{2.0 \text{ proposed FAR} - 1.5 \text{ base FAR}}{2.0 \text{ proposed FAR}}\right) = 10{,}000 \text{ bonus sf}$$



Note: Only one possible scenario shown as an example how to calculate bonus square feet or bonus units. Images do not illustrate other applicable development standards.

Figure 23-3E-1040(3) Calculating Bonus For Floor Area Ratio Bonus

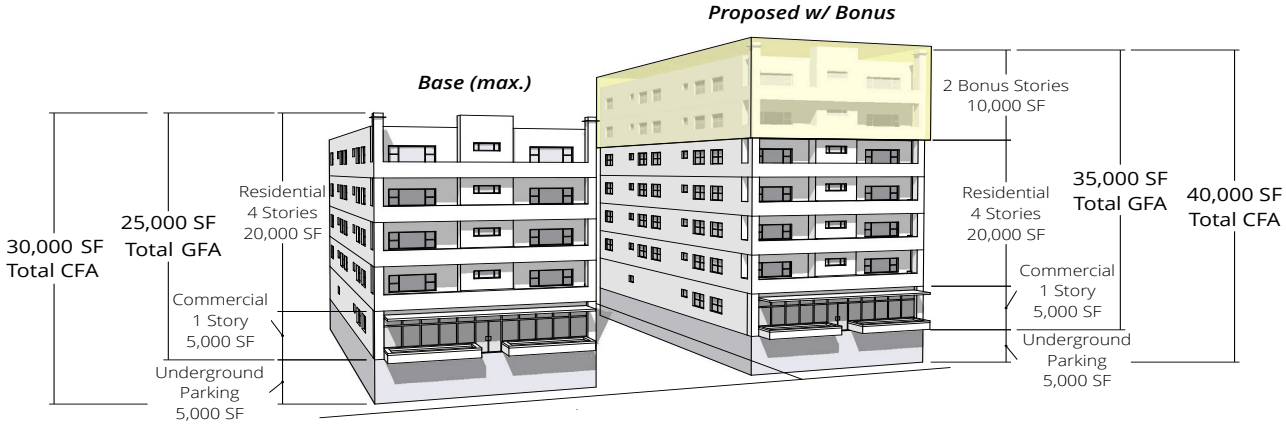
Additional Height (Stories/Feet)

Bonus Units

$$36 \text{ proposed units} \times \left(\frac{40{,}000 \text{ sf proposed CFA} - 30{,}000 \text{ sf base CFA}}{40{,}000 \text{ sf proposed CFA}}\right) = 9 \text{ bonus units}$$

Bonus Square Feet

35,000 sf proposed GFA - 25,000 sf base GFA = 10,000 bonus sf



Note: Only one possible scenario shown as an example how to calculate bonus square feet or bonus units. Images do not illustrate other applicable development standards.

Figure 23-3E-1040(4): Calculating Bonus for Height Bonus

Addendum Change

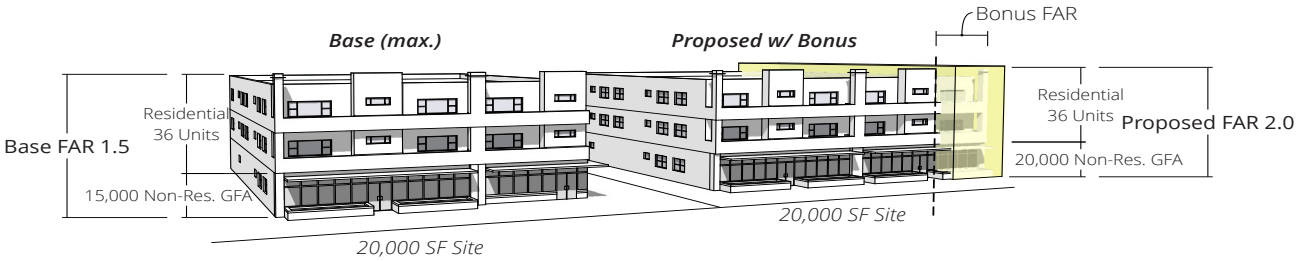
Additional Floor Area Ratio (FAR)

Bonus Units

36 proposed units x $\left(\frac{\text{2.0 proposed FAR - 1.5 base FAR}}{\text{2.0 proposed FAR}}\right)$ = 9 bonus units

Non-Residential Bonus Square Feet

20,000 sf proposed non-residential GFA x $\left(\frac{\text{2.0 proposed FAR - 1.5 base FAR}}{\text{2.0 proposed FAR}}\right)$ = 5,000 bonus sf



Note: Only one possible scenario shown as an example how to calculate bonus square feet or bonus units. Images do not illustrate other applicable development standards.

Figure 23-3E-1040(3) Calculating Bonus For Floor Area Ratio Bonus

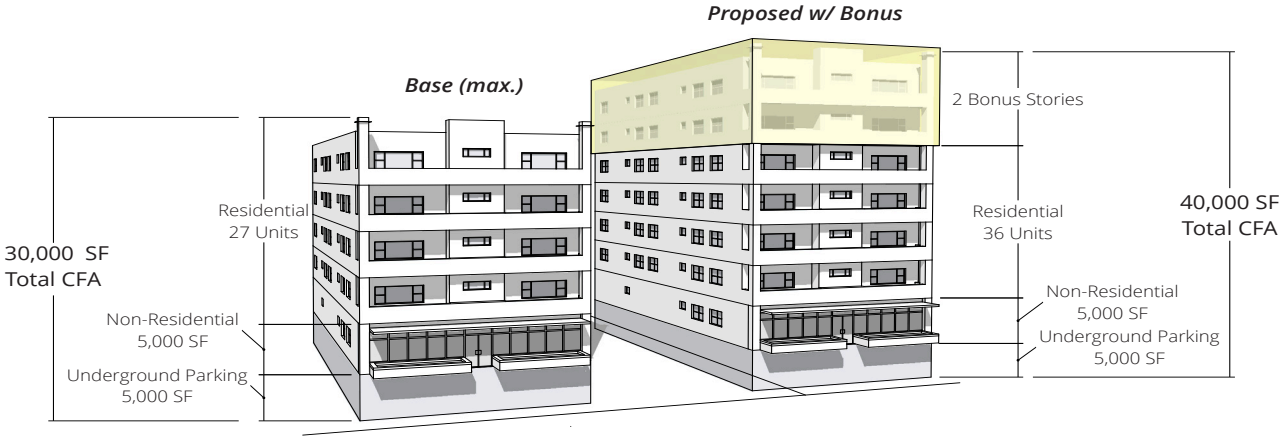
Additional Height (Stories/Feet)

Bonus Units

36 proposed units x $\left(\frac{\text{40,000 sf proposed CFA - 30,000 sf base CFA}}{\text{40,000 sf proposed CFA}}\right)$ = 9 bonus units

Non-Residential Bonus Square Feet

5,000 sf proposed non-residential GFA x $\left(\frac{\text{40,000 sf proposed CFA - 30,000 sf base CFA}}{\text{40,000 sf proposed CFA}}\right)$ = 1,250 bonus sf



Note: Only one possible scenario shown as an example how to calculate bonus square feet or bonus units. Images do not illustrate other applicable development standards.

Figure 23-3E-1040(4): Calculating Bonus for Height Bonus

Table 23-3E-1040(A) Bonus Calculation [1]

Incentive	Bonus Square Feet [2]	Bonus Units [2, 3]
Additional Units in Main Building (max.) (See Figure (1))	Residential gross floor area (GFA)[4] multiplied by the proportion of total units that exceed the maximum units allowed by base entitlements $\text{Residential Gross Floor Area} \times \left(\frac{\text{Proposed Units} - \text{Base Units}}{\text{Proposed Units}}\right)$	Number of units that exceed the maximum units allowed by base entitlements $\text{Proposed Units} - \text{Allowed Base Units}$
Additional Dwelling Units per Acre (DUA) (See Figure (2))	Residential GFA multiplied by the proportion of total units that exceed the maximum units allowed by base entitlements $\text{Residential Gross Floor Area} \times \left(\frac{\text{Proposed Development DUA} - \text{Allowed Base DUA}}{\text{Proposed Development DUA}}\right)$	Number of units that exceed the maximum units allowed by base entitlements $\text{Proposed Units} \times \left(\frac{\text{Proposed Development DUA} - \text{Allowed Base DUA}}{\text{Proposed Development DUA}}\right)$
Additional Floor Area Ratio (FAR) (See Figure (3))	Gross floor area that exceeds the maximum gross floor area allowed by base entitlements $\text{Gross Floor Area} \times \left(\frac{\text{Proposed Development FAR} - \text{Allowed Base FAR}}{\text{Proposed Development FAR}}\right)$	Number of units multiplied by the proportion of gross floor area that exceeds the maximum gross floor area allowed by base entitlements $\text{Proposed Units} \times \left(\frac{\text{Proposed Development FAR} - \text{Allowed Base FAR}}{\text{Proposed Development FAR}}\right)$
Additional Height (Stories/Feet) (See Figure (4))	Gross floor area of any space that exists above the height allowed by base entitlements	Number of units multiplied by the proportion of Comprehensive Floor Area (CFA)[5] that exists above the height allowed by base entitlements $\text{Proposed Units} \times \left(\frac{\text{Comprehensive Floor Area of any space above the base height limit}}{\text{Comprehensive Floor Area}}\right)$

1. Where multiple bonuses are applicable, the maximum calculated bonus area/bonus units apply.

2. An applicant may pay a fee-in-lieu of providing on-site affordable units in compliance with Subsection 23-3E-1050(C) (Housing Fee-In-Lieu) and Section 23-3E-1060 (Non-Residential and Mixed Use Bonus Fee).

3. Bonus unit calculations round up to the nearest whole number of units.

4. Residential Gross Floor Area (GFA) includes the total enclosed area occupied by residents or serves residents, excludes commercial.

5. CFA includes 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 and deducting atria airspace. Includes underground facilities, loading docks, parking facilities, and enclosed communication paths.

Addendum Change

Table 23-3E-1040(A) Bonus Calculation [1]		
Incentive	**Non-Residential Bonus Square Feet** [2]	**Residential Bonus Units** [2, 3]
Additional Units in Main Building (max.) (See Figure (1))	N/A	Number of units that exceed the maximum units allowed by base entitlements *Proposed Units – Allowed Base Units*
Additional Dwelling Units per Acre (DUA) (See Figure (2))	N/A	Number of units that exceed the maximum units allowed by base entitlements $\text{Proposed Units} \times \left(\frac{\text{Proposed Development DUA} - \text{Allowed Base DUA}}{\text{Proposed Development DUA}} \right)$
Additional Floor Area Ratio (FAR) (See Figure (3))	Non-residential gross floor area[4] multiplied by the proportion of gross floor area that exceeds the maximum gross floor area allowed by base entitlements $\text{Non-residential Gross Floor Area} \times \left(\frac{\text{Proposed Development FAR} - \text{Allowed Base FAR}}{\text{Proposed Development FAR}} \right)$	Number of units multiplied by the proportion of gross floor area that exceeds the maximum gross floor area allowed by base entitlements $\text{Proposed Units} \times \left(\frac{\text{Proposed Development FAR} - \text{Allowed Base FAR}}{\text{Proposed Development FAR}} \right)$
Additional Height (Stories/Feet) (See Figure (4))	Non-residential gross floor area[4] multiplied by the proportion of Comprehensive Floor Area (CFA)[5] that exists above the height allowed by base entitlements $\text{Non-residential Gross Floor Area} \times \left(\frac{\text{Comprehensive Floor Area of any space above the base height limit}}{\text{Comprehensive Floor Area}} \right)$	Number of units multiplied by the proportion of Comprehensive Floor Area (CFA)[5] that exists above the height allowed by base entitlements $\text{Proposed Units} \times \left(\frac{\text{Comprehensive Floor Area of any space above the base height limit}}{\text{Comprehensive Floor Area}} \right)$

1. Where multiple bonuses are applicable, the maximum calculated bonus area/bonus units apply.

2. An applicant may pay a fee-in-lieu of providing on-site affordable units in compliance with Subsection 23-3E-1050(C) (Housing Fee-In-Lieu) and Section 23-3E-1060 (Non-Residential and Mixed Use Bonus Fee).

3. Bonus unit calculations round up to the nearest whole number of units.

4. Non-residential gross floor area includes the total gross floor area occupied by non-residential uses.

5. CFA includes 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 and deducting atria airspace. Includes underground facilities, loading docks, parking facilities, and enclosed communication paths.

(B) **Affordable Unit Set Aside for Residential Developments.** The number of units set aside as affordable is determined in compliance with Table (B) (Affordable Unit Set Aside Requirements in For-Sale Properties), Table (C) (Affordable Unit Set Aside Requirements in For-Sale Properties in "-A" Zones), and Table (D) (Affordable Unit Set Aside Requirements in For-Rent Properties), and Table (E) (Affordable Unit Set Aside Requirements in For-Rent Properties in "-A" Zones).

(1) Application. The affordability requirements described in Tables (B) and (C) are applied by the director based on geography to ensure the requirements reflect sub-market variations and zone-specific bonus options.

(2) **Calculation**. The number of affordable units are determined by using Table (A) (Bonus Calculation). The number of affordable residential units (set aside) is calculated as follows:

Bonus Units x Unit Set Aside % = Number of Affordable Units (round up to the nearest whole number of units).

Table 23-3E-1040(B): Affordable Unit Set Aside Requirements in For-Sale Properties

	Ownership Units	
Income (MFI)	Households at or below 80% of Median Family Income	
Affordability Period (Years)	99 Years	
Sub-Area Requirements	**Areas**	**Units Set Aside [1,2]**
	T	5%
	U	10%
	V	15%
	W	20%
	X	30%
	Y	40%
	Z	50%

See "Proposed General Administrative Procedures for Affordable Housing Bonus and Downtown Density Bonus Programs" companion document for the most up-to-date set-aside numbers.

1. For a dwelling unit to qualify as "affordable" a unit must comply with Subsection 23-3E-1090(A).
2. All unit set aside calculations resulting in fractional units must be rounded up to the next whole number.

Table 23-3E-1040(C): Affordable Unit Set Aside Requirements in For-Sale Properties in "-A" Zones

	Rental Units	
Income (MFI)	Households at or below 80% of Median Family Income	
Affordability Period (Years)	99 Years	
Sub-Area Requirements	**Areas**	**Units Set Aside[1,2]**
	TA	5%
	UA	10%
	VA	15%
	WA	20%
	XA	30%
	YA	40%
	ZA	50%

See "Proposed General Administrative Procedures for Affordable Housing Bonus and Downtown Density Bonus Programs" companion document for the most up-to-date set-aside numbers.

1. For a dwelling unit to qualify as "affordable" a unit must comply with 23-3E-1090(A).
2. All unit set aside calculations resulting in fractional units must be rounded up to the next whole number.

Addendum Change

(B) **Affordable Unit Set Aside for Residential Developments.** The number of units set aside as affordable is determined in compliance with Table (B) (Affordable Unit Set Aside Requirements in For-Sale Properties), Table (C) (Affordable Unit Set Aside Requirements in For-Sale Properties in "-A" Zones), and Table (D) (Affordable Unit Set Aside Requirements in For-Rent Properties), and Table (E) (Affordable Unit Set Aside Requirements in For-Rent Properties in "-A" Zones).

(1) Application. The affordability requirements described in Tables (B) through (E) are applied by the director based on geography to ensure the requirements reflect sub-market variations and zone-specific bonus options.

(2) **Calculation**. The number of affordable units are determined by using Table (A) (Bonus Calculation). The number of affordable residential units (set aside) is calculated as follows:

Bonus Units x Unit Set Aside % = Number of Affordable Units (round up to the nearest whole number of units).

Table 23-3E-1040(B): Affordable Unit Set Aside Requirements in For-Sale Properties

	Ownership Units	
Income (MFI)	Households at or below 80% of Median Family Income	
Affordability Period (Years)	99 Years	
Sub-Area Requirements	**Areas**	**Units Set Aside** [1,2]
	T	5%
	U	10%
	V	15%
	W	20%
	X	30%
	Y	40%
	Z	50%

See "Proposed General Administrative Procedures for Affordable Housing Bonus and Downtown Density Bonus Programs" companion document for the most up-to-date set-aside numbers.

1. For a dwelling unit to qualify as "affordable" a unit must comply with Subsection 23-3E-1090(A).

2. All unit set aside calculations resulting in fractional units must be rounded up to the next whole number.

Table 23-3E-1040(C): Affordable Unit Set Aside Requirements in For-Sale Properties in "-A" Zones

	Ownership Units	
Income (MFI)	Households at or below 80% of Median Family Income	
Affordability Period (Years)	99 Years	
Sub-Area Requirements	**Areas**	**Units Set Aside**[1,2]
	TA	5%
	UA	10%
	VA	15%
	WA	20%
	XA	30%
	YA	40%
	ZA	50%

See "Proposed General Administrative Procedures for Affordable Housing Bonus and Downtown Density Bonus Programs" companion document for the most up-to-date set-aside numbers.

1. For a dwelling unit to qualify as "affordable" a unit must comply with 23-3E-1090(A).

2. All unit set aside calculations resulting in fractional units must be rounded up to the next whole number.

(3) Must be within one mile of the property seeking the bonus or in a location approved by the director, such as a high opportunity area;

(4) Must include the payment of a fee equal to the total fee-in-lieu amount due for the development accessing the AHBP, which shall be held in escrow until a final certificate of occupancy is issued for the off-site units; and

(5) Must receive certificate of occupancy for the off-site units within 36 months of the date that the final certificate of occupancy is issued for the property seeking the bonus.

(E) **Land Dedications.** Land dedication may be proposed as an alternative to on-site production of affordable units. The applicant may donate to the City land that is within one mile of the property seeking the bonus, within a high opportunity area, or that the director determines is suitable for the construction of affordable units and is of equivalent or greater value than is produced by applying the housing fee-in-lieu. Any dedicated land must be within the full purpose jurisdiction of the City of Austin.

23-3E-1060 Non-Residential and Mixed-Use Bonus Fee

(A) For non-residential developments seeking a development bonus, the bonus is provided as height, stories, or floor area ratio, using the following formula:

(Base Feet/Stories/FAR) + (Bonus Feet/Stories/FAR) = Total Feet/Stories/FAR (See Article 23- 4D (Specific to Zones) for the applicable bonus)

Square footage is calculated using the formulas for Bonus Square Feet in Table (A) (Bonus Calculation).

(B) To determine the total fee, the bonus square footage of the non-residential development is multiplied by the non-residential housing fee-in-lieu (dollar amount per square foot as published in the City's fee schedule at the time the project's site plan is submitted), using the following formula:

Non-Residential Bonus Square Feet x Non-Residential Housing Fee-In-Lieu per Square Foot = Total Fee

(C) For mixed-use developments, the fee is determined proportionally based on the ratio of bonus used for non-residential and residential square footage of the project, using the following formula:

[(Bonus Feet/Stories/FAR) x (% used for residential development) x Residential Fee] + [(Bonus Feet/Stories/FAR) x (% used for non-residential development) x Non-residential Fee] = Total Fee

23-3E-1070 Fee Adjustment and Update

The director shall evaluate and, if necessary, may provide recommendations annually to the city council to adjust the housing fee-in-lieu, non-residential bonus fee, or required set aside of affordable units. A designated review group may provide recommendations to the director on adjustments to the fee-in-lieu rate.

(5) Must receive certificate of occupancy for the off-site units within 36 months of the date that the final certificate of occupancy is issued for the property seeking the bonus.

(E) **Land Dedications.** Land dedication may be proposed as an alternative to on-site production of affordable units. The applicant may donate to the City land that is within one mile of the property seeking the bonus, within a high opportunity area, or that the director determines is suitable for the construction of affordable units and is of equivalent or greater value than is produced by applying the housing fee-in-lieu. Any dedicated land must be within the full purpose jurisdiction of the City of Austin.

23-3E-1060 Non-Residential and Mixed-Use Bonus Fee

(A) For non-residential developments seeking a development bonus, the bonus is provided as height, stories, or floor area ratio, using the following formula:

(Base Feet/Stories/FAR) + (Bonus Feet/Stories/FAR) = Total Feet/Stories/FAR (See Article 23- 4D (Specific to Zones) for the applicable bonus)

Square footage is calculated using the formulas for Non-Residential Bonus Square Feet in Table (A) (Bonus Calculation).

(B) To determine the total fee, the bonus square footage of the non-residential development is multiplied by the non-residential housing fee-in-lieu (dollar amount per square foot as published in the City's fee schedule at the time the project's site plan is submitted), using the following formula:

Non-Residential Bonus Square Feet x Non-Residential Housing Fee-In-Lieu per Square Foot = Total Fee

(C) For mixed-use developments, the total fee is the combined total fee for the non-residential component (see Subsection (A) and (B)) and the fee for the residential component (see Subsection 23-3E-1050(C)):

(Non-Residential Bonus Square Feet x Non-Residential Housing Fee-In-Lieu per Square Foot) + (Residential Bonus Units x Residential Housing Fee-in-Lieu per Unit) = Total Fee

23-3E-1070 Fee Adjustment and Update

The director shall evaluate and, if necessary, may provide recommendations annually to the city council to adjust the housing fee-in-lieu, non-residential bonus fee, or required set aside of affordable units. A designated review group may provide recommendations to the director on adjustments to the fee-in-lieu rate.

(4) 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 development is registered with the Austin Energy Green Building Program. The applicant shall also provide the director with a copy of the development's signed Austin Energy Green Building Letter of Intent before the director may approve a density bonus for a site.

(5) 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 fee in-lieu, 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 fee in-lieu.

23-3E-2050 Changes in Design of Proposed Building

If the design of a building changes after a density bonus is approved under this section, the director shall review the new design for compliance with this section before the building permit is approved. A building permit for a final design will not be approved until the design complies with this section and the restrictive covenants are amended to reflect new or revised community benefits.

23-3E-2060 Community Benefits

(A) **Community Benefit**. An applicant may achieve a density bonus by providing community benefits outlined in this section.

(B) **Administrative Approval.** If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (E), the director may approve the density bonus administratively.

(C) **Affordable Housing Community Benefit Percentages**

(1) A development must achieve at least 50 percent of the desired density bonus by compliance with Subsection (D).

(2) For any portion of the desired density bonus not achieved by providing affordable housing, the applicant must achieve the density bonus by providing one or more of the community benefits provided in Subsections (F) and (G).

(4) 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 development is registered with the Austin Energy Green Building Program. The applicant shall also provide the director with a copy of the development's signed Austin Energy Green Building Letter of Intent before the director may approve a density bonus for a site.

(5) 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 fee in-lieu, 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 fee in-lieu.

23-3E-2050 Changes in Design of Proposed Building

If the design of a building changes after a density bonus is approved under this division, the director shall review the new design for compliance with this section before the building permit is approved. A building permit for a final design will not be approved until the design complies with this section and the restrictive covenants are amended to reflect new or revised community benefits.

23-3E-2060 Community Benefits

(A) **Community Benefit**. An applicant may achieve a density bonus by providing community benefits outlined in this section.

(B) **Administrative Approval.** If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (E), the director may approve the density bonus administratively.

(C) **Affordable Housing Community Benefit Percentages**

(1) A development must achieve at least 50 percent of the desired density bonus by compliance with Subsection (D).

(2) For any portion of the desired density bonus not achieved by providing affordable housing, the applicant must achieve the density bonus by providing one or more of the community benefits provided in Subsections (F) and (G).

(3) The applicant is required to execute an agreement, restrictive covenant, or other binding restriction on land use in compliance with this division.

23-3E-4030 Affordability Requirements

(A) To be eligible for the S.M.A.R.T. Housing Program, a housing development must comply with the requirements of this section.

(1) For ownership dwelling units within the Area A and B (see Subsection 23-3E-1040(B)(1) (Application)):

(a) Five percent of dwelling units must be available to households at or below 80 percent of the MFI; and

(b) An additional five percent of dwelling units must be available to households at or below 100 percent of the MFI.

(2) For ownership dwelling units within Area C, D, and E (see Subsection 23-3E-1040(B)(1) (Application)), 10 percent of dwelling units must be available to households at or below 80 percent of the MFI.

(3) For rental dwelling units, 10 percent of dwelling units must be available to households at or below 60 percent of the MFI.

(B) For a household to be eligible to purchase or rent a reasonably-priced dwelling unit, the household's gross annual income may not exceed the MFI required by Subsection (A).

23-3E-4040 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 the final certificate of occupancy is issued:

(1) For ownership dwelling units, a period of at least 99 years; and

(2) For rental dwelling units, a period of at least 40 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 is subject to the affordability period and affordability requirements applicable to an owner-occupied dwelling unit. 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 requirements 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 waived plus a penalty charge equal to the total amount of fees waived.

(D) The applicant is required to execute an agreement, restrictive covenant, or other binding restriction on land use that preserves affordability in compliance with the S.M.A.R.T. Housing Program.

Addendum Change

23-3E-4030 Affordability Requirements

(A) To be eligible for the S.M.A.R.T. Housing Program, a housing development must comply with the requirements of this section.

(1) For ownership dwelling units 10 percent of dwelling units must be available to households at or below 80 percent of the MFI.

(2) For rental dwelling units, 10 percent of dwelling units must be available to households at or below 60 percent of the MFI.

(B) For a household to be eligible to purchase or rent a reasonably-priced dwelling unit, the household's gross annual income may not exceed the MFI required by Subsection (A).

23-3E-4040 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 the final certificate of occupancy is issued:

(1) For ownership dwelling units, a period of at least 99 years; and

(2) For rental dwelling units, a period of at least 40 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 is subject to the affordability period and affordability requirements applicable to an owner-occupied dwelling unit. 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 requirements 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 waived plus a penalty charge equal to the total amount of fees waived.

(D) The applicant is required to execute an agreement, restrictive covenant, or other binding restriction on land use that preserves affordability in compliance with the S.M.A.R.T. Housing Program.

Division 23-4A-4: How to Use the Zoning Code

Contents

23-4A-4010 Purpose 1
23-4A-4020 Organization 1

23-4A-4010 Purpose

This division is advisory only and is intended to give a brief overview of Chapter 23-4, which may be referred to as the Zoning Code.

23-4A-4020 Organization

(A) Chapter 23-4 (Zoning) is a chapter of Title 23 (Land Development Code). It is interpreted, implemented, and enforced in conjunction with other related chapters of the Land Development Code. This Chapter is organized as follows:

(1) **Article 23-4A: Introduction**

Establishes the purpose and intent of the Zoning Code and introduces how the zones applied in the City are organized and mapped.

(2) **Article 23-4B: Zoning Administration and Procedures**

Provides the procedures for land use approvals (e.g. Conditional Use Permits or Minor Use Permits), land use determinations, zoning map amendments, and variances and special exceptions.

(3) **Article 23-4C: General to Large Sites**

Provides the general requirements for large sites, including internal connectivity and open space.

(4) **Article 23-4D: Specific to Zones**

Contains regulations for all zones, including allowed uses and permit requirements, development standards, and parking requirements.

(5) **Article 23-4E: Supplemental to Zones**

Establishes development standards for code topics such as private frontages; outdoor lighting; parking and loading; landscaping and screening; docks, bulkheads and shorelines; supplemental standards for specific uses, building standards, and some additional generally applicable standards.

Addendum Change

Division 23-4A-4: How to Use the Zoning Code

Contents

23-4A-4010 Purpose 1
23-4A-4020 Organization 1

23-4A-4010 Purpose

This division is advisory only and is intended to give a brief overview of Chapter 23-4, which may be referred to as the Zoning Code.

23-4A-4020 Organization

(A) Chapter 23-4 (Zoning) is a chapter of Title 23 (Land Development Code). It is interpreted, implemented, and enforced in conjunction with other related chapters of the Land Development Code. This Chapter is organized as follows:

(1) **Article 23-4A: Introduction**

Establishes the purpose and intent of the Zoning Code and introduces how the zones applied in the City are organized and mapped.

(2) **Article 23-4B: Zoning Administration and Procedures**

Provides the procedures for land use approvals, including a conditional use or minor use permit, land use determinations, zoning map amendments, and variances and special exceptions.

(3) **Article 23-4C: General to Large Sites**

Provides the general requirements for large sites, including internal connectivity and open space.

(4) **Article 23-4D: Specific to Zones**

Contains regulations for all zones, including allowed uses and permit requirements, development standards, and parking requirements.

(5) **Article 23-4E: Supplemental to Zones**

Establishes development standards for code topics such as private frontages; outdoor lighting; parking and loading; landscaping and screening; docks, bulkheads and shorelines; supplemental standards for specific uses, building standards, and some additional generally applicable standards.

(b) The planning element must include any information required by the director to evaluate whether a proposed use meets the standards for approval under Subsection (E), but does not need to include construction-level detail required for a construction element or building permit application.

(2) **Concurrent Applications.** An applicant may submit an application for a construction-level approval, including a building permit or a site plan construction element, concurrent with the planning element of a conditional use permit under Section 23-2A-2020 (Concurrent Applications).

(C) **Administrative Review Process**

(1) **Notice of Application**. The director shall provide notice of an application for a conditional use permit under Section 23-2C-5010 (Notice of Application) and allow parties to submit comments on the application for a period of at least 14 days.

(2) **Director's Report**. Following the comment period, the director shall provide the applicant with a report including:

(a) The director's preliminary recommendation as to whether the planning element is sufficient to satisfy the approval criteria in Subsection (E); and

(b) If applicable, a description of updates required under Section 23-2B-1040 (Update and Expiration) for any concurrent applications filed in compliance with Subsection (B)(2).

(3) **Applicant's Response**. Following receipt of the director's report, and before the application expires, in compliance with Section 23-2B-1040 (Update and Expiration), an applicant may:

(a) Request that the application be scheduled for public hearing before the Land Use Commission;

(b) Provide revisions to the planning element or other information required to address issues identified in the director's report; or

(c) Withdraw the application.

(D) **Public Hearing and Notification**. The director shall schedule a public hearing before the Land Use Commission on a conditional use permit application at the request of an applicant in compliance with Subsection (C)(3) once all substantive comments have been cleared, and shall provide notice of the public hearing under Section 23-2C-4020 (Type 1 Public Hearing Notice).

(E) **Action by Land Use Commission on Application**

(1) Decision. After conducting a public hearing on the application, and considering the director's recommendation, the Land Use Commission shall approve, conditionally approve, or deny a conditional use permit in accordance with this subsection.

(2) **Notice of Decision.** Within one day of the Land Use Commission's decision on a conditional use permit application, the director shall issue notice of the Land Use Commission's decision under Section 23-2C-5020 (Notice of Administrative Decision).

(b) The planning element must include any information required by the director to evaluate whether a proposed use meets the standards for approval under Subsection (E), but does not need to include construction-level detail required for a construction element or building permit application.

(2) **Concurrent Applications.** An applicant may submit an application for a construction-level approval, including a building permit or a site plan construction element, concurrent with the planning element of a conditional use permit under Section 23-2A-2020 (Concurrent Applications).

(C) **Administrative Review Process**

(1) **Notice of Application**. The director shall provide notice of an application for a conditional use permit under Section 23-2C-5010 (Notice of Application) and allow parties to submit comments on the application for a period of at least 14 days.

(2) **Director's Report**. Following the comment period, the director shall provide the applicant with a report including:

(a) The director's preliminary recommendation as to whether the planning element is sufficient to satisfy the approval criteria in Subsection (E); and

(b) If applicable, a description of updates required under Section 23-2B-1040 (Update and Expiration) for any concurrent applications filed under Subsection (B)(2).

(3) **Applicant's Response**. Following receipt of the director's report, and before the application expires, under Section 23-2B-1040 (Update and Expiration), an applicant may:

(a) Request that the application be scheduled for public hearing before the Land Use Commission;

(b) Provide revisions to the planning element or other information required to address issues identified in the director's report; or

(c) Withdraw the application.

(D) **Public Hearing and Notification**. The Once the director has determined that an application for a conditional use permit complies with applicable site development regulations, the director shall schedule a public hearing before the Land Use Commission in accordance with Subsection (C)(3) and provide notice of the hearing under Section 23-2C-4020 (Type 1 Public Hearing Notice).

(E) **Action by Land Use Commission on Application**

(1) Decision. After conducting a public hearing on the application, and considering the director's recommendation, the Land Use Commission shall approve, conditionally approve, or deny a conditional use permit in accordance with this subsection.

(2) **Notice of Decision.** Within one day of the Land Use Commission's decision on a conditional use permit application, the director shall issue notice of the Land Use Commission's decision under Section 23-2C-5020 (Notice of Administrative Decision).

(3) **Findings for Approval**. To approve or conditionally approve an application for a conditional use permit, the Land Use Commission must find that the proposed use is:

(3) **Findings for Approval**. To approve or conditionally approve an application for a conditional use permit, the Land Use Commission must find that the proposed use is:

(a) Consistent with the applicable goals and policies of the Comprehensive Plan and the purpose of the zone in which the site is located;

(b) Not detrimental to public health, safety, and welfare; and

(c) Reasonably compatible with existing or approved uses in the surrounding area.

(4) **Review Criteria**. In determining whether an application meets the findings required for approval under Subsection (E)(1), the Land Use Commission shall consider the extent to which the proposed use:

(a) Is generally compatible in scale, intensity, and character with adjacent developments and neighborhoods;

(b) Includes improvements, either onsite or within the public right-of-way, to mitigate adverse effects related to traffic, noise, odors, visual nuisances, adverse flooding, and similar adverse effects to adjacent developments and neighborhoods;

(c) Can safely accommodate anticipated vehicular and pedestrian traffic consistent with existing and anticipated traffic in surrounding area;

(d) Incorporates thoroughfare adjustments, traffic control devices, and access restrictions to control or divert vehicular traffic flow as may be needed to mitigate vehicle traffic on adjacent thoroughfares;

(e) Incorporates screening, buffers, and other features to minimize adverse visual or noise effects of the proposed use on adjacent properties; and

(f) Meets the site development standards of the zone in which the proposed use is located or, if a special exception from one or more standards is requested in compliance with Section 23-4B-4030 (Special Exception-Level 1), the exception will enhance the quality of the use and increase its compatibility with adjoining developments and neighborhoods.

(F) **Conditions of Approval**

(1) **General Conditions**. In approving a conditional use permit, the Land Use Commission may impose conditions that are reasonably related to the findings required under Subsection (E). These conditions may include, but are not limited to:

(a) Limitations on building size, including floor area ratio (FAR), height, or gross floor area;

(b) Limitations on impervious cover;

(c) Placement or orientation of buildings and entryways;

(d) Enhanced setbacks, open space, or buffer standards;

(e) A fence, wall, or screen;

(f) Additional landscaping or erosion controls;

(g) Street improvements or dedications;

(h) Vehicular access and enhanced parking or loading standards;

(a) Consistent with the applicable goals and policies of the Comprehensive Plan and the purpose of the zone in which the site is located;

(b) Not detrimental to public health, safety, and welfare; and

(c) Reasonably compatible with existing or approved uses in the surrounding area.

(4) **Review Criteria**. In determining whether an application meets the findings required for approval under Subsection (E)(1), the Land Use Commission shall consider the extent to which the proposed use:

(a) Is generally compatible in scale, intensity, and character with adjacent developments and neighborhoods;

(b) Includes improvements, either onsite or within the public right-of-way, to mitigate adverse effects related to traffic, noise, odors, visual nuisances, adverse flooding, and similar adverse effects to adjacent developments and neighborhoods;

(c) Can safely accommodate anticipated vehicular and pedestrian traffic consistent with existing and anticipated traffic in surrounding area;

(d) Incorporates thoroughfare adjustments, traffic control devices, and access restrictions to control or divert vehicular traffic flow as may be needed to mitigate vehicle traffic on adjacent thoroughfares;

(e) Incorporates screening, buffers, and other features to minimize adverse visual or noise effects of the proposed use on adjacent properties; and

(f) Meets the site development standards of the zone in which the proposed use is located.

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(c) Placement or orientation of buildings and entryways;

(d) Enhanced setbacks, open space, or buffer standards;

(e) A fence, wall, or screen;

(f) Additional landscaping or erosion controls;

(g) Street improvements or dedications;

(h) Vehicular access and enhanced parking or loading standards;

(i) Hours of operation; and

(j) Other measures that the Land Use Commission determines are required for compatibility with surrounding uses and for the preservation of public health, safety, and welfare.

Division 23-4B-2: Code Interpretations and Use Determinations

Contents

23-4B-2010 Purpose, Applicability, and Review Authority 1
23-4B-2020 Code Interpretations 1
23-4B-2030 Use Determinations 2
23-4B-2040 Administrative Appeal 3

23-4B-2010 Purpose, Applicability, and Review Authority

(A) This division establishes procedures by which a person may request a formal determination from the City regarding the meaning of applicable zoning regulations, either in relation to a specific development application or in general.

(B) Unless otherwise specified, authority and responsibility for implementing this division is delegated to the Planning Director, which is referred to in this division as "the director." However, the city manager may from time to time delegate particular functions under this division to one or more other City departments, which shall control over the general delegation in this subsection.

23-4B-2020 Code Interpretations

(A) **Purpose and Applicability.** The director shall issue administrative decisions regarding the proper interpretation, meaning, or intent of a site development standard under Chapter 23-4 (Zoning) or a separately adopted zoning ordinance. Statements of policy or procedural requirements are not subject to this section.

(B) **Project-Level Interpretation.** A code interpretation requested in connection with a development application is a "project interpretation" and is subject to the standards of this subsection.

(1) **Request for Interpretation**. During the application period for a site plan or building permit, an applicant may request that the director issue a project interpretation regarding whether the application complies with site development standards applicable under this Title or a separately adopted zoning ordinance. An application for a project interpretation tolls the review period required under Section 23-2B-1050 (Tolling of Expiration Period).

(2) **Notice and Decision**. The director shall:

(a) Provide notice of an application for a project interpretation under Section 23-2C-5010 (Notice of Application); and

(b) Within a review period established by administrative rule, issue an interpretation under Subsection (D), and provide notice of the interpretation under Section 23-2C-5020 (Notice of Administrative Decision).

Addendum Change

Division 23-4B-2: Code Interpretations and Use Determinations

Contents

23-4B-2010 Purpose, Applicability, and Review Authority 1
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(2) **Notice and Decision**. The director shall:

(a) Provide notice of an application for a project interpretation under Section 23-2C-5010 (Notice of Application); and

(b) Within the applicable review period established under Division 23-3B-2 (Review Procedures):

(i) issue an interpretation under Subsection (D); and

23-4B-2040 Administrative Appeal

(A) **Project Interpretations.** A project code interpretation or use determination issued under this division for a particular development application may be appealed to the Board of Adjustment under Article 23-2I (Appeals). If the code interpretation or use determination is not appealed, or is upheld by the Board on appeal, a subsequent decision by the director to approve or disapprove a development application associated with the interpretation or determination may not be appealed under this section.

(B) **Non-project Interpretations**. A non-project code interpretation or use determination issued under this division may be appealed to the Board of Adjustment under Article 23-2I (Appeals).

(C) **Permitting Decisions.** Except as provided in Subsection (A), a decision by the Development Services Director or another responsible director to approve or disapprove a development application may be appealed to the Board of Adjustment under Article 23-2I (Appeals).

23-4B-2040 Administrative Appeal

(A) **Project Interpretations.** A project code interpretation or use determination issued under this division for a particular development application may be appealed to the Board of Adjustment under Article 23-2I (Appeals). If the code interpretation or use determination is not appealed, or is upheld by the Board on appeal, a subsequent decision by the director to approve or disapprove a development application associated with the interpretation or determination may not be appealed under this section.

(B) **Non-project Interpretations**. A non-project code interpretation or use determination issued under this division may be appealed to the Board of Adjustment under Article 23-2I (Appeals).

(C) **Permitting Decisions.** Except as provided in Subsection (A), a code interpretation or use determination associated with a decision by the Development Services Director or another responsible director to approve or disapprove a development application may be appealed to the Board of Adjustment under Article 23-2I (Appeals).

(a) Property that is subject to a planned development area agreement will be classified as an interim Industrial Flex (IF) Zone and will be regulated by the planned development area agreement.

(b) Property that is included in an approved preliminary plan or final plat for a Planned Unit Development subdivision will be classified as an interim Planned Unit Development (PUD) Zone regulated by the approved plan.

(c) Property included in a final plat or an unexpired preliminary plan for a small lot subdivision that was approved under Article 23-5B (Subdivision Procedures) or Chapter 30-2 (Subdivision Requirements) will be classified as an interim Residential House-Scale 2E (R2E) Zone.

(d) A lot is classified as an interim Residential House-Scale 1C (R1C) Zone if the lot:

(i) Is smaller than one acre;

(ii) Is included in a final plat or unexpired preliminary plan approved under Article 23-5B (Subdivision Procedures) or Chapter 30-2 (Subdivision Requirements); and

(iii) Does not meet the criteria in Subsections (B)(2)(a)-(B)(2)(c).

(e) Any unzoned state or federally owned land within the City which is transferred to private interest shall assume an interim classification in compliance with this subsection.

(f) The director shall 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 extraterritorial jurisdiction, and within the annexed area that 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 classification for the property in compliance with this section, and is less than 25 acres in size.

23-4B-3030 Proposed Zoning Boundaries

The boundaries of zones in a zoning map amendment must be contiguous, unless the amendment is initiated by the Land Use Commission or the council.

23-4B-3040 Zoning Map Amendment Initiation

(A) A zoning map amendment may be initiated by the applicant or the applicant's authorized agent, the Land Use Commission, or the council.

(B) Notice. For an amendment initiated by the Historic Landmark Commission, Land Use Commission, or council, the director shall give the record owner of the affected property notice of a zoning map amendment under Section 23-2C-5010 (Notice of Application) no later than 14 days after the motion initiating the amendment passed.

(C) **Historic Landmark Overlay Zone**. A zoning map amendment regarding a Historic Landmark Overlay Zone may be initiated by the Historic Landmark Commission, the council, the applicant, or the applicant's authorized agent.

(a) Property that is subject to a planned development area agreement will be classified as an interim Industrial Flex (IF) Zone and will be regulated by the planned development area agreement.

(b) Property that is included in an approved preliminary plan or final plat for a Planned Unit Development subdivision will be classified as an interim Planned Unit Development (PUD) Zone regulated by the approved plan.

(c) Property included in a final plat or an unexpired preliminary plan for a small lot subdivision that was approved under Article 23-5B (Subdivision Procedures) or Chapter 30-2 (Subdivision Requirements) will be classified as an interim Residential House-Scale 2E (R2E) Zone.

(d) A lot is classified as an interim Residential House-Scale 1C (R1C) Zone if the lot:

(i) Is smaller than one acre;

(ii) Is included in a final plat or unexpired preliminary plan approved under Article 23-5B (Subdivision Procedures) or Chapter 30-2 (Subdivision Requirements); and

(iii) Does not meet the criteria in Subsections (B)(2)(a)-(B)(2)(c).

(e) Any unzoned state or federally owned land within the City which is transferred to private interest shall assume an interim classification under this subsection.

(f) The director may not collect a base zoning application fee for a property formerly within the extraterritorial jurisdiction if:

(i) the application is submitted no later than one year after the effective date of annexation for the property;

(ii) the property contains an existing or planned use that is allowed to continue under Texas Local Government Code Section 43.002, but is not allowed by the interim zoning classification applicable to the property under this section; and

(iii) the property is less than 25 acres in size.

23-4B-3030 Proposed Zoning Boundaries

The boundaries of zones in a zoning map amendment must be contiguous, unless the amendment is initiated by the Land Use Commission or the council.

23-4B-3040 Zoning Map Amendment Initiation

(A) A zoning map amendment may be initiated by the applicant or the applicant's authorized agent, the Land Use Commission, or the council.

(B) Notice. For an amendment initiated by the Historic Landmark Commission, Land Use Commission, or council, the director shall give the record owner of the affected property notice of a zoning map amendment under Section 23-2C-5010 (Notice of Application) no later than 14 days after the motion initiating the amendment passed.

Division 23-4C-1: Large Site Requirements

Contents

23-4C-1010 Applicability 1
23-4C-1020 Internal Circulation 1
23-4C-1030 Common Open Space 4
23-4C-1040 Civic Open Space 7

23-4C-1010 Applicability

(A) Except as provided in Subsection (B), a site that is three or more acres shall comply with Section 23-4C-1020 (Internal Circulation).

(B) A site that is subdivided into two or more lots that are less than three acres in size shall comply with Chapter 23-5 (Subdivision) and Article 23-9H (Connectivity).

(C) A site that is one acre but less than four shall comply with Section 23-4C-1030 (Common Open Space).

(D) A site that is four acres or more shall comply with Section 23-4C-1040 (Civic Open Space).

23-4C-1020 Internal Circulation

(A) Except as provided in Subsections (B) and (C), a site that is three or more acres shall comply with this section.

(B) A side that is subdivided into two or more lots that are less than three acres each, shall comply with Chapter 23-5 (Subdivision) and Article 23-9H (Connectivity).

(C) A site zoned park, residential house scale, or residential multi-unit is not subject to this section.

(D) A site shall comply with Subsection (M) if:

(1) It is at least three acres but less than five acres; or

(2) It is located outside of the urban core; and

(a) The proposed development is entirely residential;

(b) Each building or amenity is connected with sidewalks;

(c) Each internal block complies with Section 23-9H-1050 (Block Lengths); and

(d) Vehicular connectivity provides for internal circulation.

Addendum Change

Division 23-4C-1: Large Site Requirements

Contents

23-4C-1010 Applicability 1
23-4C-1020 Internal Circulation 1
23-4C-1030 Common Open Space 4
23-4C-1040 Civic Open Space 7

23-4C-1010 Applicability

(A) Except as provided in Subsection (B), a site that is two or more acres shall comply with Section 23-4C-1020 (Internal Circulation).

(B) A site that is two or more acres shall comply with Section 23-4C-1030 (Common Open Space).

(C) A site that is four acres or more shall comply with Section 23-4C-1040 (Civic Open Space).

23-4C-1020 Internal Circulation

(A) Except as provided in Subsections (B), a site that is three or more acres shall comply with this section.

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(1) It is at least three acres but less than five acres; or

(2) It is located outside of the urban core; and

(a) The proposed development is entirely residential;

(b) Each building or amenity is connected with sidewalks;

(c) Each internal block complies with Section 23-9H-1050 (Block Lengths); and

(d) Vehicular connectivity provides for internal circulation.

(D) A site must provide a shaded sidewalk for at least 50 percent of the internal circulation route that is associated with building frontage.

(E) In this section, a sidewalk is shaded if trees are planted no more than 30 feet on center or a four foot awning unless the sidewalk is subject to requirements for a specific roadway type.

(a) Establishing an entity that is responsible for managing and maintaining the area for its intended purpose;

(b) Conveyance of the land to a property owners' or homeowners' association that is responsible for managing and maintaining it for its intended purposes;

(c) Conveyance of the land to a third party beneficiary, such as a nonprofit environmental or civic organization, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or

(d) Dedication of the land to the City or other appropriate governmental entity that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

(2) If the area designated as civic open space is conveyed to a property owners' or homeowners' association, the applicant must submit the following documents to the City for review and approval.

(a) The association's bylaws;

(b) A legal description of the area designated as civic open space; and

(c) All documents that governing ownership, maintenance, and use restrictions for the civic open space.

(3) Membership in the property owners' or homeowners' association shall be mandatory and automatic for all who purchase land, dwelling units, or structures in the development and their successors in title. The property owners' or homeowners' association must have the legal authority to compel members to pay a proportionate share of the costs associate with the maintenance of common areas and facilities.

(4) Before the building official may approve the first building permit for the development, the applicant must:

(a) Establish the property owners' or homeowners' association;

(b) Record the property owners' or homeowners' association documents; and

(c) If necessary, fund the property owners' or homeowners' association operations.

(5) If the civic open space is conveyed to a third party beneficiary, such as a nonprofit environmental or civic organization, then the conveyance must include deed restrictions that:

(a) govern the use, management, and maintenance of the civic open space;

(b) run with the land in perpetuity; and

(c) include any other provisions the City Attorney deems necessary and appropriate to fulfill the requirements of this section.

(6) If the civic open space is privately owned, then deed restrictions, covenants, or other legal instruments related to private ownership must ensure the civic open space will be managed and maintained for its intended purposes.

(a) Establishing an entity that is responsible for managing and maintaining the area for its intended purpose;

(b) Conveyance of the land to a property owners' or homeowners' association that is responsible for managing and maintaining it for its intended purposes;

(c) Conveyance of the land to a third party beneficiary, such as a nonprofit environmental or civic organization, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or

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(2) If the civic open space is conveyed to a third party beneficiary, such as a nonprofit environmental or civic organization, then the conveyance must include deed restrictions that:

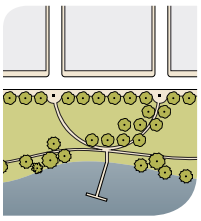
(a) govern the use, management, and maintenance of the civic open space;

(b) run with the land in perpetuity; and

(c) include any other provisions the City Attorney deems necessary and appropriate to fulfill the requirements of this section.

(3) If the civic open space is privately owned, then deed restrictions, covenants, or other legal instruments related to private ownership must ensure the civic open space will be managed and maintained for its intended purposes.

23-4C-2070 Greenbelt



General Note: Images on this page are illustrative, not regulatory.

(A) Description. A greenbelt is a natural corridor that often follows a river, creek, ridgeline, valley, or other linear public open space. It can serve multiple functions, such as hike and bike trails, a linear park system, a wildlife corridor, an area for flood control, a tool to preserve water quality, or a bicycle and pedestrian route.

(B) General Character

(1) A greenbelt qualifies as a naturalistic design civic open space.

(2) It functions as multi-use trail.

(3) A trail is lined with trees for shade; and is lit for safety.

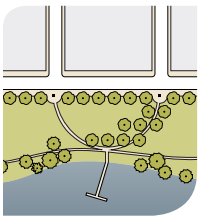
(C) Typical Uses. A greenbelt may be used for informal recreation, group gathering, trailheads, or nature play.

(D) The size, perimeter along a street, and impervious cover are described in Table 23-4C-2070(A) (Size and Location).

Table 23-4C-2070(A) Size and Location

Length	1 mile (min.)
Width	30' min.; 60' avg.
Perimeter along Street	25% (min.)
Impervious Cover	10% (max.)

23-4C-2070 Greenbelt



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(B) General Character

(1) A greenbelt qualifies as a naturalistic design civic open space.

(2) It functions as multi-use trail.

(C) Typical Uses. A greenbelt may be used for informal recreation, group gathering, trailheads, or nature play.

(D) The size, perimeter along a street, and impervious cover are described in Table 23-4C-2070(A) (Size and Location).

Table 23-4C-2070(A) Size and Location	
Length	1 mile (min.)
Width	30' min.; 60' avg.
Perimeter along Street	25% (min.)
Impervious Cover	10% (max.)

Table 23-4D-2030(A) Allowed Uses in Residential House-Scale Zones LA–R1C (continued)						
Use Type	**Specifc to Use Requirements**	**LA**	**RR**	**R1A**	**R1B**	**R1C**
(10) Agriculture						
Community Agriculture	23-4E-6120	P	P	P	P	P
Stables			CUP	—	—	—
(11) Automobile Related						
No Automobile Related uses allowed						
(12) Innovation and Technology						
No Innovation and Technology uses allowed						
(13) Other						
Accessory Uses	23-4E-6050	P	P	P	P	P
Communications	23-4E-6110	P	P	P	P	P
Utilities						
Local		P	P	P	P	P
Major		—	—	—	—	—
Telecommunications	23-4E-6370	P/CUP	P	P	P	P
Temporary Uses	23-4B-1050	TUP	TUP	TUP	TUP	TUP
Special Uses	23-4E-6350	CUP	CUP	CUP	CUP	CUP

Key for Table 23-4D-2030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Addendum Change

Table 23-4D-2030(A) Allowed Uses in Residential House-Scale Zones LA–R1C (continued)						
Use Type	**Specifc to Use Requirements**	**LA**	**RR**	**R1A**	**R1B**	**R1C**
(10) Agriculture						
Community Agriculture	23-4E-6120	P	P	P	P	P
Stables		—	CUP	—	—	—
(11) Automobile Related						
No Automobile Related uses allowed						
(12) Innovation and Technology						
No Innovation and Technology uses allowed						
(13) Other						
Accessory Uses	23-4E-6050	P	P	P	P	P
Communications	23-4E-6110	P	P	P	P	P
Utilities						
Local		P	P	P	P	P
Major		—	—	—	—	—
Telecommunications	23-4E-6370	P/CUP	P	P	P	P
Temporary Uses	23-4B-1050	TUP	TUP	TUP	TUP	TUP
Special Uses	23-4E-6350	CUP	CUP	CUP	CUP	CUP

Key for Table 23-4D-2030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Table 23-4D-2030(B) Allowed Uses in Residential House-Scale Zones R2A–R2E

Use Type	Specifc to Use Requirements	R2A	R2B	R2C	R2D	R2E
(1) Residential						
Accessory Dwelling Unit - Residential	23-4E-6030	P	P	P	P	P
Bed and Breakfast	23-4E-6090	CUP	CUP	CUP	—	—
Cooperative Housing		—	CUP	CUP	CUP	CUP
Duplex	23-4E-6170	P	P	P	P	P
Home Occupations	23-4E-6200	P	P	P	P	P
Senior/Retirement Housing						
≤12	23-4E-6330	MUP	P	P	P	P
>12	23-4E-6330	—	—	—	—	—
Single-Family		P	P	P	P	P
Single-Family Attached		P	P	P	P	P
Short-term Rental						
Types 1	23-4E-6340	P	P	P	P	P
Types 2	23-4E-6340	—	—	—	—	—
Types 3	23-4E-6340	—	—	—	—	—
(2) Residential Support						
No Residential Support uses allowed						
(3) Services						
Day Care						
Small <7		P	P	P	P	P
Large 7 ≥ and ≤20		CUP	CUP	CUP	CUP	CUP
Commercial		—	CUP	CUP	CUP	CUP
(4) Office						
No Office uses allowed						

Key for Table 23-4D-2030(B)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Addendum Change

Table 23-4D-2030(B) Allowed Uses in Residential House-Scale Zones R2A–R2E						
Use Type	**Specifc to Use Requirements**	**R2A**	**R2B**	**R2C**	**R2D**	**R2E**
(1) Residential						
Accessory Dwelling Unit - Residential	23-4E-6030	P	P	P	P	P
Bed and Breakfast	23-4E-6090	CUP	CUP	CUP	—	—
Cooperative Housing		—	—	—	—	—
Duplex	23-4E-6170	P	P	P	P	P
Home Occupations	23-4E-6200	P	P	P	P	P
Senior/Retirement Housing						
≤12	23-4E-6330	MUP	P	P	P	P
>12	23-4E-6330	—	—	—	—	—
Single-Family		P	P	P	P	P
Single-Family Attached		P	P	P	P	P
Short-term Rental						
Types 1	23-4E-6340	P	P	P	P	P
Types 2	23-4E-6340	—	—	—	—	—
Types 3	23-4E-6340	—	—	—	—	—
(2) Residential Support						
No Residential Support uses allowed						
(3) Services						
Day Care						
Small <7		P	P	P	P	P
Large 7 ≥ and ≤20		CUP	CUP	CUP	CUP	CUP
Commercial		—	CUP	CUP	CUP	CUP
(4) Office						
No Office uses allowed						

Key for Table 23-4D-2030(B)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Table 23-4D-2030(C) Allowed Uses in Residential House-Scale Zones R3A–R4C

Use Type	Specifc to Use Requirements	R3A	R3B	R3C	R3D	R4A	R4B	R4C
(1) Residential								
Accessory Dwelling Unit - Residential	23-4E-6030	P	P	P	P	P	P	P
Bed and Breakfast	23-4E-6090	CUP	CUP	CUP	CUP	CUP	CUP	P
Cooperative Housing		CUP	CUP	CUP	MUP	MUP	MUP	MUP
Cottage Court	23-4E-6150	—	—	P	P	P	P	
Duplex	23-4E-6170	P	P	P	P	P	P	P
Group Residential		—	—	—	—	—	—	CUP
Home Occupations	23-4E-6200	P	P	P	P	P	P	P
Multi-Family	23-4E-6250	—	—	—	—	P	P	P
Senior/Retirement Housing								
≤12	23-4E-6330	P	P	P	P	P	P	P
>12	23-4E-6330	—	—	—	—	—	—	—
Single-Family		P	P	P	P	P	P	P
Single-Family Attached		P	P	P	P	P	P	P
Short-term Rental								
Types 1	23-4E-6340	P	P	P	P	P	P	P
Types 2	23-4E-6340	—	—	—	—	—	—	—
Types 3	23-4E-6340	—	—	—	—	P	P	P
Townhouse		—	—	—	—	P	P	P
(2) Residential Support								
No Residential Support uses allowed								
(3) Services								
Day Care								
Small <7		P	P	P	P	P	P	P
Large 7 ≥ and ≤20		CUP	CUP	CUP	CUP	CUP	CUP	CUP
Commercial		—	CUP	CUP	—	—	—	CUP

Key for Table 23-4D-2030(C)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Addendum Change

Table 23-4D-2030(C) Allowed Uses in Residential House-Scale Zones R3A–R4C

Use Type	Specifc to Use Requirements	R3A	R3B	R3C	R3D	R4A	R4B	R4C
(1) Residential								
Accessory Dwelling Unit - Residential	23-4E-6030	P	P	P	P	P	P	P
Bed and Breakfast	23-4E-6090	CUP	CUP	CUP	CUP	CUP	CUP	P
Cooperative Housing		CUP	CUP	CUP	MUP	MUP	MUP	MUP
Cottage Court	23-4E-6150	—	—	P	P	P	P	P
Duplex	23-4E-6170	P	P	P	P	P	P	P
Group Residential		—	—	—	—	—	—	CUP
Home Occupations	23-4E-6200	P	P	P	P	P	P	P
Multi-Family	23-4E-6250	—	—	—	—	P	P	P
Senior/Retirement Housing								
≤12	23-4E-6330	P	P	P	P	P	P	P
>12	23-4E-6330	—	—	—	—	—	—	—
Single-Family		P	P	P	P	P	P	P
Single-Family Attached		P	P	P	P	P	P	P
Short-term Rental								
Types 1	23-4E-6340	P	P	P	P	P	P	P
Types 2	23-4E-6340	—	—	—	—	—	—	—
Types 3	23-4E-6340	—	—	—	—	P	P	P
Townhouse		—	—	—	—	—	—	P
(2) Residential Support								
No Residential Support uses allowed								
(3) Services								
Day Care								
Small <7		P	P	P	P	P	P	P
Large 7 ≥ and ≤20		CUP	CUP	CUP	CUP	CUP	CUP	CUP
Commercial		—	CUP	CUP	—	—	—	CUP

Key for Table 23-4D-2030(C)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

23-4D-2040 Parking Requirements

(A) **Parking Required.** The off-street parking requirements for each use allowed within residential house-scale zones is established in Table (A) (Parking Requirements for Residential House Scale Zones).

(B) **Maximum Number of Parking Spaces.** Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the double the minimum number of parking spaces required. Maximum is calculated before any applicable parking reductions. Maximum does not apply to zones or land uses that require no off-street parking.

(C) **Parking in Front Yards.**

(1) This section applies to a single-family residential use or a duplex residential use, or a single-family attached use in the following zones:

(a) Lake Austin (LA) zone;

(b) Rural Residential (RR) zone;

(c) Residential House-Scale 1 (R1) zones;

(d) Residential House-Scale 2 (R2) zones; and

(e) Residential House-Scale 3 (R3) zones

(2) In this section:

(a) BUILDING FACADE 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 facade 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 facade.

(b) PARKING STRUCTURE means a garage or carport, either attached or detached from the principal structure.

(3) A parking structure with an entrance that faces the front yard abutting public right-of-way:

(a) may not be closer to the front lot line than the front-most exterior wall of the first floor of the building facade; and

(b) if the parking structure is less than 20 feet behind the building facade, the width of the parking structure may not exceed 50 percent of the width of the building facade, measured parallel to the front lot line, or the line determined by the building official if located on an irregular lot;

(c) if the parking structure is less than 20 feet behind the building facade, the width of the parking structure may not exceed 100 percent the width of the building facade, measured parallel to the front lot line, or the line determined by the building official if located on an irregular lot, if the lot width is less than 45 feet in width; or

(4) Subsection (2) does not apply to lots if the lot width is less than 30 feet.

(D) **Off-Street Parking.** Section 23-4E-3060 (Off-Street Motor Vehicle Parking Adjustments) establishes the uses that are eligible for a parking adjustment.

23-4D-2040 Parking Requirements

(A) **Parking Required.** The off-street parking requirements for each use allowed within residential house-scale zones is established in Table (A) (Parking Requirements for Residential House Scale Zones).

(B) **Maximum Number of Parking Spaces.** Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the double the minimum number of parking spaces required. Maximum is calculated before any applicable parking reductions. Maximum does not apply to zones or land uses that require no off-street parking.

(C) **Parking in Front Yards.**

(1) This section applies to a single-family residential use or a duplex residential use, or a single-family attached use in the following zones:

(a) Lake Austin (LA) zone;

(b) Rural Residential (RR) zone;

(c) Residential House-Scale 1 (R1) zones;

(d) Residential House-Scale 2 (R2) zones; and

(e) Residential House-Scale 3 (R3) zones

(2) In this section:

(a) BUILDING FACADE 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 facade 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 facade.

(b) PARKING STRUCTURE means a garage or carport, either attached or detached from the principal structure.

(3) A parking structure with an entrance that faces the front yard abutting public right-of-way:

(a) may not be closer to the front lot line than the front-most exterior wall of the first floor of the building facade; and

(b) if the parking structure is less than 20 feet behind the building facade, the width of the parking structure may not exceed 50 percent of the width of the building facade, measured parallel to the front lot line, or the line determined by the building official if located on an irregular lot;

(c) if the parking structure is less than 20 feet behind the building facade, the width of the parking structure may not exceed 100 percent the width of the building facade, measured parallel to the front lot line, or the line determined by the building official if located on an irregular lot, if the lot width is less than 45 feet in width; or

(4) Subsection (3) does not apply to lots if the lot width is less than 30 feet.

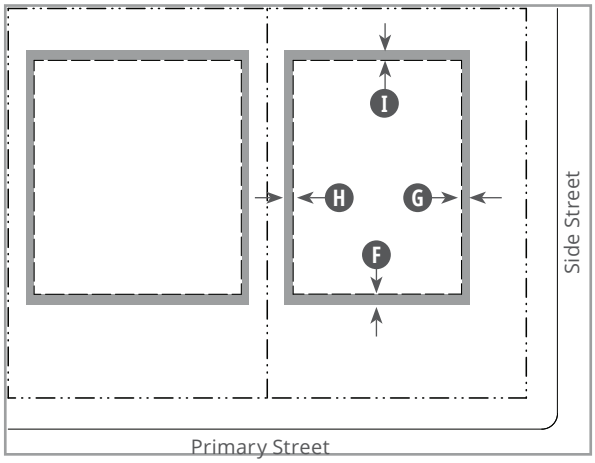
(D) **Off-Street Parking.** Section 23-4E-3060 (Off-Street Motor Vehicle Parking Adjustments) establishes the uses that are eligible for a parking adjustment.

Table 23-4D-2040(A) Parking Standards for Residential House-Scale Zones	
Use Type	**Off-Street Parking Requirement**
(1) Residential	
Accessory Dwelling Unit - Residential	none required
Home Occupations	none required
Other allowed residential uses	1 per unit
(2) Residential Support	
No residential support uses allowed	
(3) Services	
All allowed service uses	1 per 350 sf
(4) Office	
No office uses allowed	
(5) Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf
Meeting Facility (public or private)	1 per 500 sf
Other allowed civic and public assembly uses	As determined by Planning Director
(6) Restaurant and Bars	
No restaurant and bar uses allowed	
(7) Retail	
No retail uses allowed	Use not allowed in zones
(8) Entertainment and Recreation	
All allowed entertainment and recreation uses	1 per 100 sf
(9) Industrial	
No industrial uses allowed	Use not allowed in zones
(10) Agriculture	
Animal Production	No Requirement
Indoor Crop Production	1 per 1,500 sf of production space plus 1 per 350 sf of office or business area
Other allowed agriculture uses	≤ 5,750 sf none required, >5,750 sf As determined by Planning Director
(11) Automobile Related	
No automobile related uses allowed	
(12) Innovation and Technology	
No innovation and technology uses allowed	
(13) Other	
All allowed other uses	As determined by Planning Director

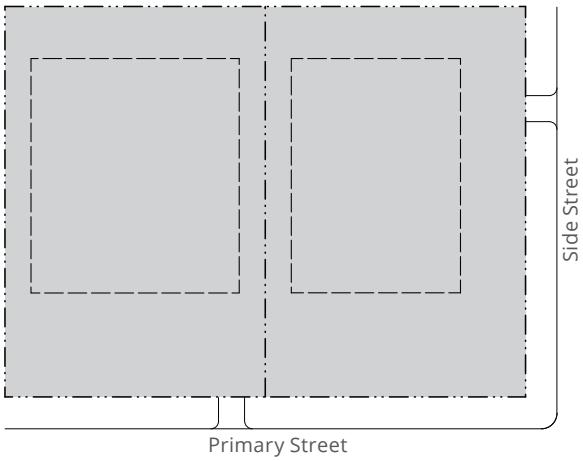
Addendum Change

Table 23-4D-2040(A) Parking Standards for Residential House-Scale Zones	
Use Type	**Off-Street Parking Requirement**
(1) Residential	
Accessory Dwelling Unit - Residential	none required
Bed and Breakfast	1 plus 0.8 per bedroom
Cooperative Housing	1 plus 1 per every 4 bedrooms
Group Residential	1 plus 1 per every 3 bedrooms
Home Occupations	none required
Senior/ Retirement Housing	0.8 per unit
Other allowed residential uses	1 per unit
(2) Residential Support	
No residential support uses allowed	
(3) Services	
All allowed service uses	1 per 350 sf
(4) Office	
No office uses allowed	
(5) Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf
Meeting Facility (public or private)	1 per 500 sf
Other allowed civic and public assembly uses	As determined by the Director
(6) Restaurant and Bars	
No restaurant and bar uses allowed	
(7) Retail	
No retail uses allowed	Use not allowed in zones
(8) Entertainment and Recreation	
Studio: art, dance, martial arts, music	1 per 500 sf
Other allowed entertainment and recreation uses	As determined by the Director
(9) Industrial	
No industrial uses allowed	
(10) Agriculture	
All allowed agriculture uses	≤ 5,000 sf - None required > 5,000 sf - As determined by Director
(11) Automobile Related	
No automobile related uses allowed	
(12) Innovation and Technology	
No innovation and technology uses allowed	
(13) Other	
All allowed other uses	As determined by the Director

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2050(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features[1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	38'	23'	8'	18'
Pool	—	23'	8'	18'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2050(E) Parking

(1) Parking Requirements

See Section 23-4D-2040 (Parking Requirements) for standards.

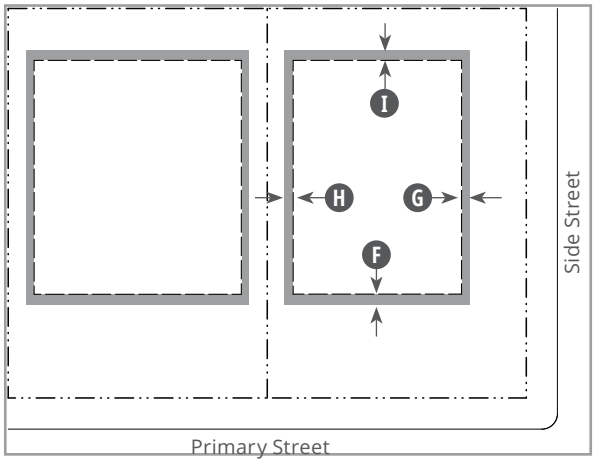
(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

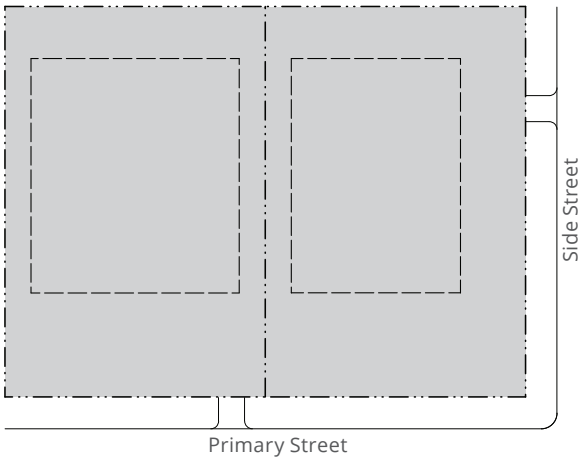
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2050(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features[1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	38'	23'	8'	18'
Pool	—	23'	8'	18'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2050(E) Parking

(1) Parking Requirements

See Section 23-4D-2040 (Parking Requirements) for standards.

(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

23-4D-2060 Lake Austin (LA) Zone

LA

(A) **Purpose.** Lake Austin (LA) zone is intended to protect the slopes around Lake Austin.

(B) **Overview.** This zone allows detached housing on large lots. It can be summarized as:

(1) eligible for affordable housing bonus programs; and

(2) the compatibility effects of this zone do not require height stepbacks or additional setbacks.

(C) **Requirements.** A lot zoned Lake Austin shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Height);

(4) Table (D) (Encroachments);

(5) Table (E) (Parking);

(6) Table (F) (Impervious Cover);

(7) Table (G) (Open Space); and

(8) Table (H) (Development on Slopes).

23-4D-2060 Lake Austin (LA) Zone

LA

(A) **Purpose.** Lake Austin (LA) zone is intended to protect natural environment, water quality, and recreational potential for future generations around Lake Austin.

(B) **Overview.** This zone allows detached housing on large lots. It can be summarized as:

(1) eligible for affordable housing bonus programs; and

(2) the compatibility effects of this zone do not require height stepbacks or additional setbacks.

(C) **Requirements.** A lot zoned Lake Austin shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Height);

(4) Table (D) (Encroachments);

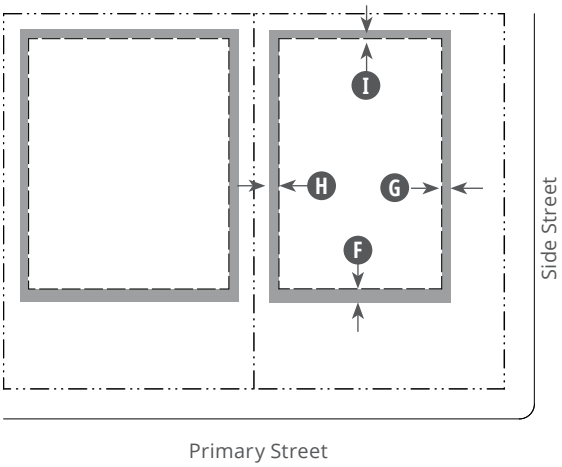
(5) Table (E) (Parking);

(6) Table (F) (Impervious Cover);

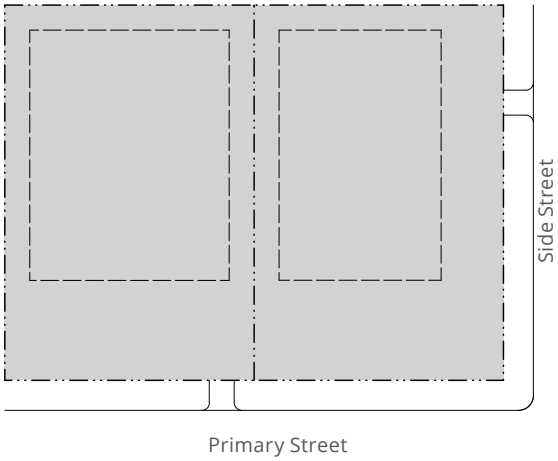
(7) Table (G) (Open Space); and

(8) Table (H) (Development on Slopes).

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2060(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	38'	23'	8'	8'
Pool	—	23'	8'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2060(E) Parking

(1) Parking Requirements

See Section 23-4D-2040 (Parking Requirements) for standards.

(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

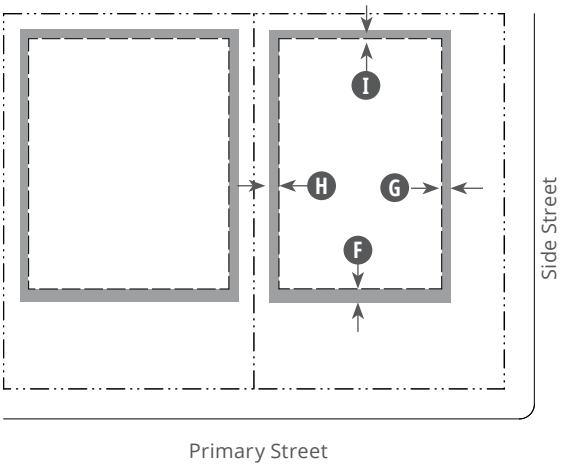
(3) Parking Setback from Shoreline

Minimum	75'

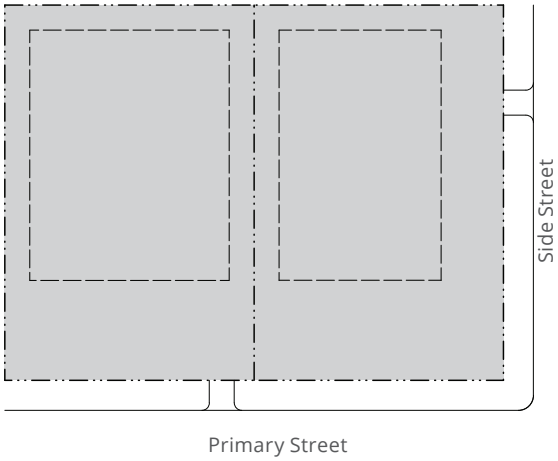
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2060(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	38'	23'	8'	8'
Pool	—	23'	8'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2060(E) Parking

(1) Parking Requirements

See Section 23-4D-2040 (Parking Requirements) for standards.

(2) Parking Setbacks (Distance from ROW / Lot Line)

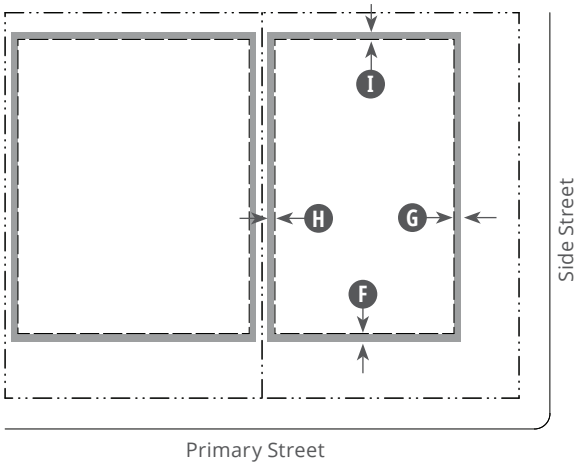
No parking setbacks are required in this zone.

(3) Parking Setback from Shoreline

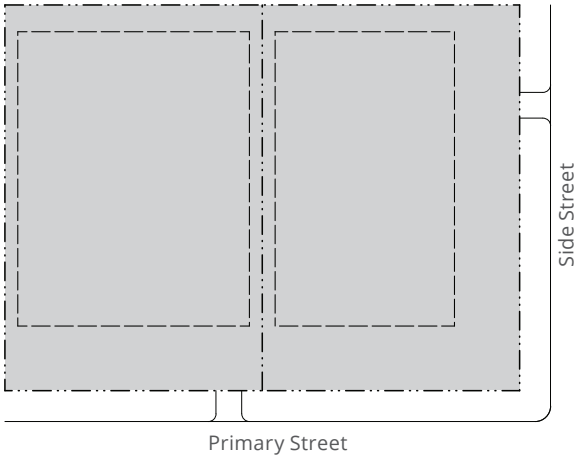
Minimum	75'

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2070(D) Encroachments

(1) Setback Encroachments	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features[1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	0'	5'
Fountain	23'	23'	3'	8'
Pool	—	23'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7.)

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2070(E) Parking

(1) Parking Requirements

See Section 23-4D-2040 (Parking Requirements) for standards.

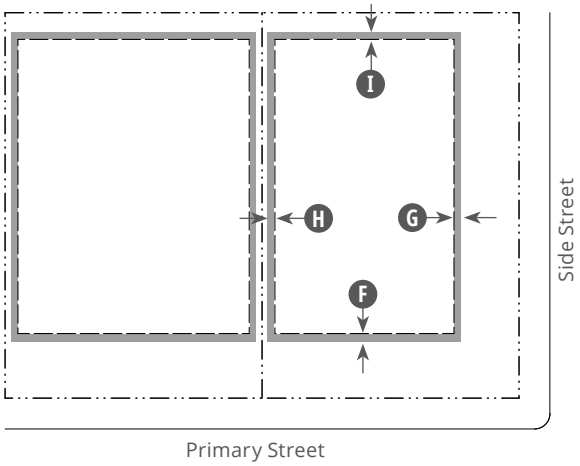
(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

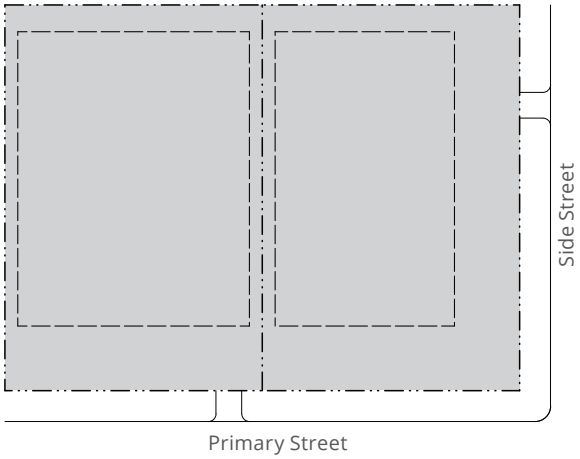
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2070(D) Encroachments

(1) Setback Encroachments	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features[1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	0'	5'
Fountain	23'	23'	3'	8'
Pool	—	23'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7.)

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2070(E) Parking

(1) Parking Requirements

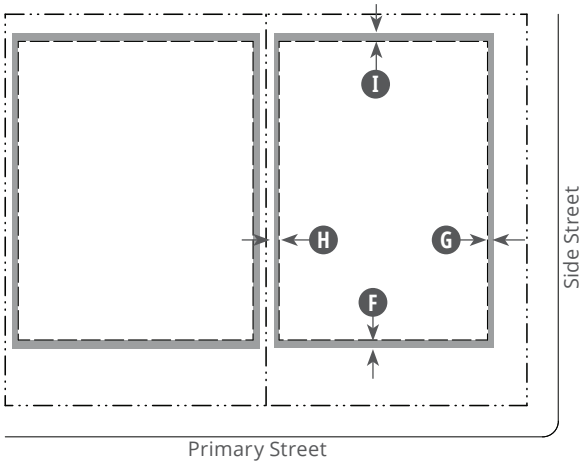
See Section 23-4D-2040 (Parking Requirements) for standards.

(2) Parking Setbacks (Distance from ROW / Lot Line)

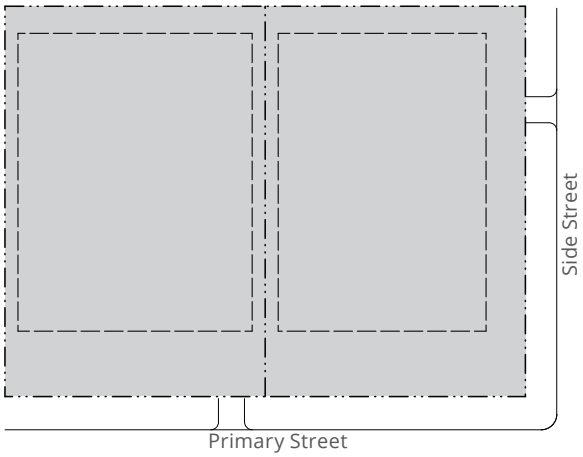
No parking setbacks are required in this zone.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2080(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3′ max. above ground.

(1) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2080(E) Parking

(1) Parking Requirements

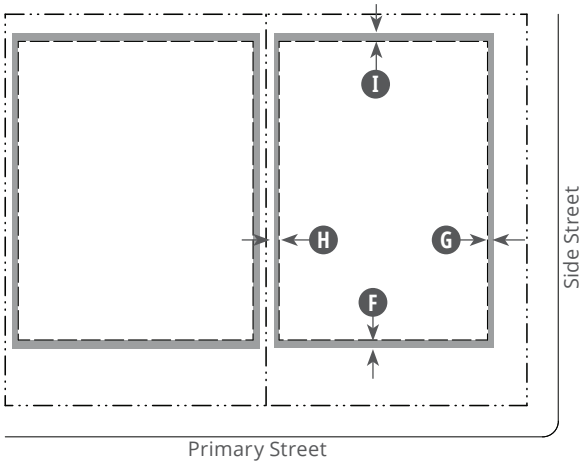
See Section 23-4D-2040 (Parking Requirements) for standards.

(1) Parking Setbacks (Distance from ROW / Lot Line)

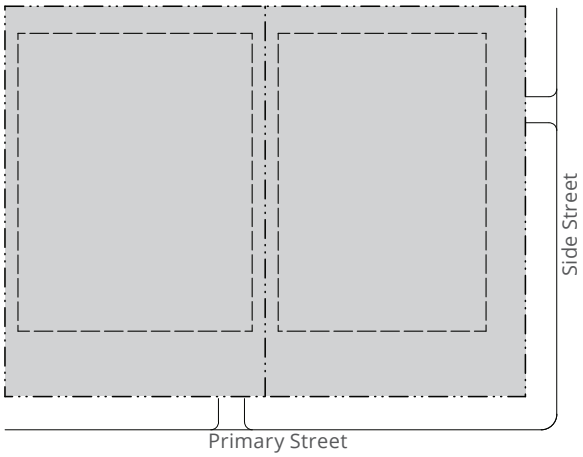
No parking setbacks are required in this zone.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2080(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(1) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2080(E) Parking

(1) Parking Requirements

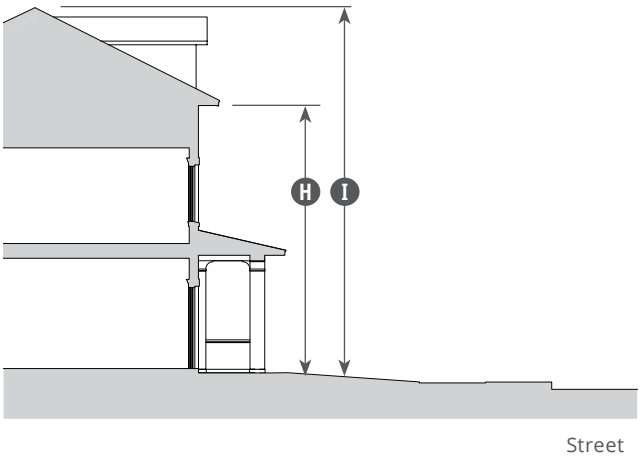
See Section 23-4D-2040 (Parking Requirements) for standards.

(1) Parking Setbacks (Distance from ROW / Lot Line)

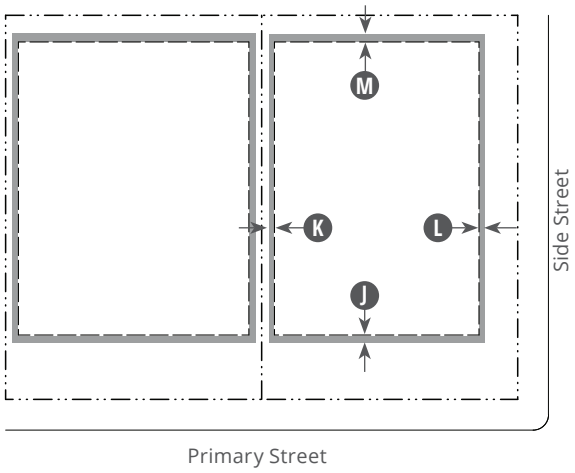
No parking setbacks are required in this zone.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams ---- ROW / Lot Line ---- Building Setback Line ■ Encroachment

Table 23-4D-2090(D) Height		
(1) All Buildings		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I

Table 23-4D-2090(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

Table 23-4D-2090(E) Encroachments (continued)

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

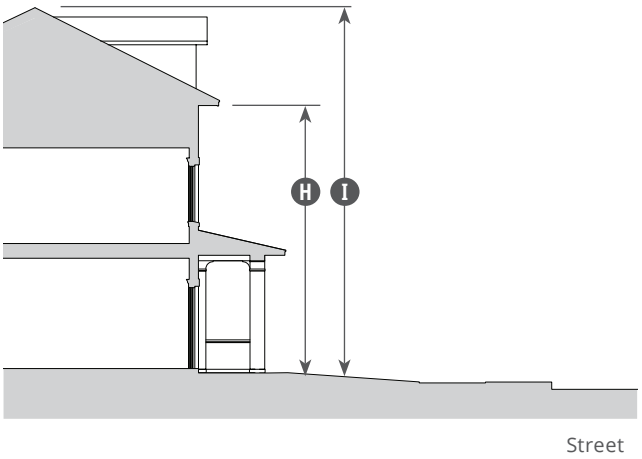
(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

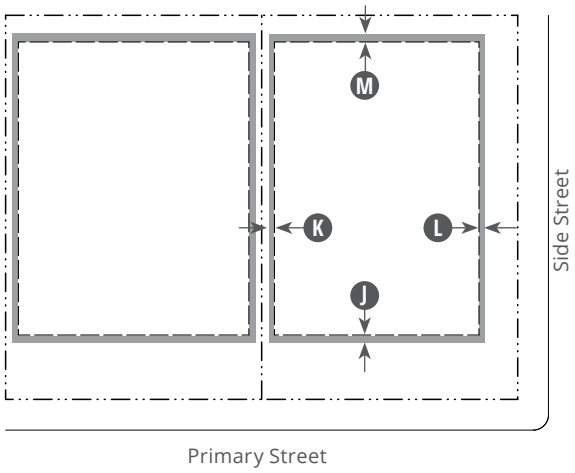
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams ---- ROW / Lot Line ---- Building Setback Line ■ Encroachment

Table 23-4D-2090(D) Height		
(1) All Buildings		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I

Table 23-4D-2090(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

Table 23-4D-2090(E) Encroachments (continued)

(2) Height Encroachment

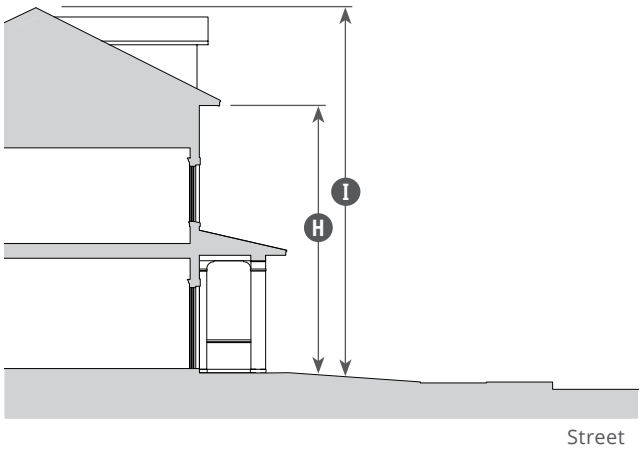
The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

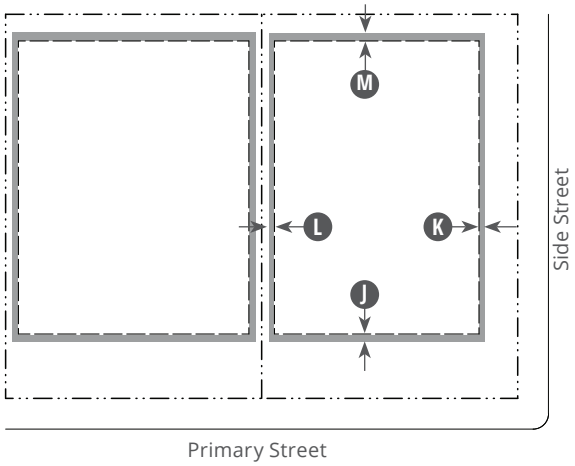
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams ---- ROW / Lot Line ---- Building Setback Line ■ Encroachment

Table 23-4D-2100(D) Height

(1) All Buildings		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I

Table 23-4D-2100(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

Table 23-4D-2100(E) Encroachments (continued)

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

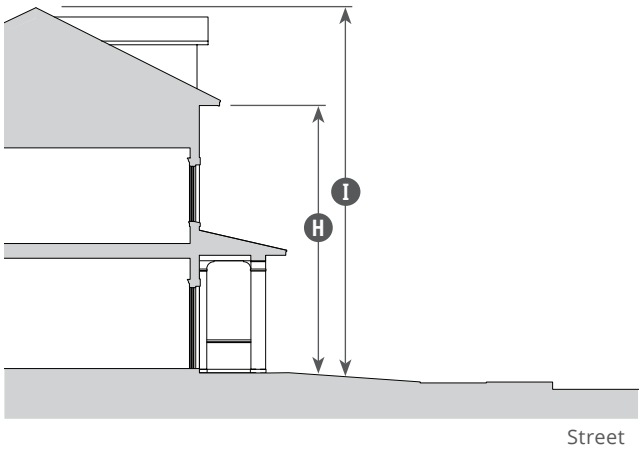
(a) Height Encroachment Type	Encroachment Height above Top Plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

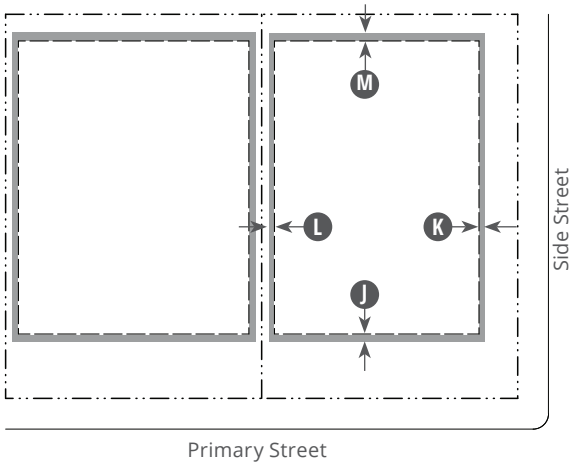
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-2100(D) Height		
(1) All Buildings		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I

Table 23-4D-2100(E) Encroachments				
(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

Table 23-4D-2100(E) Encroachments (continued)

(2) Height Encroachment

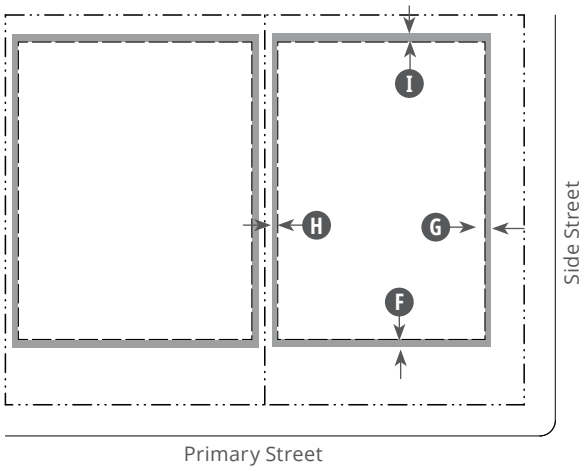
The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above Top Plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

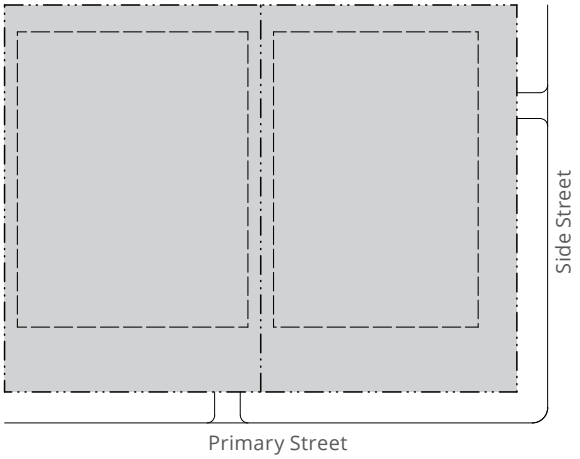
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2110(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2110(E) Parking

(1) Parking Requirements

See Section 23-4D-2040 (Parking Requirements) for standards.

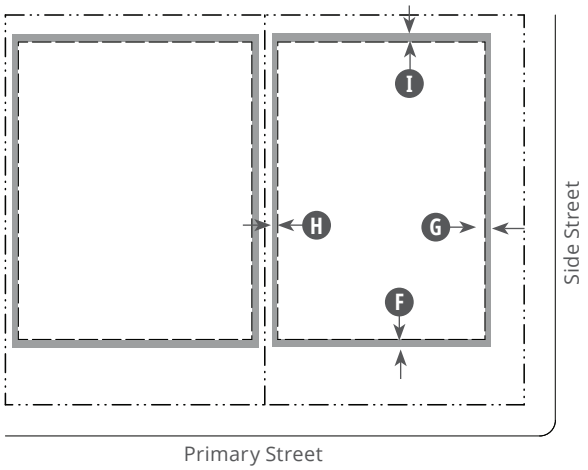
(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

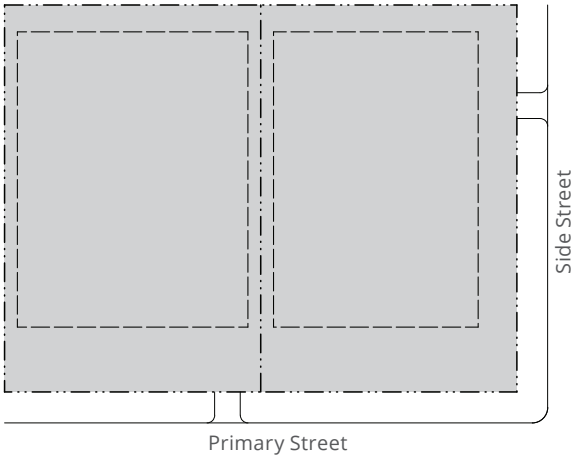
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2110(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2110(E) Parking

(1) Parking Requirements

See Section 23-4D-2040 (Parking Requirements) for standards.

(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-2120(A) Lot Size and Intensity

	Lot			Building
	Principal Dwelling Units per Lot (max.)			Size (max.)
Allowed Use	Base Standard	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:
Single-Family	1	45'	5,000 sf	0.4 FAR or 2,300 sf
Single-Family Attached	1	25'	2,500 sf	0.4 FAR or 1,150 sf
Duplex	2	45'	5,000 sf	0.4 FAR or 2,300 sf
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 2.

Accessory Dwelling Unit allowed with Single-Family and Single-Family Attached uses only.

Accessory Dwelling Unit size counts towards the principal use's FAR limit.

Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-2120(A) Lot Size and Intensity

	Lot			Building
	Principal Dwelling Units per Lot (max.)			Size (max.)
Allowed Use	Base Standard	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:
Single-Family	1	45'	5,000 sf	0.4 FAR or 2,300 sf
Single-Family Attached	1	25'	2,500 sf	0.4 FAR or 1,150 sf
Duplex	2	45'	5,000 sf	0.4 FAR or 2,300 sf
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 2.

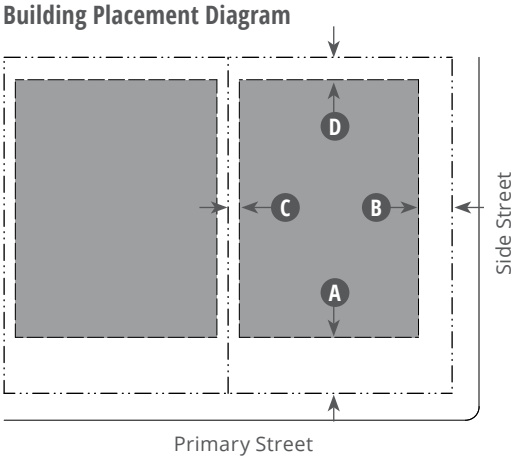
Accessory Dwelling Unit allowed with Single-Family and Single-Family Attached uses only.

Accessory Dwelling Unit size counts towards the principal use's FAR limit.

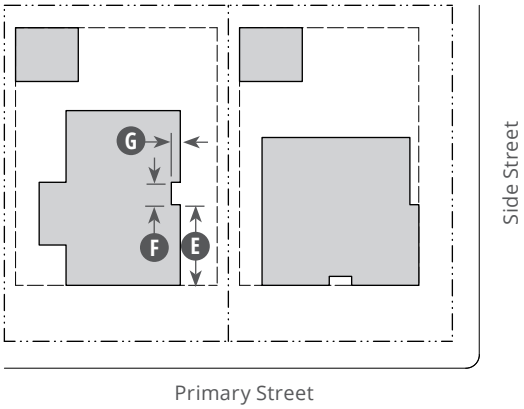
Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Placement Diagram



Building Form Diagram



Key for Diagrams ROW / Lot Line | Building Setback Line | Building Footprint | Buildable Area

Table 23-4D-2120(B) Building Placement

(1) Setback (Distance from ROW / Lot Line)	Front A	Side St. B	Side C	Rear D
Minimum	25'	15'	5'	10'

[1] Front and side street setback exceptions are provided in Section 23-4E-7070 (Setback Exceptions).

[2] The rear setback is five feet for an accessory structure with a maximum height of fifteen feet.

(2) Additional Setbacks

(a) Additional setback and/or easement may be required where street right-of-way, public easement, or utilities easement is required.

Table 23-4D-2120(C) Building Form

(1) Building Articulation New Construction

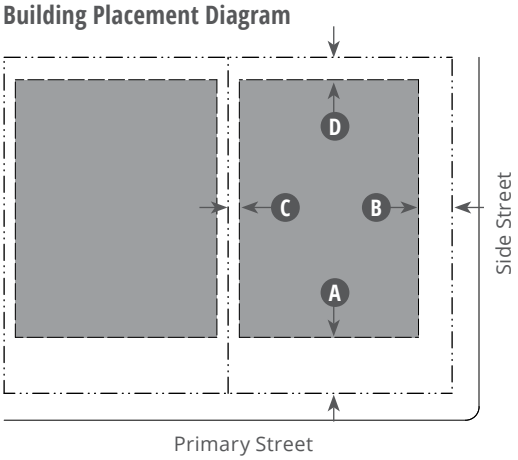
Articulation is required for side walls on additions or new construction that are 15 feet or taller and located within 9 feet of the side lot line.

(2) Facade(s), All Stories

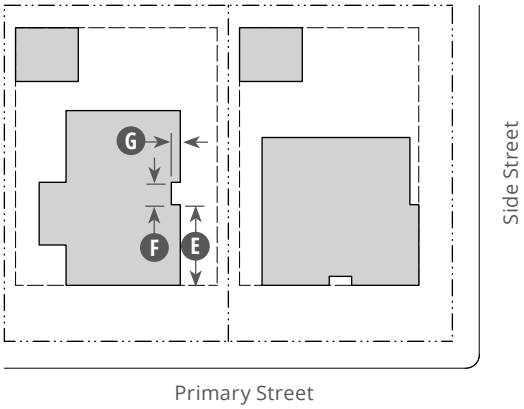
Facade length without articulation (max.)	36'	E
Articulation Length (min.)	4'	F
Articulation Depth (min.)	10'	G

Addendum Change

Building Placement Diagram



Building Form Diagram



Key for Diagrams ROW / Lot Line | Building Setback Line | Building Footprint | Buildable Area

Table 23-4D-2120(B) Building Placement

(1) Setback (Distance from ROW / Lot Line)	Front A	Side St. B	Side C	Rear D
Minimum	25'	15'	5'	10'

[1] Front and side street setback exceptions are provided in Section 23-4E-7070 (Setback Exceptions).

[2] The rear setback is five feet for an accessory structure with a maximum height of fifteen feet.

(2) Additional Setbacks

(a) Additional setback and/or easement may be required where street right-of-way, public easement, or utilities easement is required.

Table 23-4D-2120(C) Building Form

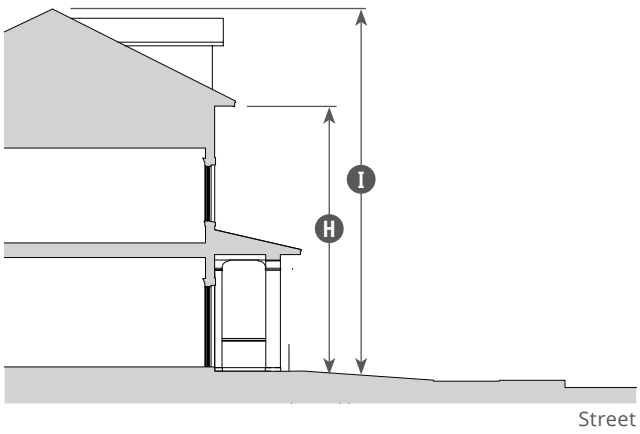
(1) Building Articulation New Construction

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.

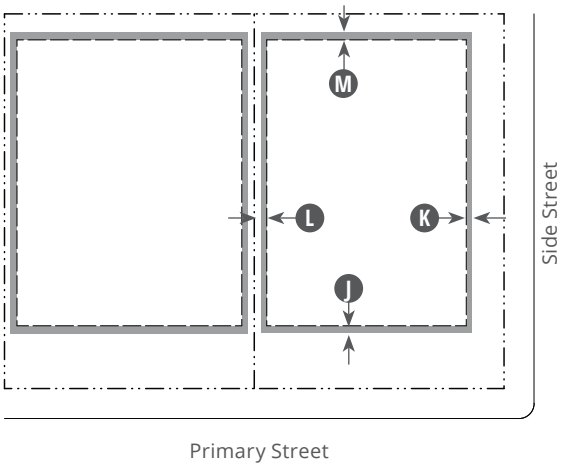
(2) Facade(s), All Stories

Facade length without articulation (max.)	36'	E
Articulation Length (min.)	10'	F
Articulation Depth (min.)	4'	G

Building Height Diagram



Encroachments Diagram



Key for Diagrams ---- ROW / Lot Line --- Building Setback Line ■ Encroachment

Table 23-4D-2120(D) Height		
(1) All Buildings		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I

Table 23-4D-2120(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

Table 23-4D-2120(E) Encroachments (continued)

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

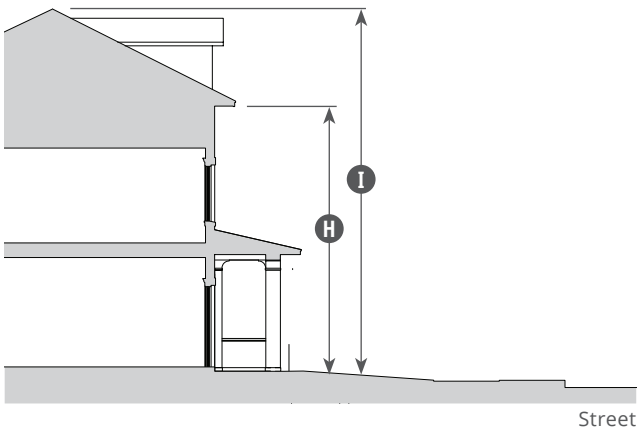
(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

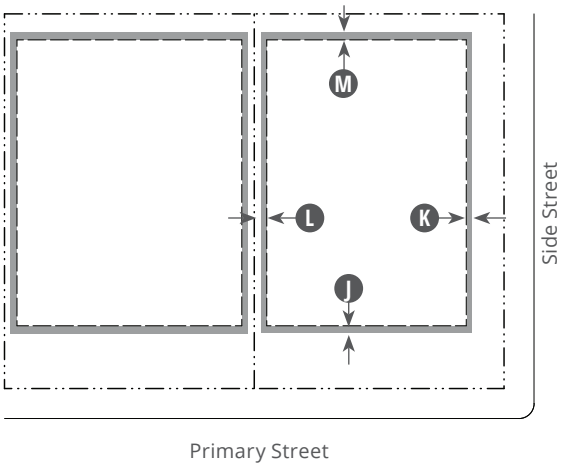
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-2120(D) Height		
(1) All Buildings		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I

Table 23-4D-2120(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

Table 23-4D-2120(E) Encroachments (continued)

(2) Height Encroachment

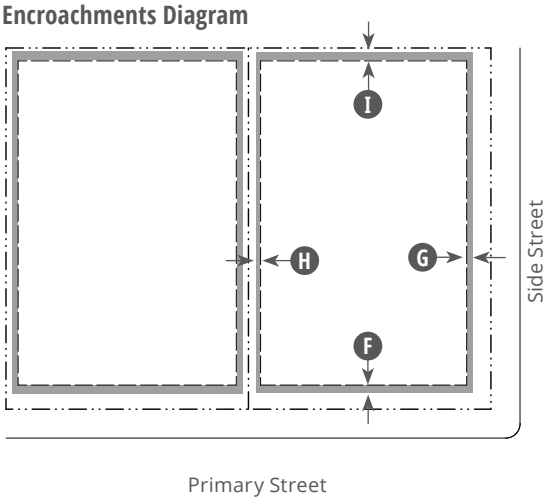
The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

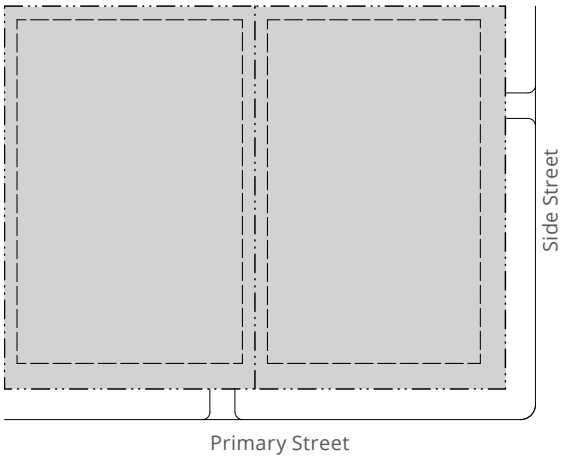
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2130(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	13'	8'	1.5'	3'
Pool	—	8'	1.5'	3'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2130(E) Parking

(1) Parking Requirements

See Section 23-4D-2040 (Parking Requirements) for standards.

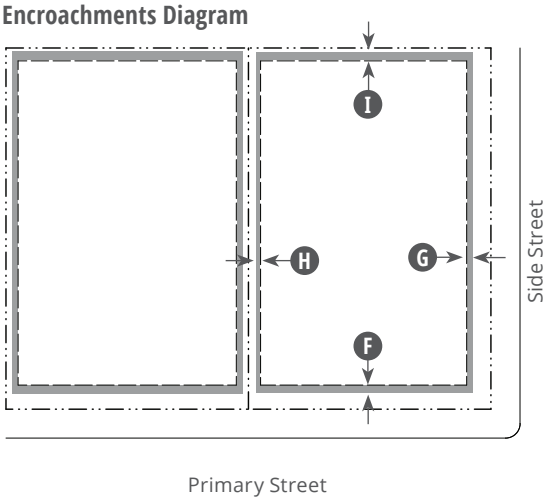
(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

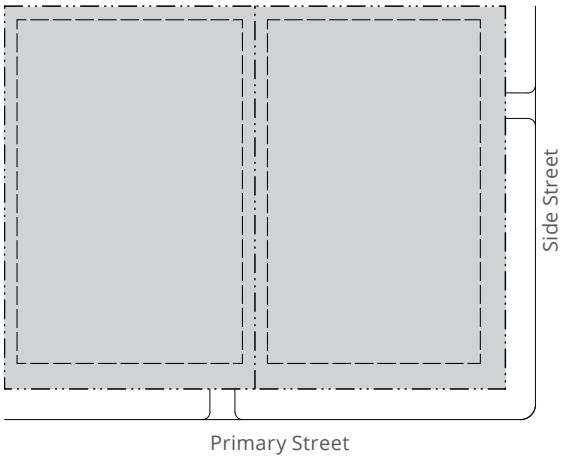
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2130(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	13'	8'	1.5'	3'
Pool	—	8'	1.5'	3'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment aggreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2130(E) Parking

(1) Parking Requirements

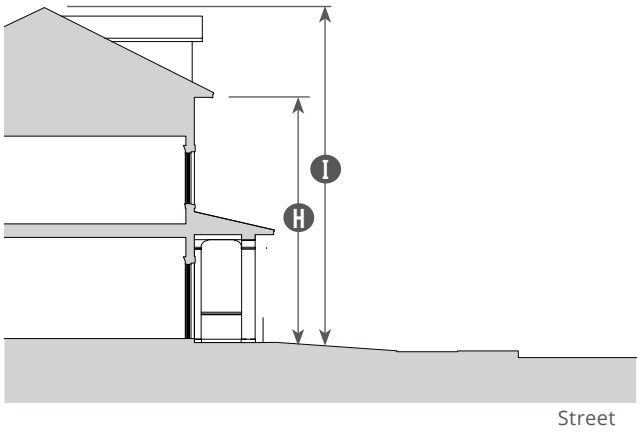
See Section 23-4D-2040 (Parking Requirements) for standards.

(2) Parking Setbacks (Distance from ROW / Lot Line)

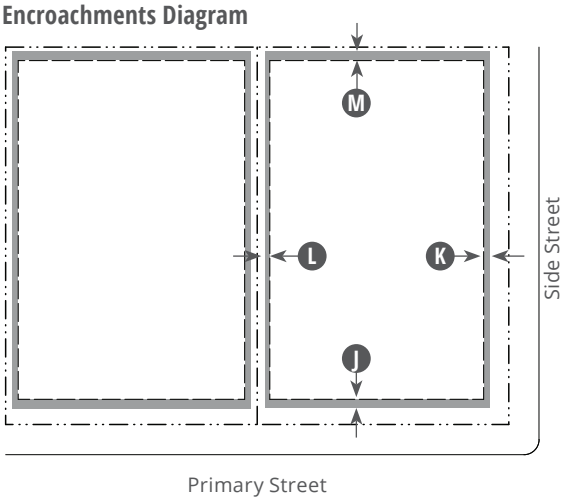
No parking setbacks are required in this zone.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-2140(D) Height

(1) All Buildings		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I

Table 23-4D-2140(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps[2]	8'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

Table 23-4D-2140(E) Encroachments (continued)

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

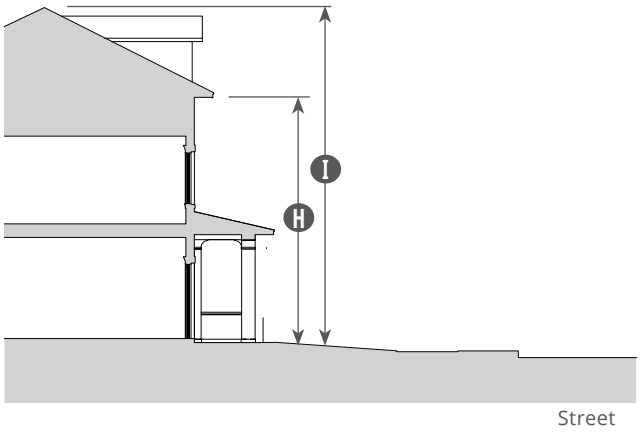
(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

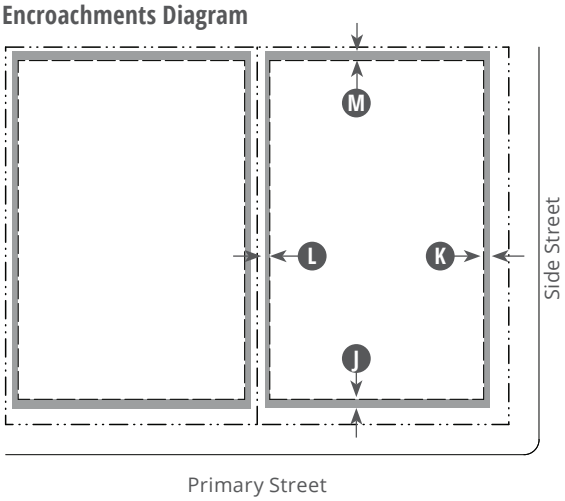
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-2140(D) Height		
(1) All Buildings		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I

Table 23-4D-2140(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps[2]	8'	8'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

Table 23-4D-2140(E) Encroachments (continued)

(2) Height Encroachment

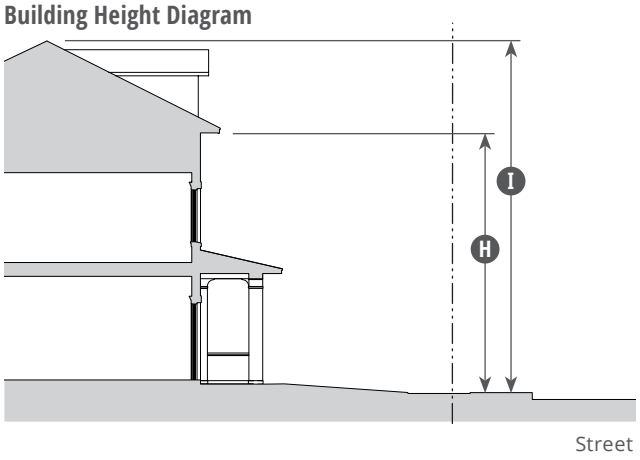
The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

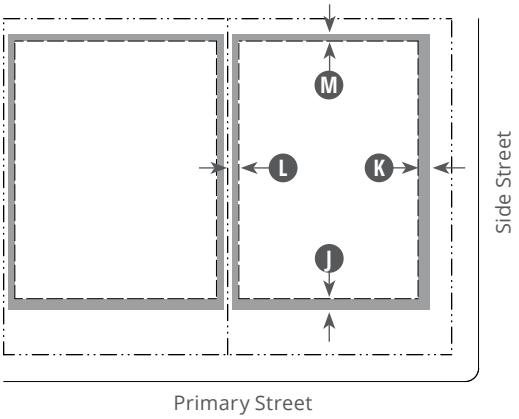
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-2150(D) Height		
(1) Primary and Accessory Buildings		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-2150(E) Encroachments				
(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Private Frontage	5'	5'	—	—
Steps and/or ramps to Building Entrance	5'	5'	— [1]	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [2]	—	5'	—	—
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

Table 23-4D-2150(E) Encroachments (continued)

[1] Where side setback is 10' or more, a 5' max. encroachment is allowed.

[2] 3' max. above ground.

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

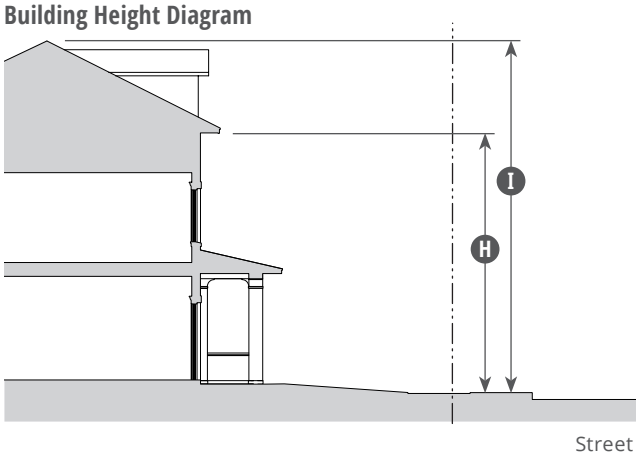
(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

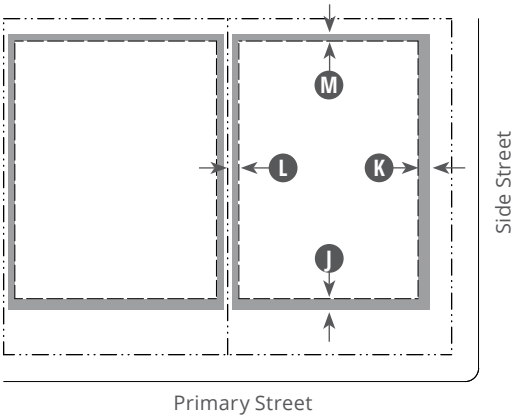
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-2150(D) Height		
(1) Primary and Accessory Buildings		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-2150(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Private Frontage	5'	5'	—	—
Steps and/or ramps to Building Entrance	5'	5'	— [1]	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [2]	—	5'	—	—
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

Table 23-4D-2150(E) Encroachments (continued)

[1] Where side setback is 10' or more, a 5' max. encroachment is allowed.

[2] 3' max. above ground.

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-2160(A) Lot Size and Intensity

Allowed Use	Lot: Principal Dwelling Units per Lot (max.) Base Standard	Lot: Width (min.)	Lot: Area (min.)
Single-Family	1	45'	5,000 sf
Single-Family Attached	1	25'	2,500 sf
Duplex	2	45'	5,000 sf
Other Allowed Uses	—	45'	5,000 sf

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 3.

Accessory Dwelling Unit size counts towards the principal use's FAR limit.

Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-2160(A) Lot Size and Intensity

Allowed Use	Lot: Principal Dwelling Units per Lot (max.) Base Standard	Lot: Width (min.)	Lot: Area (min.)
Single-Family	1	45'	5,000 sf
Single-Family Attached	1	25'	2,500 sf
Duplex	2	45'	5,000 sf
Other Allowed Uses	—	45'	5,000 sf

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

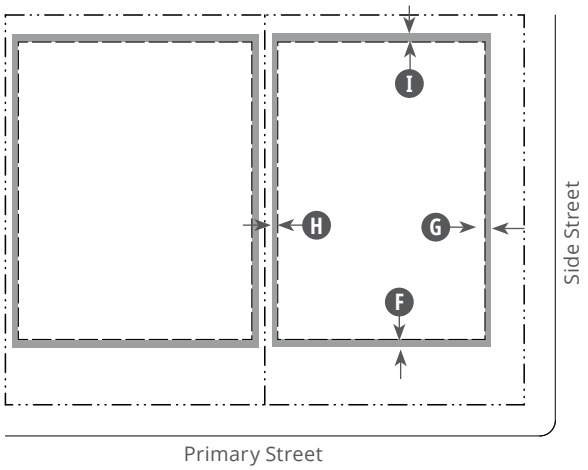
Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 3.

Accessory Dwelling Unit size counts towards the principal use's FAR limit.

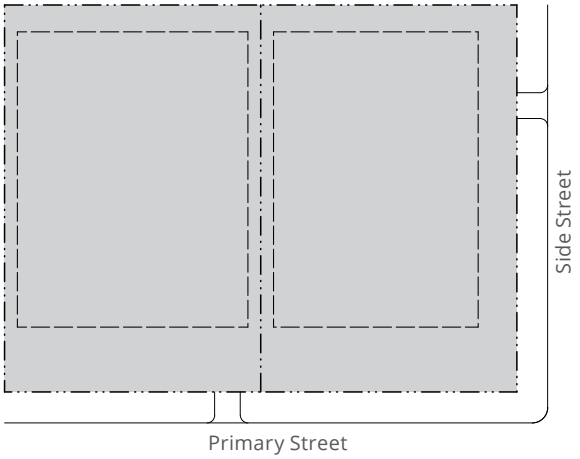
Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2160(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2160(E) Parking

See Section 23-4D-2040 (Parking Requirements) for standards.

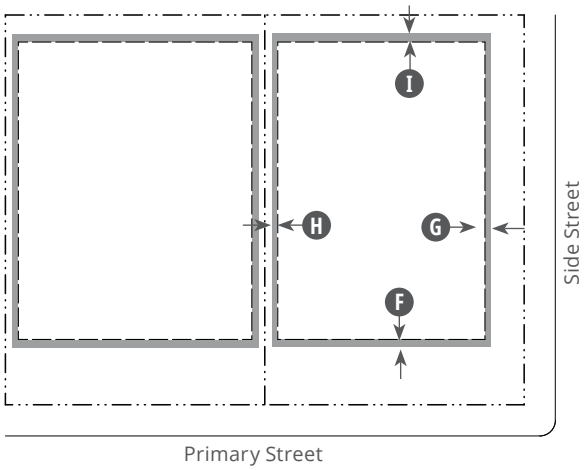
(1) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

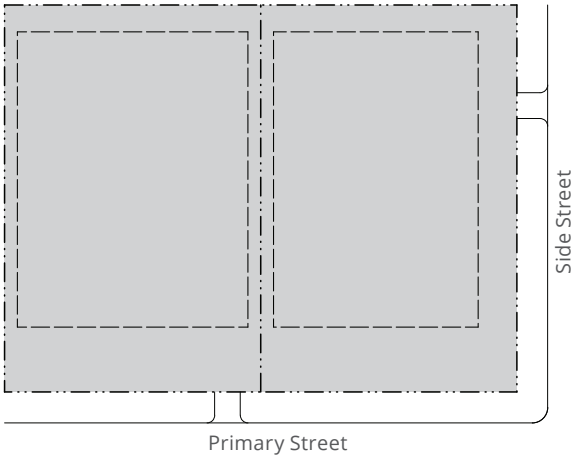
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-2160(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2160(E) Parking

See Section 23-4D-2040 (Parking Requirements) for standards.

(1) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-2170(A) Lot Size and Intensity

	Lot			Building
	Principal Dwelling Units per Lot (max.)			Size (max.)
Allowed Use	Base Standard	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:
Single-Family	1	40'	5,000 sf	0.4 FAR or 2,300 sf
Single-Family Attached	1	25'	2,500 sf	0.4 FAR or 1,150 sf
Duplex	2	45'	5,000 sf	0.4 FAR or 2,300 sf
Cottage Court	3	50'	5,000 sf	0.6 FAR
Cottage Court	6	100'	10,000 sf	0.6 FAR
Other Allowed Uses	—	40'	5,000 sf	0.4 FAR

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 3.

Accessory Dwelling Unit size counts towards the principal use's FAR limit.

Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-2170(A) Lot Size and Intensity

	Lot			Building
	Principal Dwelling Units per Lot (max.)			Size (max.)
Allowed Use	Base Standard	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:
Single-Family	1	40'	5,000 sf	0.4 FAR or 2,300 sf
Single-Family Attached	1	25'	2,500 sf	0.4 FAR or 1,150 sf
Duplex	2	45'	5,000 sf	0.4 FAR or 2,300 sf
Cottage Court	3	50'	5,000 sf	0.6 FAR
Cottage Court	6	100'	10,000 sf	0.6 FAR
Other Allowed Uses	—	40'	5,000 sf	0.4 FAR

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

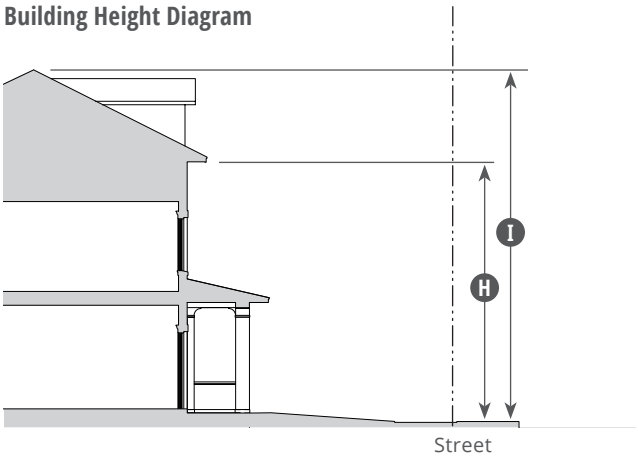
Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 3.

Accessory Dwelling Unit size counts towards the principal use's FAR limit.

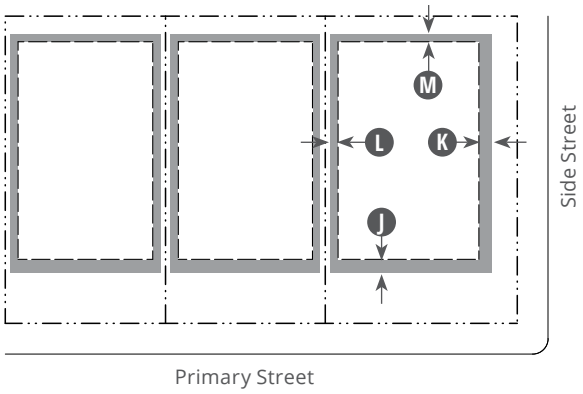
Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-2170(D) Height

(1) Primary and Accessory Building		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-2170(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Private Frontage	5'	5'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] 3' max above ground.

Table 23-4D-2170(E) Encroachments (continued)

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	(1) 11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2170(F) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Porch: Projecting	A	A	23-4E-1040
Porch: Engaged	A	A	23-4E-1050
Stoop	—	A	23-4E-1060

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

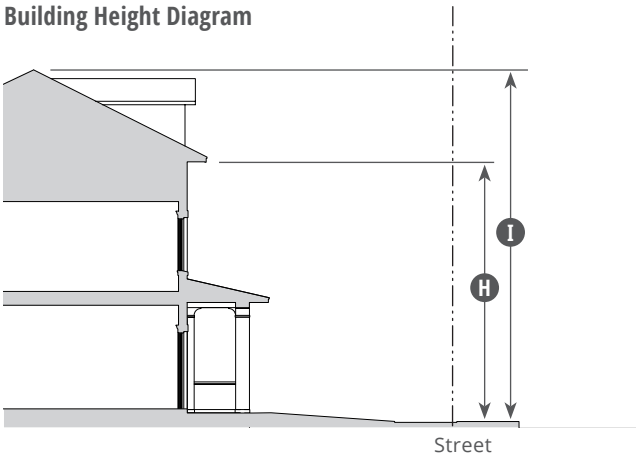
(2) Pedestrian Access

All units must have pedestrian access from the primary street, or for corner lots, from the primary street or side street.

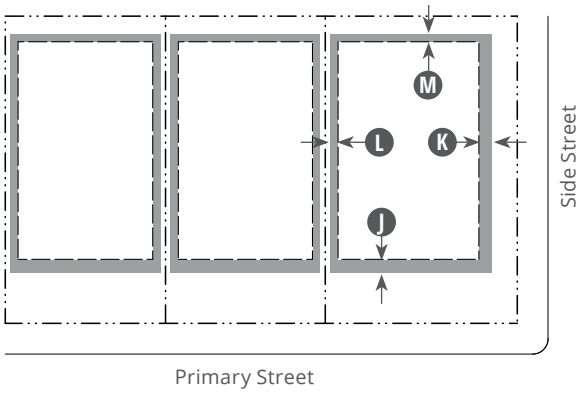
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-2170(D) Height

(1) Primary and Accessory Building		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-2170(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Private Frontage	5'	5'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] 3' max above ground.

Table 23-4D-2170(E) Encroachments (continued)

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2170(F) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Porch: Projecting	A	A	23-4E-1040
Porch: Engaged	A	A	23-4E-1050
Stoop	—	A	23-4E-1060

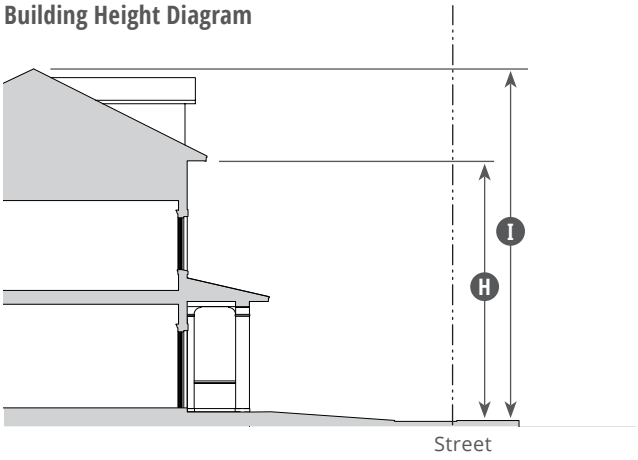
For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

(2) Pedestrian Access

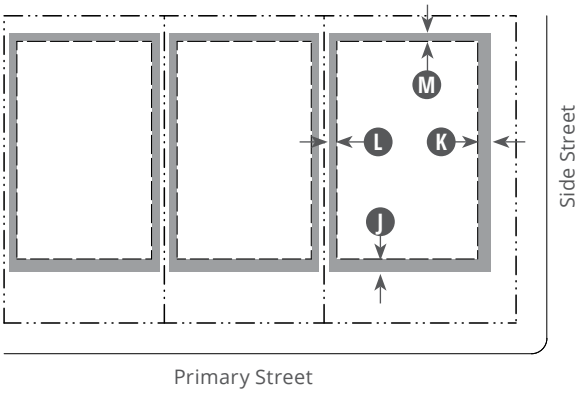
All units must have pedestrian access from the primary street, or for corner lots, from the primary street or side street.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-2180(D) Height		
(1) Primary and Accessory Building		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-2180(E) Encroachments				
(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Private Frontage	5'	5'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Fountain	13'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

Table 23-4D-2180(E) Encroachments (continued)

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above Top Plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2180(F) Frontages			
(1) Private Frontage Type	Front	Side St.	Standards
Porch: Projecting	A	A	23-4E-1040
Porch: Engaged	A	A	23-4E-1050
Stoop	—	A	23-4E-1060

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

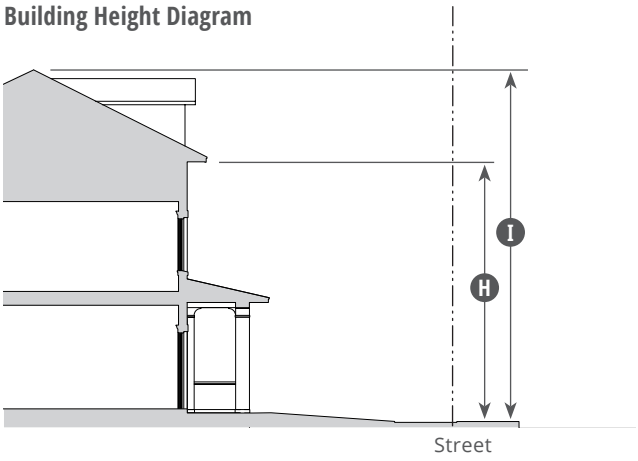
(2) Pedestrian Access

All units must have pedestrian access from the primary street, or for corner lots, from the primary street or side street.

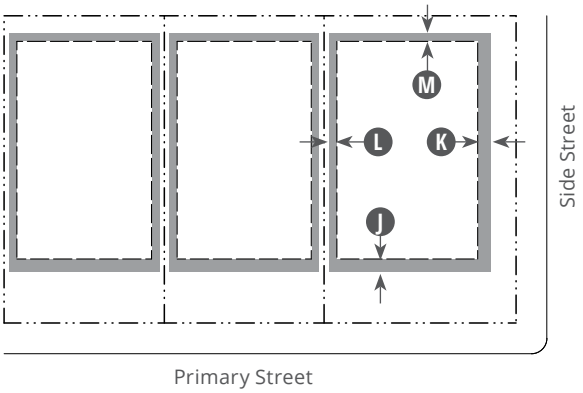
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-2180(D) Height		
(1) Primary and Accessory Building		
To Top Plate (max.)	22'	H
Overall (max.)	32'	I
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-2180(E) Encroachments				
(1) Encroachment Type	**Front (max.) J**	**Side St. (max.) K**	**Side (max.) L**	**Rear (max.) M**
Private Frontage	5'	5'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Fountain	13'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

Table 23-4D-2180(E) Encroachments (continued)

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above Top Plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2180(F) Frontages			
(1) Private Frontage Type	**Front**	**Side St.**	**Standards**
Porch: Projecting	A	A	23-4E-1040
Porch: Engaged	A	A	23-4E-1050
Stoop	—	A	23-4E-1060

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

(2) Pedestrian Access

All units must have pedestrian access from the primary street, or for corner lots, from the primary street or side street.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-2190(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units per Lot (max.)				Size (max.)	
Allowed Use	Base Standard	AHBP Bonus [1]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [1]
Single-Family	1	+0	35'	3,500 sf	0.4 FAR or 2,300 sf	+0 FAR
Single-Family Attached	1	+0	25'	2,000 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	2	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	4	+4	45'	6,000 sf	0.6 FAR	+0.2 FAR
Cottage Court	3	+0	50'	5,000 sf	0.6 FAR	+0 FAR
Cottage Court	6	+0	100'	10,000 sf	0.6 FAR	+0 FAR
Townhouse	1	+0	18'	1,800 sf	0.4 FAR or 1,500 sf	+0 FAR
Other Allowed Uses	—	+0	35'	3,500 sf	0.4 FAR	+0 FAR

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 4.

Accessory Dwelling Unit size counts towards the principal use's FAR limit.

Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-2190(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units per Lot (max.)				Size (max.)	
Allowed Use	Base Standard	AHBP Bonus [1]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [1]
Single-Family	1	+0	35'	3,500 sf	0.4 FAR or 2,300 sf	+0 FAR
Single-Family Attached	1	+0	25'	2,000 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	2	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	4	+4	45'	6,000 sf	0.6 FAR	+0.2 FAR
Cottage Court	3	+0	50'	5,000 sf	0.6 FAR	+0 FAR
Cottage Court	6	+0	100'	10,000 sf	0.6 FAR	+0 FAR
Other Allowed Uses	—	+0	35'	3,500 sf	0.4 FAR	+0 FAR

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 4.

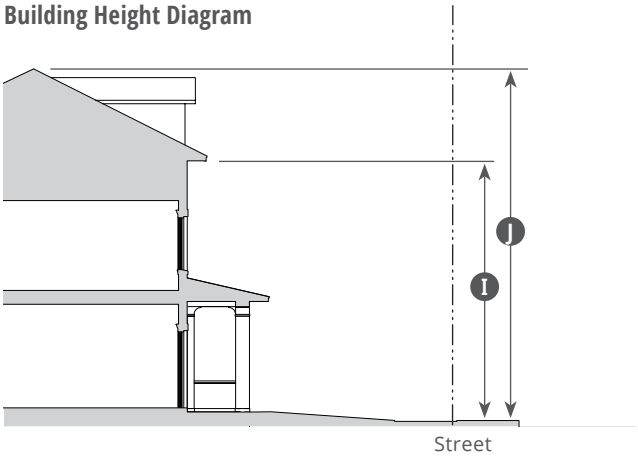
Accessory Dwelling Unit size counts towards the principal use's FAR limit.

Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

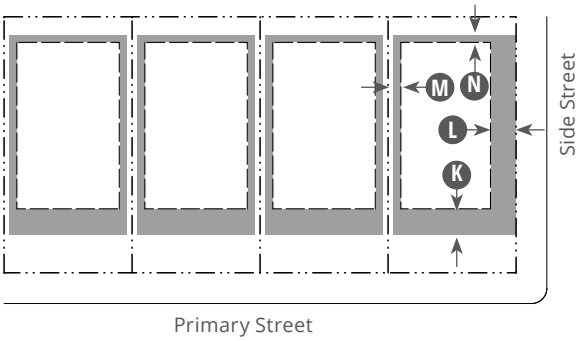
[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-2190(D) Height

(1) Primary and Accessory Building		
To Top Plate (max.)	22'	I
Overall (max.)	32'	J
(3) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-2190(E) Encroachments

(1) Encroachment Type	Front (max.) K	Side St. (max.) L	Side (max.) M	Rear (max.) N
Private Frontage	10'	10'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

Table 23-4D-2190(E) Encroachments (continued)

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2190(F) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Porch: Projecting	A	A	23-4E-1040
Porch: Engaged	A	A	23-4E-1050
Stoop	A	A	23-4E-1060

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

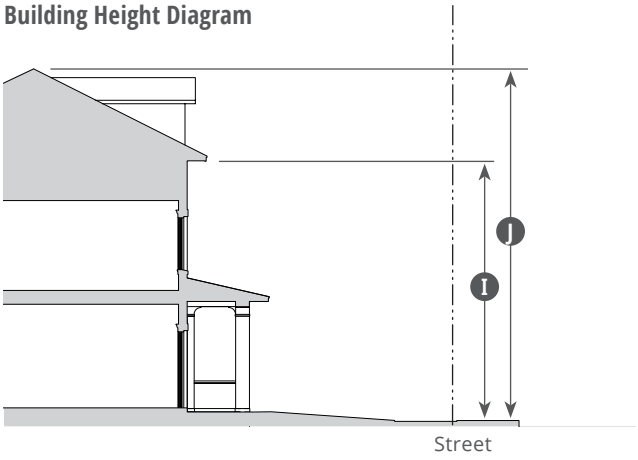
(2) Pedestrian Access

All units must have pedestrian access from the primary street, or for corner lots, from the primary street or side street.

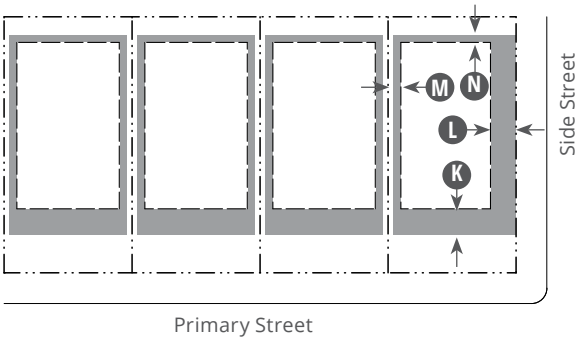
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-2190(D) Height		
(1) Primary and Accessory Building		
To Top Plate (max.)	22'	I
Overall (max.)	32'	J
(3) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-2190(E) Encroachments				
(1) Encroachment Type	Front (max.) K	Side St. (max.) L	Side (max.) M	Rear (max.) N
Private Frontage	10'	10'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

Table 23-4D-2190(E) Encroachments (continued)

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2190(F) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Porch: Projecting	A	A	23-4E-1040
Porch: Engaged	A	A	23-4E-1050
Stoop	A	A	23-4E-1060

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

(2) Pedestrian Access

All units must have pedestrian access from the primary street, or for corner lots, from the primary street or side street.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-2200(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units per Lot (max.)				Size (max.)	
Allowed Use	Base Standard	AHBP Bonus [1]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [1]
Single-Family	1	+0	35'	3,500 sf	0.4 FAR or 2,300 sf	+0 FAR
Single-Family Attached	1	+0	25'	2,000 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	2	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	4	+4	45'	6,000 sf	0.6 FAR	+0.2 FAR
Cottage Court	3	+0	50'	5,000 sf	0.6 FAR	+0 FAR
Cottage Court	6	+0	100'	10,000 sf	0.6 FAR	+0 FAR
Townhouse	1	+0	18'	1,800 sf	0.4 FAR or 1,500 sf	+0 FAR
Other Allowed Uses	—	+0	35'	3,500 sf	0.4 FAR	+0 FAR

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 4.

Accessory Dwelling Unit size counts towards the principal use's FAR limit.

Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-2200(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units per Lot (max.)				Size (max.)	
Allowed Use	Base Standard	AHBP Bonus [1]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [1]
Single-Family	1	+0	35'	3,500 sf	0.4 FAR or 2,300 sf	+0 FAR
Single-Family Attached	1	+0	25'	2,000 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	2	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	4	+4	45'	6,000 sf	0.6 FAR	+0.2 FAR
Cottage Court	3	+0	50'	5,000 sf	0.6 FAR	+0 FAR
Cottage Court	6	+0	100'	10,000 sf	0.6 FAR	+0 FAR
Other Allowed Uses	—	+0	35'	3,500 sf	0.4 FAR	+0 FAR

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 4.

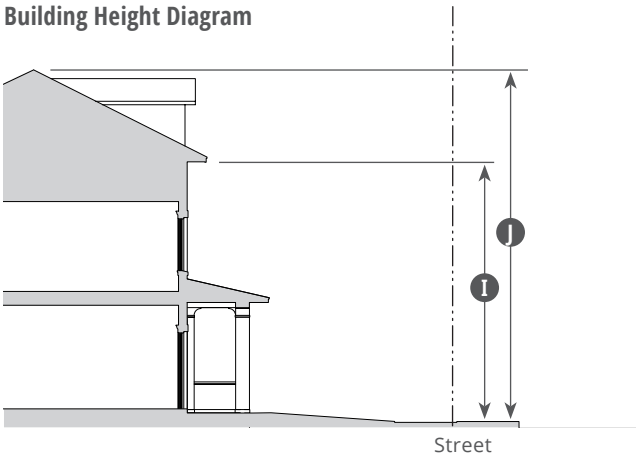
Accessory Dwelling Unit size counts towards the principal use's FAR limit.

Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

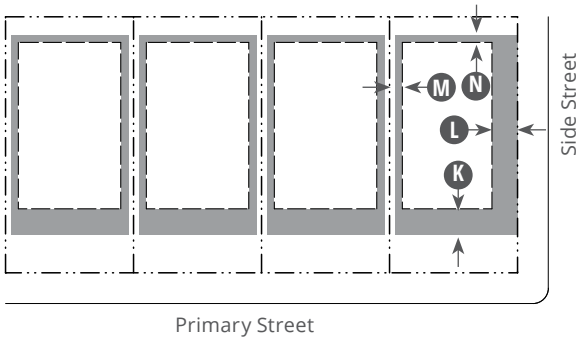
[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-2200(D) Height

(1) Primary and Accessory Building	Base Standard	AHBP Bonus [1]	
To Top Plate (max.)	22'	+0	I
Overall (max.)	32'	+0	J
(2) Accessory Structure			
Overall (max.)	12'		

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Table 23-4D-2200(E) Encroachments

(1) Encroachment Type	Front (max.) K	Side St. (max.) L	Side (max.) M	Rear (max.) N
Private Frontage	10'	10'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [2]	—	5'	—	—
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

Table 23-4D-2200(E) Encroachments (continued)

[2] 3' max above ground.

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2200(F) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Porch: Projecting	A	A	23-4E-1040
Porch: Engaged	A	A	23-4E-1050
Stoop	A	A	23-4E-1060

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

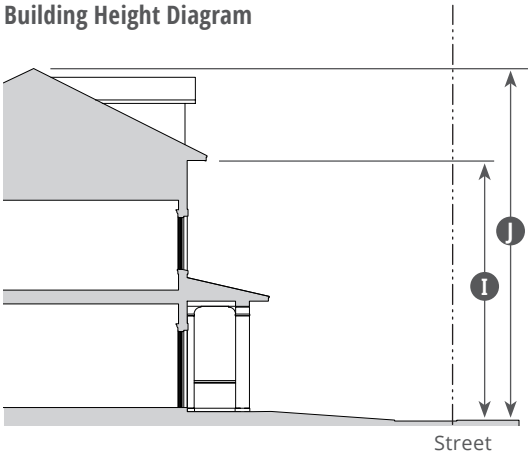
(2) Pedestrian Access

All units must have pedestrian access from the primary street, or for corner lots, from the primary street or side street.

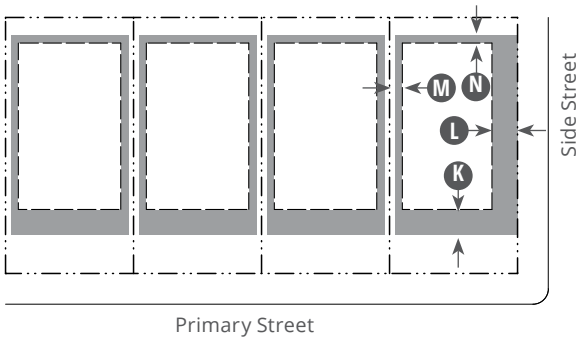
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-2200(D) Height

(1) Primary and Accessory Building	Base Standard	AHBP Bonus [1]	
To Top Plate (max.)	22'	+0	I
Overall (max.)	32'	+0	J
(2) Accessory Structure			
Overall (max.)	12'		

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Table 23-4D-2200(E) Encroachments

(1) Encroachment Type	Front (max.) K	Side St. (max.) L	Side (max.) M	Rear (max.) N
Private Frontage	10'	10'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [2]	—	5'	—	—
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

Table 23-4D-2200(E) Encroachments (continued)

[2] 3' max above ground.

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2200(F) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Porch: Projecting	A	A	23-4E-1040
Porch: Engaged	A	A	23-4E-1050
Stoop	A	A	23-4E-1060

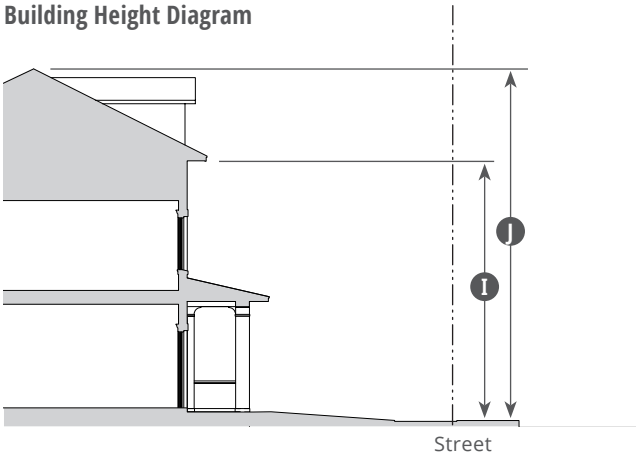
For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

(2) Pedestrian Access

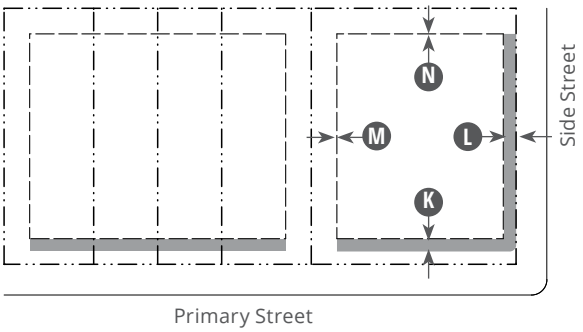
All units must have pedestrian access from the primary street, or for corner lots, from the primary street or side street.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams ---- ROW / Lot Line ---- Building Setback Line ■ Encroachment

Table 23-4D-2210(D) Height

(1) Primary and Accessory Building	Base Standard	AHBP Bonus [1]	
To Top Plate (max.)	22'	+0	I
Overall (max.)	32'	+0	J
(2) Accessory Structure			
Overall (max.)	12'		

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Table 23-4D-2210(E) Encroachments

(1) Encroachment Type	Front (max.) K	Side St. (max.) L	Side (max.) M	Rear (max.) N
Private Frontage	10'	10'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [2]	—	5'	—	—
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

Table 23-4D-2210(E) Encroachments (continued)

[2] 3' max above ground.

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2210(F) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Porch: Projecting	A	A	23-4E-1040
Porch: Engaged	A	A	23-4E-1050
Stoop	A	A	23-4E-1060

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

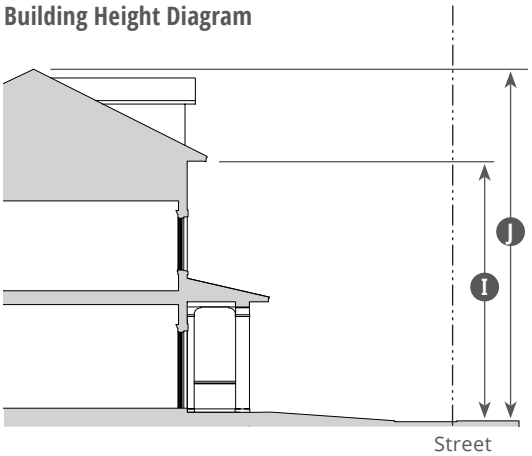
(2) Pedestrian Access

All units must have pedestrian access from the primary street, or for corner lots, from the primary street or side street.

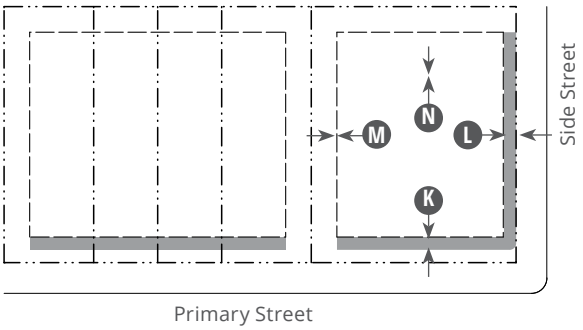
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-2210(D) Height

(1) Primary and Accessory Building	Base Standard	AHBP Bonus [1]	
To Top Plate (max.)	22'	+0	I
Overall (max.)	32'	+0	J
(2) Accessory Structure			
Overall (max.)	12'		

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Table 23-4D-2210(E) Encroachments

(1) Encroachment Type	Front (max.) K	Side St. (max.) L	Side (max.) M	Rear (max.) N
Private Frontage	10'	10'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [2]	—	5'	—	—
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

Table 23-4D-2210(E) Encroachments (continued)

[2] 3' max above ground.

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-2210(F) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Porch: Projecting	A	A	23-4E-1040
Porch: Engaged	A	A	23-4E-1050
Stoop	A	A	23-4E-1060

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

(2) Pedestrian Access

All units must have pedestrian access from the primary street, or for corner lots, from the primary street or side street.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

23-4D-3030 Allowed Land Uses and Permit Requirements

(A) **Allowed Land Uses.** Table (A) (Allowed Uses in Residential Multi-Unit Zones) establishes the land uses allowed in each residential multi-unit zone.

(B) **Permit Required.** If Table (A) (Allowed Uses in Residential Multi-Unit Zones) identifies a permit requirement for the land use, a person must obtain a permit before the use is allowed.

(C) **Additional Requirements.** A person shall comply with any additional requirements identified in Table (A) (Allowed Uses in Residential Multi-Unit Zones).

(D) **Uses Not Allowed.** If a land use is marked "N/A" or is not included in Table (A) (Allowed Uses in Residential Multi-Unit Zones), it is not allowed in a residential multi-unit zone.

Table 23-4D-3030(A) Allowed Uses in Residential Multi-Unit Zones RM1A–MH

Use Type	Specifc to Use Requirements	RM1A	RM1B	RM2A	RM2B	RM3A	RM4A	RM5A	MH
(1) Residential									
Accessory Dwelling Unit - Residential	23-4E-6030	P	P	P	P	P	P	P	P
Bed and Breakfast	23-4E-6090	P	P	P	CUP	P	CUP	P	—
Cooperative Housing		MUP	MUP	P	P	P	P	P	—
Group Residential		CUP	CUP	MUP	—	P	—	P	—
Home Occupations	23-4E-6200	P	P	P	P	P	P	P	P
Live/Work	23-4E-6210	P	P	P	P	P	P	P	—
Manufactured Home		—	—	—	—	—	—	—	P
Multi-Family	23-4E-6250	P	P	P	P	P	P	P	—
Senior/Retirement Housing									
≤12	23-4E-6330	P	P	P	P	P	P	P	—
>12	23-4E-6330	—	—	CUP	CUP	MUP	MUP	P	—
Single-Family		P	—	—	—	—	—	—	—
Single-Family Attached		P	P	—	—	—	—	—	—
Short-term Rental									
Types 1	23-4E-6340	P	P	P	P	P	P	P	P
Types 2	23-4E-6340	—	—	—	—	—	—	—	—
Types 3	23-4E-6340	P	P	P	P	P	P	P	P
Townhouse		P	P	P	P	P	P	P	—

Key for Table 23-4D-3030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

23-4D-3030 Allowed Land Uses and Permit Requirements

(A) **Allowed Land Uses.** Table (A) (Allowed Uses in Residential Multi-Unit Zones) establishes the land uses allowed in each residential multi-unit zone.

(B) **Permit Required.** If Table (A) (Allowed Uses in Residential Multi-Unit Zones) identifies a permit requirement for the land use, a person must obtain a permit before the use is allowed.

(C) **Additional Requirements.** A person shall comply with any additional requirements identified in Table (A) (Allowed Uses in Residential Multi-Unit Zones).

(D) **Uses Not Allowed.** If a land use is marked "N/A" or is not included in Table (A) (Allowed Uses in Residential Multi-Unit Zones), it is not allowed in a residential multi-unit zone.

Table 23-4D-3030(A) Allowed Uses in Residential Multi-Unit Zones RM1A–MH

Use Type	Specifc to Use Requirements	RM1A	RM1B	RM2A	RM2B	RM3A	RM4A	RM5A	MH
(1) Residential									
Accessory Dwelling Unit - Residential	23-4E-6030	P	P	P	P	P	P	P	—
Bed and Breakfast	23-4E-6090	P	P	P	CUP	P	CUP	P	—
Cooperative Housing		MUP	MUP	P	P	P	P	P	—
Duplex	23-4E-6170	P	P	—	—	—	—	—	—
Group Residential		CUP	CUP	MUP	—	P	—	P	—
Home Occupations	23-4E-6200	P	P	P	P	P	P	P	P
Live/Work	23-4E-6210	P	P	P	P	P	P	P	—
Manufactured Home		—	—	—	—	—	—	—	P
Multi-Family	23-4E-6250	P	P	P	P	P	P	P	—
Senior/Retirement Housing									
≤12	23-4E-6330	P	P	P	P	P	P	P	—
>12	23-4E-6330	—	—	CUP	CUP	MUP	MUP	P	—
Single-Family		P	—	—	—	—	—	—	—
Single-Family Attached		P	P	—	—	—	—	—	—
Short-term Rental									
Types 1	23-4E-6340	P	P	P	P	P	P	P	P
Types 2	23-4E-6340	—	—	—	—	—	—	—	—
Types 3	23-4E-6340	P	P	P	P	P	P	P	P
Townhouse		P	P	P	P	P	P	P	—

Key for Table 23-4D-3030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

23-4D-3040 Parking Requirements

(A) **Parking Required.** Required off street parking in the Residential Zones is provided in Table 23-4D-3040(A) (Parking Standards for Residential Zones).

(B) **Parking Reductions.** See Section 23-4E-3060 (Off-street Motor Vehicle Parking Adjustments) for standards for parking adjustment from Table A (Parking Standards for Residential Multi-Unit Zones).

(C) **Maximum Number of Parking Spaces.** Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the double the minimum number of parking spaces required. Maximum is calculated before any applicable parking reductions. Maximum does not apply to zones or land uses that require no off-street parking.

(D) **Parking Limitations.** Developments over 10,000 square feet in floor area or containing 25 or more residential units must not exceed the minimum number of parking spaces by more than 100 percent.

Table 23-4D-3040(A) Parking Standards for Residential Multi-Unit Zones

Use Type	Off-Street Parking Requirement
(1) Residential	
Accessory Dwelling Unit - Residential	none required
Home Occupations	none required
Other allowed residential uses	1 per unit
(2) Residential Support	
No residential support uses allowed	
(3) Services	
Hospital	1 per bed, plus 1 per 750 sf
Other allowed service uses	1 per 500 sf
(4) Office	
No office uses allowed	
(5) Civic and Public Assembly	
Government	1 per 500 sf
Library, Museum, or Public Art Gallery	1 per 500 sf
Meeting Facility (public or private)	1 per 500 sf
Other allowed civic and public assembly uses	As determined by Planning Director
(6) Restaurant and Bars	
No restaurant and bar uses allowed	
(7) Retail	
No retail uses allowed	Use not allowed in zones
(8) Entertainment and Recreation	
All allowed entertainment and recreation uses	1 per 100 sf

23-4D-3040 Parking Requirements

(A) **Parking Required.** Required off street parking in the Residential Zones is provided in Table 23-4D-3040(A) (Parking Standards for Residential Zones).

(B) **Parking Reductions.** See Section 23-4E-3060 (Off-street Motor Vehicle Parking Adjustments) for standards for parking adjustment from Table A (Parking Standards for Residential Multi-Unit Zones).

(C) **Maximum Number of Parking Spaces.** Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the double the minimum number of parking spaces required. Maximum is calculated before any applicable parking reductions. Maximum does not apply to zones or land uses that require no off-street parking.

(D) **Parking Limitations.** Developments over 10,000 square feet in floor area or containing 25 or more residential units must not exceed the minimum number of parking spaces by more than 100 percent.

Table 23-4D-3040(A) Parking Standards for Residential Multi-Unit Zones

Use Type	Off-Street Parking Requirement
(1) Residential	
Accessory Dwelling Unit - Residential	none required
Bed and Breakfast	1 plus 0.8 per bedroom
Cooperative Housing	1 plus 1 per every 4 bedrooms
Group Residential	1 plus 1 per every 3 bedrooms
Home Occupations	none required
Senior/ Retirement Housing	0.8 per unit
Other allowed residential uses	1 per unit
(2) Residential Support	
Residential Care Facility	0.8 per unit
Transitional and Supportive Housing	1 plus 1 per every 4 bedrooms
(3) Services	
Hospital	1 per every 4 beds, plus 1 per 500 sf
Medical Services	1 per 350 sf
Other allowed service uses	1 per 500 sf
(4) Office	
No office uses allowed	
(5) Civic and Public Assembly	
Government	1 per 500 sf
Library, Museum, or Public Art Gallery	1 per 500 sf
Meeting Facility (public or private)	1 per 500 sf
Other allowed civic and public assembly uses	As determined by the Director

Table 23-4D-3040(A) Parking Standards for Residential Multi-Unit Zones (continued)	
Use Type	**Off-Street Parking Requirement**
(9) Industrial	
No industrial uses allowed	Use not allowed in zones
(10) Agriculture	
Community Agriculture	≤ 5,750 sf none required, >5,750 sf As determined by Planning Director
(11) Automobile Related	
Parking Facility	None Required
(12) Innovation and Technology	
No innovation and technology uses allowed	Use not allowed in zones
(13) Other	
All allowed other uses	As determined by Planning Director

Addendum Change

Table 23-4D-3040(A) Parking Standards for Residential Multi-Unit Zones (continued)	
Use Type	**Off-Street Parking Requirement**
(6) Restaurant and Bars	
No restaurant and bar uses allowed	
(7) Retail	
No retail uses allowed	Use not allowed in zones
(8) Entertainment and Recreation	
Studio: art, dance, martial arts, music	1 per 500 sf
All other allowed entertainment and recreation uses	1 per 100 sf
(9) Industrial	
No industrial uses allowed	Use not allowed in zones
(10) Agriculture	
All allowed Agriculture uses	≤ 5,000 sf - None required, > 5,000 sf - As determined by Director
(11) Automobile Related	
Parking Facility	None Required
(12) Innovation and Technology	
No innovation and technology uses allowed	
(13) Other	
All allowed other uses	As determined by the Director

Table 23-4D-3050(A) Lot Size and Intensity

Allowed Use	Lot: Principal Dwelling Units per Acre (max.) Base Standard	AHBP Bonus [1]	Width (min.)	Area (min.)
Single-Family	1	+0	45'	5,000 sf
Single-Family Attached	1	+0	25'	2,500 sf
Duplex	2	+0	45'	5,000 sf
Live/Work	1	+0	25'	2,500 sf
Multi-Family	12	+18	50'	5,000 sf
Townhouse	18	+0	24'	2,400 sf
Live/Work	18	+0	24'	2,400 sf
Other Allowed Uses	—	+0	50'	5,000 sf

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and does not count towards Principal Dwelling Units per Lot limit.

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Table 23-4D-3050(A) Lot Size and Intensity

Allowed Use	Lot: Principal Dwelling Units per Acre (max.) Base Standard	AHBP Bonus [1]	Width (min.)	Area (min.)
Single-Family	12	+0	45'	3,500 sf
Single-Family Attached	18	+0	25'	2,500 sf
Duplex	18	+0	45'	5,000 sf
Live/Work	24	+0	25'	2,400 sf
Multi-Family	12	+18	50'	5,000 sf
Townhouse	18	+0	24'	2,400 sf
Live/Work	18	+0	24'	2,400 sf
Other Allowed Uses	—	+0	50'	5,000 sf

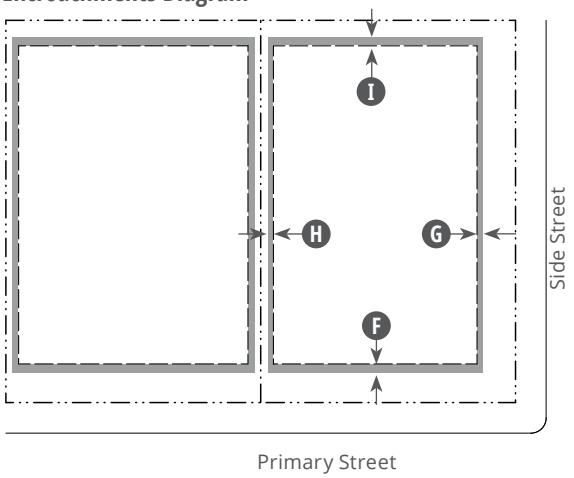
Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and does not count towards Principal Dwelling Units per Lot limit.

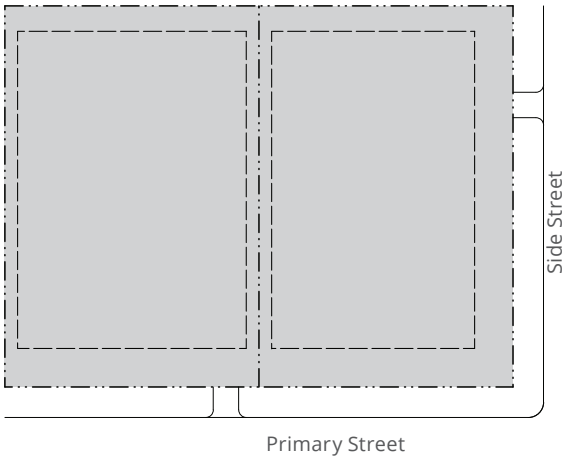
[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams ROW / Lot Line; Building Setback Line; Encroachment; Parking Area

Table 23-4D-3050(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-3050(E) Parking

(1) Parking Requirements

See Section 23-4D-3040 (Parking Requirements) for standards.

(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

Table 23-4D-3050(F) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover [3]		
Single-Family Use	45%	23-3D-3
Other Use	55%	23-3D-3
Building Cover	40%	

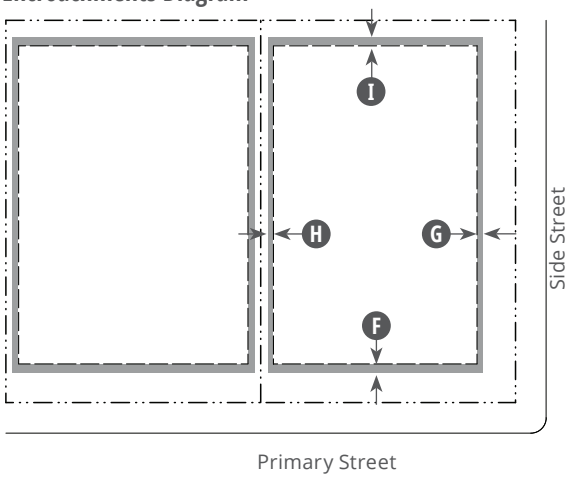
See Division 23-3D-3 (Impervious Cover) for additional standards.

[3] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the development must reduce the impervious cover to comply with other requirements of this Title.

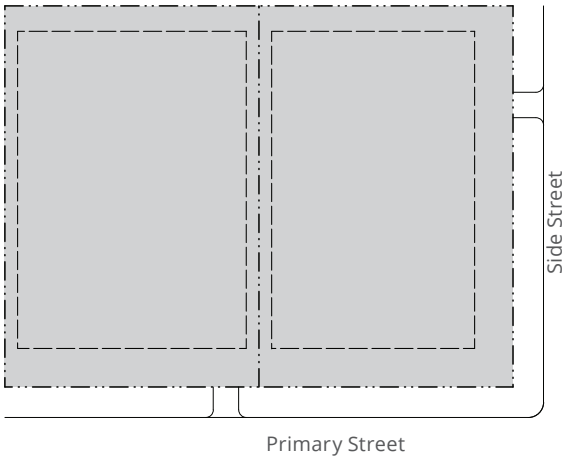
Key for Tables D—G A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-3050(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-3050(E) Parking

(1) Parking Requirements

See Section 23-4D-3040 (Parking Requirements) for standards.

(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

Table 23-4D-3050(F) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover [3]		
Single-Family Use	45%	23-3D-3
Other Use	55%	23-3D-3
Building Cover	40%	

See Division 23-3D-3 (Impervious Cover) for additional standards.

[3] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the development must reduce the impervious cover to comply with other requirements of this Title.

Key for Tables D—G A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-3060(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units per Acre (max.)				Size (max.)	
Allowed Use	Base Standard	AHBP Bonus [1]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [1]
Single-Family Attached	18	+0	25'	2,500 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	18	+0	45'	5,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Live/Work	24	+0	18'	1,800 sf	0.8 FAR	+0 FAR
Multi-Family	18	+28	50'	5,000 sf	0.8 FAR	+1.2 FAR
Townhouse [2]	18	+0	24'	2,400 sf	0.8 FAR	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	0.8 FAR	+0 FAR

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and does not count towards Principal Dwelling Units per Lot limit.

Accessory Dwelling Unit size counts towards the principal use's FAR limit.

Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

[2] Shall be built in a run with a minimum of 3 attached buildings.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-3060(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units per Acre (max.)				Size (max.)	
Allowed Use	Base Standard	AHBP Bonus [1]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [1]
Single-Family Attached	18	+0	25'	2,500 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	18	+0	45'	5,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Live/Work	24	+0	18'	2,400 sf	0.8 FAR	+0 FAR
Multi-Family	18	+28	50'	5,000 sf	0.8 FAR	+1.2 FAR
Townhouse [2]	18	+0	24'	2,400 sf	0.8 FAR	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	0.8 FAR	+0 FAR

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf

Only one Accessory Dwelling Unit may be built and does not count towards Principal Dwelling Units per Lot limit.

Accessory Dwelling Unit size counts towards the principal use's FAR limit.

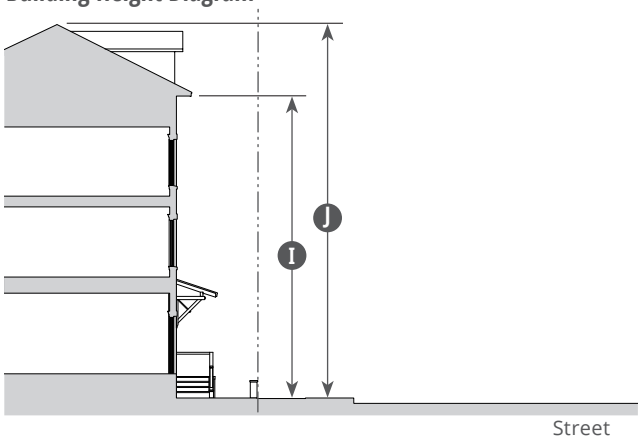
Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

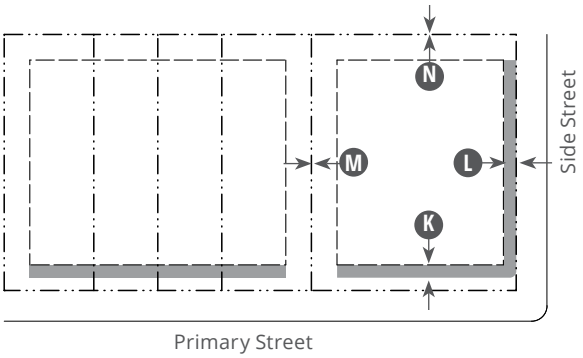
[2] Shall be built in a run with a minimum of 3 attached buildings.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams ---- ROW / Lot Line ---- Building Setback Line Encroachment

Table 23-4D-3060(D) Height		
(1) Primary and Accessory Building		
To Top Plate (max.)	35'	I
Overall (max.)	45'	J
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-3060(E) Encroachments				
(1) Encroachment Type	**Front (max.) K**	**Side St. (max.) L**	**Side (max.) M**	**Rear (max.) N**
Private Frontage	5'	5'	—	—
Architectural Features	3'	3'	—	—
Fountain	8	3'	8'	8'
Pool	—	3'	8'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

Table 23-4D-3060(E) Encroachments (continued)

(2) Height Encroachment

The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

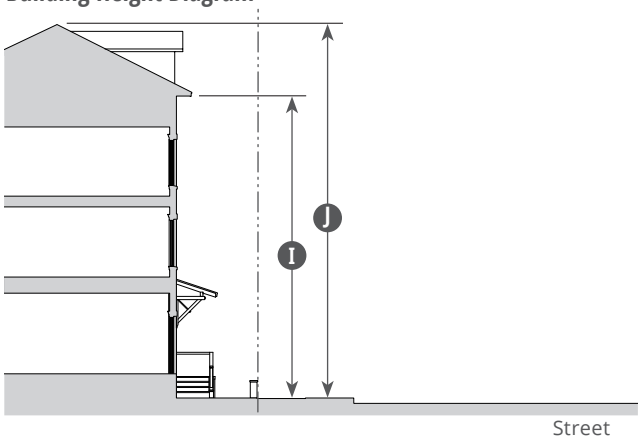
(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

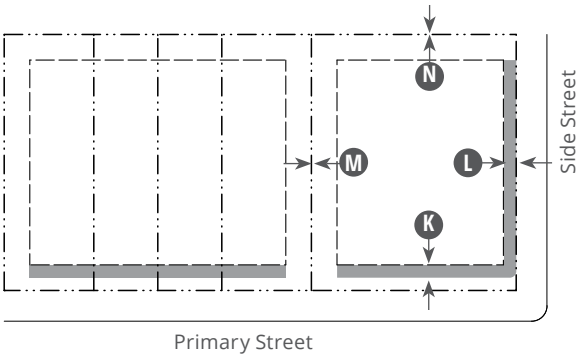
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams ---- ROW / Lot Line ---- Building Setback Line ■ Encroachment

Table 23-4D-3060(D) Height		
(1) Primary and Accessory Building		
To Top Plate (max.)	35'	I
Overall (max.)	45'	J
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-3060(E) Encroachments				
(1) Encroachment Type	**Front (max.) K**	**Side St. (max.) L**	**Side (max.) M**	**Rear (max.) N**
Private Frontage	5'	5'	—	—
Architectural Features	3'	3'	—	—
Fountain	8	3'	8'	8'
Pool	—	3'	8'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encorachment agreement.

Table 23-4D-3060(E) Encroachments (continued)

(2) Height Encroachment

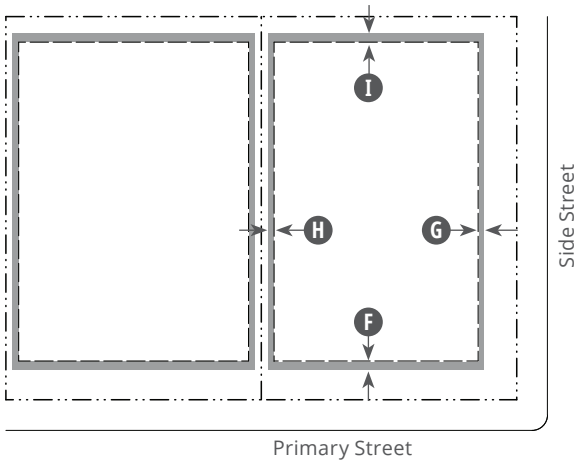
The following height encroachment types may encroach above the top plate maximum up to the overall maximum.

(a) Height Encroachment Type	Encroachment Height above top plate (max.)	Encroachment Length (max.)
Gable End	11'	30', within 60' of Front Lot Line
Dormers	11'	15' combined on each building

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram

Key for Diagrams ROW / Lot Line · Building Setback Line · Encroachment · Parking Area

Table 23-4D-3070(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-3070(E) Parking

(1) Parking Requirements

See Section 23-4D-3040 (Parking Requirements) for standards.

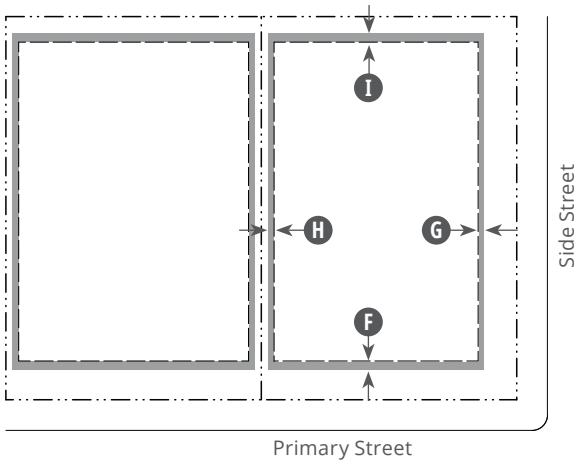
(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Encroachments Diagram



Parking Diagram

Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-3070(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-3070(E) Parking

(1) Parking Requirements

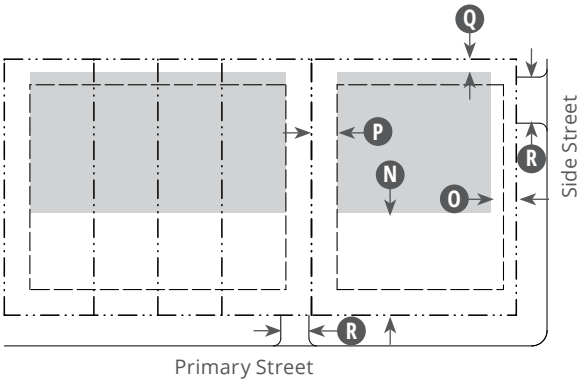
See Section 23-4D-3040 (Parking Requirements) for standards.

(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Parking Area

Table 23-4D-3080(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Private Frontage	5'	3'	—	—
Architectural Features	3'	3'	—	—
Fountain	8'	3'	8'	8'
Pool	—	3'	8'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-3080(F) Parking

(1) Parking Requirements

See Section 23-4D-3040 (Parking Requirements) for standards.

(2) Setback (min.)	Front N	Side St. O	Side [2] P	Rear Q
At-Grade and Above-Grade	30'	5'	10'	5'
Below-Grade	10'	5'	10'	10'

(3) Parking Driveway	≤ 40 spaces	> 40 spaces	
Width	14' max.	18' max.	R

Driveways may be shared between adjacent parcels.

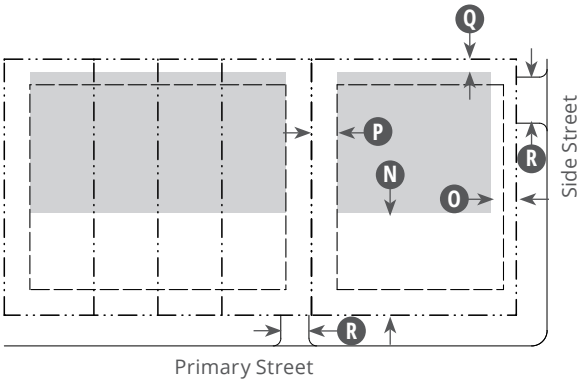
When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

[2] Side parking setbacks not required for attached rowhouse buildings.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Parking Area

Table 23-4D-3080(E) Encroachments

(1) Encroachment Type	Front (max.) J	Side St. (max.) K	Side (max.) L	Rear (max.) M
Private Frontage	5'	3'	—	—
Architectural Features	3'	3'	—	—
Fountain	8'	3'	8'	8'
Pool	—	3'	8'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encorachment agreement.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-3080(F) Parking

(1) Parking Requirements

See Section 23-4D-3040 (Parking Requirements) for standards.

(2) Setback (min.)	Front N	Side St. O	Side [2] P	Rear Q
At-Grade and Above-Grade	30'	5'	10'	5'
Below-Grade	10'	5'	10'	10'

(3) Parking Driveway	≤ 40 spaces	> 40 spaces	
Width	14' max.	18' max.	R

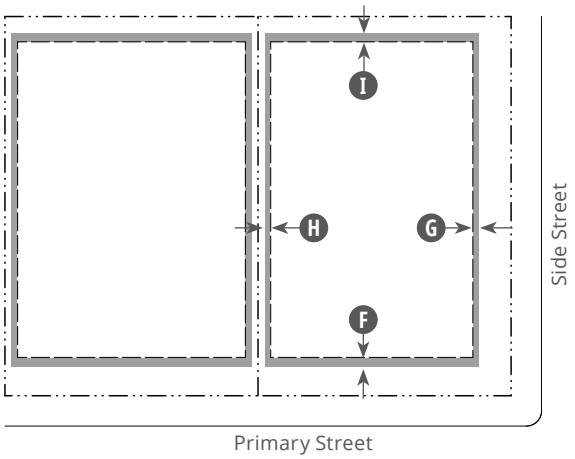
Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

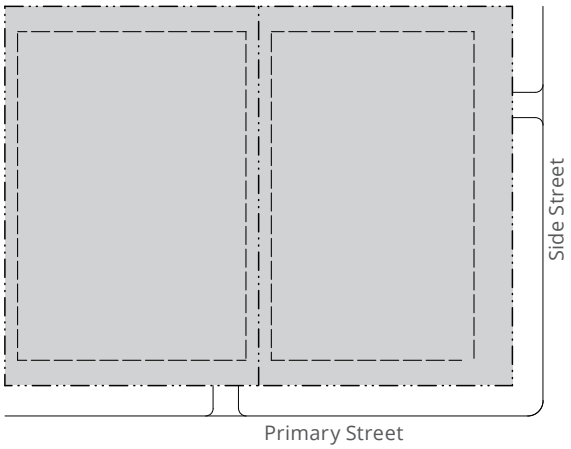
[2] Side parking setbacks not required for attached rowhouse buildings.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-3090(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-3090(E) Parking

(1) Parking Requirements

See Section 23-4D-3040 (Parking Requirements) for standards.

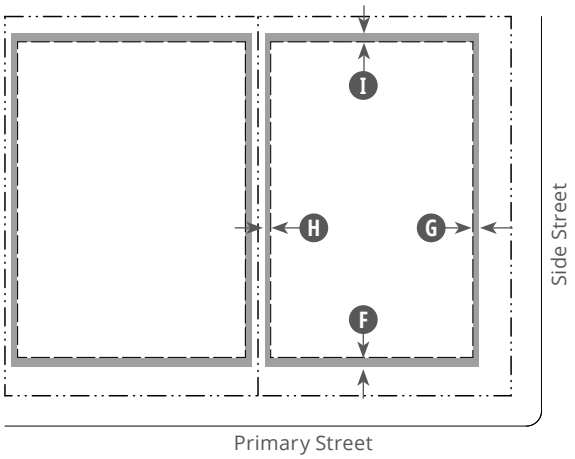
(2) Parking Setbacks (Distance from ROW / Lot Line)

No parking setbacks are required in this zone.

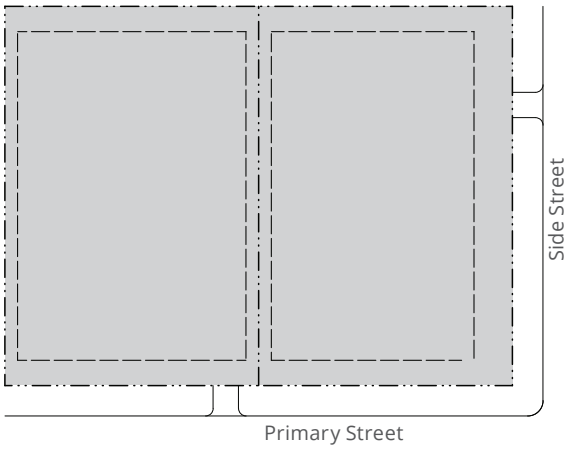
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-3090(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	23'	13'	3'	8'
Pool	—	13'	3'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-3090(E) Parking

(1) Parking Requirements

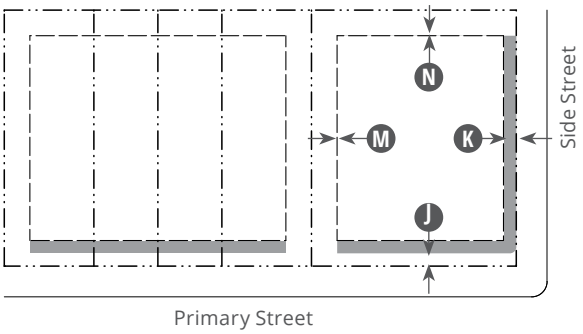
See Section 23-4D-3040 (Parking Requirements) for standards.

(2) Parking Setbacks (Distance from ROW / Lot Line)

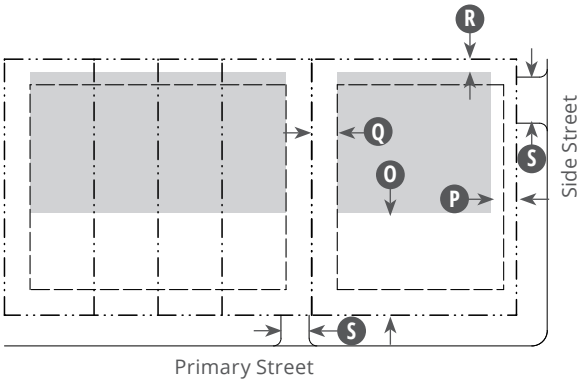
No parking setbacks are required in this zone.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Placement Diagram



Key for Diagrams ---- ROW / Lot Line --- Building Setback Line Encroachment Parking Area

Table 23-4D-3100(E) Encroachments

(1) Encroachment Type	Front (max.) K	Side St. (max.) L	Side (max.) M	Rear (max.) N
Architectural Features	3'	3'	—	—
Fountain	3'	3'	—	3'
Pool	—	3'	—	3'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

(1) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-3100(F) Parking

(1) Parking Requirements

See Section 23-4D-3040 (Parking Requirements) for standards.

(2) Setback (min.)	Front O	Side St. P	Side Q	Rear R
At-Grade	40'	10'	10'	5'
Above-Grade	40'	40'	10'	5'
Below-Grade	5'	5'	0'	5'

(3) Parking Driveway	≤ 40 spaces	> 40 spaces	
Width	14' max.	18' max.	S

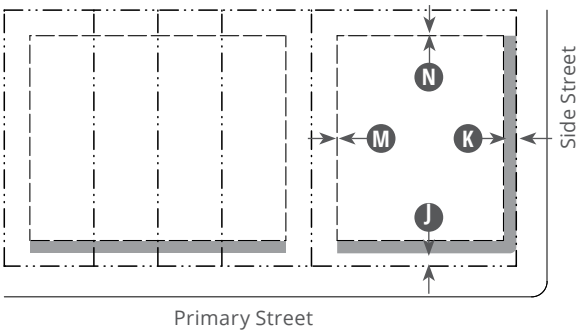
Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

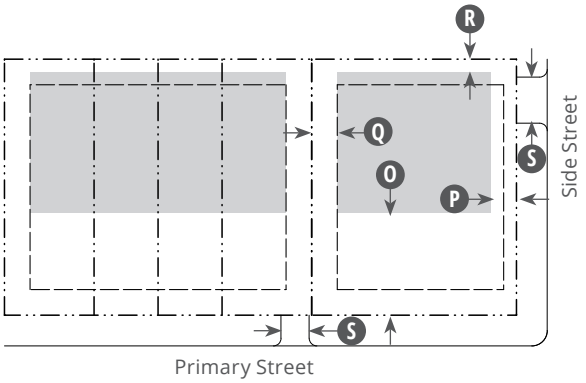
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Encroachments Diagram



Parking Placement Diagram



Key for Diagrams ---- ROW / Lot Line --- Building Setback Line Encroachment Parking Area

Table 23-4D-3100(E) Encroachments

(1) Encroachment Type	Front (max.) K	Side St. (max.) L	Side (max.) M	Rear (max.) N
Architectural Features	3'	3'	—	—
Porch, Stoop, or Uncovered Steps[2]	8'	8'	3'	3'
Fountain	3'	3'	—	3'
Pool	—	3'	—	3'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

(1) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-3100(F) Parking

(1) Parking Requirements

See Section 23-4D-3040 (Parking Requirements) for standards.

(2) Setback (min.)	Front O	Side St. P	Side Q	Rear R
At-Grade	40'	10'	10'	5'
Above-Grade	40'	40'	10'	5'
Below-Grade	5'	5'	0'	5'

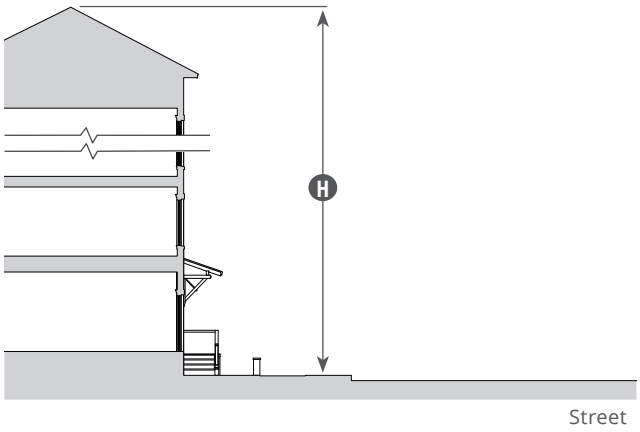
(3) Parking Driveway	≤ 40 spaces	> 40 spaces	
Width	14' max.	18' max.	S

Driveways may be shared between adjacent parcels.

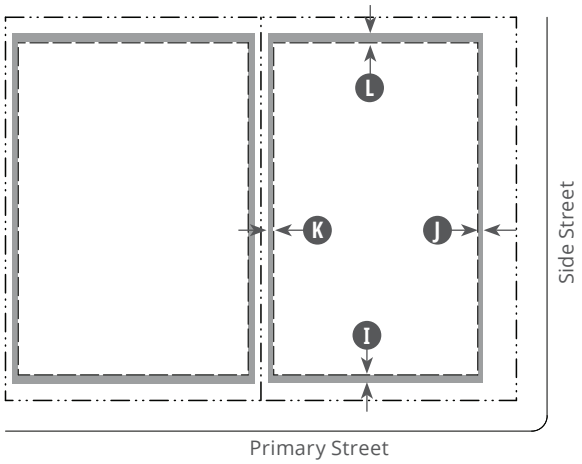
When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Max. number of allowed stories may exceed diagram

Table 23-4D-3110(D) Height		
(1) Primary Building		
Overall (max.)	90'	E
(2) Accessory Building		
Overall (max.)	30'	
(3) Accessory Structure		
Overall (max.)	12'	
(4) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 50'	35'	
> 50' and ≤ 100'	45'	
> 100'	Set by zone standards	

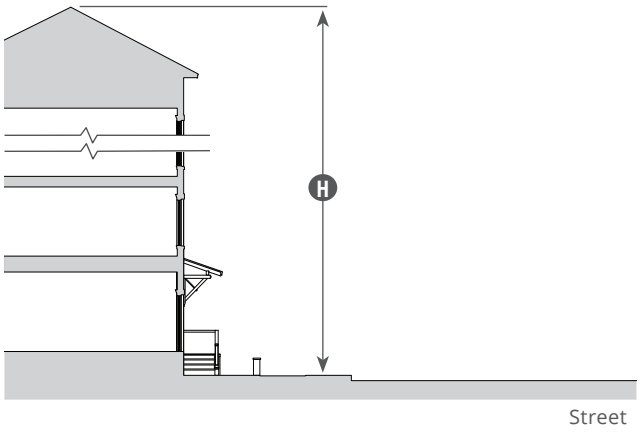
Table 23-4D-3110(E) Encroachments				
(1) Encroachment Type	**Front (max.) I**	**Side St. (max.) J**	**Side (max.) K**	**Rear (max.) L**
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	13'	13'	3'	8'
Pool	—	13'	3'	8'
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments are not allowed within a right-of-way, public easement, or utility easement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] 3' max. above ground.				
(2) Height Encroachments				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

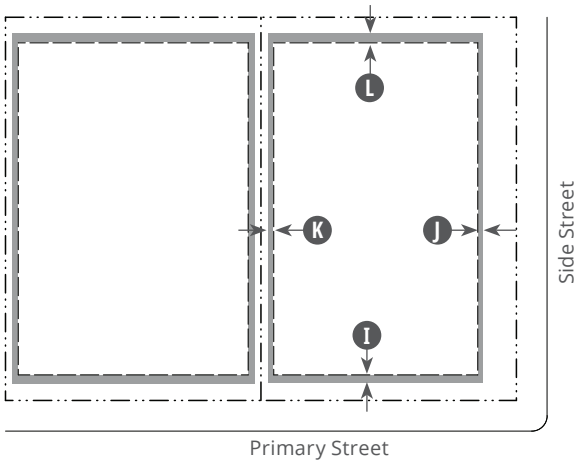
Addendum Change

Residential Multi-Unit 5A (RM5A) Zone

Building Height Diagram



Encroachments Diagram



Key for Diagrams

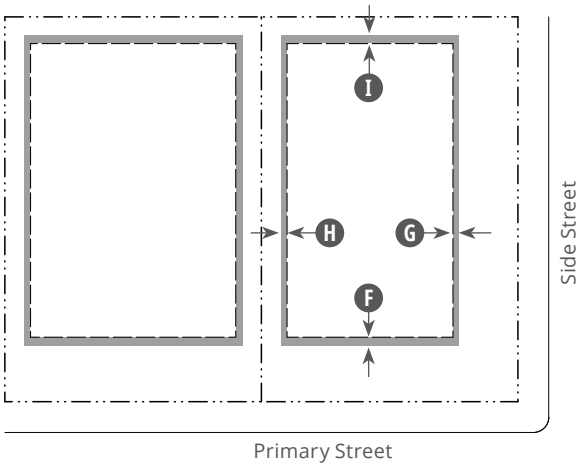
- ROW / Lot Line
- Building Setback Line
- Encroachment
- Max. number of allowed stories may exceed diagram

Table 23-4D-3110(D) Height		
(1) Primary Building		
Overall (max.)	90'	E
(2) Accessory Building		
Overall (max.)	30'	
(3) Accessory Structure		
Overall (max.)	12'	
(4) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 50'	35'	
> 50' and ≤ 100'	45'	
> 100'	Set by zone standards	

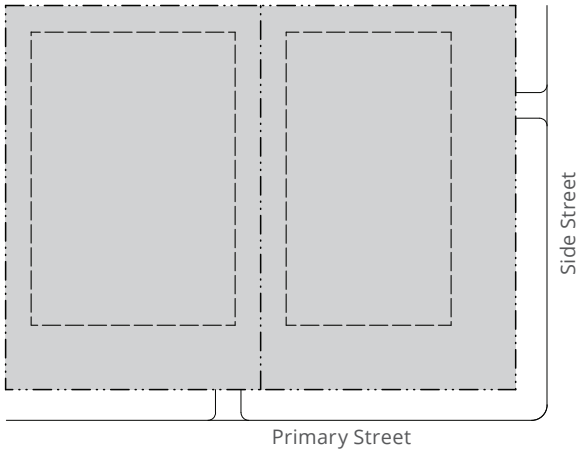
Table 23-4D-3110(E) Encroachments				
(1) Encroachment Type	Front (max.) I	Side St. (max.) J	Side (max.) K	Rear (max.) L
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	13'	13'	3'	8'
Pool	—	13'	3'	8'
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encorachment agreement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] 3' max. above ground.				
(2) Height Encroachments				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

---·--- ROW / Lot Line

--- Building Setback Line

Encroachment

Parking Area

Table 23-4D-3120(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Fountain	23'	23'	13'	8'
Pool	—	23'	13'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] The maximum height of a porch, stoop, or uncovered step is three feet.

Table 23-4D-3120(E) Recreation Areas

(1) A manufactured home park must have at least one recreation area.

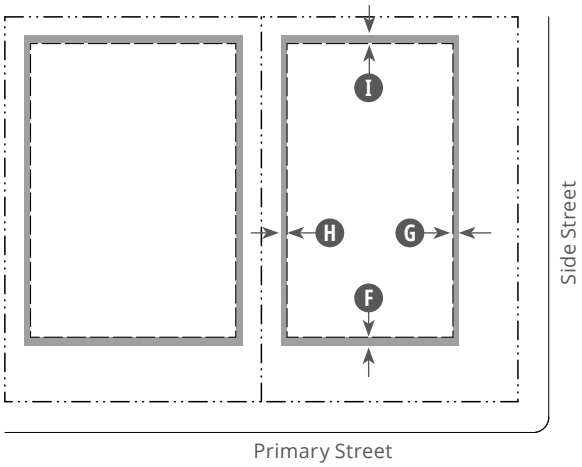
(2) The applicant or licensee of a park shall provide a recreation area or recreational facility such as a playground, swimming pool, or community building for the use of the manufactured home residents in the park.

(3) 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 must be maintained in a sanitary condition and free of safety hazards.

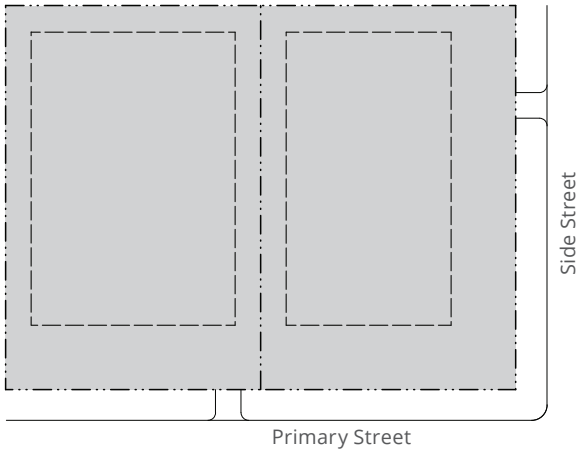
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

---- ROW / Lot Line
--- Building Setback Line
Encroachment
Parking Area

Table 23-4D-3120(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	8'	3'	3'
Fountain	23'	23'	13'	8'
Pool	—	23'	13'	8'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

Landscaping may be located in a required setback.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] The maximum height of a porch, stoop, or uncovered step is three feet.

Table 23-4D-3120(E) Recreation Areas

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(3) 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 must be maintained in a sanitary condition and free of safety hazards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-4030(A) Allowed Uses in Mixed-Use Zones MU1A–MU2B

Use Type	Specifc to Use Requirements	MU1A	MU1B	MU1C	MU1D	MU2A	MU2B
(1) Residential							
Accessory Dwelling Unit - Residential	23-4E-6030	P	P	P	P	—	—
Accessory Dwelling Unit - Commercial	23-4E-6040	P	P	P	P	P	P
Bed and Breakfast	23-4E-6090	P	P	P	P	P	P
Cooperative Housing		P	P	P	P	P	P
Duplex	23-4E-6170	P	P	P	P	P	P
Home Occupations	23-4E-6200	P	P	P	P	P	P
Multi-Family	23-4E-6250	P	P	P	P	P	P
Senior/Retirement Housing							
≤12	23-4E-6330	MUP	MUP	MUP	MUP	P	P
>12	23-4E-6330	—	—	—	—	P	P
Single-Family		P	P	P	P	—	—
Single-Family Attached		P	P	P	P	P	P
Short-term Rental							
Types 1	23-4E-6340	P	P	P	P	MUP	MUP
Types 2	23-4E-6340	P	P	P	P	—	—
Types 3	23-4E-6340	P	P	P	P	MUP	MUP
Townhouse		P	P	P	P	P	P
Work/Live	23-4E-6380	—	—	—	—	P	P
(2) Residential Support							
Emergency Shelter		—	—	—	—	P	P
Residential Care Facility		—	—	—	—	CUP	P

Key for Table 23-4D-4030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Addendum Change

Table 23-4D-4030(A) Allowed Uses in Mixed-Use Zones MU1A–MU2B

Use Type	Specifc to Use Requirements	MU1A	MU1B	MU1C	MU1D	MU2A	MU2B
(1) Residential							
Accessory Dwelling Unit - Residential	23-4E-6030	P	P	P	P	—	—
Accessory Dwelling Unit - Commercial	23-4E-6040	P	P	P	P	P	P
Bed and Breakfast	23-4E-6090	P	P	P	P	P	P
Cooperative Housing		P	P	P	P	P	P
Cottage Court	23-4E-6150	P	P	—	—	—	—
Duplex	23-4E-6170	P	P	P	P	P	P
Home Occupations	23-4E-6200	P	P	P	P	P	P
Multi-Family	23-4E-6250	P	P	P	P	P	P
Senior/Retirement Housing							
≤12	23-4E-6330	MUP	MUP	MUP	MUP	P	P
>12	23-4E-6330	—	—	—	—	P	P
Single-Family		P	P	P	P	—	—
Single-Family Attached		P	P	P	P	P	P
Short-term Rental							
Types 1	23-4E-6340	P	P	P	P	MUP	MUP
Types 2	23-4E-6340	P	P	P	P	—	—
Types 3	23-4E-6340	P	P	P	P	MUP	MUP
Townhouse		P	P	P	P	P	P
Work/Live	23-4E-6380	—	—	—	—	P	P
(2) Residential Support							
Emergency Shelter		—	—	—	—	P	P

Key for Table 23-4D-4030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Table 23-4D-4030(B) Allowed Uses in Mixed-Use Zones MU3A–MU5A						
Use Type	**Specifc to Use Requirements**	**MU3A**	**MU3B**	**MU4A**	**MU4B**	**MU5A**
(1) Residential						
Accessory Dwelling Unit - Commercial	23-4E-6040	P	P	P	P	P
Bed and Breakfast	23-4E-6090	P	P	P	P	P
Cooperative Housing		P	—	—	—	P
Duplex	23-4E-6170	P	P	P	P	—
Group Residential		—	—	—	—	P
Home Occupations	23-4E-6200	P	P	P	P	P
Manufactured Home		—	—	—	—	—
Multi-Family	23-4E-6250	P	P	P	P	P
Senior/Retirement Housing						
≤12	23-4E-6330	P	P	P	P	—
>12	23-4E-6330	P	P	P	P	—
Single-Family Attached		P	P	P	P	—
Short-term Rental						
Types 1	23-4E-6340	—	—	—	—	P
Types 2	23-4E-6340	—	—	—	—	—
Types 3	23-4E-6340	—	—	—	—	P
Work/Live	23-4E-6380	P	P	P	P	MUP
(2) Residential Support						
Emergency Shelter		—	P	P	P	P
Residential Care Facility		P	P	P	P	P
Transitional and Supportive Housing		—	—	—	P	MUP

Key for Table 23-4D-4030(B)			
P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Addendum Change

Table 23-4D-4030(B) Allowed Uses in Mixed-Use Zones MU3A–MU5A						
Use Type	**Specifc to Use Requirements**	**MU3A**	**MU3B**	**MU4A**	**MU4B**	**MU5A**
(1) Residential						
Accessory Dwelling Unit - Commercial	23-4E-6040	P	P	P	P	P
Bed and Breakfast	23-4E-6090	P	P	P	P	P
Cooperative Housing		P	—	—	—	P
Duplex	23-4E-6170	P	P	P	P	—
Group Residential		—	—	—	—	P
Home Occupations	23-4E-6200	P	P	P	P	P
Multi-Family	23-4E-6250	P	P	P	P	P
Senior/Retirement Housing						
≤12	23-4E-6330	P	P	P	P	—
>12	23-4E-6330	P	P	P	P	—
Single-Family Attached		P	P	P	P	—
Short-term Rental						
Types 1	23-4E-6340	—	—	—	—	P
Types 2	23-4E-6340	—	—	—	—	—
Types 3	23-4E-6340	—	—	—	—	P
Townhouse		P	P	P	P	P
Work/Live	23-4E-6380	P	P	P	P	MUP
(2) Residential Support						
Emergency Shelter		—	P	P	P	P
Residential Care Facility		P	P	P	P	P
Transitional and Supportive Housing		—	—	—	P	MUP

Key for Table 23-4D-4030(B)			
P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Table 23-4D-4030(B) Allowed Uses in Mixed-Use Zones MU3A–MU5A (continued)

Use Type	Specifc to Use Requirements	MU3A	MU3B	MU4A	MU4B	MU5A
(7) Retail						
Alcohol Sales	23-4E-6070	—	MUP	MUP	P	P
Commercial Food Preparation		—	CUP	CUP	P	P
Food Sales		P	P	P	P	P
General Retail						
≤ 5,000 sq ft		P	P	P	P	P
>5,000 and ≤10,000 sf		MUP	P	P	P	P
> 10,000 and ≤ 100,000 sf		—	P	P	P	P
> 100,000 sf		—	CUP	CUP	CUP	CUP
w/ Onsite Production		CUP	P	P	P	P
w/ Outside Storage	23-4E-6190	—	CUP	CUP	P	P
Mobile Retail Sales	23-4E-6240	P	P	P	P	P
(8) Entertainment and Recreation						
Adult Entertainment	23-4E-6060		—	—	P/CUP	P/CUP
Recreational Vehicle Park	23-4E-6280		—	—	P	P
Performance Venue/Theater	23-4E-6260					
Indoor	23-4E-6260					
≤2,500 sf	23-4E-6260	P	P	P	P	P
2,500-10,000 sf	23-4E-6260	MUP	P	P	P	P
> 10,000 sf	23-4E-6260	MUP	P	P	P	P
Outdoor	23-4E-6260					
≤ 2,500 sf	23-4E-6260	P	P	P	P	P
2,500-10,000 sf	23-4E-6260	MUP	P	P	MUP	P
> 10,000 sf	23-4E-6260	CUP	MUP	CUP	MUP	P
Marina			—	—	—	—
Recreation						
Indoor ≤ 5,000 sf	23-4E-6290	MUP	P	P	P	P
Indoor > 5,000 sf	23-4E-6290	CUP	P	P	P	P
Outdoor, Formal	23-4E-6290	CUP	P	P	P	P
Outdoor, Informal	23-4E-6290	P	P	P	P	P
Outdoor, Natural	23-4E-6290	P	P	P	P	P
Spectator Sport or Entertainment		CUP	CUP	CUP	MUP	P
Studio: art, dance, martial arts, music	23-4E-6370	P	P	P	P	P

Key for Table 23-4D-4030(B)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Addendum Change

Table 23-4D-4030(B) Allowed Uses in Mixed-Use Zones MU3A–MU5A (continued)

Use Type	Specifc to Use Requirements	MU3A	MU3B	MU4A	MU4B	MU5A
(7) Retail						
Alcohol Sales	23-4E-6070	—	MUP	MUP	P	P
Commercial Food Preparation		—	CUP	CUP	P	P
Food Sales		P	P	P	P	P
General Retail						
≤ 5,000 sq ft		P	P	P	P	P
>5,000 and ≤10,000 sf		MUP	P	P	P	P
> 10,000 and ≤ 100,000 sf		—	P	P	P	P
> 100,000 sf		—	CUP	CUP	CUP	CUP
w/ Onsite Production		CUP	P	P	P	P
w/ Outside Storage	23-4E-6190	—	CUP	CUP	P	P
Mobile Retail Sales	23-4E-6240	P	P	P	P	P
(8) Entertainment and Recreation						
Adult Entertainment	23-4E-6060	—	—	—	P/CUP	P/CUP
Recreational Vehicle Park	23-4E-6280	—	—	—	P	P
Performance Venue/Theater	23-4E-6260					
Indoor	23-4E-6260					
≤2,500 sf	23-4E-6260	P	P	P	P	P
2,500-10,000 sf	23-4E-6260	MUP	P	P	P	P
> 10,000 sf	23-4E-6260	MUP	P	P	P	P
Outdoor	23-4E-6260					
≤ 2,500 sf	23-4E-6260	P	P	P	P	P
2,500-10,000 sf	23-4E-6260	MUP	P	P	MUP	P
> 10,000 sf	23-4E-6260	CUP	MUP	CUP	MUP	P
Marina		—	—	—	—	—
Recreation						
Indoor ≤ 5,000 sf	23-4E-6290	MUP	P	P	P	P
Indoor > 5,000 sf	23-4E-6290	CUP	P	P	P	P
Outdoor, Formal	23-4E-6290	CUP	P	P	P	P
Outdoor, Informal	23-4E-6290	P	P	P	P	P
Outdoor, Natural	23-4E-6290	P	P	P	P	P
Spectator Sport or Entertainment		CUP	CUP	CUP	MUP	P
Studio: art, dance, martial arts, music	23-4E-6370	P	P	P	P	P

Key for Table 23-4D-4030(B)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

23-4D-4040 Parking Requirements

(A) **Parking Required.** Required off street parking in the Mixed-Use Zones is provided in Table 23-4D-4040(A) (Parking Standards for Commercial Zones).

(B) **Parking Reductions.** See Section 23-4E-3060 (Off-street Motor Vehicle Parking Adjustments) for standards for parking adjustment from Table A (Parking Standards for Mixed-Use Zones).

(C) **Parking Location Standards for MU2A–MU5A Zones.**

(1) Off-Street Parking Location Standards.

(a) Prohibited between the front property line and the portion of the building facade that satisfies the building placement requirements of Subsection (D) (Building Placement and Form) in the zone standards.

(b) Allowed between building and side property line, with screening in compliance with Division 23-4E-3 (Parking and Loading).

(2) **Exceptions to Off-Street Parking Location Standards**. For sites 400 feet deep or less, off-street parking may be located between the building frontage and the property line if at least 60 percent of the property's net frontage length is built up to the lot line.

(3) **Parking Location Standards – Corner Sites.** Surface parking is prohibited within the rectangular area formed by the setback lines as measured 100' back from the curb line corners (or the intersection of the curb line tangents), unless:

(a) A landscaped buffer is provided between the sidewalk and parking area in compliance with Division 23-4E-4 (Landscape); and

(b) 100% of the building frontage that faces the primary street is built to the property line.

(D) **Maximum Number of Parking Spaces.** Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the double the minimum number of parking spaces required. Maximum is calculated before any applicable parking reductions. Maximum does not apply to zones or land uses that require no off-street parking.

Table 23-4D-4040(A) Off-street Parking Requirements for Mixed-Use Zones

Use Type	Number of Required Off-street Parking Spaces
(1) Residential	
Accessory Dwelling Unit - Residential	none required
Group Residential	1 plus 1 per every 2 bedrooms
Home Occupations	none required
Other allowed Residential uses	1 per unit
(2) Residential Support	
Emergency Shelter	As determined by the Planning Director
Residential Care Facility	0.8 per bedroom
Other allowed Residential Support uses	1 plus 1 per every 2 bedrooms

23-4D-4040 Parking Requirements

(A) **Parking Required.** Required off street parking in the Mixed-Use Zones is provided in Table 23-4D-4040(A) (Parking Standards for Commercial Zones).

(B) **Parking Reductions.** See Section 23-4E-3060 (Off-street Motor Vehicle Parking Adjustments) for standards for parking adjustment from Table A (Parking Standards for Mixed-Use Zones).

(C) **Parking Location Standards for MU2A–MU5A Zones.**

(1) Off-Street Parking Location Standards.

(a) Prohibited between the front property line and the portion of the building facade that satisfies the building placement requirements of Subsection (D) (Building Placement and Form) in the zone standards.

(b) Allowed between building and side property line, with screening in compliance with Division 23-4E-3 (Parking and Loading).

(2) **Exceptions to Off-Street Parking Location Standards**. For sites 400 feet deep or less, off-street parking may be located between the building frontage and the property line if at least 60 percent of the property's net frontage length is built up to the lot line.

(3) **Parking Location Standards – Corner Sites.** Surface parking is prohibited within the rectangular area formed by the setback lines as measured 100' back from the curb line corners (or the intersection of the curb line tangents), unless:

(a) A landscaped buffer is provided between the sidewalk and parking area in compliance with Division 23-4E-4 (Landscape); and

(b) 100% of the building frontage that faces the primary street is built to the property line.

(D) **Maximum Number of Parking Spaces.** Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the double the minimum number of parking spaces required. Maximum is calculated before any applicable parking reductions. Maximum does not apply to zones or land uses that require no off-street parking.

Table 23-4D-4040(A) Off-street Parking Requirements for Mixed-Use Zones

Use Type	Number of Required Off-street Parking Spaces
(1) Residential	
Accessory Dwelling Unit - Residential	none required
Accessory Dwelling Unit - Commercial	None required
Bed and Breakfast	1 plus 0.8 per bedroom
Cooperative Housing	1 plus 1 per every 4 bedrooms
Group Residential	1 plus 1 per every 3 bedrooms
Home Occupations	none required
Senior/ Retirement Housing	0.8 per unit
Other allowed Residential uses	1 per unit

Table 23-4D-4040(A) Off-street Parking Requirements for Mixed-Use Zones (continued)	
Use Type	**Number of Required Off-street Parking Spaces**
(3) Services	
Alternative Financial Services	1 per 350 sf
Commercial Blood Plasma Center	1 per 275 sf
Drive Through, Retail, or Service Facility	4 tandem stacking spaces for each drive-up window or device
Funeral/Mortuary Home	1 space per each 5 persons capacity
Hospital	1 per bed, plus 1 per 750 sf
Hotel/Motel	1 per every 2 bedrooms, plus 1 per 500 sf of meeting space
Personal Storage	1 per 1,000 sf
Other allowed Service uses	1 per 500 sf
(4) Office	
Office, General (non-medical)	1 per 500 sf after first 2,500 sf
(5) Civic and Public Assembly	
Cemetery	As determined by Planning Director
Public Safety Facility	As determined by Planning Director
Religious Assembly Facility	As determined by Planning Director
School	
Business, or Trade	1.5 spaces per staff member, plus 1 space for each 3 students enrolled
College or University	1.5 spaces per staff member, plus 1 space for each 3 students enrolled
Private Primary	1.5 spaces per staff member
Private Secondary	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12
Public Primary	1.5 spaces per staff member
Public Secondary	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12
Other allowed Civic and Public Assembly	1 per 500 sf
(6) Restaurant and Bars	
Bar/Nightclub (level 1 and 2)	
First 2,500 sf of area	1 per 150 sf
For each square foot greater than 2,500 sf up to 10,000 sf	1 per 125 sf
For each square foot greater than 10,000 sf	1 per 100 sf
Micro-Brewery/Micro-Distillery/Winery	1 per 150 sf tasting area, plus 1 per 1,000 sf production area
Mobile Food Sales	None required
Restaurant	
First 2,500 sf of area	1 per 150 sf
For each square foot greater than 2,500 sf	1 per 125 sf
For Restaurants that provide no customer service or dining area	1 per 325

Addendum Change

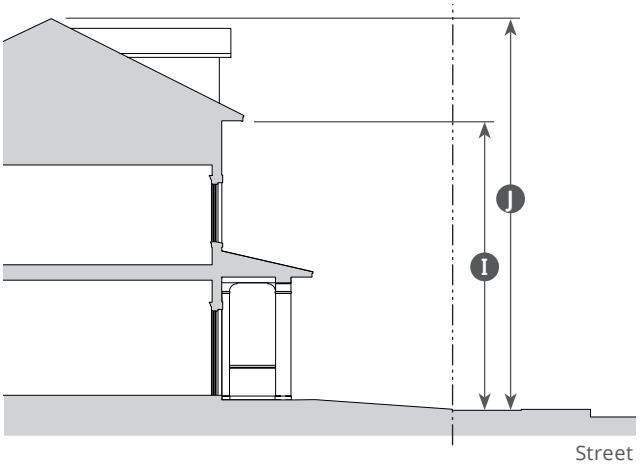
Table 23-4D-4040(A) Off-street Parking Requirements for Mixed-Use Zones (continued)	
Use Type	**Number of Required Off-street Parking Spaces**
(2) Residential Support	
Emergency Shelter	As determined by the the Director
Residential Care Facility	0.8 per bedroom
Transitional and Supportive Housing	1 plus 1 per every 4 bedrooms
(3) Services	
Commercial Blood Plasma Center	1 per 350 sf
Drive Through, Retail, or Service Facility	None required
Funeral/Mortuary Home	1 space per each 5 persons capacity
Hospital	1 per every 4 beds, plus 1 per 500 sf
Hotel/Motel	1 per every 2 bedrooms, plus 1 per 500 sf of meeting space
Medical Services	1 per 350 sf
Personal Storage	1 per 1,000 sf
Other allowed Service uses	1 per 500 sf
(4) Office	
Office, General (non-medical)	1 per 500 sf
(5) Civic and Public Assembly	
Government	1 per 500 sf
Library, Museum, or Public Art Gallery	1 per 500 sf
Meeting facility (public or private)	1 per 500 sf
School	
Business, or Trade	1 space per staff member, plus 1 space for each 4 students enrolled
College or University	1 space per staff member, plus 1 space for each 4 students enrolled
Private Primary	1 space per staff member
Private Secondary	1 space per staff member, plus 1 space for each 4 students enrolled in grades 11 and 12
Public Primary	1 space per staff member
Public Secondary	1 space per staff member, plus 1 space for each 4 students enrolled in grades 11 and 12
Other allowed Civic and Public Assembly	As determined by the Director
(6) Restaurant and Bars	
Bar/Nightclub (level 1 and 2)	
First 2,500 sf of area	1 per 150 sf
For each square foot greater than 2,500 sf up to 10,000 sf	1 per 125 sf
For each square foot greater than 10,000 sf	1 per 100 sf
Micro-Brewery/Micro-Distillery/Winery	1 per 150 sf of tasting area, plus 1 per 1,000 sf of production area
Mobile Food Sales	None required

Table 23-4D-4040(A) Off-street Parking Requirements for Mixed-Use Zones (continued)	
Use Type	**Number of Required Off-street Parking Spaces**
(7) Retail	
Mobile Retail Sales	none required
Other allowed Retail uses	1 per 350 sf
(8) Entertainment and Recreation	
Adult Entertainment	1 per 350 sf
Recreational Vehicle Park	1 plus 1 per camping site
Studio: art, dance, martial arts, music	1 per 500 sf
Other allowed Entertainment and Recreation uses	As determined by the Planning Director
(9) Industrial	
All allowed Industrial uses	1 per 1,000 sf of manufacturing, warehouse plus 1 per 250 sf of office or business area
(10) Agriculture	
All allowed Agriculture uses.	As determined by the Planning Director
(11) Automobile Related	
Automobile Sales, Rental, and Storage	1 per 500 sf indoor sales floor, plus 1 per 750 sf outdoor sales lot
Automobile Repair	4 per service bay, plus 1 per 350 sf office space
Commercial Vehicle Storage and Dispatch	1 per 350 sf office/dispatch space
Gas Station	1 per each 2 fueling bays, plus 2 queue spaces per each fueling bay
Heavy Equipment Sales	
Sales, Rental, and Storage	1 per 1,000 sf, plus 1 per 250 sf of office or business area
Repair	1 per 1,000 sf, plus 1 per 250 sf of office or business area
Parking Facility	None required
Recreational and Sports Vehicle Sales, Rental, and Storage	1 per 500 sf indoor sales floor, plus 1 per 750 sf outdoor sales lot
(12) Innovation and Technology	
All allowed Innovation and Technology uses	1 space for each 275 sq. ft.
(13) Other	
All allowed Other uses	As determined by Planning Director

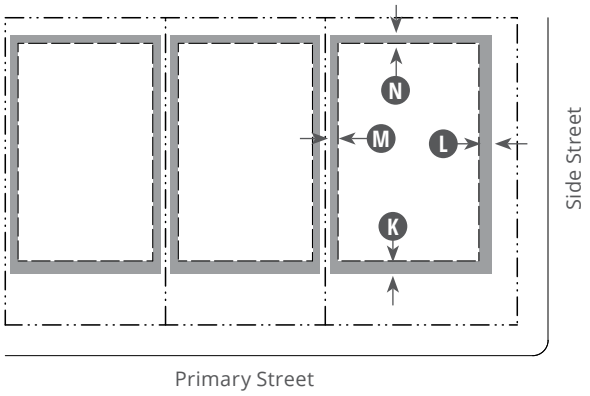
Addendum Change

Table 23-4D-4040(A) Off-street Parking Requirements for Mixed-Use Zones (continued)	
Use Type	**Number of Required Off-street Parking Spaces**
Restaurant	
First 2,500 sf of area	1 per 150 sf
For each square foot greater than 2,500 sf	1 per 125 sf
For Restaurants that provide no customer service or dining area	1 per 325
Drive Through	None required
(7) Retail	
Commercial Food Preparation	1 per 1000 sf
Food Sales	1 per 350 sf
Mobile Retail Sales	none required
Other allowed Retail uses	1 per 500 sf
(8) Entertainment and Recreation	
Adult Entertainment	1 per 500 sf
Recreational Vehicle Park	1 plus 1 per camping site
Studio: art, dance, martial arts, music	1 per 500 sf
Other allowed Entertainment and Recreation uses	As determined by the Director
(9) Industrial	
All allowed Industrial uses	1 per 1,000 sf of manufacturing, warehouse plus 1 per 250 sf of office or business area
(10) Agriculture	
All allowed Agriculture uses.	As determined by the Director
(11) Automobile Related	
Automobile Sales, Rental, and Storage	1 per 500 sf indoor sales floor, plus 1 per 750 sf outdoor sales lot
Automobile Repair	4 per service bay, plus 1 per 350 sf office space
Commercial Vehicle Storage and Dispatch	1 per 350 sf office/dispatch space
Gas Station	1 per each 2 fueling bays, plus 2 queue spaces per each fueling bay
Heavy Equipment Sales	
Sales, Rental, and Storage	1 per 1,000 sf, plus 1 per 250 sf of office or business area
Repair	1 per 1,000 sf, plus 1 per 250 sf of office or business area
Parking Facility	None required
Recreational and Sports Vehicle Sales, Rental, and Storage	1 per 500 sf indoor sales floor, plus 1 per 750 sf outdoor sales lot
(12) Innovation and Technology	
All allowed Innovation and Technology uses	1 per 275 sf
(13) Other	
All allowed Other uses	As determined by Director

Building Height Diagram



Encroachments Diagram



Key for Diagrams

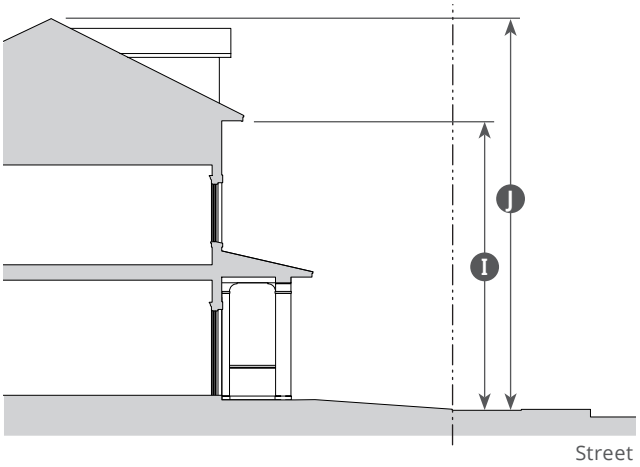
- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-4060(D) Height		
(1) Primary and Accessory Buildings		
To Top Plate (max.)	22'	I
Overall (max.)	32'	J
(2) Accessory Structure		
Overall (max.)	12'	

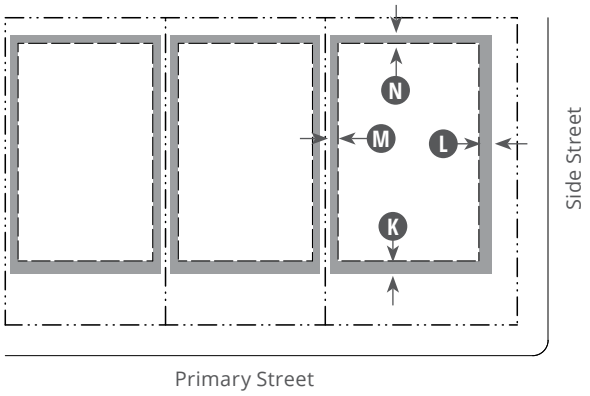
Table 23-4D-4060(E) Encroachments				
(1) Encroachment Type	Front (max.) K	Side St. (max.) L	Side (max.) M	Rear (max.) N
Private Frontage	5'	5'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments are not allowed within a right-of-way, public easement, or utility easement.				
[1] 3' max above ground.				
(2) Height Encroachments				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Addendum Change

Building Height Diagram



Encroachments Diagram



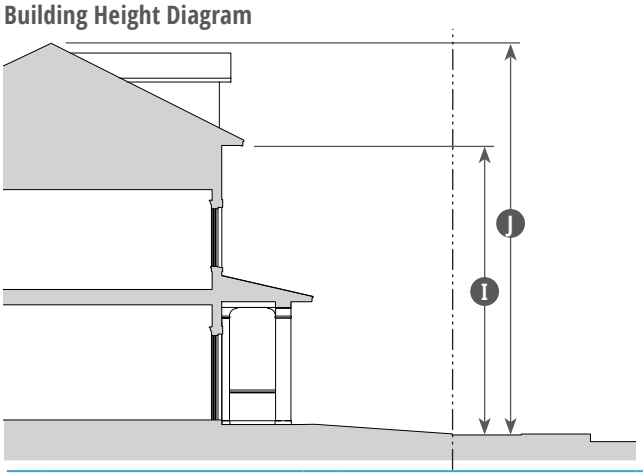
Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

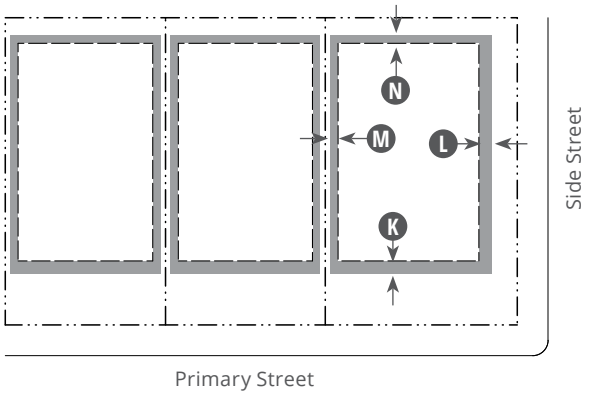
Table 23-4D-4060(D) Height		
(1) Primary and Accessory Buildings		
To Top Plate (max.)	22'	I
Overall (max.)	32'	J
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-4060(E) Encroachments				
(1) Encroachment Type	**Front (max.) K**	**Side St. (max.) L**	**Side (max.) M**	**Rear (max.) N**
Private Frontage	5'	5'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encorachment agreement.				
[1] 3' max above ground.				
(2) Height Encroachments				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Building Height Diagram



Encroachments Diagram



Key for Diagrams

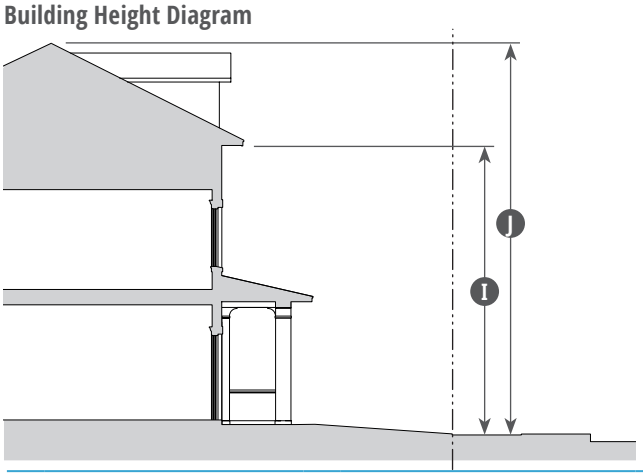
- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-4070(D) Height		
(1) Primary and Accessory Buildings		
To Top Plate (max.)	22'	I
Overall (max.)	32'	J
(2) Accessory Structure		
Overall (max.)	12'	

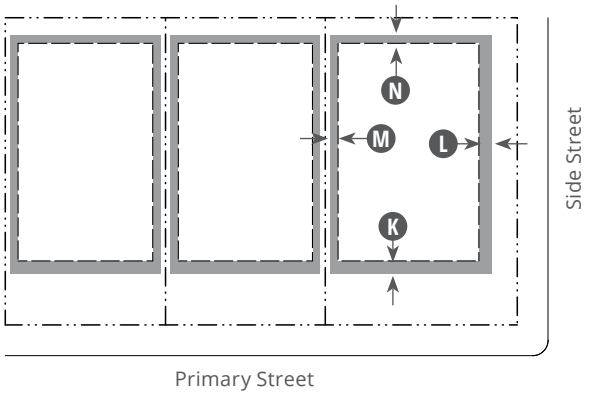
Table 23-4D-4070(E) Encroachments				
(1) Encroachment Type	**Front (max.) K**	**Side St. (max.) L**	**Side (max.) M**	**Rear (max.) N**
Private Frontage	10'	10'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments are not allowed within a right-of-way, public easement, or utility easement.				
[1] 3' max above ground.				
(2) Height Encroachments				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Addendum Change

Building Height Diagram



Encroachments Diagram



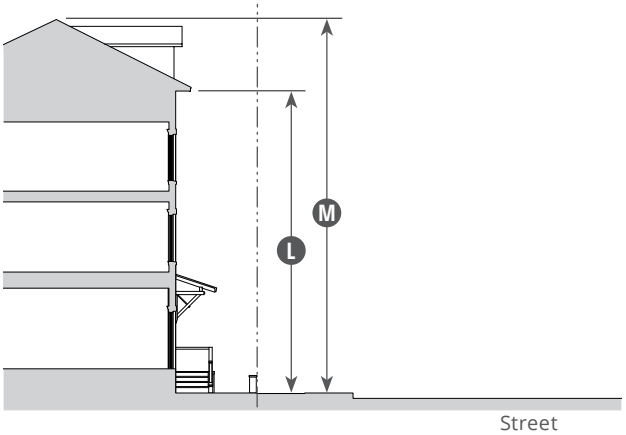
Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

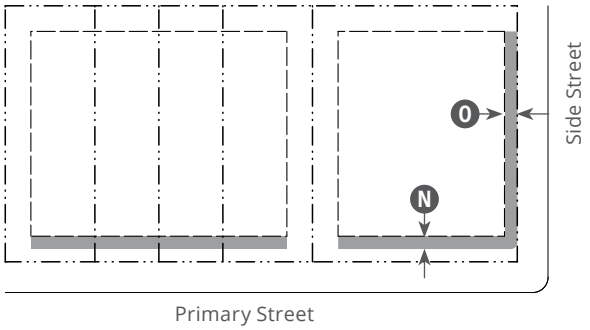
Table 23-4D-4070(D) Height		
(1) Primary and Accessory Buildings		
To Top Plate (max.)	22'	I
Overall (max.)	32'	J
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-4070(E) Encroachments				
(1) Encroachment Type	**Front (max.) K**	**Side St. (max.) L**	**Side (max.) M**	**Rear (max.) N**
Private Frontage	10'	10'	—	—
Steps and/or ramps to Building Entrance	5'	5'	—	—
Architectural Features	3'	3'	3'	3'
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.				
[1] 3' max above ground.				
(2) Height Encroachments				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Building Height Diagram



Encroachments Diagram



Key for Diagrams

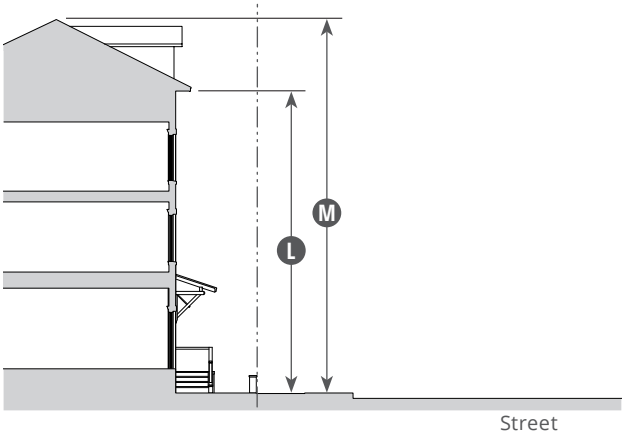
- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-4080(D) Height		
(1) Primary and Accessory Buildings		
To Top Plate (max.)	35'	L
Overall (max.)	45'	M
(2) Accessory Structure		
Overall (max.)	12'	

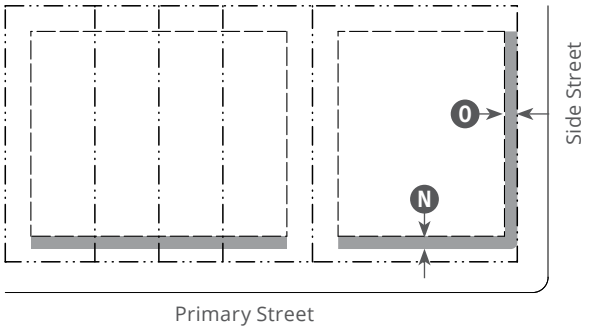
Table 23-4D-4080(E) Encroachments				
(1) Encroachment Type	Front (max.) N	Side St. (max.) O	Side (max.) P	Rear (max.) Q
Private Frontage	5'	5'	—	—
Architectural Features	3'	3'	—	—
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments are not allowed within a right-of-way, public easement, or utility easement.				
[1] 3' max above ground.				
(2) Height Encroachments				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Addendum Change

Building Height Diagram



Encroachments Diagram



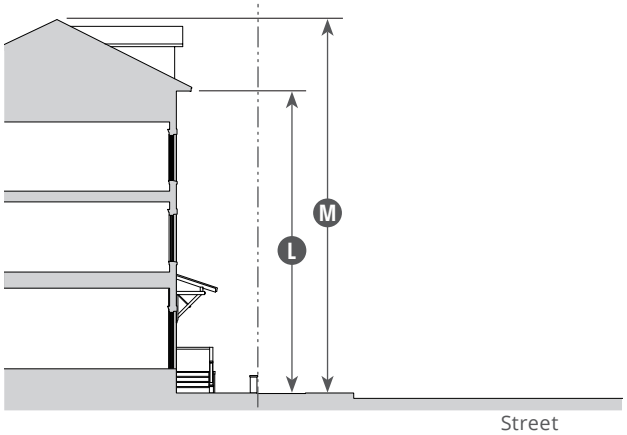
Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

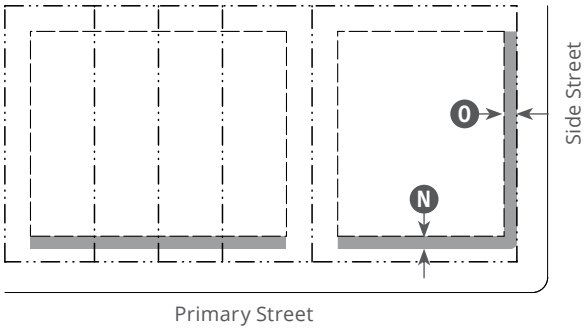
Table 23-4D-4080(D) Height		
(1) Primary and Accessory Buildings		
To Top Plate (max.)	35'	L
Overall (max.)	45'	M
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-4080(E) Encroachments				
(1) Encroachment Type	Front (max.) N	Side St. (max.) O	Side (max.) P	Rear (max.) Q
Private Frontage	5'	5'	—	—
Architectural Features	3'	3'	—	—
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.				
[1] 3' max above ground.				
(2) Height Encroachments				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Building Height Diagram



Encroachments Diagram



Key for Diagrams

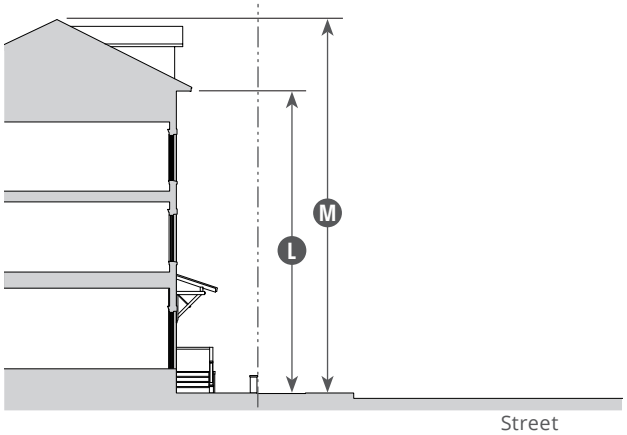
- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-4090(D) Height		
(1) Primary and Accessory Buildings		
To Top Plate (max.)	35'	L
Overall (max.)	45'	M
(2) Accessory Structure		
Overall (max.)	12'	

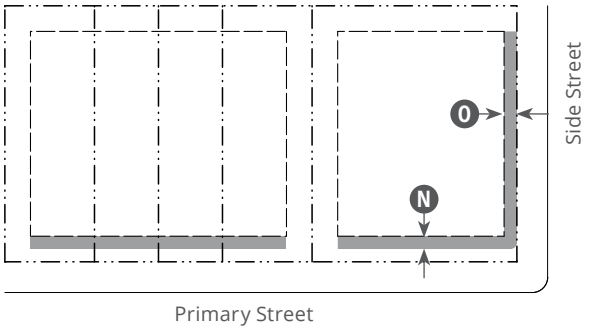
Table 23-4D-4090(E) Encroachments				
(1) Encroachment Type	**Front (max.) N**	**Side St. (max.) O**	**Side (max.) P**	**Rear (max.) Q**
Private Frontage	5'	5'	—	—
Architectural Features	3'	3'	—	—
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments are not allowed within a right-of-way, public easement, or utility easement.				
[1] 3' max above ground.				
(2) Height Encroachments				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-4090(D) Height		
(1) Primary and Accessory Buildings		
To Top Plate (max.)	35'	L
Overall (max.)	45'	M
(2) Accessory Structure		
Overall (max.)	12'	

Table 23-4D-4090(E) Encroachments				
(1) Encroachment Type	**Front (max.) N**	**Side St. (max.) O**	**Side (max.) P**	**Rear (max.) Q**
Private Frontage	5'	5'	—	—
Architectural Features	3'	3'	—	—
Porch, Stoop, or Uncovered Steps [1]	—	5'	—	—
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encorachment agreement.				
[1] 3' max above ground.				
(2) Height Encroachments				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

23-4D-4100 Mixed-Use 2A (MU2A) Zone

MU2A

(A) **Purpose.** Mixed-use 2A (MU2A) zone is intended to provide convenient access to employment, shopping and daily services, and neighborhood amenities for nearby residents.

(B) **Overview.** This zone allows residential, low-intensity office, service, and retail uses. It can be summarized as:

(1) eligible for affordable housing bonus programs; and

(2) the compatibility effects of this zone require height stepbacks and additional setbacks.

(C) **Requirements.** A lot zoned mixed-use 2A shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover);

(9) Table (I) (Open Space);

(10) Table (J) (Additional Compatibility); and

(11) Table (K) (Special Requirements for Uses).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The lot shall not exceed the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

23-4D-4100 Mixed-Use 2A (MU2A) Zone

MU2A

(A) **Purpose.** Mixed-use 2A (MU2A) zone is intended to provide convenient access to employment, shopping and daily services, and neighborhood amenities for nearby residents.

(B) **Overview.** This zone allows residential, low-intensity office, service, and retail uses. It can be summarized as:

(1) eligible for affordable housing bonus programs; and

(2) the compatibility effects of this zone require height stepbacks and additional setbacks.

(C) **Requirements.** A lot zoned mixed-use 2A shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover);

(9) Table (I) (Open Space);

(10) Table (J) (Additional Compatibility); and

(11) Table (K) (Special Requirements for Uses).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The total bonus is the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

(b) The maximum units per acre shall not exceed the total bonus units per acre.

(c) The set aside requirements shall be calculated as a percent of the total bonus, using Table 23-3E-1040(C): Affordable Unit Set Aside Requirements in For-Sale Properties or Table 23-3E-1040(E): Affordable Unit Set Aside Requirements in For-Rent Properties in "-A" Zones.

Table 23-4D-4100(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units Per Acre (max.)				Size (max.)	
Allowed Use	Base Standard [1]	AHBP Bonus [2]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [2]
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	18	+18	60'	6,000 sf	0.7 FAR	+0.8 FAR
Townhouse	18	+0	24'	2,400 sf	0.4 FAR or 1,750 sf	+0 FAR
Work/Live	18	+0	24'	2,400 sf	0.4 FAR or 1,750 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	0.7 FAR	+0.8 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Table 23-4D-4100(A) Lot Size and Intensity

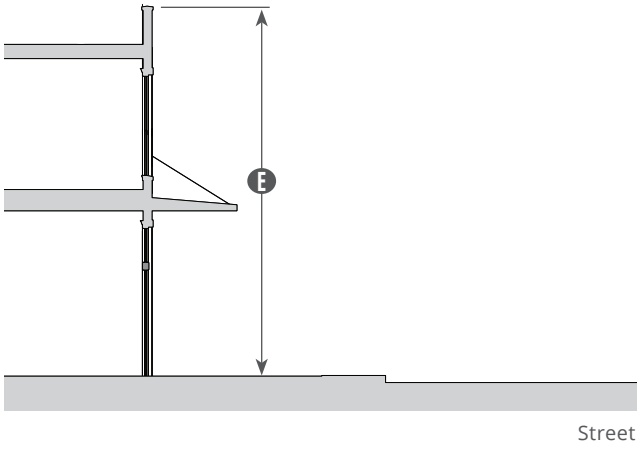
	Lot				Building	
	Principal Dwelling Units Per Acre (max.)				Size (max.)	
Allowed Use	Base Standard [1]	AHBP Bonus [2]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [2]
Single-Family Attached	18	+0	20'	2,000 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	18	+18	60'	6,000 sf	0.7 FAR	+0.8 FAR
Townhouse	18	+0	24'	2,400 sf	0.4 FAR or 1,750 sf	+0 FAR
Work/Live	18	+0	24'	2,400 sf	0.4 FAR or 1,750 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	0.7 FAR	+0.8 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

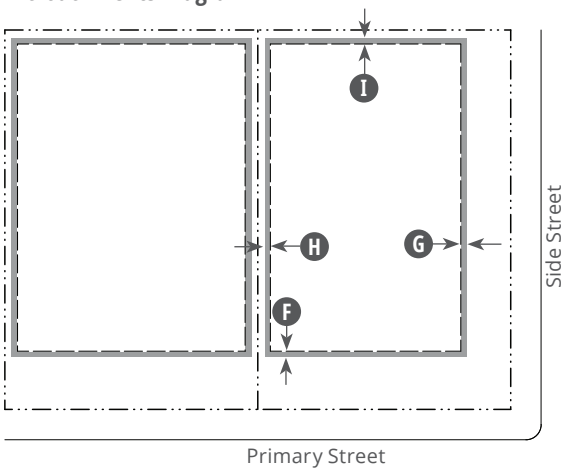
[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-4100(D) Height

(1) All Buildings		
Overall (max.)	45′	E

(2) Compatibility Height Stepback

(a) Building height stepbacks are required where a portion of a building is located:

(i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale;

(ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or

(ii) adjacent to a property zoned Residential House-Scale.

(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).

(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:
≤ 25′	18′
> 25 and ≤ 50′	35′
> 50′	Set by zone standards

Table 23-4D-4100(E) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	3′	3′	3′

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3′ (max.) above ground.

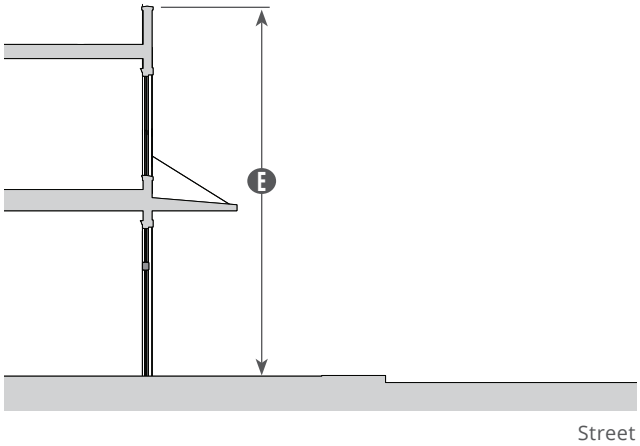
(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for standards.

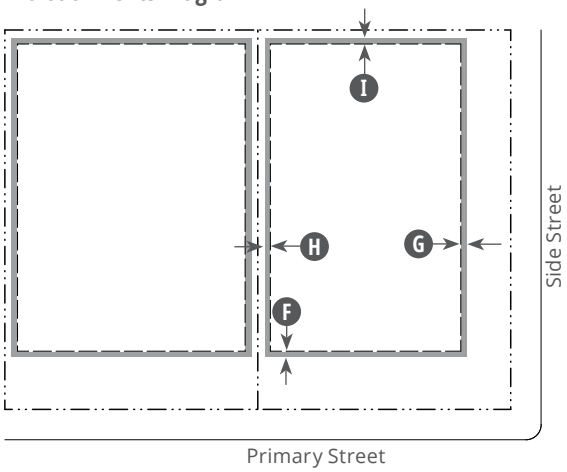
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-4100(D) Height		
(1) All Buildings		
Overall (max.)	45′	E
(2) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 25′	18′	
> 25 and ≤ 50′	35′	
> 50′	Set by zone standards	

Table 23-4D-4100(E) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	8′	3′	3′
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] 3′ (max.) above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for standards.				

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

23-4D-4110 Mixed-Use 2B (MU2B) Zone

MU2B

(A) **Purpose.** Mixed-use 2B (MU2B) zone is intended to provide convenient access to employment, shopping and daily services, and neighborhood amenities for nearby residents.

(B) **Overview.** This zone allows residential and medium-intensity office, service, and retail uses. It can be summarized as:

(1) basic and additional forms;

(2) eligible for affordable housing bonus programs;

(3) the compatibility effects of this zone require height stepbacks and additional setbacks.

(C) **Requirements.** A lot zoned mixed-use 2B shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover);

(9) Table (I) (Open Space); and

(10) Table (J) (Additional Compatibility).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The lot shall not exceed the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

23-4D-4110 Mixed-Use 2B (MU2B) Zone

MU2B

(A) **Purpose.** Mixed-use 2B (MU2B) zone is intended to provide convenient access to employment, shopping and daily services, and neighborhood amenities for nearby residents.

(B) **Overview.** This zone allows residential and medium-intensity office, service, and retail uses. It can be summarized as:

(1) basic and additional forms;

(2) eligible for affordable housing bonus programs;

(3) the compatibility effects of this zone require height stepbacks and additional setbacks.

(C) **Requirements.** A lot zoned mixed-use 2B shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover);

(9) Table (I) (Open Space); and

(10) Table (J) (Additional Compatibility).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The total bonus is the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

(b) The maximum units per acre shall not exceed the total bonus units per acre.

(c) The set aside requirements shall be calculated as a percent of the total bonus, using Table 23-3E-1040(C): Affordable Unit Set Aside Requirements in For-Sale Properties or Table 23-3E-1040(E): Affordable Unit Set Aside Requirements in For-Rent Properties in "-A" Zones.

Table 23-4D-4110(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units Per Acre (max.)				Size (max.)	
Allowed Use	Base Standard [1]	AHBP Bonus [2]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [2]
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	36	+18	50'	5,000 sf	1.0 FAR	+1.0 FAR
Townhouse	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Work/Live	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	1.0 FAR	+1.0 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Table 23-4D-4110(A) Lot Size and Intensity

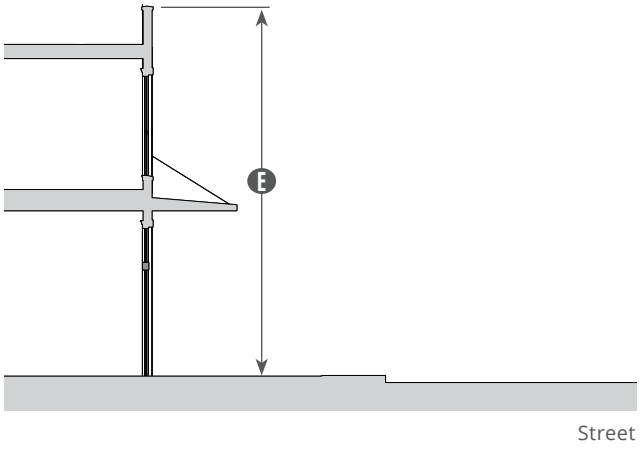
	Lot				Building	
	Principal Dwelling Units Per Acre (max.)				Size (max.)	
Allowed Use	Base Standard [1]	AHBP Bonus [2]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [2]
Single-Family Attached	18	+0	20'	2,000 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	36	+18	50'	5,000 sf	1.0 FAR	+1.0 FAR
Townhouse	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Work/Live	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	1.0 FAR	+1.0 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

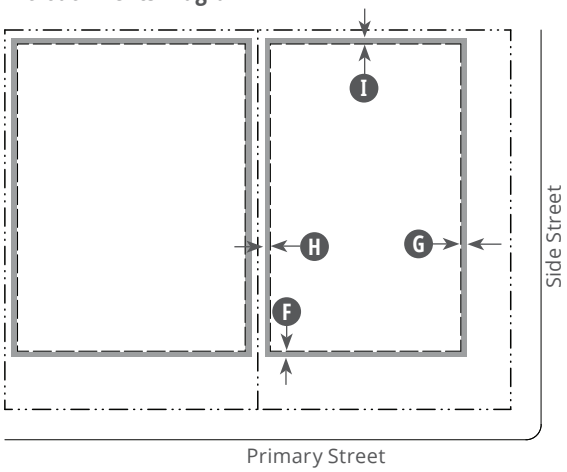
[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-4100(D) Height

(1) All Buildings		
Overall (max.)	45′	E

(2) Compatibility Height Stepback

(a) Building height stepbacks are required where a portion of a building is located:

(i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale;

(ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or

(ii) adjacent to a property zoned Residential House-Scale.

(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).

(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:
≤ 25′	18′
> 25 and ≤ 50′	35′
> 50′	Set by zone standards

Table 23-4D-4100(E) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	3′	3′	3′

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3′ (max.) above ground.

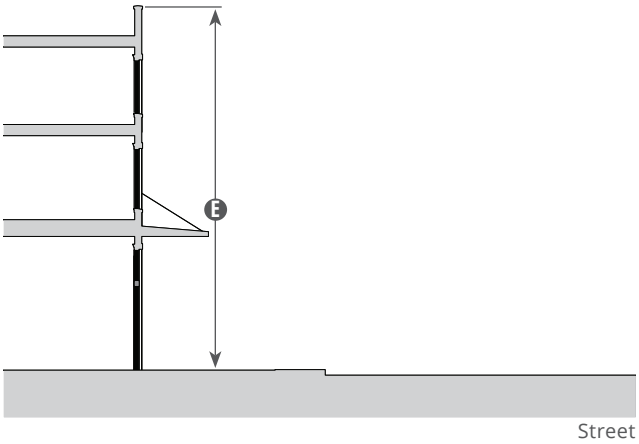
(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for standards.

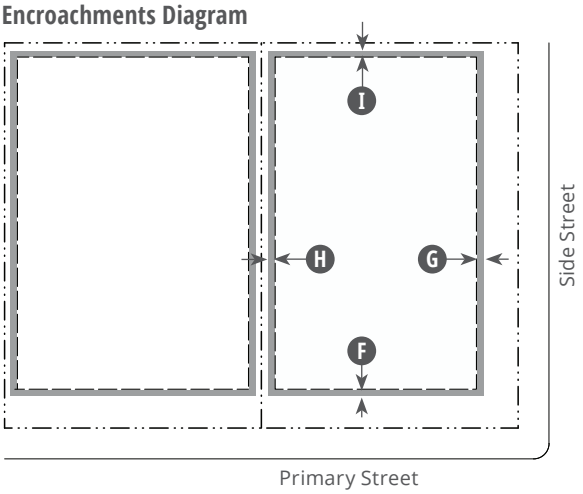
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-4110(D) Height		
(1) All Buildings		
Overall (max.)	60′	E
(2) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 25′	18′	
25'–50'	35'	
50'–100'	45'	
> 100′	Set by zone standards	

Table 23-4D-4110(E) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	8′	3′	3′
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] 3′ (max.) above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for standards.				

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

23-4D-4120 Mixed-Use 3A (MU3A) Zone

MU3A

(A) **Purpose.** Mixed-use 3A (MU3A) zone is intended to provide city-wide access to shopping and daily services, including general commercial, auto, and service uses.

(B) **Overview.** This zone allows residential and medium-intensity office, service, and retail uses. It can be summarized as:

(1) eligible for affordable housing bonus programs; and

(2) the compatibility effects of this zone require height stepbacks and additional setbacks.

(C) **Requirements.** A lot zoned mixed-use 3A (MU3A) zone shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover); and

(9) Table (I) (Open Space).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The lot shall not exceed the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

23-4D-4120 Mixed-Use 3A (MU3A) Zone

MU3A

(A) **Purpose.** Mixed-use 3A (MU3A) zone is intended to provide city-wide access to shopping and daily services, including general commercial, auto, and service uses.

(B) **Overview.** This zone allows residential and medium-intensity office, service, and retail uses. It can be summarized as:

(1) eligible for affordable housing bonus programs; and

(2) the compatibility effects of this zone require height stepbacks and additional setbacks.

(C) **Requirements.** A lot zoned mixed-use 3A (MU3A) zone shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover); and

(9) Table (I) (Open Space).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The total bonus is the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

(b) The maximum units per acre shall not exceed the total bonus units per acre.

(c) The set aside requirements shall be calculated as a percent of the total bonus, using Table 23-3E-1040(C): Affordable Unit Set Aside Requirements in For-Sale Properties or Table 23-3E-1040(E): Affordable Unit Set Aside Requirements in For-Rent Properties in "-A" Zones.

Table 23-4D-4120(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units Per Acre (max.)				Size (max.)	
Allowed Use	Base Standard [1]	AHBP Bonus [2]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [2]
Cooperative Housing	36	+18	50'	5,000 sf	1.0 FAR	+0 FAR
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	36	+18	50'	5,000 sf	1.0 FAR	+2.0 FAR
Townhouse	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Work/Live	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	1.0 FAR	+2.0 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-4120(A) Lot Size and Intensity

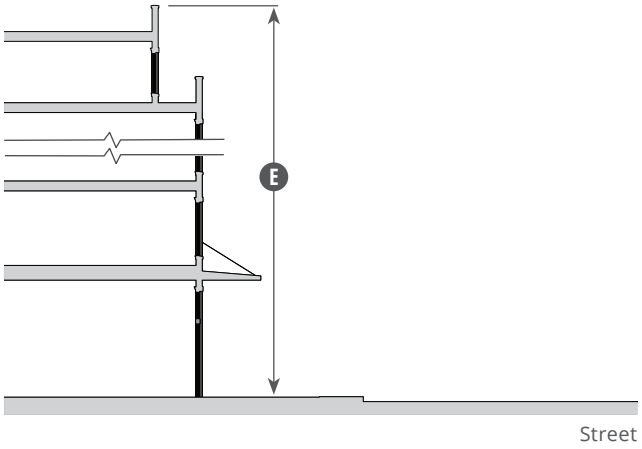
Allowed Use	Lot: Principal Dwelling Units Per Acre (max.) Base Standard [1]	Lot: Principal Dwelling Units Per Acre (max.) AHBP Bonus [2]	Lot: Width (min.)	Lot: Area (min.)	Building: Size (max.) Base Standard The less restrictive shall apply between:	Building: Size (max.) AHBP Bonus [2]
Single-Family Attached	18	+0	20'	2,000 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	36	+18	50'	5,000 sf	1.0 FAR	+2.0 FAR
Townhouse	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Work/Live	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	1.0 FAR	+2.0 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

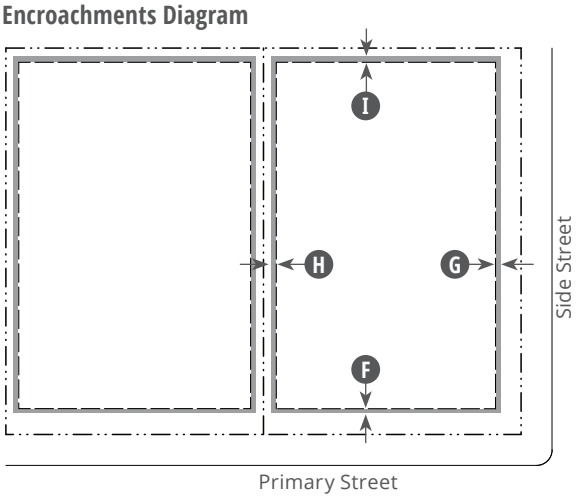
[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

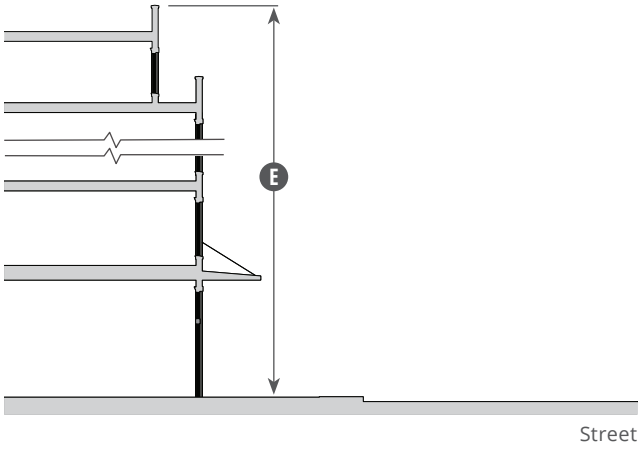
Table 23-4D-4120(D) Height		
(1) All Buildings		
Overall (max.)	60′	E
(4) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 25′	18′	
25'–50'	35′	
50'–100'	45'	
> 100′	Set by zone standards	

Table 23-4D-4120(E) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	5′	3′	3′	3′
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments are not allowed within a right-of-way, public easement, or utility easement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] 3′ (max.) above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for standards.				

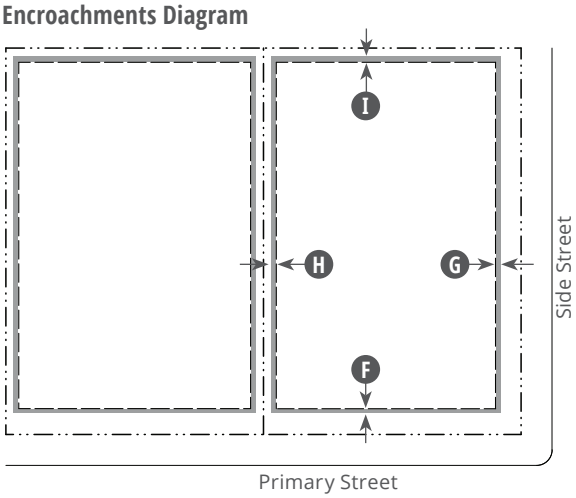
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams ---- ROW / Lot Line ---- Building Setback Line ■ Encroachment

Table 23-4D-4120(D) Height		
(1) All Buildings		
Overall (max.)	60′	E
(4) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 25′	18′	
25'–50'	35′	
50'–100'	45'	
> 100′	Set by zone standards	

Table 23-4D-4120(E) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	5′	3′	3′	3′
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] 3′ (max.) above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for standards.				

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

23-4D-4130 Mixed-Use 3B (MU3B) Zone

MU3B

(A) **Purpose.** Mixed-use 3B (MU3B) zone is intended to provide city-wide access to shopping and daily services, including general commercial, auto, and service uses.

(B) **Overview.** This zone allows residential and medium-intensity office, service, and retail uses. It can be summarized as:

(1) eligible for affordable housing bonus programs; and

(2) the compatibility effects of this zone require height stepbacks and additional setbacks.

(C) **Requirements.** A lot zoned mixed-use 3B (MU3B) zone shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover); and

(9) Table (I) (Open Space).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The lot shall not exceed the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

23-4D-4130 Mixed-Use 3B (MU3B) Zone

MU3B

(A) **Purpose.** Mixed-use 3B (MU3B) zone is intended to provide city-wide access to shopping and daily services, including general commercial, auto, and service uses.

(B) **Overview.** This zone allows residential and medium-intensity office, service, and retail uses. It can be summarized as:

(1) eligible for affordable housing bonus programs; and

(2) the compatibility effects of this zone require height stepbacks and additional setbacks.

(C) **Requirements.** A lot zoned mixed-use 3B (MU3B) zone shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover); and

(9) Table (I) (Open Space).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The total bonus is the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

(b) The maximum units per acre shall not exceed the total bonus units per acre.

(c) The set aside requirements shall be calculated as a percent of the total bonus, using Table 23-3E-1040(C): Affordable Unit Set Aside Requirements in For-Sale Properties or Table 23-3E-1040(E): Affordable Unit Set Aside Requirements in For-Rent Properties in "-A" Zones.

Table 23-4D-4130(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units Per Acre (max.)				Size (max.)	
Allowed Use	Base Standard	AHBP Bonus [1]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [1]
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	36	+18	50'	5,000 sf	1.0 FAR	+2.0 FAR
Townhouse	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Work/Live	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	1.0 FAR	+2.0 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Table 23-4D-4130(A) Lot Size and Intensity

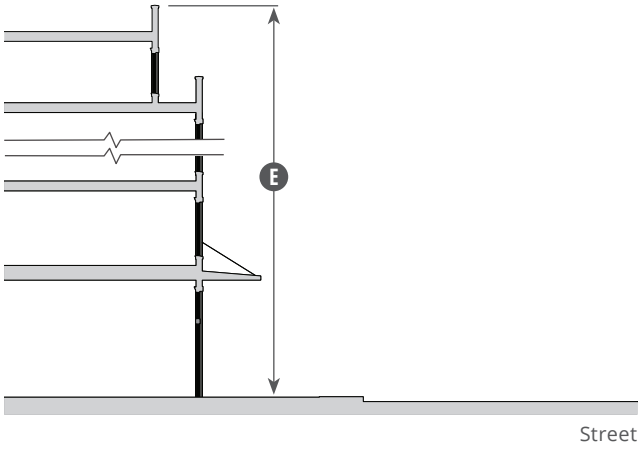
	Lot				Building	
	Principal Dwelling Units Per Acre (max.)				Size (max.)	
Allowed Use	Base Standard	AHBP Bonus [1]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [1]
Single-Family Attached	18	+0	20'	2,000 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	36	+18	50'	5,000 sf	1.0 FAR	+2.0 FAR
Townhouse	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Work/Live	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	1.0 FAR	+2.0 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

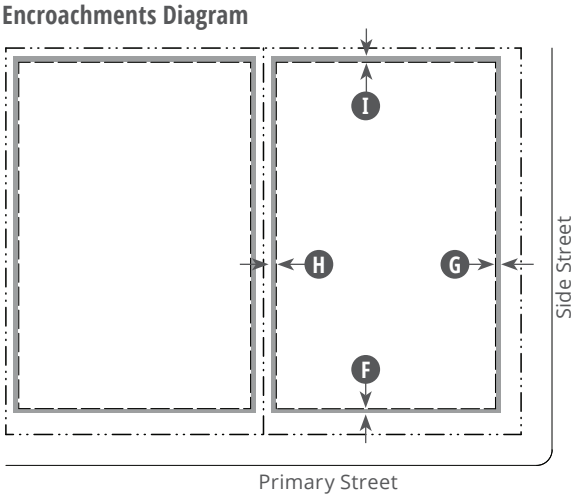
[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

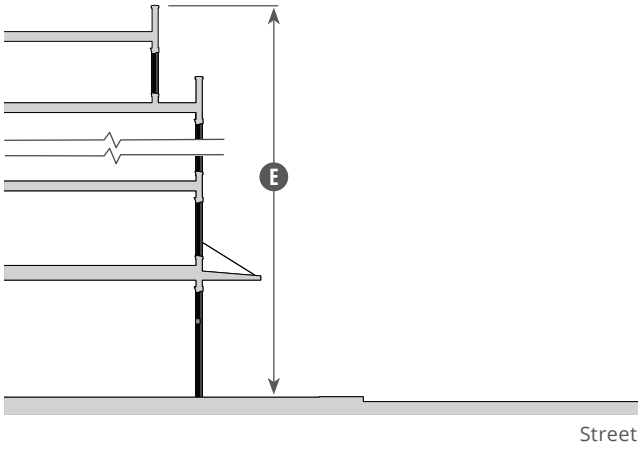
Table 23-4D-4130(D) Height		
(1) All Buildings		
Overall (max.)	60′	E
(2) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 25′	18′	
25'–50'	35′	
50'–100'	45'	
> 100′	Set by zone standards	

Table 23-4D-4130(E) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	5′	3′	3′	3′
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments are not allowed within a right-of-way, public easement, or utility easement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] 3′ (max.) above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for standards.				

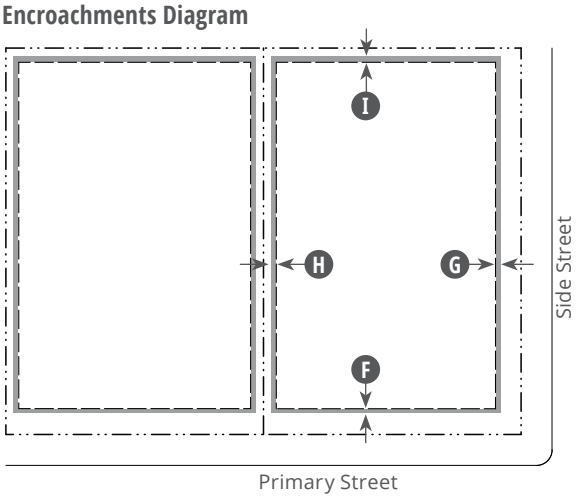
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-4130(D) Height		
(1) All Buildings		
Overall (max.)	60′	E
(2) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 25′	18′	
25'–50'	35′	
50'–100'	45'	
> 100′	Set by zone standards	

Table 23-4D-4130(E) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	5′	3′	3′	3′
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] 3′ (max.) above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for standards.				

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

23-4D-4140 Mixed-Use 4A (MU4A) Zone

MU4A

(A) **Purpose.** Mixed-use 4A (MU4A) zone is intended to allow residential, medium-to-high-intensity multi-unit residential, office, service, retail, and entertainment uses.

(B) **Overview.** This zone allows residential and medium-to-high intensity multi-unit residential, office, service, retail, and entertainment uses. It can be summarized as:

(1) eligible for affordable housing bonus programs; and

(2) the compatibility effects of this zone require height stepbacks and additional setbacks.

(C) **Requirements.** A lot zoned mixed-use 4A shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover); and

(9) Table (I) (Open Space).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The lot shall not exceed the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

23-4D-4140 Mixed-Use 4A (MU4A) Zone

MU4A

(A) **Purpose.** Mixed-use 4A (MU4A) zone is intended to allow residential, medium-to-high-intensity multi-unit residential, office, service, retail, and entertainment uses.

(B) **Overview.** This zone allows residential and medium-to-high intensity multi-unit residential, office, service, retail, and entertainment uses. It can be summarized as:

(1) eligible for affordable housing bonus programs; and

(2) the compatibility effects of this zone require height stepbacks and additional setbacks.

(C) **Requirements.** A lot zoned mixed-use 4A shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover); and

(9) Table (I) (Open Space).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The total bonus is the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

(b) The maximum units per acre shall not exceed the total bonus units per acre.

(c) The set aside requirements shall be calculated as a percent of the total bonus, using Table 23-3E-1040(C): Affordable Unit Set Aside Requirements in For-Sale Properties or Table 23-3E-1040(E): Affordable Unit Set Aside Requirements in For-Rent Properties in "-A" Zones.

Table 23-4D-4140(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units Per Acre (max.)				Size (max.)	
Allowed Use	Base Standard [1]	AHBP Bonus [2]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [2]
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	36	+36	50'	5,000 sf	2.0 FAR	+3.0 FAR
Townhouse	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Work/Live	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	2.0 FAR	+3.0 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Table 23-4D-4140(A) Lot Size and Intensity

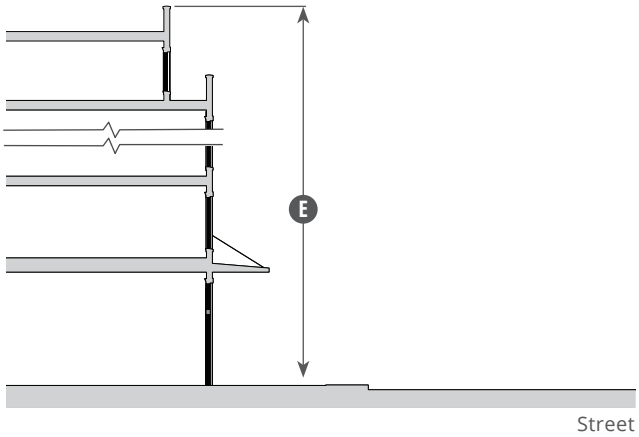
	Lot				Building	
	Principal Dwelling Units Per Acre (max.)				Size (max.)	
Allowed Use	Base Standard [1]	AHBP Bonus [2]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [2]
Single-Family Attached	18	+0	20'	2,000 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	36	+36	50'	5,000 sf	2.0 FAR	+3.0 FAR
Townhouse	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Work/Live	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	2.0 FAR	+3.0 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

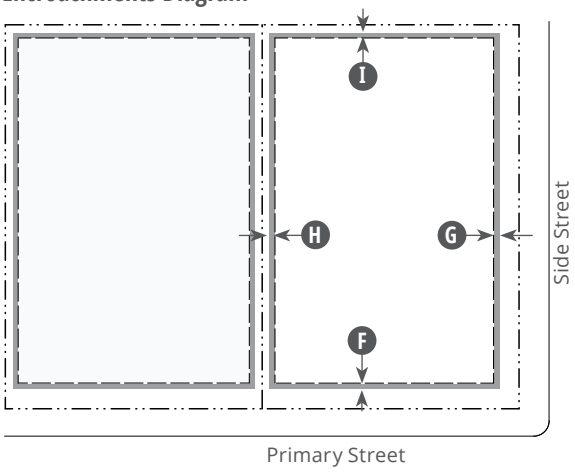
[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Max. number of allowed stories may exceed diagram

Table 23-4D-4140(D) Height

(1) All Buildings	Base Standard	AHBP Bonus [1]	
Overall (max.)	60'	+15'	E

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

(2) Compatibility Height Stepback

(a) Building height stepbacks are required where a portion of a building is located:

(i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale;

(ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or

(ii) adjacent to a property zoned Residential House-Scale.

(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).

(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:
< 25'	18'
25–50'	35'
50'–100'	45'
> 100'	Set by zone standards

Table 23-4D-4140(E) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [2]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [3]	5'	3'	3'	3'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[2] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[3] 3' (max.) above ground.

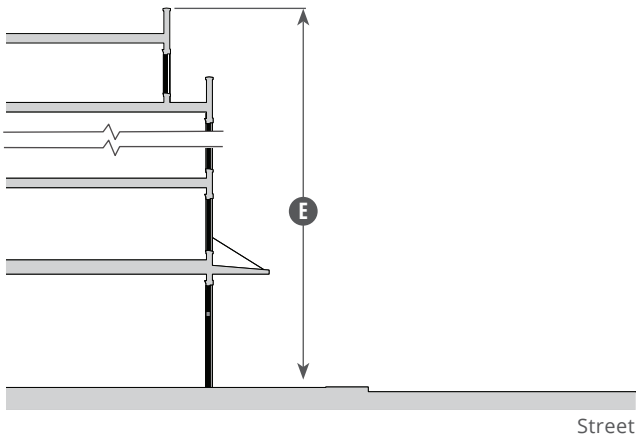
(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

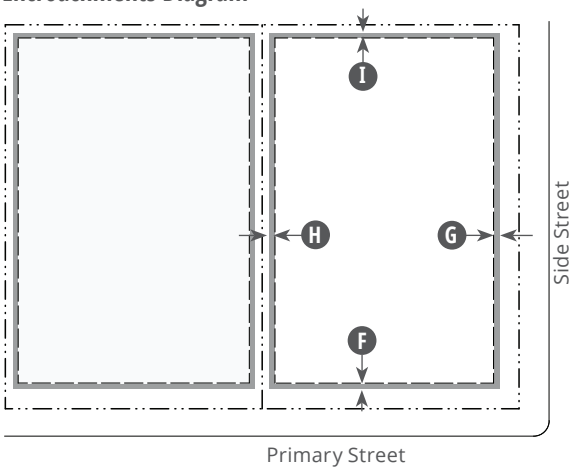
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Max. number of allowed stories may exceed diagram

Table 23-4D-4140(D) Height

(1) All Buildings	Base Standard	AHBP Bonus [1]	
Overall (max.)	60'	+15'	E

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

(2) Compatibility Height Stepback

(a) Building height stepbacks are required where a portion of a building is located:

(i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale;

(ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or

(ii) adjacent to a property zoned Residential House-Scale.

(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).

(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:
< 25'	18'
25–50'	35'
50'–100'	45'
> 100'	Set by zone standards

Table 23-4D-4140(E) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [2]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [3]	5'	3'	3'	3'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[2] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[3] 3' (max.) above ground.

(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

23-4D-4150 Mixed-Use 4B (MU4B) Zone

MU4B

(A) **Purpose.** Mixed-use 4B (MU4B) zone is intended to allow service, storage, and auto-related businesses with operating characteristics that make them inappropriate in zones with retail or office use.

(B) **Overview.** This zone allows residential and medium-intensity service and commercial industrial uses.

(C) **Requirements.** A lot zoned mixed- use 4B shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover);

(9) Table (I) (Open Space); and

(10) Table (J) (Additional Compatibility).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The lot shall not exceed the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

23-4D-4150 Mixed-Use 4B (MU4B) Zone

MU4B

(A) **Purpose.** Mixed-use 4B (MU4B) zone is intended to allow service, storage, and auto-related businesses with operating characteristics that make them inappropriate in zones with retail or office use.

(B) **Overview.** This zone allows residential and medium-intensity service and commercial industrial uses.

(C) **Requirements.** A lot zoned mixed- use 4B shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover);

(9) Table (I) (Open Space); and

(10) Table (J) (Additional Compatibility).

(D) **Subzone Requirements.** In addition to the requirements in Table (A) (Lot Size and Intensity), the following requirements apply:

(1) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program.

(a) The lot shall have no base entitlement for dwelling units.

(2) For a lot with the "-A" subzone and participates in the affordable housing bonus program.

(a) The total bonus is the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A) (Lot Size and Intensity).

(b) The maximum units per acre shall not exceed the total bonus units per acre.

(c) The set aside requirements shall be calculated as a percent of the total bonus, using Table 23-3E-1040(C): Affordable Unit Set Aside Requirements in For-Sale Properties or Table 23-3E-1040(E): Affordable Unit Set Aside Requirements in For-Rent Properties in "-A" Zones.

Table 23-4D-4150(A) Lot Size and Intensity

	Lot				Building	
	Principal Dwelling Units Per Acre (max.)				Size (max.)	
Allowed Use	Base Standard [1]	AHBP Bonus [2]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [2]
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	36	+36	50'	5,000 sf	2.0 FAR	+3.0 FAR
Townhouse	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Work/Live	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	2.0 FAR	+3.0 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Table 23-4D-4150(A) Lot Size and Intensity

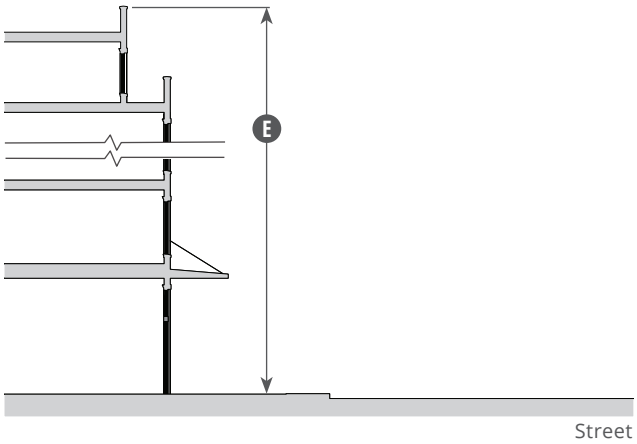
	Lot				Building	
	Principal Dwelling Units Per Acre (max.)				Size (max.)	
Allowed Use	Base Standard [1]	AHBP Bonus [2]	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	AHBP Bonus [2]
Single-Family Attached	18	+0	20'	2,000 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	18	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Multi-Family	36	+36	50'	5,000 sf	2.0 FAR	+3.0 FAR
Townhouse	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Work/Live	24	+0	18'	1,800 sf	0.6 FAR or 2,000 sf	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	2.0 FAR	+3.0 FAR

[1] Lots zones with the "-A" subzone shall comply with the requirements of Subsection (D)

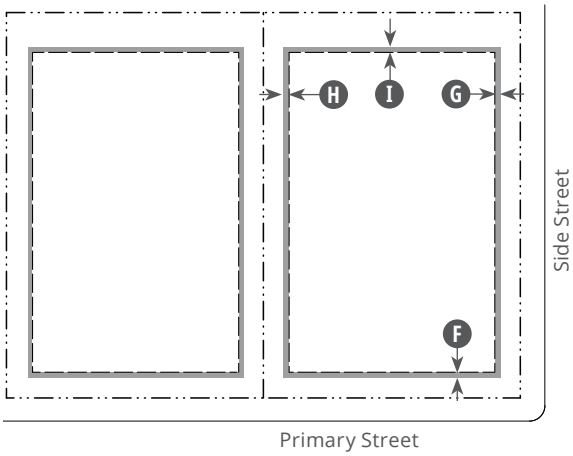
[2] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Max. number of allowed stories may exceed diagram

Table 23-4D-4150(D) Height

(1) All Buildings	Base Standard	AHBP Bonus [3]	
Overall (max.)	60'	+15'	E

[3] To receive an affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

(2) Compatibility Height Stepback

(a) Building height stepbacks are required where a portion of a building is located:

(i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale;

(ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or

(ii) adjacent to a property zoned Residential House-Scale.

(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).

(c)

Distance from the lot line of the triggering property:	Overall height shall not exceed:
≤ 25'	18'
25'–50'	35'
50'–100'	45'
> 100'	Set by zone standards

Table 23-4D-4150(E) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	5'	3'	3'	3'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

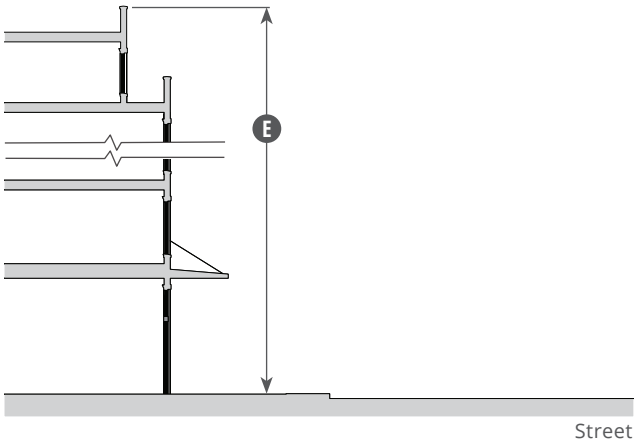
(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

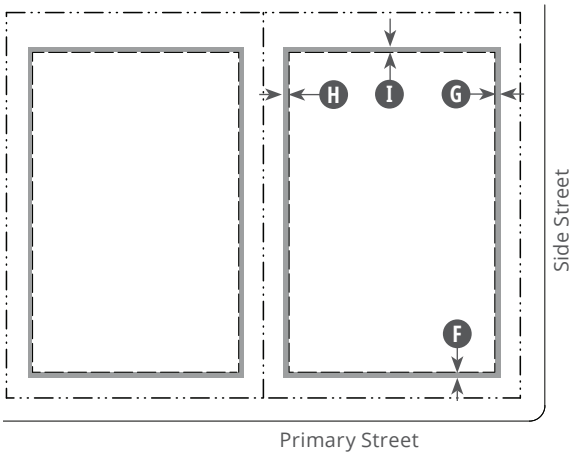
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Max. number of allowed stories may exceed diagram

Table 23-4D-4150(D) Height

(1) All Buildings	Base Standard	AHBP Bonus [3]	
Overall (max.)	60'	+15'	E

[3] To receive an affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

(2) Compatibility Height Stepback

(a) Building height stepbacks are required where a portion of a building is located:

(i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale;

(ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or

(ii) adjacent to a property zoned Residential House-Scale.

(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).

(c)

Distance from the lot line of the triggering property:	Overall height shall not exceed:
≤ 25'	18'
25'–50'	35'
50'–100'	45'
> 100'	Set by zone standards

Table 23-4D-4150(E) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	5'	3'	3'	3'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Landscaping may be located in a required setback.

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

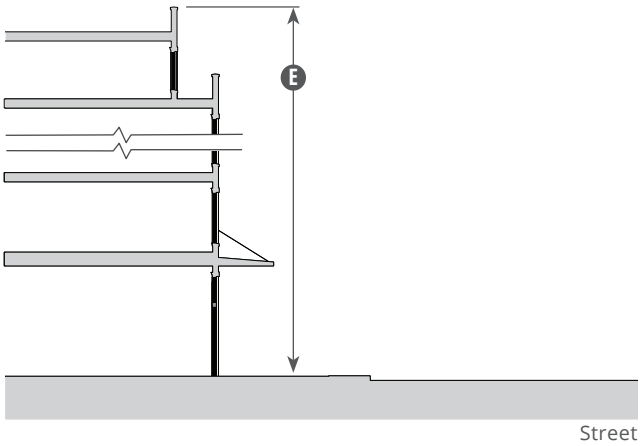
[2] 3' max. above ground.

(2) Height Encroachment

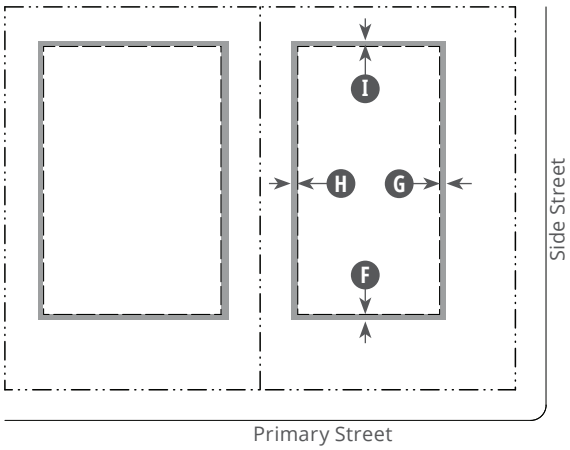
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Max. number of allowed stories may exceed diagram

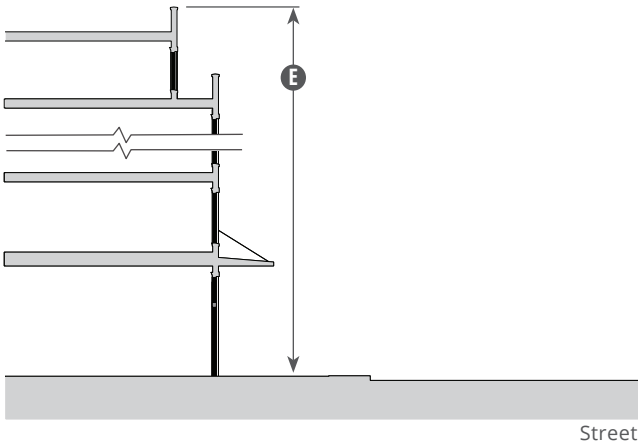
Table 23-4D-4160(D) Height		
(1) All Buildings		
Overall (max.)	80′	E
(2) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 25′	18′	
25'–50'	35′	
50'–100'	45'	
> 100′	Set by zone standards	

Table 23-4D-4160(E) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	3′	3′	3′
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments are not allowed within a right-of-way, public easement, or utility easement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions Subsection 23-4E-7050(B)(7).				
[2] 3′ max. above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

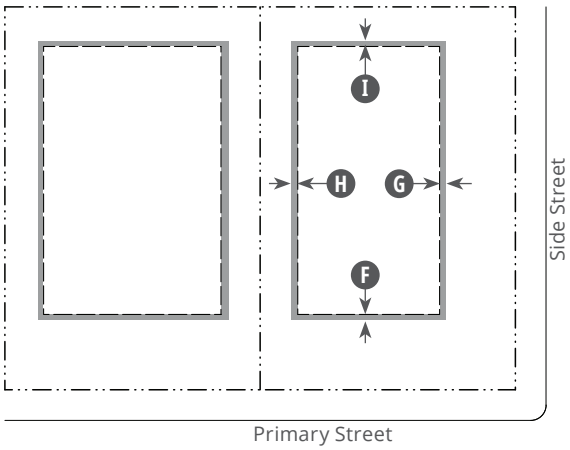
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Max. number of allowed stories may exceed diagram

Table 23-4D-4160(D) Height		
(1) All Buildings		
Overall (max.)	80′	E
(2) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 25′	18′	
25'–50'	35′	
50'–100'	45'	
> 100′	Set by zone standards	

Table 23-4D-4160(E) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	3′	3′	3′
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Landscaping may be located in a required setback.				
Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encorachment agreement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions Subsection 23-4E-7050(B)(7).				
[2] 3′ max. above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

(D) The provisions identified in Subsection (C) may not be a complete list of requirements that apply to a lot or use. Failure to include a specific provision in Subsection (C) or anywhere else in this division does not exempt the lot or use from complying with the provision.

23-4D-5030 Allowed Uses and Permit Requirements

(A) **Allowed Uses.**

(1) Table (A) (Allowed Uses in Main Street Zones) establishes the land uses that are allowed in each main street zone.

(2) Each land use listed is defined in Article 23-3M (Definitions and Measurements).

(3) On the ground floor of a building along a primary street frontage, an allowed non-residential pedestrian oriented use is required. Lobbies to upper floor uses or lobbies to residential uses are allowed.

(B) If a table identifies a permit requirement for the land use, then a property may not be used in that manner until the property owner or property operator obtains a permit.

(C) If a land use is subject to additional requirements, the table identifies the section Division 23-4E-6 (Specific to Uses) that applies.

(D) If a land use is marked "N/A" or is not included in the table, it is not allowed in the zone.

Table 23-4D-5030(A) Allowed Uses in Main Street Zones MS1A–MS3B

Use Type	Specifc to Use Requirements	MS1A	MS1B	MS2A	MS2B	MS2C	MS3A	MS3B
(1) Residential								
Accessory Dwelling Unit - Residential	23-4E-6030	P	P	P	P	P	P	P
Accessory Dwelling Unit - Commercial	23-4E-6040	P	P	P	P	P	P	P
Bed and Breakfast	23-4E-6090	P	P	P	P	P	P	P
Cooperative Housing		—	P	P	P	P	P	P
Duplex	23-4E-6170	—	P	P	P	P	P	P
Home Occupations	23-4E-6200	P	P	P	P	P	P	P
Live/Work	23-4E-6210	P	P	P	P	P	P	P
Multi-Family	23-4E-6250	—	P	P	P	P	P	P
Senior/Retirement Housing								
≤12	23-4E-6330	P	P	P	P	P	P	P
>12	23-4E-6330	P	P	P	P	P	P	P

Key for Table 23-4D-5030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

(D) The provisions identified in Subsection (C) may not be a complete list of requirements that apply to a lot or use. Failure to include a specific provision in Subsection (C) or anywhere else in this division does not exempt the lot or use from complying with the provision.

23-4D-5030 Allowed Uses and Permit Requirements

(A) **Allowed Uses.**

(1) Table (A) (Allowed Uses in Main Street Zones) establishes the land uses that are allowed in each main street zone.

(2) Each land use listed is defined in Article 23-3M (Definitions and Measurements).

(3) In zones MS2A, MS2B, and MS3A, on the ground floor of a building along a primary street frontage, an allowed non-residential pedestrian oriented use is required. Lobbies to upper floor uses or lobbies to residential uses are allowed.

(B) If a table identifies a permit requirement for the land use, then a property may not be used in that manner until the property owner or property operator obtains a permit.

(C) If a land use is subject to additional requirements, the table identifies the section Division 23-4E-6 (Specific to Uses) that applies.

(D) If a land use is marked "N/A" or is not included in the table, it is not allowed in the zone.

Table 23-4D-5030(A) Allowed Uses in Main Street Zones MS1A–MS3B

Use Type	Specifc to Use Requirements	MS1A	MS1B	MS2A	MS2B	MS2C	MS3A	MS3B
(1) Residential								
Accessory Dwelling Unit - Residential	23-4E-6030	P	P	P	P	P	P	P
Accessory Dwelling Unit - Commercial	23-4E-6040	P	P	P	P	P	P	P
Bed and Breakfast	23-4E-6090	P	P	P	P	P	P	P
Cooperative Housing		—	P	P	P	P	P	P
Duplex	23-4E-6170	—	P	P	P	P	P	P
Home Occupations	23-4E-6200	P	P	P	P	P	P	P
Live/Work	23-4E-6210	P	P	P	P	P	P	P
Multi-Family	23-4E-6250	P	P	P	P	P	P	P
Senior/Retirement Housing								
≤12	23-4E-6330	P	P	P	P	P	P	P
>12	23-4E-6330	P	P	P	P	P	P	P

Key for Table 23-4D-5030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Table 23-4D-5030(A) Allowed Uses in Main Street Zones MS1A–MS3B (continued)								
Use Type	**Specifc to Use Requirements**	**MS1A**	**MS1B**	**MS2A**	**MS2B**	**MS2C**	**MS3A**	**MS3B**
(7) Retail								
Alcohol Sales	23-4E-6070	—	CUP	—	CUP	CUP	CUP	CUP
Food Sales		P	P	P	P	P	P	P
General Retail								
≤ 5,000 sq ft		P	P	P	P	P	P	P
>5,000 and ≤10,000 sf		—	P	—	P	P	P	P
w/ Onsite Production		—	P	—	P	P	P	P
w/ Outside Storage	23-4E-6190	—	—	—	—	—	CUP	CUP
(8) Entertainment and Recreation								
Performance Venue/Theater	23-4E-6260							
Indoor	23-4E-6260							
≤2,500 sf	23-4E-6260	MUP	MUP	P	P	P	P	P
2,500-10,000 sf	23-4E-6260	CUP	CUP	MUP	MUP	MUP	P	P
> 10,000 sf	23-4E-6260	—	—	—	CUP	CUP	CUP	CUP
Outdoor	23-4E-6260							
≤ 2,500 sf	23-4E-6260	—	—	MUP	MUP	MUP	P	P
2,500-10,000 sf	23-4E-6260	—	—	—	CUP	CUP	CUP	CUP
Recreation								
Indoor ≤ 5,000 sf	23-4E-6290	P	P	P	P	P	P	P
Indoor > 5,000 sf	23-4E-6290	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Outdoor, Formal	23-4E-6290	MUP	MUP	MUP	MUP	MUP	MUP	MUP
Outdoor, Informal	23-4E-6290	P	P	P	P	P	—	—
Outdoor, Natural	23-4E-6290	P	P	P	P	P	P	P
Studio: art, dance, martial arts, music	23-4E-6370	P	P	P	P	P	P	P
(9) Industrial								
No Industrial uses allowed								
(10) Agriculture								
Community Agriculture	23-4E-6120	MUP	MUP	MUP	MUP	MUP	MUP	MUP
(11) Automobile Related								
Gas Station	23-4E-6180	—	—	—	CUP	CUP	CUP	CUP
Parking Facility		—	—	—	—	—	CUP	CUP

Key for Table 23-4D-5030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Table 23-4D-5030(A) Allowed Uses in Main Street Zones MS1A–MS3B (continued)								
Use Type	**Specifc to Use Requirements**	**MS1A**	**MS1B**	**MS2A**	**MS2B**	**MS2C**	**MS3A**	**MS3B**
(7) Retail								
Alcohol Sales	23-4E-6070	—	CUP	—	CUP	CUP	CUP	CUP
Food Sales		P	P	P	P	P	P	P
General Retail								
≤ 5,000 sq ft		P	P	P	P	P	P	P
>5,000 and ≤10,000 sf		—	P	—	P	P	P	P
w/ Onsite Production		—	P	—	P	P	P	P
w/ Outside Storage	23-4E-6190	—	—	—	—	—	CUP	CUP
Mobile Retail		P	P	P	P	P	P	P
(8) Entertainment and Recreation								
Performance Venue/Theater	23-4E-6260							
Indoor	23-4E-6260							
≤2,500 sf	23-4E-6260	MUP	MUP	P	P	P	P	P
2,500-10,000 sf	23-4E-6260	CUP	CUP	MUP	MUP	MUP	P	P
> 10,000 sf	23-4E-6260	—	—	—	CUP	CUP	CUP	CUP
Outdoor	23-4E-6260							
≤ 2,500 sf	23-4E-6260	—	—	MUP	MUP	MUP	P	P
2,500-10,000 sf	23-4E-6260	—	—	—	CUP	CUP	CUP	CUP
Recreation								
Indoor ≤ 5,000 sf	23-4E-6290	P	P	P	P	P	P	P
Indoor > 5,000 sf	23-4E-6290	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Outdoor, Formal	23-4E-6290	MUP	MUP	MUP	MUP	MUP	MUP	MUP
Outdoor, Informal	23-4E-6290	P	P	P	P	P	—	—
Outdoor, Natural	23-4E-6290	P	P	P	P	P	P	P
Studio: art, dance, martial arts, music	23-4E-6370	P	P	P	P	P	P	P
(9) Industrial								
No Industrial uses allowed								
(10) Agriculture								
Community Agriculture	23-4E-6120	MUP	MUP	MUP	MUP	MUP	MUP	MUP
(11) Automobile Related								
Gas Station	23-4E-6180	—	—	—	CUP	CUP	CUP	CUP

Key for Table 23-4D-5030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

23-4D-5040 Parking Requirements

(A) **Parking Required.** Required off street parking in the Main Street Zones is provided in Table 23-4D-5040(A) (Parking Standards for Main Street Zones).

(B) **Parking Reductions.** See Section 23-4E-3060 (Off-street Motor Vehicle Parking Adjustments) for standards for parking adjustment from Table A (Parking Standards for Main Street Zones).

(C) **Maximum Number of Parking Spaces.** Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the double the minimum number of parking spaces required. Maximum is calculated before any applicable parking reductions. Maximum does not apply to zones or land uses that require no off-street parking.

Table 23-4D-5040(A) Parking requirements for MS1A–MS3B

Use Type	Off-Street Parking Requirement
(1) Residential	
Accessory Dwelling Unit - Residential	none required
Accessory Dwelling Unit - Commercial	none required
Other allowed residential uses	1 per unit
(2) Residential Support	
No Residential Support uses allowed	
(3) Services	
Alternative Financial Services	1 per 350 sf
Drive Through, Retail, or Service Facility	4 tandem stacking spaces for each drive-up window or device
Hospital	1 per bed, plus 1 per 750 sf
Hotel/Motel	1 per every 2 bedrooms, plus 1 per 500 sf of meeting space
Other allowed service uses	1 per 500 sf after first 2,500 sf
(4) Office	
Office, General (non-medical)	1 per 500 sf after first 2,500 sf
(5) Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area
School	1.5 spaces per staff member plus 1 space for each 3 students enrolled in grades 11 and 12
Other allowed civic and public assembly uses	As determined by Planning Director

23-4D-5040 Parking Requirements

(A) **Parking Required.** Required off street parking in the Main Street Zones is provided in Table 23-4D-5040(A) (Parking Standards for Main Street Zones).

(B) **Parking Reductions.** See Section 23-4E-3060 (Off-street Motor Vehicle Parking Adjustments) for standards for parking adjustment from Table A (Parking Standards for Main Street Zones).

(C) **Maximum Number of Parking Spaces.** Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the double the minimum number of parking spaces required. Maximum is calculated before any applicable parking reductions. Maximum does not apply to zones or land uses that require no off-street parking.

Table 23-4D-5040(A) Parking requirements for MS1A–MS3B

Use Type	Off-Street Parking Requirement
(1) Residential	
Accessory Dwelling Unit - Residential	none required
Accessory Dwelling Unit - Commercial	none required
Bed and Breakfast	1 plus 0.8 per bedroom
Cooperative Housing	1 plus 1 per every 4 bedrooms
Home Occupations	None required
Senior/ Retirement Housing	0.8 per unit
Other allowed residential uses	1 per unit
(2) Residential Support	
No Residential Support uses allowed	
(3) Services	
Drive Through, Retail, or Service Facility	None Required
Hotel/Motel	1 per every 2 bedrooms, plus 1 per 500 sf of meeting space
Medical Services	1 per 350 sf after first 2,500 sf
Other allowed service uses	1 per 500 sf after first 2,500 sf
(4) Office	
Office, General (non-medical)	1 per 500 sf after first 2,500 sf
(5) Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 500 sf after first 2,500 sf

Table 23-4D-5040(A) Parking requirements for MS1A–MS3B (continued)	
Use Type	**Off-Street Parking Requirement**
(6) Restaurant and Bars	
Bar/Nightclub	
Level 1	none required if <2,500 sf; 1 per 125 sf if 2,500-10,000 sf; 1 per 100 sf if > 10,000
Level 2	none required if <2,500 sf; 1 per 125 sf if 2,500-10,000 sf; 1 per 100 sf if > 10,000
Micro-Brewery/Micro-Distillery/Winery	1 per 150 sf after first 2,500 sf tasting area, 1 per 1,000 sf production area
Restaurant	
w/o Alcohol Sales	1 per 125 sf after first 2,500 sf; 1 per 325 sf after first 2,500 sf if no customer service or dining area is provided
w/ Alcohol Sales	1 per 125 sf after first 2,500 sf; 1 per 325 sf after first 2,500 sf if no customer service or dining area is provided
Drive Through	Not Applicable
Late Night Operation	1 per 125 sf after first 2,500 sf; 1 per 325 sf after first 2,500 sf if no customer service or dining area is provided
(7) Retail	
All allowed retail uses	1 per 500 sf after first 2,500 sf
(8) Entertainment and Recreation	
Studio: art, dance, martial arts, music	1 per 500 sf after first 2,500 sf
Other allowed entertainment and recreation uses	As determined by the Planning Director
(9) Industrial	
No industrial uses allowed	
(11) Automobile Related	
Gas Station	1 per each 2 fueling bays plus 2 queue spaces per each fueling bay
Parking Facility	As determined by the Planning Director
(12) Innovation and Technology	
No innovation and technology uses allowed	
(13) Other	
All allowed other uses	As determined by Planning Director

Addendum Change

Table 23-4D-5040(A) Parking requirements for MS1A–MS3B (continued)	
Use Type	**Off-Street Parking Requirement**
School	
Business, or Trade	1 space per staff member, plus 1 space for every 4 students enrolled
College or University	1 space per staff member, plus 1 space for every 4 students enrolled
Private Primary	1 space per staff member
Private Secondary	1 space per staff member, plus 1 space for every 4 students enrolled in grades 11 and 12
Public Primary	1 space per staff member
Public Secondary	1 space per staff member, plus 1 space for every 4 students enrolled in grades 11 and 12
Other allowed civic and public assembly uses	As determined by the Director
(6) Restaurant and Bars	
Bar/Nightclub	
First 2,500 sf of area	None required
For each square foot greater than 2,500 sf up to 10,000 sf	1 per 125 sf
For each square foot greater than 10,000 sf	1 per 100 sf
Micro-Brewery/Micro-Distillery/Winery	1 per 150 sf after first 2,500 sf tasting area, 1 per 1,000 sf production area
Mobile Food Sales	None required
Restaurant	
First 2,500 sf of area	None required
For each square foot greater than 2,500 sf	1 per 125 sf
For restaurants that provide no customer service or dining area	1 per 325 sf after first 2,500 sf
Drive Through	None required
(7) Retail	
Food Sales	1 per 350 sf after first 2,500 sf
Mobile Retail	None required
All allowed retail uses	1 per 500 sf after first 2,500 sf
(8) Entertainment and Recreation	
Studio: art, dance, martial arts, music	1 per 500 sf after first 2,500 sf
Other allowed entertainment and recreation uses	As determined by the the Director
(9) Industrial	
No industrial uses allowed	
(10) Agriculture	
All allowed Agriculture uses	As determined by the Director

Figure 23-4D-5060(3) Building Height Diagram

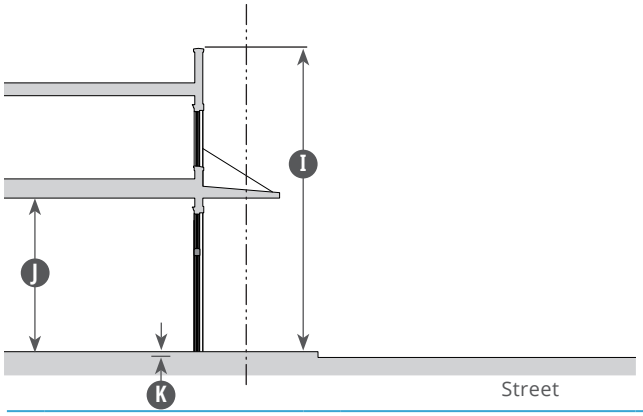
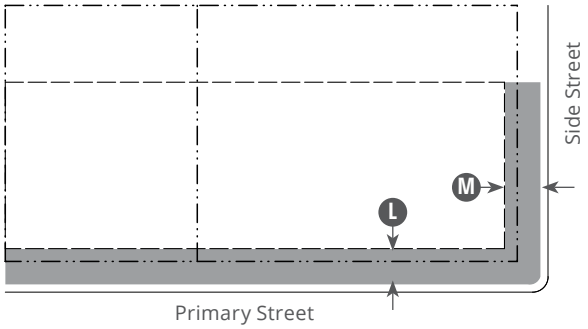


Figure 23-4D-5060(4) Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-5060(D) Height

(1) Primary and Accessory Building		
Overall (max.)	35'	I
(2) Accessory Structure		
Overall (max.)	12'	
(3) Primary Building, Ground Floor		
Floor-to-Ceiling Height [1]	14' min.	J
Finish Floor Height Above Curb for ground floor residential use within 10' of a street right-of-way [1, 2, 3]	18" min.	K

[1] Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

[2] Primary buildings are exempt on lots where the existing grading slopes down and away from the street.

[3] Does not apply to lobbies used to access residential units or amenity areas accessible to residential units.

Table 23-4D-5060(E) Encroachments

(1) Encroachment Type	Front (max.) L	Side St. (max.) M	Side (max.) N	Rear (max.) O
Private Frontage				
Gallery [4]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[4] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Figure 23-4D-5060(3) Building Height Diagram

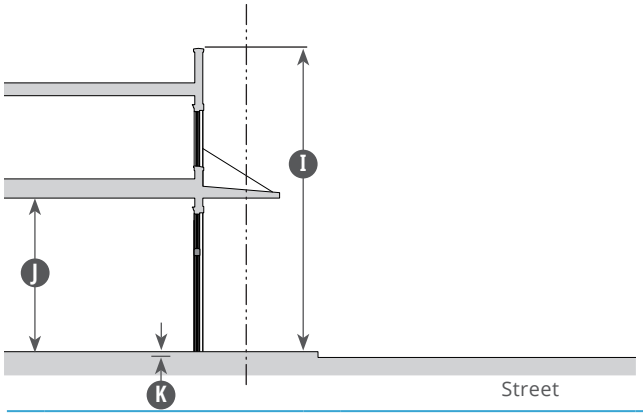
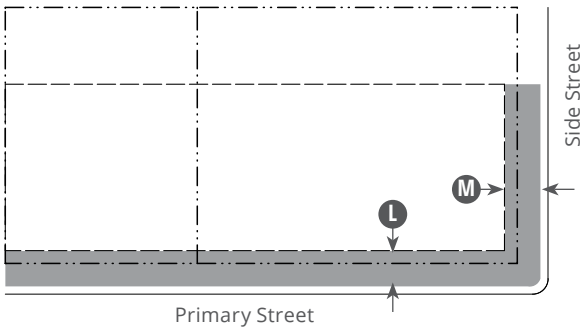


Figure 23-4D-5060(4) Encroachments Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-5060(D) Height

(1) Primary and Accessory Building		
Overall (max.)	35'	I
(2) Accessory Structure		
Overall (max.)	12'	
(3) Primary Building, Ground Floor		
Floor-to-Ceiling Height [1]	14' min.	J
Finish Floor Height Above Curb for ground floor residential use within 10' of a street right-of-way [1, 2, 3]	18" min.	K

[1] Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

[2] Primary buildings are exempt on lots where the existing grading slopes down and away from the street.

[3] Does not apply to lobbies used to access residential units or amenity areas accessible to residential units.

Table 23-4D-5060(E) Encroachments

(1) Encroachment Type	Front (max.) L	Side St. (max.) M	Side (max.) N	Rear (max.) O
Private Frontage				
Gallery [4]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[4] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Figure 23-4D-5070(3) Building Height Diagram

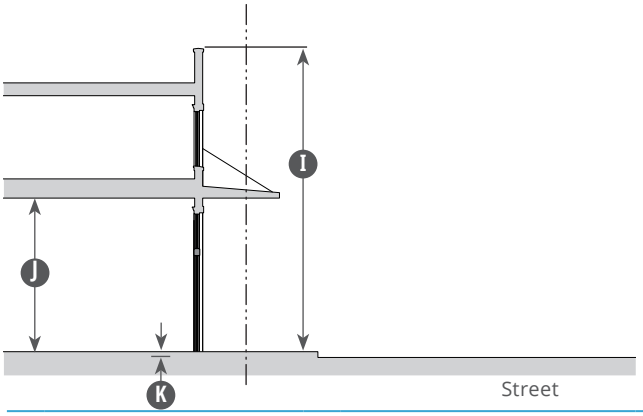
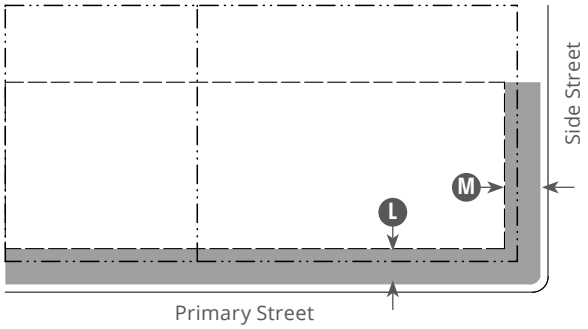


Figure 23-4D-5070(4) Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-5070(D) Height

(1) Primary and Accessory Building		
Overall (max.)	35'	I
(2) Accessory Structure		
Overall (max.)	12'	
(3) Primary Building, Ground Floor		
Floor-to-Ceiling Height [1]	14' min.	J
Finish Floor Height Above Curb for ground floor residential use within 10' of a street right-of-way [1, 2, 3]	18" min.	K

[1] Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

[2] Primary buildings are exempt on lots where the existing grading slopes down and away from the street.

[3] Does not apply to lobbies used to access residential units or amenity areas accessible to residential units.

Table 23-4D-5070(E) Encroachments

(1) Encroachment Type	Front (max.) L	Side St. (max.) M	Side (max.) N	Rear (max.) O
Private Frontage				
Gallery [4]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[4] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Figure 23-4D-5070(3) Building Height Diagram

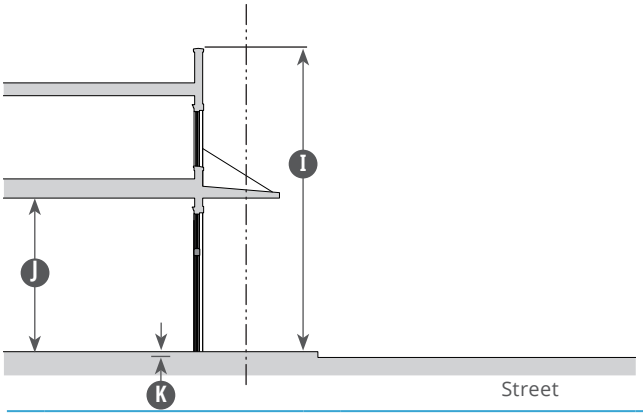
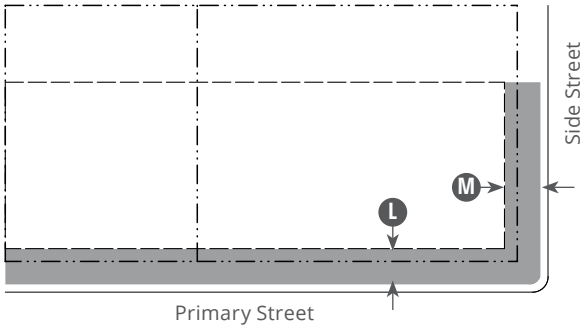


Figure 23-4D-5070(4) Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-5070(D) Height

(1) Primary and Accessory Building		
Overall (max.)	35'	I
(2) Accessory Structure		
Overall (max.)	12'	
(3) Primary Building, Ground Floor		
Floor-to-Ceiling Height [1]	14' min.	J
Finish Floor Height Above Curb for ground floor residential use within 10' of a street right-of-way [1, 2, 3]	18" min.	K

[1] Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

[2] Primary buildings are exempt on lots where the existing grading slopes down and away from the street.

[3] Does not apply to lobbies used to access residential units or amenity areas accessible to residential units.

Table 23-4D-5070(E) Encroachments

(1) Encroachment Type	Front (max.) L	Side St. (max.) M	Side (max.) N	Rear (max.) O
Private Frontage				
Gallery [4]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encorachment agreement.

[4] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Figure 23-4D-5080(4) Encroachments Diagram

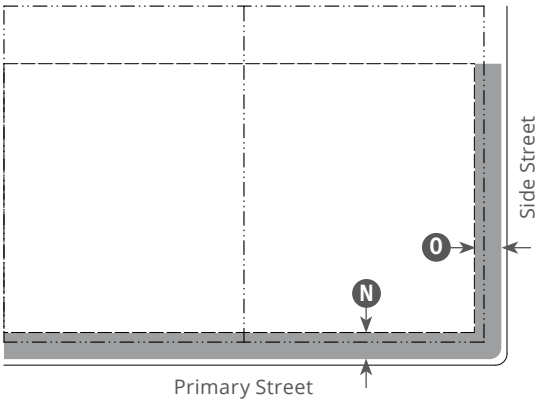
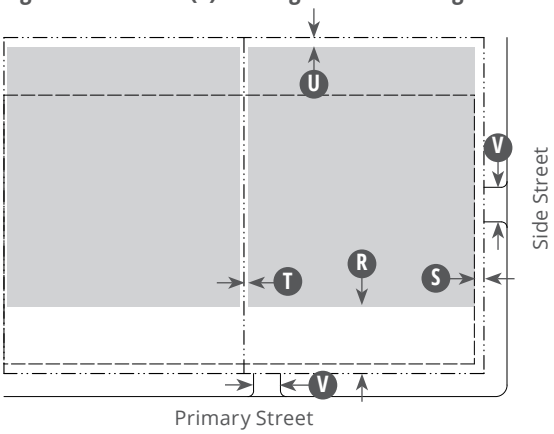


Figure 23-4D-5080(5) Parking Placement Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-5080(E) Encroachments

(1) Encroachment Type	Front (max.) N	Side St. (max.) O	Side (max.) P	Rear (max.) Q
Private Frontage				
Gallery [1]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-5080(F) Parking

(1) Parking Requirements

See Section 23-4D-5040 (Parking Requirements) for standards.

(2) Parking Setback	Front R	Side St. S	Side T	Rear U
At-Grade and Above-Grade	35'	5'	2'	5'
Below-Grade	5'	5'	0'	30'

(3) Parking Driveway	≤ 40 spaces	> 40 spaces	
Width	14' max.	18' max.	V

Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Figure 23-4D-5080(4) Encroachments Diagram

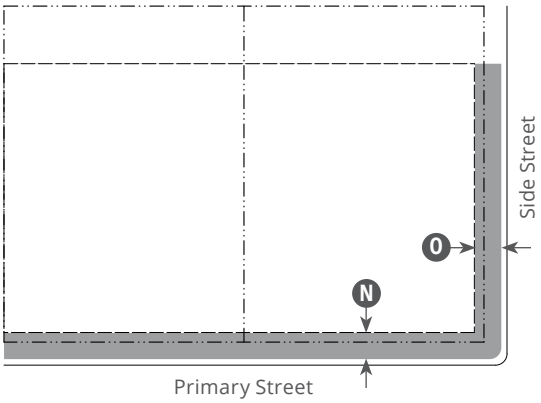
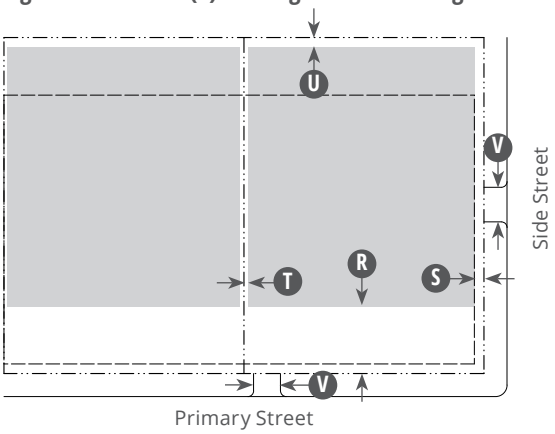


Figure 23-4D-5080(5) Parking Placement Diagram



Key for Diagrams ---- ROW / Lot Line --- Building Setback Line Encroachment Parking Area

Table 23-4D-5080(E) Encroachments

(1) Encroachment Type	Front (max.) N	Side St. (max.) O	Side (max.) P	Rear (max.) Q
Private Frontage				
Gallery [1]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-5080(F) Parking

(1) Parking Requirements

See Section 23-4D-5040 (Parking Requirements) for standards.

(2) Parking Setback	Front R	Side St. S	Side T	Rear U
At-Grade and Above-Grade	35'	5'	2'	5'
Below-Grade	5'	5'	0'	30'

(3) Parking Driveway	≤ 40 spaces	> 40 spaces	
Width	14' max.	18' max.	V

Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-5080(G) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Dooryard	A	A	23-4E-1070
Terrace	A	A	23-4E-1090
Lightwell [2]	A	A	23-4E-1100
Shopfront	A	A	23-4E-1110
Forecourt	A	A	23-4E-1080
Gallery	A	A	23-4E-1120

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

[2] Allowed only when necessary to accommodate grade change.

(2) Pedestrian Access

Pedestrian entrances must be provided at least every 75' along ground floor street facade and side street facade.

Table 23-4D-5080(H) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover	80% [1]	23-3D-3
Building Cover	70%	

See Division 23-3D-3 (Impervious Cover) for additional standards.

[1] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Table 23-4D-5080(I) Open Space

(1) Open Space Type	Width (min.)	Depth (min.)	Percentage (min.)
Common	15'	15'	5% gross site area

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

Common open space requirements must not be met by open space provided in required front or side-street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).

Addendum Change

Table 23-4D-5080(G) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Terrace	A	A	23-4E-1090
Lightwell [2]	A	A	23-4E-1100
Shopfront	A	A	23-4E-1110
Forecourt	A	A	23-4E-1080
Gallery	A	A	23-4E-1120

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

[2] Allowed only when necessary to accommodate grade change.

(2) Pedestrian Access

Pedestrian entrances must be provided at least every 75' along ground floor street facade and side street facade.

Table 23-4D-5080(H) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover	80% [1]	23-3D-3
Building Cover	70%	

See Division 23-3D-3 (Impervious Cover) for additional standards.

[1] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Table 23-4D-5080(I) Open Space

(1) Open Space Type	Width (min.)	Depth (min.)	Percentage (min.)
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Figure 23-4D-5090(4) Encroachments Diagram

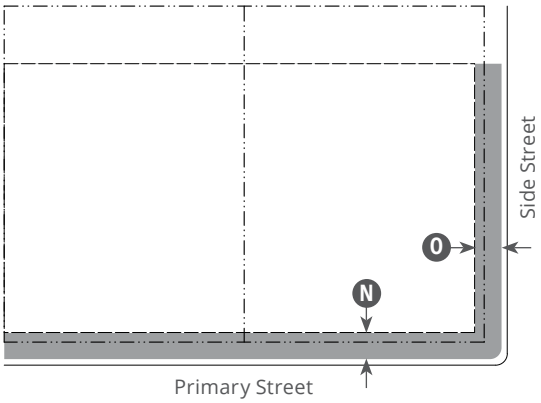
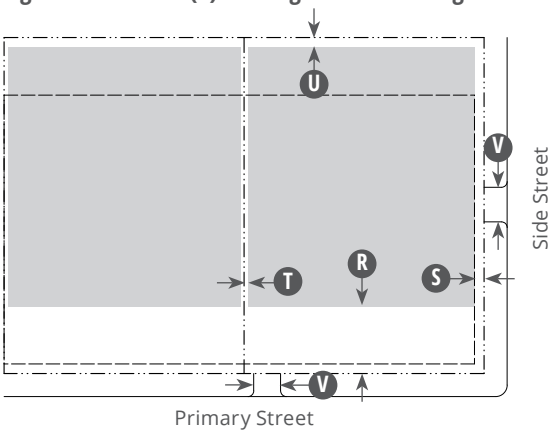


Figure 23-4D-5090(5) Parking Placement Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-5090(E) Encroachments

(1) Encroachment Type	Front (max.) N	Side St. (max.) O	Side (max.) P	Rear (max.) Q
Private Frontage				
Gallery [1]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-5090(F) Parking

(1) Parking Requirements

See Section 23-4D-5040 (Parking Requirements) for standards.

(2) Parking Setback	Front R	Side St. S	Side T	Rear U
At-Grade and Above-Grade	35'	5'	2'	5'
Below-Grade	5'	5'	0'	30'

(3) Parking Driveway	≤ 40 spaces	> 40 spaces	
Width	14' max.	18' max.	V

Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Figure 23-4D-5090(4) Encroachments Diagram

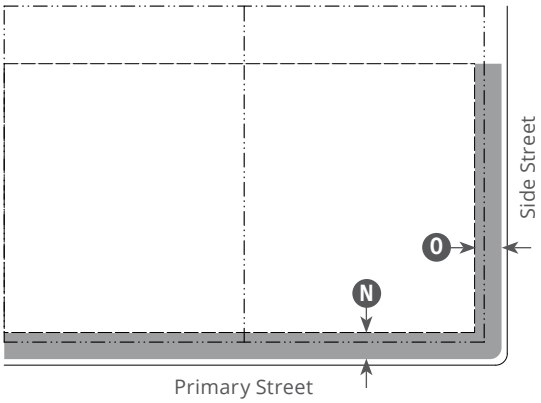
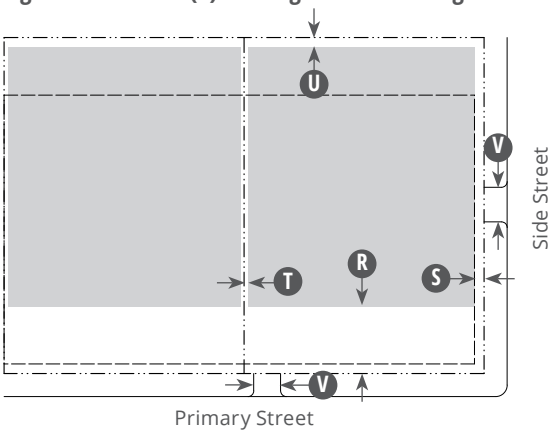


Figure 23-4D-5090(5) Parking Placement Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-5090(E) Encroachments

(1) Encroachment Type	Front (max.) N	Side St. (max.) O	Side (max.) P	Rear (max.) Q
Private Frontage				
Gallery [1]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-5090(F) Parking

(1) Parking Requirements

See Section 23-4D-5040 (Parking Requirements) for standards.

(2) Parking Setback	Front R	Side St. S	Side T	Rear U
At-Grade and Above-Grade	35'	5'	2'	5'
Below-Grade	5'	5'	0'	30'

(3) Parking Driveway	≤ 40 spaces	> 40 spaces	
Width	14' max.	18' max.	V

Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-5090(G) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Dooryard	A	A	23-4E-1070
Terrace	A	A	23-4E-1090
Lightwell [1]	A	A	23-4E-1100
Shopfront	A	A	23-4E-1110
Forecourt	A	A	23-4E-1080
Gallery	A	A	23-4E-1120

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

[1] Allowed only when necessary to accommodate grade change.

(2) Pedestrian Access

Pedestrian entrances must be provided at least every 75' along ground floor street facade and side street facade.

Table 23-4D-5090(H) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover	80% [2]	23-3D-3
Building Cover	70%	

See Division 23-3D-3 (Impervious Cover) for additional standards.

[3] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Table 23-4D-5090(I) Open Space

(1) Open Space Type	Width (min.)	Depth (min.)	Percentage (min.)
Common	15'	15'	5% gross site area

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

Common open space requirements must not be met by open space provided in required front or side-street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).

Addendum Change

Table 23-4D-5090(G) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Terrace	A	A	23-4E-1090
Lightwell [1]	A	A	23-4E-1100
Shopfront	A	A	23-4E-1110
Forecourt	A	A	23-4E-1080
Gallery	A	A	23-4E-1120

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

[1] Allowed only when necessary to accommodate grade change.

(2) Pedestrian Access

Pedestrian entrances must be provided at least every 75' along ground floor street facade and side street facade.

Table 23-4D-5090(H) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover	80% [2]	23-3D-3
Building Cover	70%	

See Division 23-3D-3 (Impervious Cover) for additional standards.

[3] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Table 23-4D-5090(I) Open Space

(1) Open Space Type	Width (min.)	Depth (min.)	Percentage (min.)
Common	15'	15'	5% gross site area

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

Common open space requirements must not be met by open space provided in required front or side-street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).

Figure 23-4D-5100(4) Encroachments Diagram

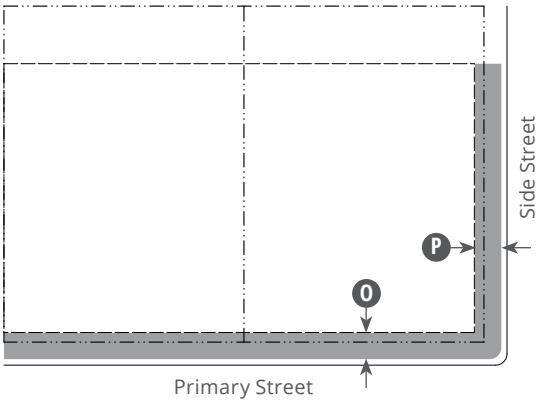
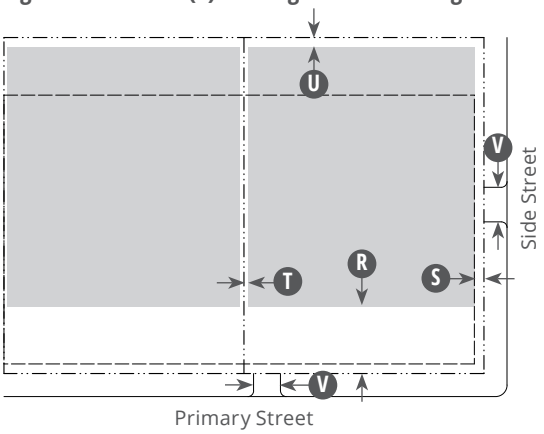


Figure 23-4D-5100(5) Parking Placement Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-5100(E) Encroachments

(1) Encroachment Type	Front (max.) N	Side St. (max.) O	Side (max.) P	Rear (max.) Q
Private Frontage				
Gallery [1]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-5100(F) Parking

(1) Parking Requirements

See Section 23-4D-5040 (Parking Requirements) for standards.

(2) Parking Setback	Front R	Side St. S	Side T	Rear U
At-Grade and Above-Grade	35'	5'	2'	5'
Below-Grade	5'	5'	0'	30'

(3) Parking Driveway	≤ 40 spaces	> 40 spaces	
Width	14' max.	18' max.	V

Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Figure 23-4D-5100(4) Encroachments Diagram

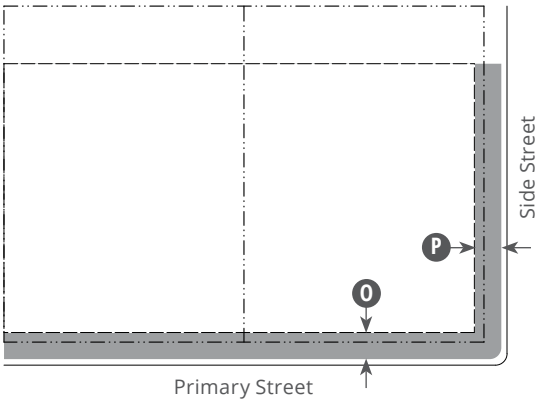
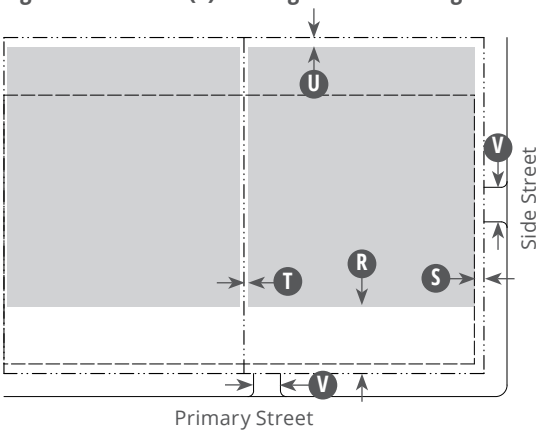


Figure 23-4D-5100(5) Parking Placement Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-5100(E) Encroachments

(1) Encroachment Type	Front (max.) N	Side St. (max.) O	Side (max.) P	Rear (max.) Q
Private Frontage				
Gallery [1]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encorachment agreement.

[1] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-5100(F) Parking

(1) Parking Requirements

See Section 23-4D-5040 (Parking Requirements) for standards.

(2) Parking Setback	Front R	Side St. S	Side T	Rear U
At-Grade and Above-Grade	35'	5'	2'	5'
Below-Grade	5'	5'	0'	30'

(3) Parking Driveway	≤ 40 spaces	> 40 spaces	
Width	14' max.	18' max.	V

Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Figure 23-4D-5110(4) Encroachments Diagram

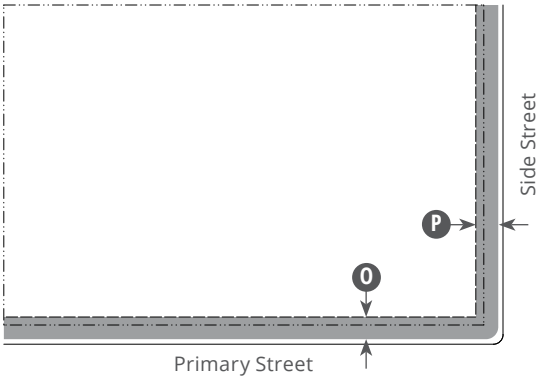
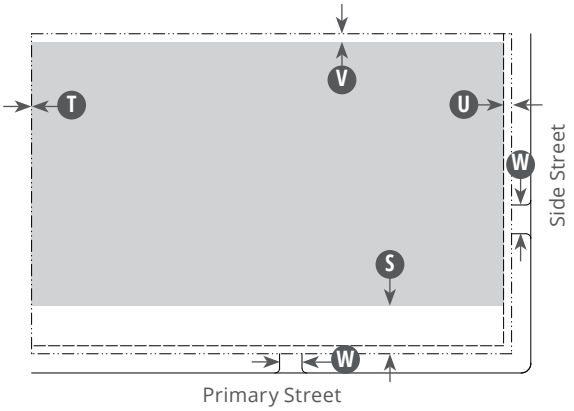


Figure 23-4D-5110(5) Parking Diagram



Key for Diagrams ---- ROW / Lot Line --- Building Setback Line Encroachment Parking Area

Table 23-4D-5110(E) Encroachments

(1) Encroachment Type	Front (max.) O	Side St. (max.) P	Side (max.) Q	Rear (max.) R
Private Frontage				
Gallery [5]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[5] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-5110(F) Parking

(1) Parking Requirements

See Section 23-4D-5040 (Parking Requirements) for standards.

(2) Parking Setback	Front S	Side St. T	Side U	Rear V
At-Grade	30'	5'	0'	5'
Above-Grade	30' [2]	5'	0'	5'
Below-Grade	5'	5'	0'	0'

Parking structures may be exposed to a Side Street for a length of 120' max. so long as the parking structure maintains a pattern of fenestration that is consistent with that of the primary building .

[2] Buildings less than 150' in length are exempt from upper floor front parking setbacks.

(3) Parking Driveway

Width	25' max.	W

Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Figure 23-4D-5110(4) Encroachments Diagram

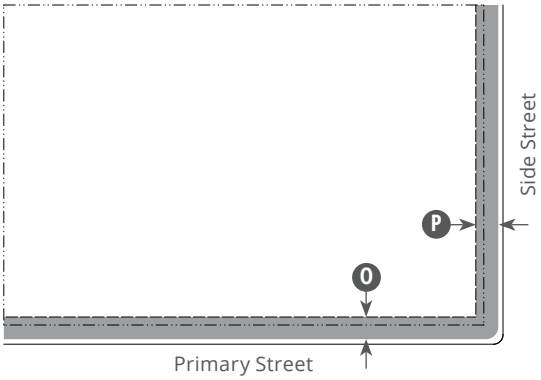
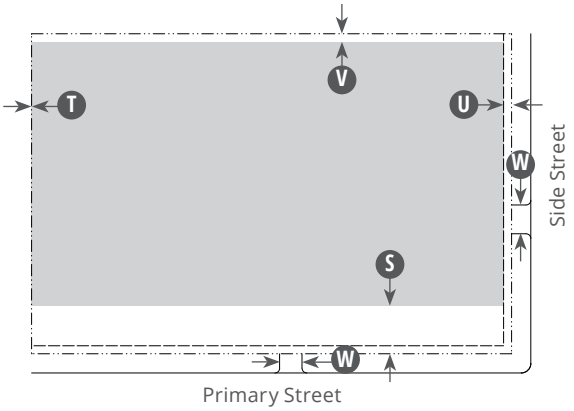


Figure 23-4D-5110(5) Parking Diagram



Key for Diagrams ROW / Lot Line; Building Setback Line; Encroachment; Parking Area

Table 23-4D-5110(E) Encroachments

(1) Encroachment Type	Front (max.) O	Side St. (max.) P	Side (max.) Q	Rear (max.) R
Private Frontage				
Gallery [5]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encorachment agreement.

[5] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-5110(F) Parking

(1) Parking Requirements

See Section 23-4D-5040 (Parking Requirements) for standards.

(2) Parking Setback	Front S	Side St. T	Side U	Rear V
At-Grade	30'	5'	0'	5'
Above-Grade	30' [2]	5'	0'	5'
Below-Grade	5'	5'	0'	0'

Parking structures may be exposed to a Side Street for a length of 120' max. so long as the parking structure maintains a pattern of fenestration that is consistent with that of the primary building .

[2] Buildings less than 150' in length are exempt from upper floor front parking setbacks.

(3) Parking Driveway

Width	25' max.	W

Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Table 23-4D-5110(G) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Dooryard	A	A	23-4E-1070
Terrace [1]	A	A	23-4E-1090
Shopfront	A	A	23-4E-1110
Gallery	A	A	23-4E-1120

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

[1] Allowed only when necessary to accommodate grade change.

(2) Pedestrian Access

Pedestrian entrances must be provided at least every 75' along ground floor street facade and side street facade.

Table 23-4D-5110(H) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover	95% [1]	23-3D-3
Building Cover	90%	

See Division 23-3D-3 (Impervious Cover) for additional standards.

See Section 23-4E-4080 (Functional Green) for additional standards for projects with impervious cover exceeding 80%.

[1] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Table 23-4D-5110(I) Open Space

(1) Open Space Type	Width (min.)	Depth (min.)	Percentage (min.)
Common	20'	20'	5% gross site area

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

Common open space requirements must not be met by open space provided in required front or side street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).

Addendum Change

Table 23-4D-5110(G) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Terrace [1]	A	A	23-4E-1090
Shopfront	A	A	23-4E-1110
Gallery	A	A	23-4E-1120

For non-residential uses, loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

[1] Allowed only when necessary to accommodate grade change.

(2) Pedestrian Access

Pedestrian entrances must be provided at least every 75' along ground floor street facade and side street facade.

Table 23-4D-5110(H) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover	95% [1]	23-3D-3
Building Cover	90%	

See Division 23-3D-3 (Impervious Cover) for additional standards.

See Section 23-4E-4080 (Functional Green) for additional standards for projects with impervious cover exceeding 80%.

[1] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Table 23-4D-5110(I) Open Space

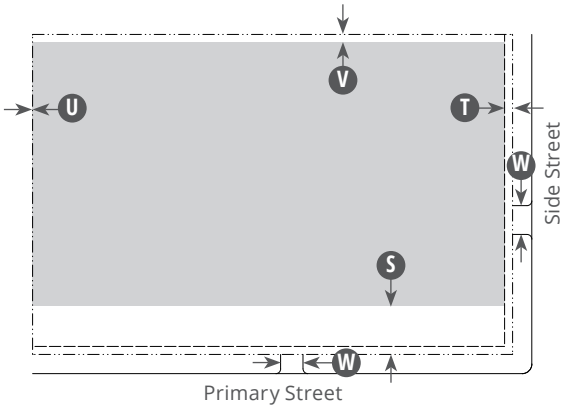
(1) Open Space Type	Width (min.)	Depth (min.)	Percentage (min.)
Common	20'	20'	5% gross site area

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

Common open space requirements must not be met by open space provided in required front or side street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).

Figure 23-4D-5120(4) Encroachments Diagram

Figure 23-4D-5120(5) Parking Diagram



Key for Diagrams ROW / Lot Line; Building Setback Line; Encroachment; Parking Area

Table 23-4D-5120(E) Encroachments

(1) Encroachment Type	Front (max.) O	Side St. (max.) P	Side (max.) Q	Rear (max.) R
Private Frontage				
Gallery [1]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-5120(F) Parking

(1) Parking Requirements

See Section 23-4D-5040 (Parking Requirements) for standards.

(2) Setback (min.)	Front S	Side St. T	Side U	Rear V
At-Grade	30'	5'	0'	5'
Above-Grade	30' [3]	5'	0'	5'
Below-Grade	5'	5'	0'	0'

Parking structures may be exposed to a Side Street for a length of 120' max. so long as the parking structure maintains a pattern of fenestration that is consistent with that of the primary building .

[3] Buildings less than 150' in width are exempt from upper floor front parking setbacks.

(3) Parking Driveway

Width	25' max.	W

Driveways may be shared between adjacent parcels.

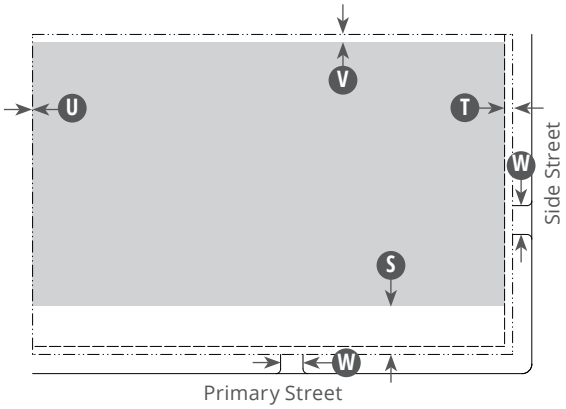
When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Figure 23-4D-5120(4) Encroachments Diagram

Figure 23-4D-5120(5) Parking Diagram



Key for Diagrams ---- ROW / Lot Line --- Building Setback Line Encroachment Parking Area

Table 23-4D-5120(E) Encroachments

(1) Encroachment Type	Front (max.) O	Side St. (max.) P	Side (max.) Q	Rear (max.) R
Private Frontage				
Gallery [1]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachments

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-5120(F) Parking

(1) Parking Requirements

See Section 23-4D-5040 (Parking Requirements) for standards.

(2) Setback (min.)	Front S	Side St. T	Side U	Rear V
At-Grade	30'	5'	0'	5'
Above-Grade	30' [3]	5'	0'	5'
Below-Grade	5'	5'	0'	0'

Parking structures may be exposed to a Side Street for a length of 120' max. so long as the parking structure maintains a pattern of fenestration that is consistent with that of the primary building .

[3] Buildings less than 150' in width are exempt from upper floor front parking setbacks.

(3) Parking Driveway

Width	25' max.	W

Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

4D-6040
Parking Requirements

(A) **Parking Required.** Regional center zones do not require off-street parking.

(B) **Parking Location Standards.**

(1) Off-Street Parking Location Standards.

(a) Parking is prohibited between building frontage and front property line.

(b) Maximum 2 curb cuts per block.

(c) Off-street drop-offs and port-cocheres are allowed only for hotels in the Waterfront District.

(d) In the Red River District, drop-off and parking lanes must be retained on both sides of Red River Street.

(e) Maximum driveway width is 25'.

(f) See Section 23-4D-9070 (Downtown Plan Overlay Zone) for additional parking and driveway requirements.

(2) **Exceptions to Off-Street Parking Location Standards**. For sites 400 feet deep or less, off-street parking may be located between the building frontage and the property line if at least 60 percent of the property's net frontage length is built up to the lot line.

(3) **Parking Location Standards – Corner Sites in DC Zone.** Surface parking is prohibited within the rectangular area formed by the setback lines as measured 100' back from the curb line corners (or the intersection of the curb line tangents), unless:

(a) A landscaped buffer is provided between the sidewalk and parking area in compliance with Division 23-4E-4 (Landscape); and

(b) 100% of the building frontage that faces the primary street is built to the property line.

23-4D-6040 Parking Requirements

(A) **Parking Required.** Regional center zones do not require off-street parking.

(B) **Parking Location Standards.**

(1) Off-Street Parking Location Standards.

(a) Parking is prohibited between building frontage and front property line.

(b) Maximum 2 curb cuts per block face.

(c) Off-street drop-offs and port-cocheres are allowed only for hotels in the Waterfront District.

(d) In the Red River District, drop-off and parking lanes must be retained on both sides of Red River Live Music Subdistrict.

(e) Maximum driveway width is 25'.

(f) See Section 23-4D-9080 (Downtown Plan Overlay Zone) for additional parking and driveway requirements.

23-4D-6050 General to Regional Center Zones

(A) **Applicability**. The standards of this Section apply to all proposed development in compliance with this Division, unless otherwise provided in this Section. When in conflict, the standards of this Section supersede the standards of the base zone.

(B) **Building Frontage and Placement**

(1) **Building Placement**

(a) Exemptions

(i) Drive-throughs. If a drive-through business has only one access point to a public thoroughfare, a circulation lane maximum 20 feet wide may be provided between the building and the property line. However, there must be a public sidewalk that crosses the circulation lane providing direct pedestrian access to the building entrance visible from the property line.

(ii) Restaurant or Gas Stations. Building placement standards do not apply to redevelopment of an existing pad site restaurant or gas station use that remains as a restaurant or gas station and the development occurs within the existing site configuration.

(iii) Narrow Interior Lots. Narrow interior lots less than 65 feet wide with only a single point of access to a public roadway are exempt from building placement standards.

(2) **Building Entrance**

(a) Exemptions. An entrance is not required if the following conditions are met:

(i) Minimum 80 percent of the net building frontage consists of building facade built to the minimum setback line;

(ii) The building has a continuous shaded sidewalk linking the sidewalk to the building entrance; and

(iii) The entrance is less than 100 feet from the property line.

(3) **Alternate Active Private Frontage.** As an option, active private frontage may be used to substitute in whole, or in part, for the placement standards in required in the zone. Active private frontage must conform to the standards of this Subsection. See Figure 23-4D-4050 (1) (Building Placement and Alternative) for reference.

23-4D-6050 General to Regional Center Zones

(A) **Applicability**. The standards of this Section apply to all proposed development in compliance with this Division, unless otherwise provided in this Section. When in conflict, the standards of this Section supersede the standards of the base zone.

(B) **Building Frontage and Placement**

(1) **Building Placement**

(a) Exemptions

(i) Drive-throughs. If a drive-through business has only one access point to a public thoroughfare, a circulation lane maximum 20 feet wide may be provided between the building and the property line. However, there must be a public sidewalk that crosses the circulation lane providing direct pedestrian access to the building entrance visible from the property line.

(ii) Restaurant or Gas Stations. Building placement standards do not apply to redevelopment of an existing pad site restaurant or gas station use that remains as a restaurant or gas station and the development occurs within the existing site configuration.

(iii) Narrow Interior Lots. Narrow interior lots less than 65 feet wide with only a single point of access to a public roadway are exempt from building placement standards.

(2) **Alternate Active Private Frontage.** As an option, active private frontage may be used to substitute in whole, or in part, for the placement standards in required in the zone. Active private frontage must conform to the standards of this Subsection. See Figure 23-4D-6050 (1) (Building Placement and Alternative) for reference.

(a) Active private frontage areas must include one or more of the following amenities:

(i) Accessory outdoor dining, provided that the dining area is separated from the public right-of-way only with planters, shrubs, or fencing with a maximum height of 42 inches;

(ii) Balconies, pedestrian sidewalks, porches, accessible ramps, and stoops; provided that no such feature must extend into the public right-of-way without a license agreement;

(iii) Terraces (see Section 23-4E-1100 [Terrace] for standards);

23-4D-6060 Commercial Center (CC) Zone

CC

(A) **Purpose.** Commercial center (CC) zone is an urban mixed use zone intended to provide city wide access to employment, shopping, entertainment, and services in a highly walkable, transit-rich environments in activity centers or in an area that transitions from neighborhoods or main street zones to Downtown Austin.

(B) **Overview.** This zone allows multi-unit residential, office, service, and a broad array of retail uses in attached mid-rise and high-rise block scale buildings. It can be summarized as:

(1) eligible for affordable housing bonus program; and

(2) the compatibility effects in this zone does not require additional setbacks triggered but may require height stepbacks by residential house-scale.

(C) **Sub-Zones.** Commercial center zone includes subzones with specific height limitations. The commercial center zone includes the following sub-zones:

(1) CC-40' (CC40);

(2) CC-60' (CC60);

(3) CC-80' (CC80); and

(4) CC-120' (CC120).

(D) **Requirements.** A lot zoned commercial center shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover);

(9) Table (I) (Open Space);

(10) Table (J) (Additional Standards); and

(11) Table (K) (Additional Compatibility).

23-4D-6060 Commercial Center (CC) Zone

CC

(A) **Purpose.** Commercial center (CC) zone is an urban mixed use zone intended to implement the Downtown Area Plan and provide city wide access to employment, shopping, entertainment, and services in a highly walkable, transit-rich environments that transitions from neighborhoods or main street zones to Downtown Austin.

(B) **Overview.** This zone allows multi-unit residential, office, service, and a broad array of retail uses in attached mid-rise and high-rise block scale buildings. It can be summarized as:

(1) eligible for affordable housing bonus program; and

(2) the compatibility effects in this zone does not require additional setbacks triggered but may require height stepbacks by residential house-scale.

(C) **Sub-Zones.** Commercial center zone includes subzones with specific height limitations. The commercial center zone includes the following sub-zones:

(1) CC-40' (CC40);

(2) CC-60' (CC60);

(3) CC-80' (CC80); and

(4) CC-120' (CC120).

(D) **Requirements.** A lot zoned commercial center shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover);

(9) Table (I) (Open Space);

(10) Table (J) (Additional Standards); and

(11) Table (K) (Additional Compatibility).

Table 23-4D-6060(A) Lot Size and Intensity			
Lot Size			
Minimum	N/R		
Lot Width			
Minimum	N/R		
Intensity [1]	**Dwelling Units per Acre**	**FAR (max.)** [2]	**AHBP Bonus**
CC-40' (CC40) Sub-zone	N/R	1.0	+ 1.0
CC-60' (CC60) Sub-zone	N/R	2.0	+ 2.0
CC-80' (CC80) Sub-zone	N/R	3.0	+ 3.0
CC-120' (CC120) Sub-zone	N/R	5.0	+ 3.0

[1] May be eligible for density bonus under Article 23-3E (Affordable Housing).

[2] The following are exempt from FAR calculations:

- Retail and restaurant uses on the ground floor along MLK Blvd, 12th Street west of West Avenue and 15th Street east of Rio Grande street
- Retail and restaurant uses on the ground floor on Pedestrian Activity streets in the Waterfront District
- Live music venues and other cultural uses in the Red River District, approved by the Planning Director

Addendum Change

Table 23-4D-6060(A) Lot Size and Intensity			
Lot Size			
Minimum	N/R		
Lot Width			
Minimum	N/R		
Intensity [1]	**Dwelling Units per Acre**	**FAR (max.)** [2]	**Mas FAR with Bonus**
CC-40' (CC40) Sub-zone	N/R	1.0	See Division 23-3D-2 (Downtown Density Bonus Program)
CC-60' (CC60) Sub-zone	N/R	2.0	
CC-80' (CC80) Sub-zone	N/R	3.0	
CC-120' (CC120) Sub-zone	N/R	5.0	

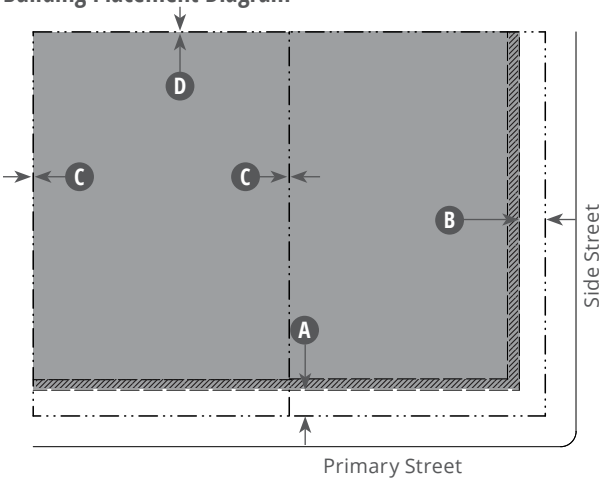
[1] May be eligible for density bonus under Article 23-3E (Affordable Housing).

[2] The following are exempt from FAR calculations:

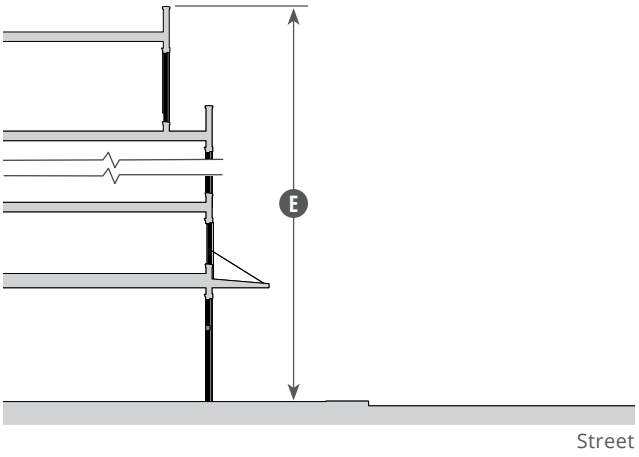
- Retail and restaurant uses on the ground floor along MLK Blvd, 12th Street west of West Avenue and 15th Street east of Rio Grande street
- Retail and restaurant uses on the ground floor on Pedestrian Activity streets in the Waterfront District
- Live music venues and other cultural uses in the Red River District, approved by the Planning Director

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

-···-ROW / Lot Line

--- Building Setback Line

Buildable Area

Facade Zone

Max. number of allowed stories may exceed diagram

Table 23-4D-6060(B) Building Placement

(1) Setback (Distance from ROW / Lot Line)	Front (A)	Side St. (B)	Side (C)	Rear (D)
Minimum [1]	5' [2]	5' [2]	0'	0'
Maximum [1]	10' [2]	10' [2]	N/R	N/R

Additional setback and/or easement may be required where street right-of-way or utilities easement is required.

[1] See Section 23-4D-9070 for additional setback standards.

[2] First four stories above ground level. Does not apply to portion of a building adjacent to a plaza or a protected tree.

Table 23-4D-6060(C) Building Form

(1) Net Frontage defined by Building Facade

Location	Net Frontage
Front [3]	75% min.
Side St. [3]	75% min.

[3] See Section 23-4D-9070 (Downtown Plan Overlay Zone) If the building provides publicly accessible open space consistent with Section 23-4C-1040 (Civic Open Space), additional setback is allowed subject to approval by the Development Services Director.

Table 23-4D-6060(D) Height

(1) All Buildings	Base Standard	Additional FAR with AHBP Bonus [4]
Sub-zone	Overall (max.)	(E)
CC-40' (CC40)	40'	+25'
CC-60' (CC60)	60'	+25'
CC-80' (CC80)	80'	+70'
CC-120' (CC120)	120'	+80'

[4] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

(2) Building Height Stepback

Building height stepback required for portions of the building adjacent, or across an alley from Residential House-Scale Zone is as follows:

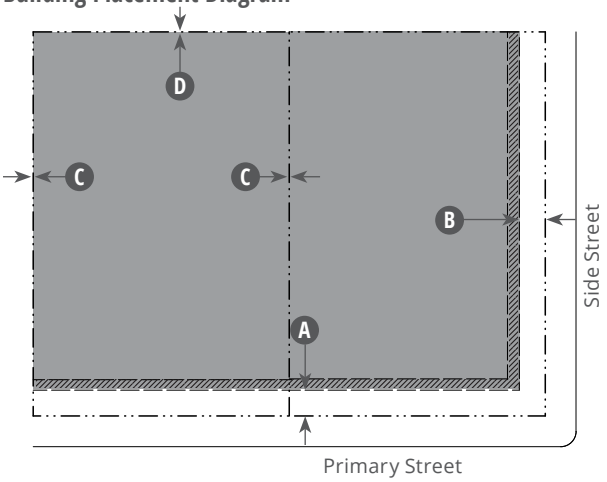
Distance from Lot Line of Triggering Property	Height (max.)
≤ 25'	18'
25'–50'	35'
50'–100'	lesser of 45' or Sub-zone maximum
> 100'	Set by sub-zone standards

In addition to the requirements set forth in the preservation plan established in Section 23-4D-9070 (Downtown Plan Overlay Zone), rooftop additions to historic structures in the East 6th Street National Register Historic District or on Congress Avenue must be stepped back 15' from the front facade.

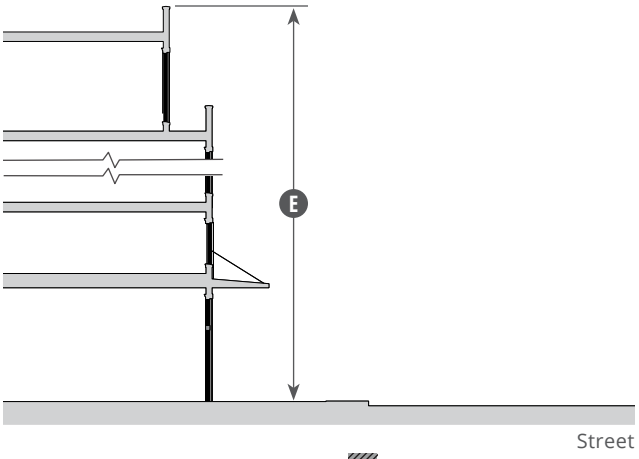
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Placement Diagram



Building Height Diagram



Key for Diagrams

-·-·-ROW / Lot Line

- - - Building Setback Line

Buildable Area

Facade Zone

Max. number of allowed stories may exceed diagram

Table 23-4D-6060(B) Building Placement

(1) Setback (Distance from ROW / Lot Line)	Front (A)	Side St. (B)	Side (C)	Rear (D)
Minimum [1]	5'	5'	0'	0'
Maximum [1]	10' [2]	10' [2]	N/R	N/R

Additional setback and/or easement may be required where street right-of-way or utilities easement is required.

[1] The requirements in Section 23-4D-9080 for additional setback standards supersede in the event of conflict.

[2] Maximum setback for the first four stories above ground level only. Does not apply to portion of a building adjacent to a plaza or a protected tree.

Table 23-4D-6060(C) Building Form

(1) Net Frontage defined by Building Facade

Location	Net Frontage
Front [3]	75% min.
Side St. [3]	75% min.

[3] See exemptions in Subsection 23-4D-6050 (B)(1). Where there is not enough building frontage to meet the standards, an active private frontage is required in compliance with Section 23-4D-6050(B)(2). See Section 23-4D-9080 (Downtown Plan Overlay Zone) If the building provides publicly accessible open space consistent with Section 23-4C-1040 (Civic Open Space), additional setback is allowed subject to approval by the Development Services Director.

Table 23-4D-6060(D) Height

(1) All Buildings	Base Standard	Max Height with Bonus
Sub-zone	Overall (max.)	(E)
CC-40' (CC40)	40'	See Division 23-3E-2 (Downtown Density Bonus Program)
CC-60' (CC60)	60'	
CC-80' (CC80)	80'	
CC-120' (CC120)	120'	

(2) Building Height Stepback

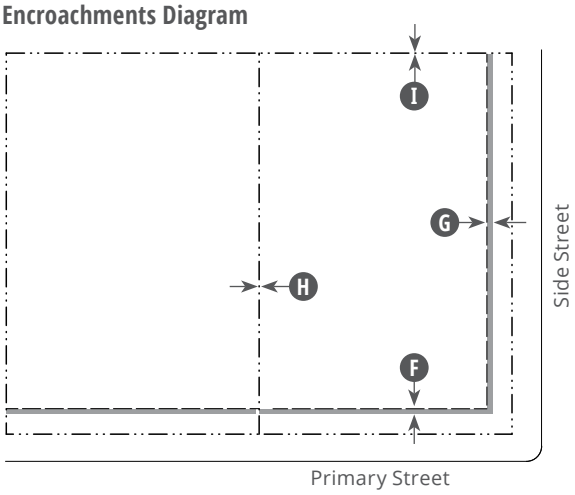
Building height stepback required for portions of the building adjacent, or across an alley from Residential House-Scale Zone is as follows:

Distance from Lot Line of Triggering Property	Height (max.)
≤ 25'	18'
25'–50'	35'
50'–100'	lesser of 45' or Sub-zone maximum
> 100'	Set by sub-zone standards

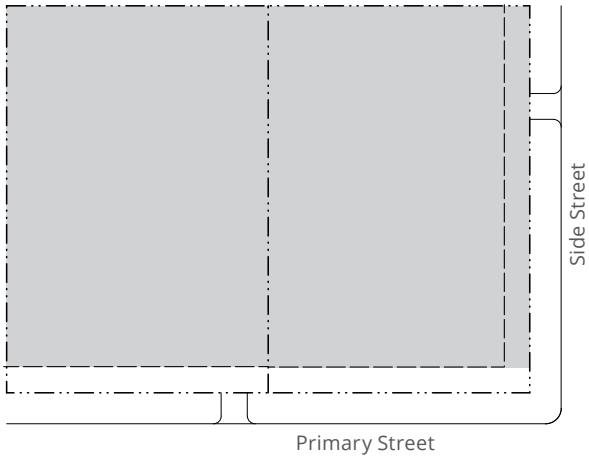
In addition to the requirements set forth in the preservation plan established in Section 23-4D-9100 (Historic Landmark and Historic District Overlay Zones), rooftop additions to historic structures in the East 6th Street National Register Historic District or on Congress Avenue must be stepped back 15' from the front facade.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-6060(E) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	0′	3′	3′	3′

Ramps. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] A maximum 3′ above ground.

Table 23-4D-6060(F) Parking

(1) Parking Requirements

No required parking spaces.

See Section 23-4D-6040 (Parking Requirements) for standards.

Table 23-4D-6060(G) Frontages

(1) Ground Floor Frontage

Minimum 60% ground floor frontage must be occupied with approved active commercial or civic use as provided in Section 23-4D-9070 (Downtown Plan Overlay Zone).

Arcades or colonnades allowed if:

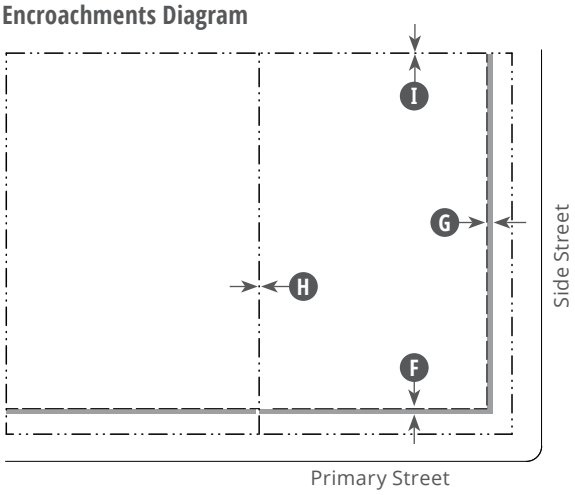
- Part of an existing or planned block system of covered sidewalks
- Structure provides clear opening to street with minimum 14' vertical clearance
- Solid columns represent maximum 10% of building facade

For commercial buildings:

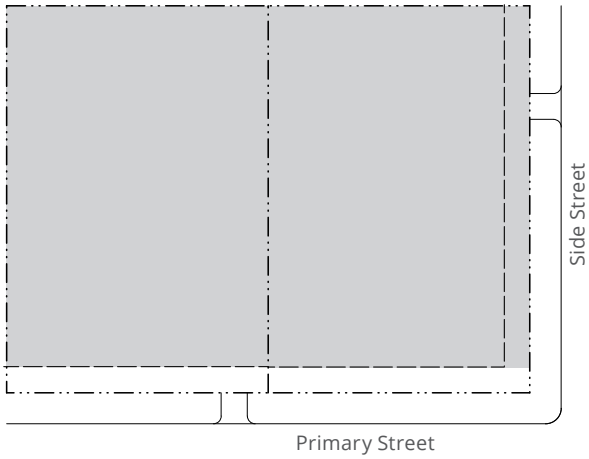
- Entries must be oriented to the street and located at sidewalk level
- No ramps or stairs allowed within public right-of-way or front setback

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-6060(E) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	0′	3′	3′	3′

Ramps. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design.

[2] A maximum 3′ above ground.

Table 23-4D-6060(F) Parking

(1) Parking Requirements

No required parking spaces.

See Section 23-4D-6040 (Parking Requirements) for standards.

Table 23-4D-6060(G) Frontages

(1) Ground Floor Frontage

Minimum 60% ground floor frontage must be occupied with approved active commercial or civic use as provided in Section 23-4D-9080 (Downtown Plan Overlay Zone).

Arcades or colonnades allowed if:

- Part of an existing or planned block system of covered sidewalks
- Structure provides clear opening to street with minimum 14' vertical clearance
- Solid columns represent maximum 10% of building facade

For commercial buildings:

- Entries must be oriented to the street and located at sidewalk level
- No ramps or stairs allowed within public right-of-way or front setback

Table 23-4D-6060(H) Impervious Cover		
(1) Impervious Cover	% (max.)	Standards
Impervious Cover	95% [1]	Division 23-3D-3
Building Cover	95%	
See Division 23-3D-3 (Impervious Cover) for additional standards.		
See Section 23-4E-4080 (Functional Green) for developments with impervious cover greater than 80%.		

[1] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Table 23-4D-6060(I) Open Space	
(1) Open Space Type	
(a) Personal Open Space	
None required	
(b) Common Open Space	
5% gross site area [2]	
(c) Civic Open Space	
Sites < 4 acres	None required
Sites ≥ 4 acres	10% net development acreage in compliance with Section 23-4C-1040 (Civic Open Space)

[2] For Non-residential sites 2 acres or larger and all multi-family developments of 10 units or more, see Section 23-4C-1030 (Common Open Space). Otherwise none required

Table 23-4D-6060(J) Additional Standards
(1) Construction
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).

Table 23-4D-6060(K) Additional Compatibility
See Section 23-4D-9070 (Downtown Plan Overlay Zone) for standards.
(2) Height Encroachment
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-6060(H) Impervious Cover		
(1) Impervious Cover	% (max.)	Standards
Impervious Cover	95% [1]	Division 23-3D-3
Building Cover	95%	
See Division 23-3D-3 (Impervious Cover) for additional standards.		
See Section 23-4E-4080 (Functional Green) for developments with impervious cover greater than 80%.		
[1] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.		

Table 23-4D-6060(I) Open Space	
(1) Open Space Type	
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None required	
(b) Common Open Space	
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(c) Civic Open Space	
Sites < 4 acres	None required
Sites ≥ 4 acres	10% net development acreage in compliance with Section 23-4C-1040 (Civic Open Space)

Table 23-4D-6060(J) Additional Standards
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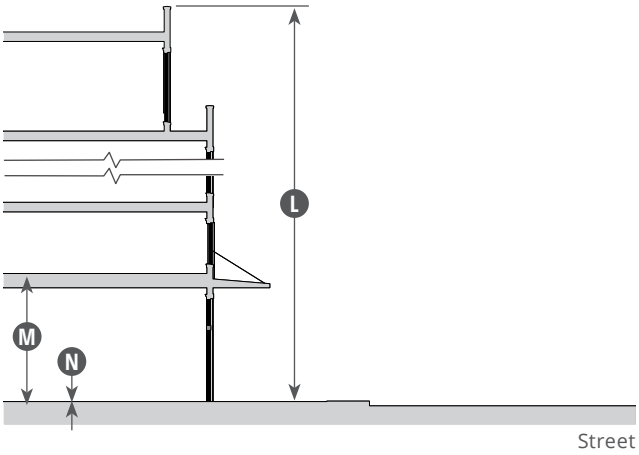
A building must achieve at least a one star rating under the Austin Green Building program, as prescribed by a rule adopted in accordance with Chapter 1-2 (Adoption of Rules).

Table 23-4D-6060(K) Additional Compatibility
See Section 23-4D-9080 (Downtown Plan Overlay Zone) for standards.
(2) Height Encroachment
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Building Height Diagram



Key for Diagram ---- ROW / Lot Line ✧ Max. number of allowed stories may exceed diagram

Table 23-4D-6070(D) Height		
(1) All Buildings	**Base Standard**	**Additional FAR with AHBP Bonus[1]**
Sub-zone	**Overall (max.)**	**L**
UC-80' (UC80)	80'	+70'
UC-120' (UC120)	120'	+80'
UC-180' (UC180)	180'	+60'
UC-Unlimited	Unlimited	

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

(2) Design Standards High-rise Towers	
Floorplate Above 85'	
Per Tower (max.)	25,000 square feet
Combined (max.)	60% of lot area
Floorplate Above 240'	
One Tower (max.)	15,000 square feet
Tower Separation (min.)	120'

Multiple high-rise towers may be located on a single lot provided the following standards are met.

(3) Accessory Structure	
Overall (max.)	12'

Table 23-4D-6070(D) Height (continued)		
(1) Building Height Stepback		
Stepbacks are required for portions of the building adjacent to, across an alley from, or across a right-of-way less than 60' wide from a Residential House-Scale Zone.		
Distance from Lot Line of Triggering Property	**Height (max.)**	
< 25'	18'	
25'–50'	35'	
50'–100'	45'	
> 100'	Set by sub-zone standards	
(2) Primary Building, Ground Floor		
Floor-to-Ceiling Height [2]	14' min.	M
Finish Floor Height Above Curb for ground floor residential use within 10' of a street right-of-way [2, 3, 4]	18"	N

[2] Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

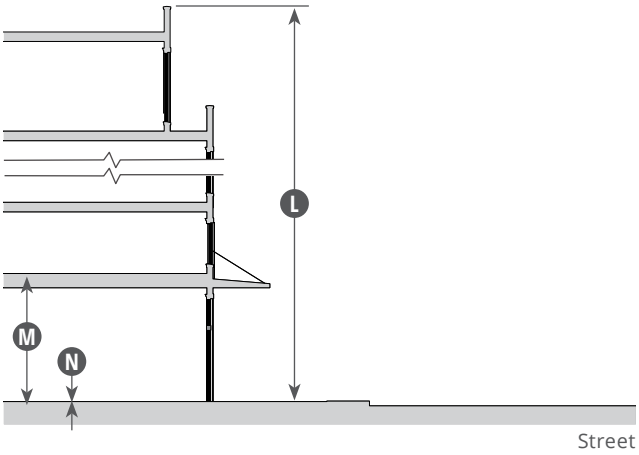
[3] Primary buildings are exempt on lots where the existing grading slopes down and away from the street.

[4] Does not apply to lobbies used to access residential units or amenity areas accessible to residential units.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Height Diagram



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(1) All Buildings	**Base Standard**	**Additional FAR with AHBP Bonus[1]**
Sub-zone	**Overall (max.)**	**L**
UC-80' (UC80)	80'	+70'
UC-120' (UC120)	120'	+80'
UC-180' (UC180)	180'	+60'
UC-Unlimited	Unlimited	

[1] To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

(2) Design Standards High-rise Towers	
Floorplate Above 85'	
Per Tower (max.)	25,000 square feet
Combined (max.)	60% of lot area
Floorplate Above 240'	
One Tower (max.)	15,000 square feet
Tower Separation (min.)	
One or no floorplates > 20,000 sf each	80'
Two or more floorplates > 20,000 sf each	120'

Multiple high-rise towers may be located on a single lot provided the standards of this table are met.

(3) Accessory Structure	
Overall (max.)	12'

Table 23-4D-6070(D) Height (continued)	
(1) Building Height Stepback	
Stepbacks are required for portions of the building adjacent to, across an alley from, or across a right-of-way less than 60' wide from a Residential House-Scale Zone.	
Distance from Lot Line of Triggering Property	**Height (max.)**
< 25'	18'
25'–50'	35'
50'–100'	45'
> 100'	Set by sub-zone standards

(2) Primary Building, Ground Floor		
Floor-to-Ceiling Height [2]	14' min.	M
Finish Floor Height Above Curb for ground floor residential use within 10' of a street right-of-way [2, 3, 4]	18"	N

[2] Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

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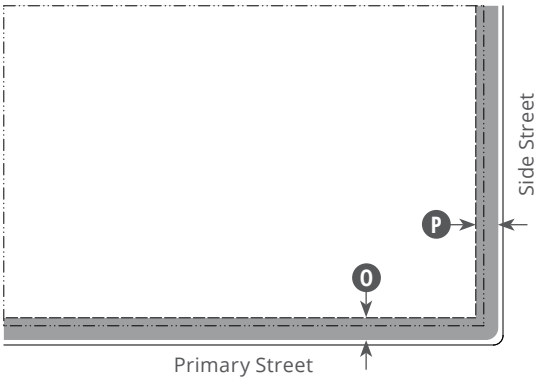
Encroachments Diagram



Key for Diagrams ROW / Lot Line | Building Setback Line | Encroachment | Parking Area

Table 23-4D-6070(E) Encroachments

(1) Encroachment Type	Front (max.) O	Side St. (max.) P	Side (max.) Q	Rear (max.) R
Private Frontage				
Gallery [1]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramps. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards..

Table 23-4D-6070(F) Frontages

(1) Private Frontage Type	Front	Side St.	Standards
Terrace [2]	—	A	23-4E-1090
Shopfront	A	A	23-4E-1110
Gallery	A	A	23-4E-1120
Stoop [3]	—	A	23-4E-1080
Dooryard [3]	—	A	23-4E-1070

Loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

[2] Allowed only when necessary to accommodate grade change.

[3] Allowed only when used to access residential use.

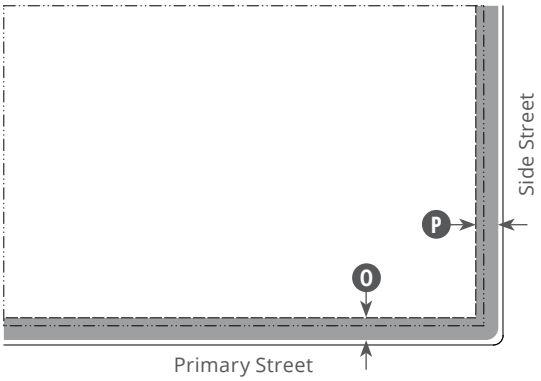
(2) Pedestrian Access

Pedestrian entrances must be provided at least every 50' along ground floor street facade and side street facade.

Key for Tables A = Allowed | — = Not Allowed | N/R = No Requirement

Addendum Change

Encroachments Diagram



Key for Diagrams ROW / Lot Line | Building Setback Line | Encroachment | Parking Area

Table 23-4D-6070(E) Encroachments

(1) Encroachment Type	Front (max.) O	Side St. (max.) P	Side (max.) Q	Rear (max.) R
Private Frontage				
Gallery [1]	14'	14'	—	—
Architectural Features	3'	3'	—	—

Ramps. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Galleries may encroach into the street right-of-way, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards..

Table 23-4D-6070(F) Frontages

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Shopfront	A	A	23-4E-1110
Gallery	A	A	23-4E-1120
Stoop [3]	—	A	23-4E-1080
Dooryard [3]	—	A	23-4E-1070

Loading docks, overhead doors, and other service entries must be screened and not be located on primary street facades.

[2] Allowed only when necessary to accommodate grade change.

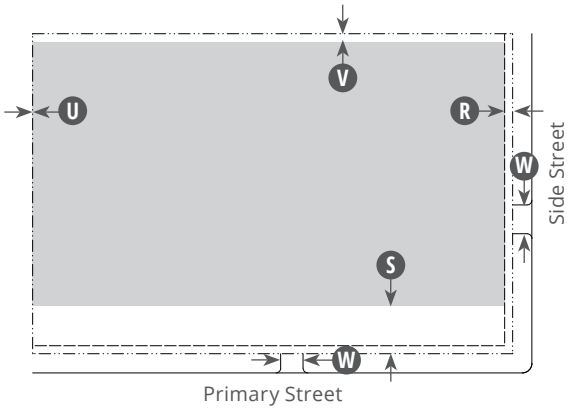
[3] Allowed only when used to access residential use.

(2) Pedestrian Access

Pedestrian entrances must be provided at least every 50' along ground floor street facade and side street facade.

Key for Tables A = Allowed | — = Not Allowed | N/R = No Requirement

Parking Diagram



Key for Diagrams ROW / Lot Line | Building Setback Line | Encroachment | Parking Area

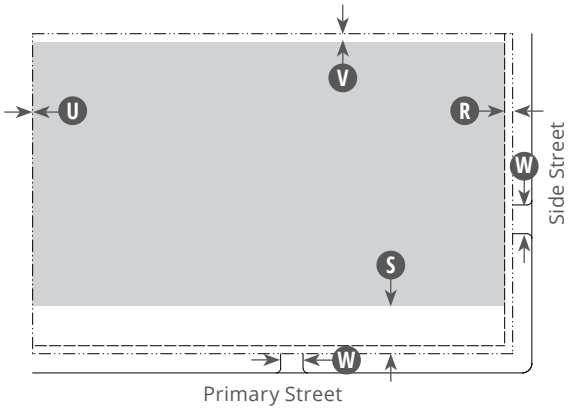
Table 23-4D-6070(G) Parking				
Parking Requirements				
No required parking spaces.				
See Section 23-4D-6040 (Parking Requirements) for standards.				
(1) Setback (min.)	**Front** S	**Side St.** T	**Side** U	**Rear** V
At-Grade	50'	5'	0'	0'
Above-Grade	40' [1]	0'	0'	0'
Below-Grade	5'	5'	0'	0'
Parking structures may be exposed to a Side Street for a length of 120' max. so long as the parking structure facade maintains a pattern of fenestration that is consistent with the primary building.				
[1] Buildings less than 150' in length are exempt from upper floor front parking setbacks.				
(2) Parking Driveway				
Width			25' max.	W
Driveways may be shared between adjacent parcels.				
When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.				

Table 23-4D-6070(H) Impervious Cover		
(1) Impervious Cover	**% (max.)**	**Standards**
Impervious Cover	95% [2]	23-3D-3
Building Cover	90%	
See Division 23-3D-3 (Impervious Cover) for additional standards.		
See Section 23-4E-4080 (Functional Green) for additional standards for projects with impervious cover greater than 80%.		
[2] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.		

Table 23-4D-6070(I) Open Space			
(1) Open Space Type	**Width (min.)**	**Depth (min.)**	**Percentage (min.)**
Common	20'	20'	5% gross site area
Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.			
Common open space requirements must not be met by open space provided in required front or side street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).			

Addendum Change

Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-6070(G) Parking

Parking Requirements

No required parking spaces.

See Section 23-4D-6040 (Parking Requirements) for standards.

(1) Setback (min.)	Front S	Side St. T	Side U	Rear V
At-Grade	50'	5'	0'	0'
Above-Grade	0' [1]	0'	0'	0'
Below-Grade	5'	5'	0'	0'

Parking structures may be exposed to a Side Street for a length of 120' max. so long as the parking structure facade maintains a pattern of fenestration that is consistent with the primary building.

[1] Buildings less than 150' in length are exempt from upper floor front parking setbacks.

(2) Parking Driveway

Width	25' max.	W

Driveways may be shared between adjacent parcels.

When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.

Table 23-4D-6070(H) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover	95% [2]	23-3D-3
Building Cover	90%	

See Division 23-3D-3 (Impervious Cover) for additional standards.

See Section 23-4E-4080 (Functional Green) for additional standards for projects with impervious cover greater than 80%.

[2] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Table 23-4D-6070(I) Open Space

(1) Open Space Type	Width (min.)	Depth (min.)	Percentage (min.)
Common	20'	20'	5% gross site area

23-4D-6080 Downtown Core (DC) Zone

DC

(A) **Purpose.** Downtown core (DC) zone is the most urban mixed use zone and is intended to provide regional access to employment, shopping, entertainment, and services in Downtown Austin.

(B) **Overview.** This zone allows multi-unit residential, office, service, and a broad array of retail uses in attached mid-rise and high-rise block scale buildings. It can be summarized as:

(1) eligible for affordable housing bonus program; and

(2) the compatibility effects in this zone does not require additional setbacks or height stepbacks.

(C) **Requirements.** A lot zoned downtown core shall comply with the requirements of this subsection, which are established in the following tables:

(1) Table (A) (Lot Size and Intensity);

(2) Table (B) (Building Placement);

(3) Table (C) (Building Form);

(4) Table (D) (Height);

(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover);

(9) Table (I) (Open Space);

(10) Table (J) (Additional Standards); and

(11) Table (K) (Additional Compatibility).

23-4D-6080 Downtown Core (DC) Zone

DC

(A) **Purpose.** Downtown core (DC) zone is the most urban mixed use zone and is intended to implement Downtown Area Plan and provide regional access to employment, shopping, entertainment, and services in Downtown Austin.

(B) **Overview.** This zone allows multi-unit residential, office, service, and a broad array of retail uses in attached mid-rise and high-rise block scale buildings. It can be summarized as:

(1) eligible for affordable housing bonus program; and

(2) the compatibility effects in this zone does not require additional setbacks or height stepbacks.

(C) **Requirements.** A lot zoned downtown core shall comply with the requirements of this subsection, which are established in the following tables:

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(5) Table (E) (Encroachments);

(6) Table (F) (Parking);

(7) Table (G) (Frontages);

(8) Table (H) (Impervious Cover);

(9) Table (I) (Open Space);

(10) Table (J) (Additional Standards); and

(11) Table (K) (Additional Compatibility).

Table 23-4D-6080(A) Lot Size and Intensity			
Lot Size			
Minimum	N/R		
Lot Width			
Minimum	N/R		
Intensity	**Dwelling Units per Acre**	**FAR (max.)** [1]	**Additional FAR with AHBP Bonus**
DC Zone	N/R	8.0	+4.0

[1] The following are exempt from FAR calculations:

Retail and restaurant uses on the ground floor along MLK Blvd, 12th Street west of West Avenue and 15th Street east of Rio Grande street

Retail and restaurant uses on the ground floor on Pedestrian Activity streets in the Waterfront District

Live music venues and other cultural uses in the Red River District, approved by the Planning Director

Key for Tables N/R = No Requirement

Table 23-4D-6080(A) Lot Size and Intensity			
Lot Size			
Minimum	N/R		
Lot Width			
Minimum	N/R		
Intensity	**Dwelling Units per Acre**	**FAR (max.)** [1]	**Additional FAR with Bonus**
DC Zone	N/R	8.0	See Division 23-3E-2 (Downtown Density Bonus Program

[1] The following are exempt from FAR calculations:

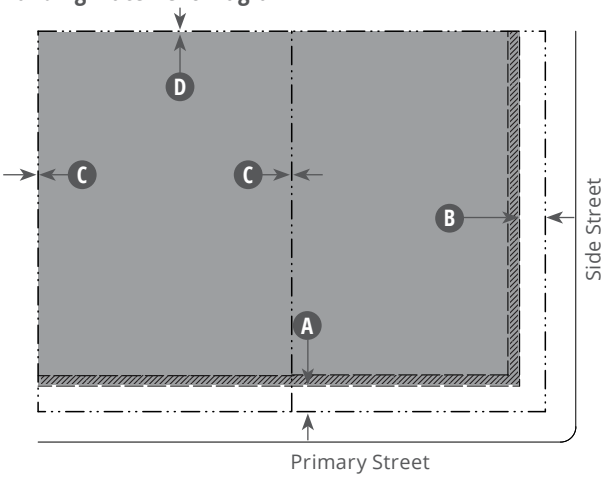
Retail and restaurant uses on the ground floor along MLK Blvd, 12th Street west of West Avenue and 15th Street east of Rio Grande street

Retail and restaurant uses on the ground floor on Pedestrian Activity streets in the Waterfront District

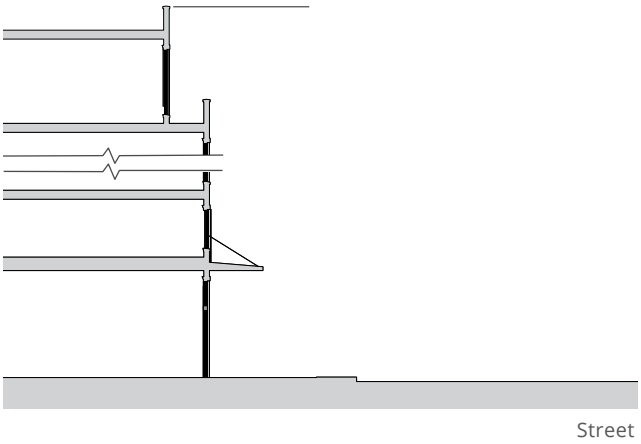
Live music venues and other cultural uses in the Red River District, approved by the Planning Director

Key for Tables N/R = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Buildable Area
- Facade Zone
- Max. number of allowed stories may exceed diagram

Table 23-4D-6080(B) Building Placement

(1) Setback (Distance from ROW / Lot Line)	Front (A)	Side St. (B)	Side (C)	Rear (D)
Maximum [1]	10' [2]	10' [2]	—	—

Additional setback and/or easement may be required where street right-of-way or utilities easement is required.

[1] See Section 23-4D-7070 for additional setback standards.

[2] First four stories above ground level. Does not apply to the portion of a building adjacent to a plaza or a protected tree.

Table 23-4D-6080(C) Building Form

(1) Net Frontage defined by Building Facade

Location	Net Frontage
Front [3]	75% min.
Side St. [3]	75% min.

[3] If the building provides publicly accessible common open space consistent with Section 23-4C-1030 (Common Open Space), additional setback is allowed subject to approval by the Development Services Director.

Table 23-4D-6080(D) Height

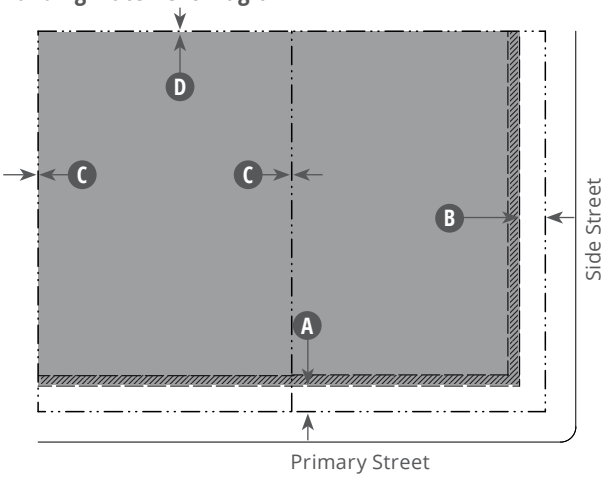
(1) Building Height Stepback

In addition to the requirements set forth in the preservation plan established in Section 23-4D-9070 (Downtown Plan Overlay Zone), rooftop additions to historic structures in the East 6th Street National Register Historic District or on Congress Avenue must be stepped back 15' from the front facade.

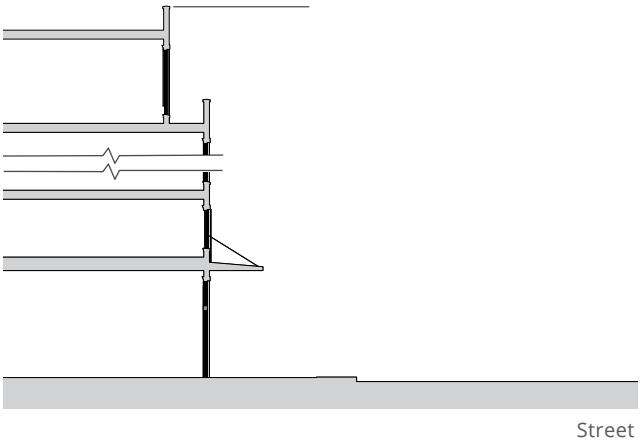
Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Addendum Change

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Buildable Area
- Facade Zone
- Max. number of allowed stories may exceed diagram

Table 23-4D-6080(B) Building Placement

(1) Setback (Distance from ROW / Lot Line)	Front (A)	Side St. (B)	Side (C)	Rear (D)
Maximum [1]	10' [2]	10' [2]	—	—

Additional setback and/or easement may be required where street right-of-way or utilities easement is required.

[1] The requirements in Section 23-4D-9080 (Downtown Plan Overlay Zone) for additional setback standards supersede in the event of conflict.

[2] Maximum setback for the first four stories above ground level only. Does not apply to the portion of a building adjacent to a plaza or a protected tree.

Table 23-4D-6080(C) Building Form

(1) Net Frontage defined by Building Facade

Location	Net Frontage
Front [3]	75% min.
Side St. [3]	75% min.

[3] See exemptions in Subsection 23-4D-6050 (B)(1). Where there is not enough building frontage to meet the standards, an active private frontage is required in compliance with Section 23-4D-6050(B)(2). If the building provides publicly accessible common open space consistent with Section 23-4C-1030 (Common Open Space), additional setback is allowed subject to approval by the Development Services Director.

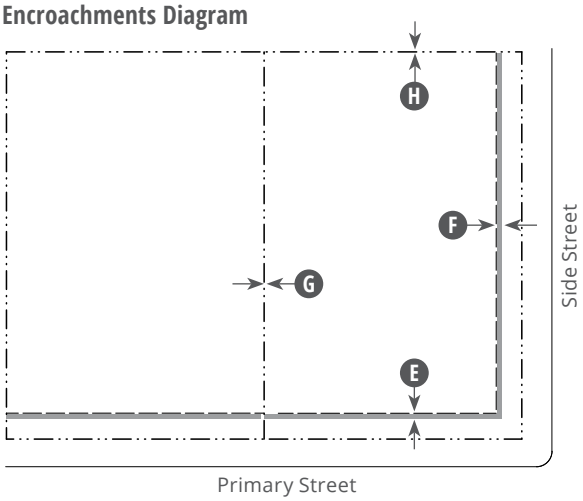
Table 23-4D-6080(D) Height

(1) Building Height Stepback

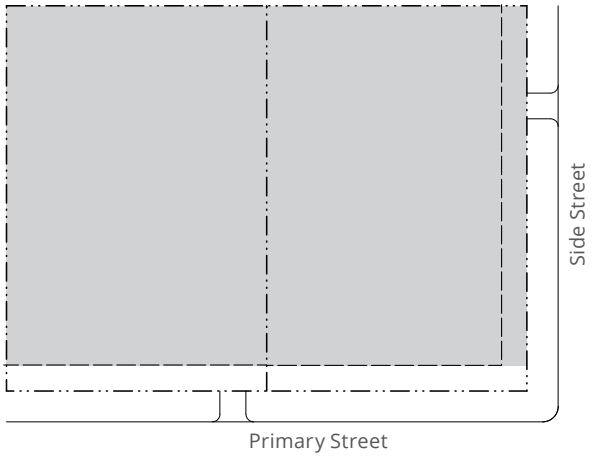
In addition to the requirements set forth in the preservation plan established in Section 23-4D-9100 (Historic Landmark and Historic District Overlay Zones), rooftop additions to historic structures in the East 6th Street National Register Historic District or on Congress Avenue must be stepped back 15' from the front facade.

Key for Tables A = Allowed — = Not Allowed N/R = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-6080(E) Encroachments

(1) Encroachment Type	Front (max.) E	Side St. (max.) F	Side (max.) G	Rear (max.) H
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	5'	3'	3'	3'

Ramps. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] A maximum 3' above ground.

(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-6080(F) Parking

(1) Parking Requirements

No required parking spaces.

See Subsection 23-4D-6040(D) (Parking Location Standards) for parking location standards.

Table 23-4D-6080(G) Frontages

(1) Ground Floor Frontage

Minimum 60% ground floor frontage must be occupied with approved active commercial or civic use as provided in Section 23-4D-9070 (Downtown Plan Overlay Zone).

(2) Frontage Types

Arcades or colonnades allowed if:

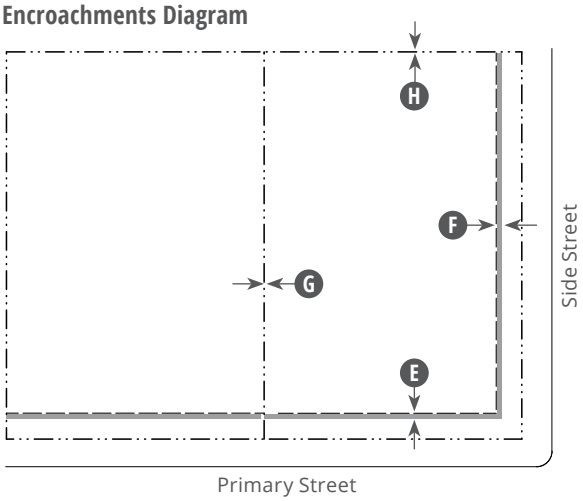
- Part of an existing or planned block system of covered sidewalks
- Structure provides clear opening to street with minimum 14' vertical clearance
- Solid columns represent maximum 10% of building facade

For commercial buildings

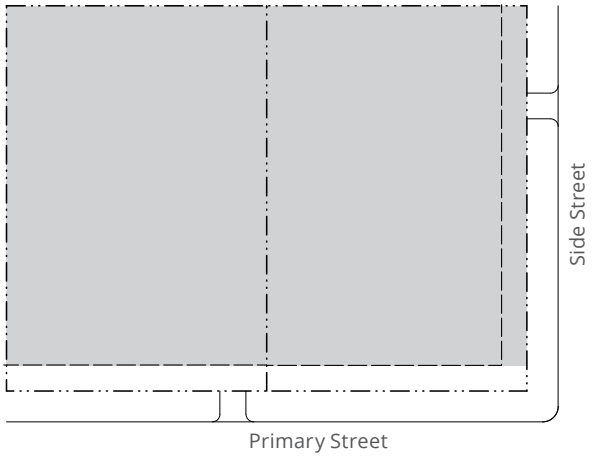
- Entries must be oriented to the street and located at sidewalk level
- No ramps or stairs allowed within public right-of-way or front setback

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-6080(E) Encroachments

(1) Encroachment Type	Front (max.) E	Side St. (max.) F	Side (max.) G	Rear (max.) H
Architectural Features [1]	2'	2'	2'	2'

Ramps. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design.

[2] A maximum 3' above ground.

(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-6080(F) Parking

(1) Parking Requirements

No required parking spaces.

See Subsection 23-4D-6040(D) (Parking Location Standards) for parking location standards.

Table 23-4D-6080(G) Frontages

(1) Ground Floor Frontage

Minimum 60% ground floor frontage must be occupied with approved active commercial or civic use as provided in Section 23-4D-9080 (Downtown Plan Overlay Zone).

(2) Frontage Types

Arcades, galleries, or colonnades allowed if:

- Part of an existing or planned block system of covered sidewalks
- Structure provides clear opening to street with minimum 14' vertical clearance
- Solid columns represent maximum 10% of building facade

For commercial buildings

- Entries must be oriented to the street and located at sidewalk level
- No ramps or stairs allowed within public right-of-way or front setback

Table 23-4D-6080(H) Impervious Cover		
(1) Impervious Cover	**% (max.)**	**Standards**
Impervious Cover	100% [1]	23-3D-3
Building Cover	100%	
See Division 23-3D-3 (Impervious Cover) for additional standards.		
See Section 23-4E-4080 (Functional Green) for developments with impervious cover greater than 80%.		

[1] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Table 23-4D-6080(I) Open Space	
(1) Open Space Type	
(a) Personal Open Space	
None required	
(b) Common Open Space	
5% gross site area [2]	
(c) Civic Open Space	
Sites < 4 acres	None required
Sites ≥ 4 acres	10% net development acreage in compliance with Section 23-4C-1040 (Civic Open Space)

[2] For Non-residential sites 2 acres or larger and all multi-family developments of 10 units or more, see Section 23-4C-1030 (Common Open Space). Otherwise none required

Table 23-4D-6080(J) Additional Standards
(1) Construction
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).

Table 23-4D-6080(K) Additional Compatibility
See Section 23-4D-9070 (Downtown Plan Overlay Zone) for standards.

Addendum Change

Table 23-4D-6080(H) Impervious Cover		
(1) Impervious Cover	**% (max.)**	**Standards**
Impervious Cover	100% [1]	23-3D-3
Building Cover	100%	
See Division 23-3D-3 (Impervious Cover) for additional standards.		
See Section 23-4E-4080 (Functional Green) for developments with impervious cover greater than 80%.		

[1] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Table 23-4D-6080(I) Open Space	
(1) Open Space Type	
(a) Personal Open Space	
None required	
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(c) Civic Open Space	
Sites < 4 acres	None required
Sites ≥ 4 acres	10% net development acreage in compliance with Section 23-4C-1040 (Civic Open Space)

Table 23-4D-6080(J) Additional Standards
(1) Construction
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).

Table 23-4D-6080(K) Additional Compatibility
See Section 23-4D-9080 (Downtown Plan Overlay Zone) for standards.

Table 23-4D-7040(A) Parking Standards for Commercial and Industrial Zones	
Use Type	
(1) Residential	
Accessory Dwelling Unit - Commercial	none required
Other allowed residential uses	1 per unit
(2) Residential Support	
Emergency Shelter	As determined by the Planning Director
Residential Care Facility	0.8 per bedroom
Transitional and Supportive Housing	1 plus 1 per every 2 bedrooms
(3) Services	
Animal Service/Boarding	
Level 1	1 per 500 sf
Level 2	1 per 500 sf
Level 3	1 per 500 sf
Business and Financial/Professional Services	1 per 500 sf
Commercial Services and Repair	
No Outside Storage	1 per 500 sf
w/ Incidental Outside Storage	1 per 500 sf
Day Care	
Small <7	1 per 500 sf
Large 7 ≥ and ≤20	1 per 500 sf
Commercial	1 per 500 sf
Drive Through, Retail, or Service Facility	4 tandem stacking spaces for each drive-up window or device
Funeral/Mortuary Home	1 space per each 5 persons capacity
Hotel/Motel	1 per every 2 bedrooms, plus 1 per 500 sf of meeting space
Other allowed service uses	1 per 500 sf after first 2,500 sf
Personal Storage	1 per 1,000 sf
(4) Office	
Office, General (non-medical)	1 per 500 sf

Addendum Change

Table 23-4D-7040(A) Parking Standards for Commercial and Industrial Zones	
Use Type	
(1) Residential	
Accessory Dwelling Unit - Commercial	none required
Bed and Breakfast	1 plus 0.8 per bedroom
Cooperative Housing	1 plus 1 per every 4 bedrooms
Group Residential	1 plus 1 per every 3 bedrooms
Senior/ Retirement Housing	0.8 per unit
Other allowed residential uses	1 per unit
(2) Residential Support	
Emergency Shelter	As determined by the Director
Residential Care Facility	0.8 per bedroom
Transitional and Supportive Housing	1 plus 1 per every 4 bedrooms
(3) Services	
Drive Through, Retail, or Service Facility	None required
Funeral/Mortuary Home	1 space per each 5 persons capacity
Hotel/Motel	1 per every 2 bedrooms, plus 1 per 500 sf of meeting space
Medical Services	1 per 350 sf
Personal Storage	1 per 1,000 sf
Other allowed service uses	1 per 500 sf
(4) Office	
Office, General (non-medical)	1 per 500 sf

Table 23-4D-7040(A) Parking Standards for Commercial and Industrial Zones Use Type	
(5) Civic and Public Assembly	
Cemetery	Use not allowed in zones
Library, Museum, or Public Art Gallery	1 per 100 sf assembly area
School	1.5 spaces per staff member plus 1 space for each 3 students enrolled in grades 11 and 12
Business, or Trade	1.5 spaces per staff member plus 1 space for each 3 students enrolled in grades 11 and 12
College or University	1.5 spaces per staff member plus 1 space for each 3 students enrolled in grades 11 and 12
Private Primary	1.5 spaces per staff member plus 1 space for each 3 students enrolled in grades 11 and 12
Private Secondary	1.5 spaces per staff member plus 1 space for each 3 students enrolled in grades 11 and 12
Public Primary	1.5 spaces per staff member plus 1 space for each 3 students enrolled in grades 11 and 12
Public Secondary	1.5 spaces per staff member plus 1 space for each 3 students enrolled in grades 11 and 12
Other allowed civic and public assembly	As determined by Planning Director
(6) Restaurant and Bars	
Micro-Brewery/Micro-Distillery/Winery	1 per 100 sf tasting area, 1 per 1,000 sf production area
Restaurant	
w/o Alcohol Sales	1 per 100 sf if <2,500 sf; 1 per 75 sf if > 2,500 sf; 1 per 275 sf if no customer service or dining area is provided
w/ Alcohol Sales	1 per 100 sf if <2,500 sf; 1 per 75 sf if > 2,500 sf; 1 per 275 sf if no customer service or dining area is provided
Drive Through	Not Applicable
Late Night Operation	1 per 100 sf if <2,500 sf; 1 per 75 sf if > 2,500 sf; 1 per 275 sf if no customer service or dining area is provided
(7) Retail	
All allowed retail uses	1 per 350 sf
(8) Entertainment and Recreation	
Adult Entertainment	1 per 350 sf
Recreational Vehicle Park	1 plus 1 per camping site
Studio: art, dance, martial arts, music	1 per 500 sf
Other allowed entertainment and recreation uses	As determined by the Planning Director

Table Continues on Next Page

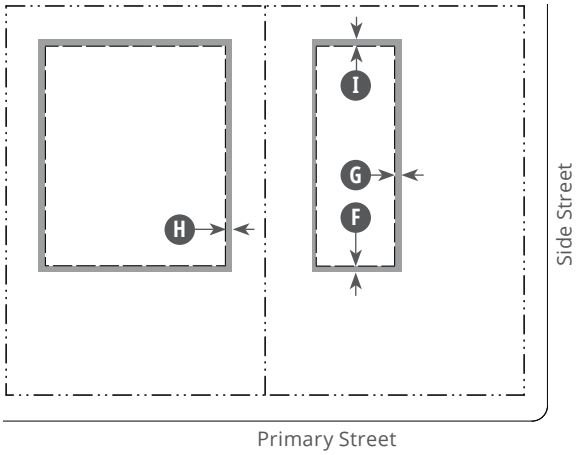
Table 23-4D-7040(A) Parking Standards for Commercial and Industrial Zones Use Type	
(5) Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf
Meeting Facility (public or private)	1 per 500 sf
School	
Business, or Trade	1 space per staff member, plus 1 space for every 4 students
College or University	1 space per staff member, plus 1 space for every 4 students
Private Primary	1 space per staff member
Private Secondary	1 space per staff member, plus 1 space for every 4 students enrolled in grades 11 and 12
Public Primary	1 space per staff member
Public Secondary	1 space per staff member, plus 1 space for every 4 students enrolled in grades 11 and 12
Other allowed civic and public assembly	As determined by the Director
(6) Restaurant and Bars	
Micro-Brewery/Micro-Distillery/Winery	1 per 150 sf of tasting area, plus 1 per 1,000 sf of production area
Restaurant	
First 2,500 sf of area	1 per 150 sf
For each square foot greater than 2,500 sf	1 per 125 sf
For restaurants that provide no customer service or dining area	1 per 325 sf
Drive Through	None required
(7) Retail	
Commercial Food Preparation	1 per 1,000 sf
Food Sales	1 per 350 sf
Mobile Retail	None required
Other allowed retail uses	1 per 500 sf
(8) Entertainment and Recreation	
Adult Entertainment	1 per 500 sf
Recreational Vehicle Park	1 plus 1 per camping site
Studio: art, dance, martial arts, music	1 per 500 sf
Other allowed entertainment and recreation uses	As determined by the the Director

Table Continues on Next Page

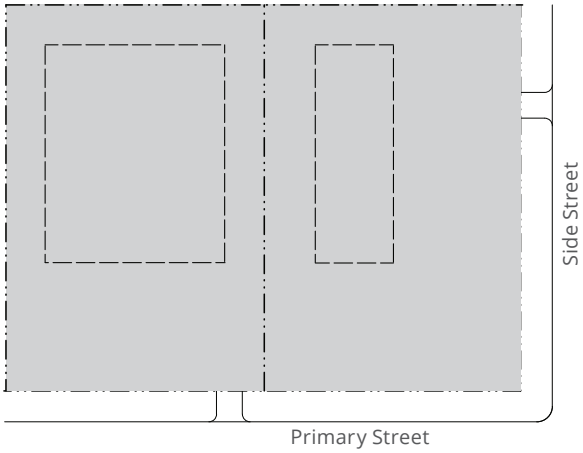
Table 23-4D-7040(A) Parking Standards for Commercial and Industrial Zones Use Type	
(9) Industrial	
Manufacturing and Storage	
Light	1 per 1,000 sf of manufacturing, warehouse plus 1 per 250 sf of office or business area
Other allowed industrial uses	As determined by the Planning Director
(10) Agriculture	
All allowed agriculture uses	As determined by the Planning Director
(11) Automobile Related	
Automobile Sales, Rental, and Storage	1 per 500 sf indoor sales floor, 1 per 750 sf outdoor sales lot
Automobile Repair	4 per service bay, plus 1 per 350 sf office space
Commercial Vehicle Storage and Dispatch	1 per 350 sf office/dispatch space
Gas Station	1 per each 2 fueling bays plus 2 queue spaces per each fueling bay
Heavy Equipment Sales	
Sales, Rental, and Storage	1 per 1,000 sf plus 1 per 250 sf of office or business area
Repair	1 per 1,000 sf plus 1 per 250 sf of office or business area
Parking Facility	As determined by the Planning Director
Recreational and Sports Vehicle Sales, Rental, and Storage	1 per 500 sf indoor sales floor, 1 per 750 sf outdoor sales lot
(12) Innovation and Technology	
Research and Development	
Non-restricted	1 space for each 275 sq. ft.
Restricted	1 space for each 275 sq. ft.
(13) Other	
All allowed other uses	As determined by Planning Director

Table 23-4D-7040(A) Parking Standards for Commercial and Industrial Zones Use Type	
(9) Industrial	
Manufacturing and Storage	
Light	1 per 1,000 sf of manufacturing, warehouse plus 1 per 250 sf of office or business area
General	As determined by the Director
Restricted	As determined by the Director
Other allowed industrial uses	As determined by the Director
(10) Agriculture	
All allowed agriculture uses	As determined by the Director
(11) Automobile Related	
Automobile Sales, Rental, and Storage	1 per 500 sf indoor sales floor, 1 per 750 sf outdoor sales lot
Automobile Repair	4 per service bay, plus 1 per 350 sf office space
Commercial Vehicle Storage and Dispatch	1 per 350 sf office/dispatch space
Gas Station	1 per each 2 fueling bays plus 2 queue spaces per each fueling bay
Heavy Equipment Sales	
Sales, Rental, and Storage	1 per 1,000 sf plus 1 per 250 sf of office or business area
Repair	1 per 1,000 sf plus 1 per 250 sf of office or business area
Parking Facility	None required
Recreational and Sports Vehicle Sales, Rental, and Storage	1 per 500 sf indoor sales floor, 1 per 750 sf outdoor sales lot
(12) Innovation and Technology	
Research and Development	
Non-restricted	1 space for each 275 sq. ft.
Restricted	1 space for each 275 sq. ft.
(13) Other	
All allowed other uses	As determined by the Director

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-7050(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	3′	3′	3′

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3′ min. above ground.

(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-7050(E) Parking

(1) Parking Requirements

See Section 23-4D-7040 (Parking Requirements) for standards.

Table 23-4D-7050(F) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover	60% [3]	23-3D-3
Building Cover	25%	

See Division 23-3D-3 (Impervious Cover) for additional standards.

[3] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

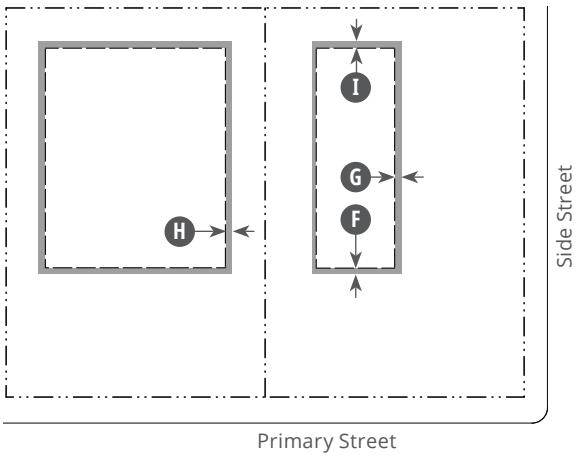
Table 23-4D-7050(G) Open Space

(1) Open Space Type	Area (min.)
Personal Open Space	None required
Common Open Space	5% gross site area [4]
Civic Open Space	
Sites < 4 acres	none required
Sites ≥ 4 acres	10% net development acreage in compliance with Section 23-4C-1040 (Civic Open Space)

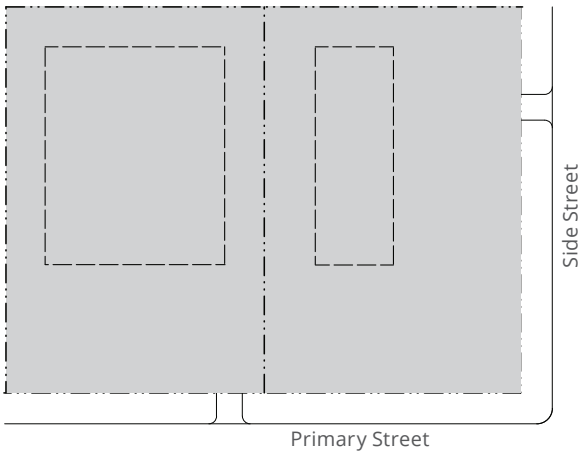
[4] For Non-residential sites 2 acres or larger and all multi-family developments of 10 units or more, see Section 23-4C-1030 (Common Open Space). Otherwise none required

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-7050(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	3′	3′	3′

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3′ min. above ground.

(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-7050(E) Parking

(1) Parking Requirements

See Section 23-4D-7040 (Parking Requirements) for standards.

Table 23-4D-7050(F) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover	60% [3]	23-3D-3
Building Cover	25%	

See Division 23-3D-3 (Impervious Cover) for additional standards.

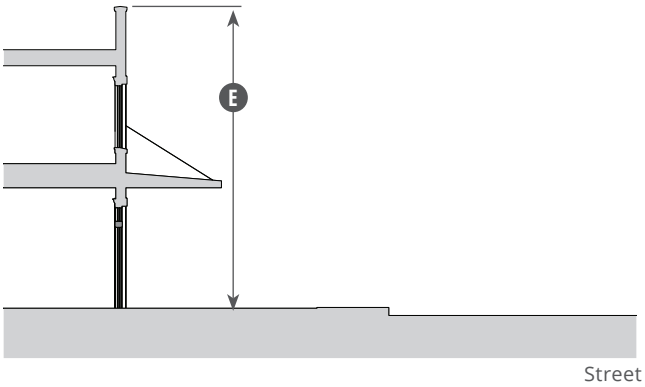
[3] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Table 23-4D-7050(G) Open Space

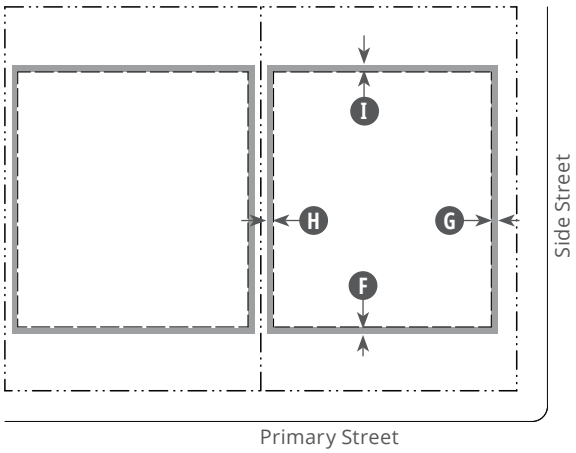
(1) Open Space Type	Area (min.)
Personal Open Space	None required
Common Open Space	5% gross site area [4]
Civic Open Space	
Sites < 4 acres	none required
Sites ≥ 4 acres	10% net development acreage in compliance with Section 23-4C-1040 (Civic Open Space)

[4] For Non-residential sites 2 acres or larger and all multi-family developments of 10 units or more, see Section 23-4C-1030 (Common Open Space). Otherwise none required

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-7060(D) Height		
(1) All Buildings		
Overall (max.)	25' [3]	E

[3] Maximum height of 35' with Land Use Commission approval of a Conditional Use Permit.

Table 23-4D-7060(E) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3' max. above ground.

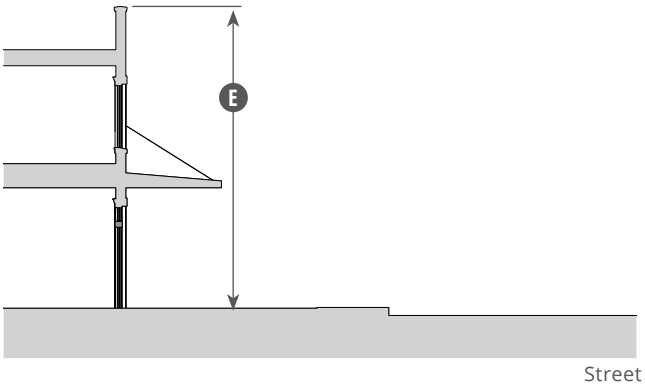
(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

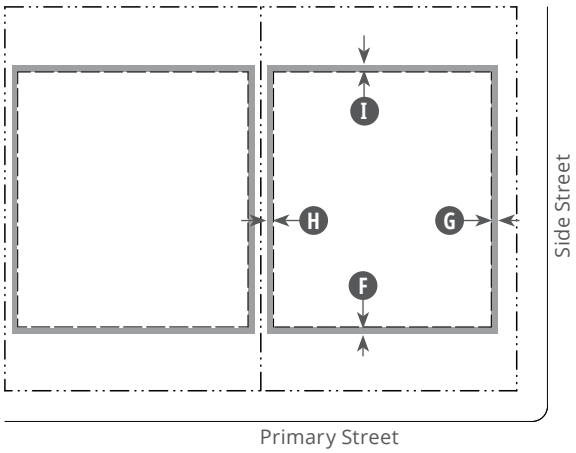
Table 23-4D-7060(F) Frontages
(1) Active Private Frontage
The portion of a building façade designated for active private frontage may be setback a maximum 20' from the setback line. Maximum 30% of active private frontage may be set back up to 30'.
See Subsection 23-4D-4050 (B)(3) for required amenities.
(2) Pedestrian Access
Pedestrian entrance must face and connect directly to the primary street.
Pedestrian entrances must be provided at least every 75' along the elevation facing the primary street.
See exemptions in Subsection 23-4D-4050 (B)(2).

Addendum Change

Building Height Diagram



Encroachments Diagram



Key for Diagrams

---·-- ROW / Lot Line

--- Building Setback Line

Encroachment

Table 23-4D-7060(D) Height	
(1) All Buildings	
Overall (max.)	25' [3] (E)

[3] Maximum height of 35' with Land Use Commission approval of a Conditional Use Permit.

Table 23-4D-7060(E) Encroachments				
(1) Encroachment Type	**Front (max.) (F)**	**Side St. (max.) (G)**	**Side (max.) (H)**	**Rear (max.) (I)**
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

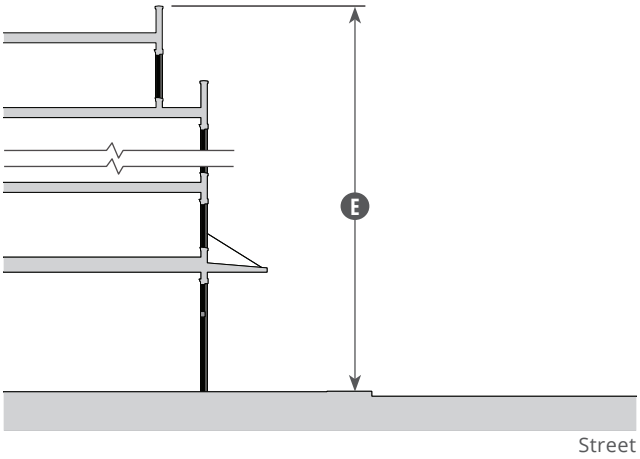
[2] 3' max. above ground.

(2) Height Encroachment

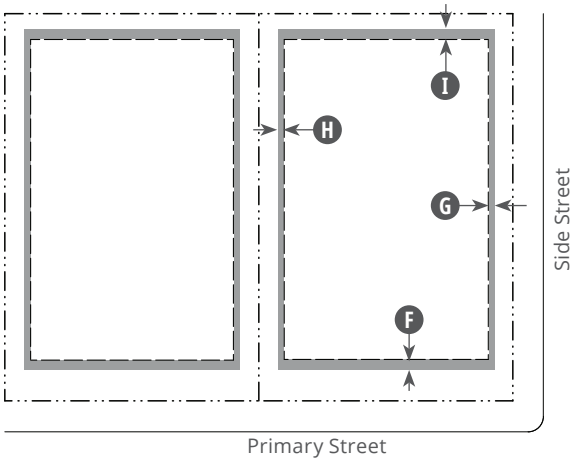
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-7060(F) Frontages
(1) Active Private Frontage
The portion of a building façade designated for active private frontage may be setback a maximum 20' from the setback line. Maximum 30% of active private frontage may be set back up to 30'.
See Subsection 23-4D-4050 (B)(3) for required amenities.
(2) Pedestrian Access
Pedestrian entrance must face and connect directly to the primary street.
Pedestrian entrances must be provided at least every 75' along the elevation facing the primary street.
See exemptions in Subsection 23-4D-4050 (B)(2).

Building Height Diagram



Encroachments Diagram



Key for Diagrams

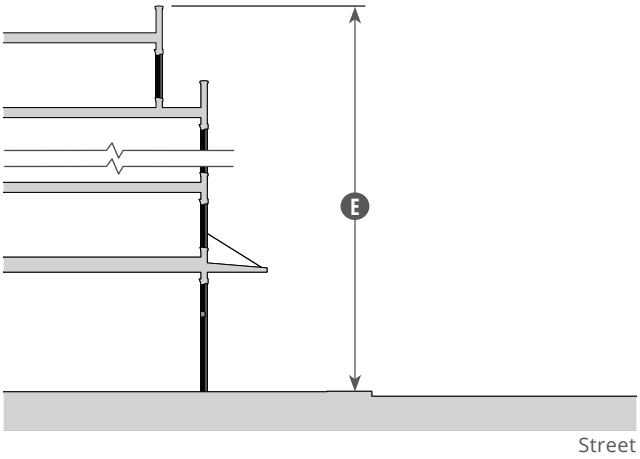
- ROW / Lot Line
- Building Setback Line
- Encroachment

Table 23-4D-7070(D) Height		
(1) All Buildings		
Overall (max.)	60'	E
(4) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 50'	35'	
50'–100'	45'	
>100'	Set by zone standards	

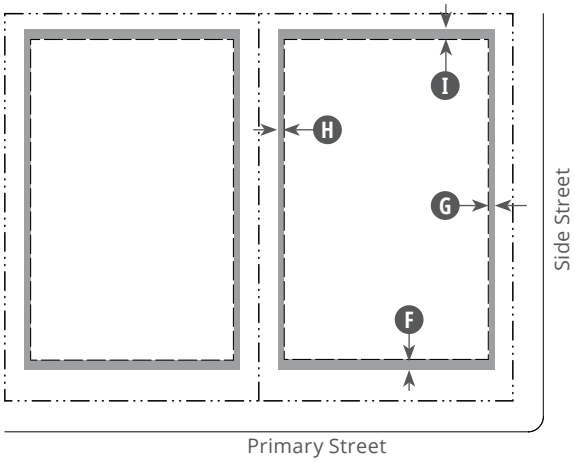
Table 23-4D-7070(E) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Encroachments are not allowed within a right-of-way, public easement, or utility easement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] 3' max. above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Addendum Change

Building Height Diagram



Encroachments Diagram



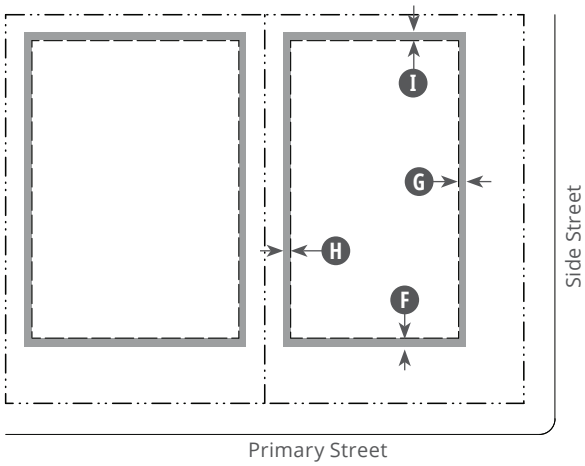
Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment

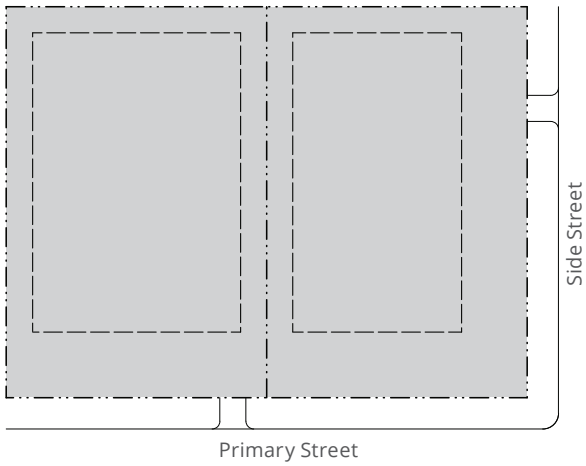
Table 23-4D-7070(D) Height		
(1) All Buildings		
Overall (max.)	60'	E
(4) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 50'	35'	
50'–100'	45'	
>100'	Set by zone standards	

Table 23-4D-7070(E) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] 3' max. above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-7080(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	3′	3′	3′

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3′ max. above ground.

(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-7080(E) Parking

(1) Parking Requirements

See Section 23-4D-7040 (Parking Requirements) for standards.

Table 23-4D-7080(F) Impervious Cover

(1) Impervious Cover	% (max.)	Standards
Impervious Cover	80% [3]	23-3D-3
Building Cover	50%	

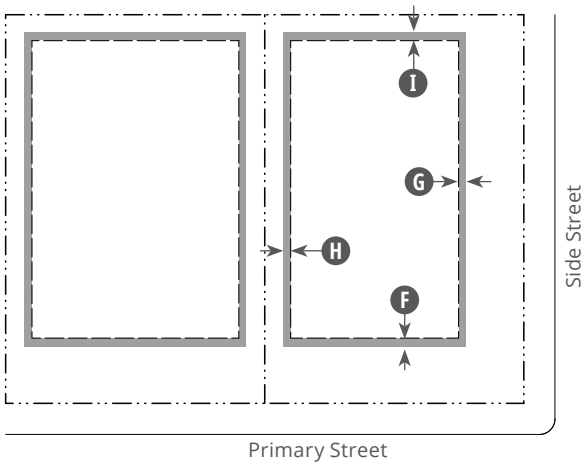
See Division 23-3D-3 (Impervious Cover) for additional standards.

See Section 23-4E-4080 (Functional Green) for developments with impervious cover greater than 80%.

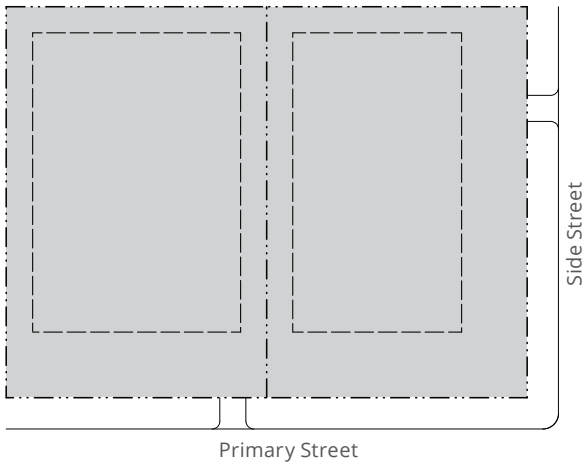
[3] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Addendum Change

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-7080(D) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	3′	3′	3′

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] 3′ max. above ground.

(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-7080(E) Parking

(1) Parking Requirements

See Section 23-4D-7040 (Parking Requirements) for standards.

Table 23-4D-7080(F) Impervious Cover

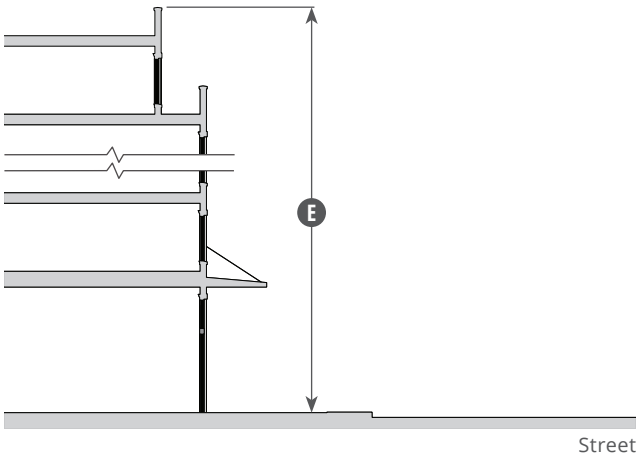
(1) Impervious Cover	% (max.)	Standards
Impervious Cover	80% [3]	23-3D-3
Building Cover	50%	

See Division 23-3D-3 (Impervious Cover) for additional standards.

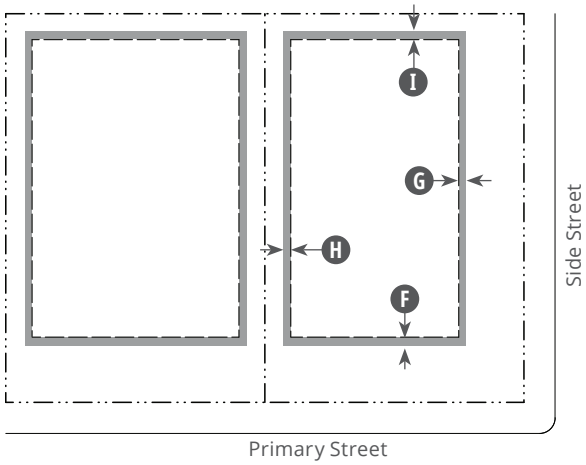
See Section 23-4E-4080 (Functional Green) for developments with impervious cover greater than 80%.

[3] The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.

Building Height Diagram



Encroachments Diagram



Key for Diagrams

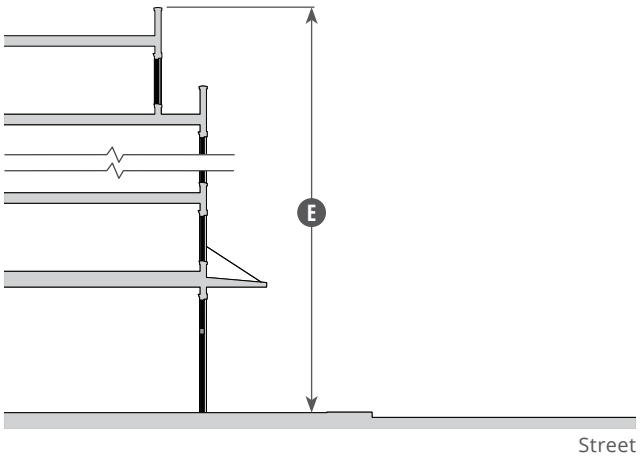
- ROW / Lot Line
- Building Setback Line
- Buildable Area
- Encroachment
- Max. number of allowed stories may exceed diagram

Table 23-4D-7090(C) Height		
(1) All Buildings		
Overall (max.)	120'	E
(4) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 50'	35'	
50'–100'	45'	
> 100'	Set by zone standards	

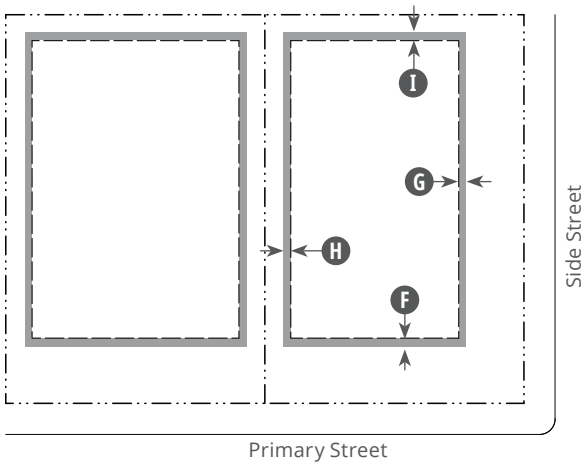
Table 23-4D-7090(D) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Encroachments are not allowed within a right-of-way, public easement, or utility easement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] A maximum 3' above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Addendum Change

Building Height Diagram



Encroachments Diagram



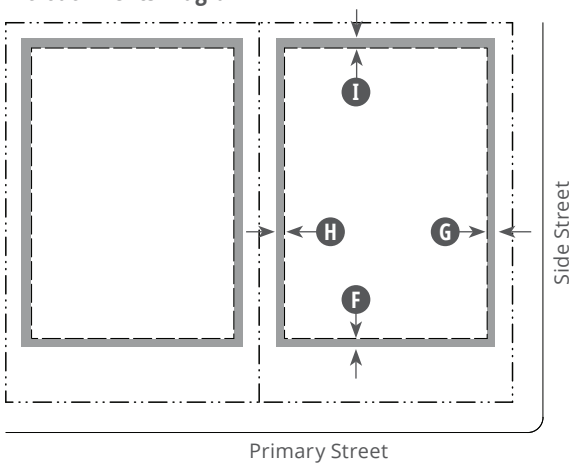
Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Buildable Area
- Encroachment
- Max. number of allowed stories may exceed diagram

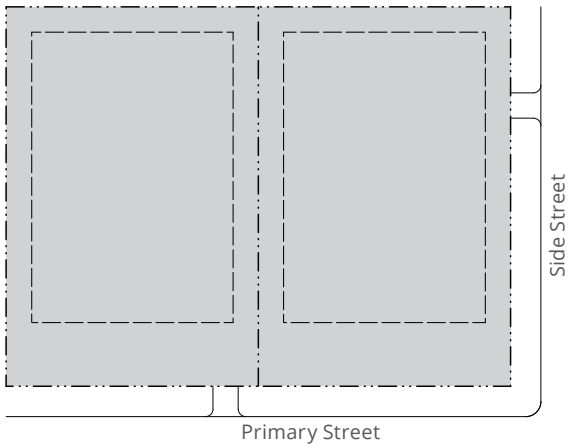
Table 23-4D-7090(C) Height		
(1) All Buildings		
Overall (max.)	120'	E
(4) Compatibility Height Stepback		
(a) Building height stepbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House-Scale.		
(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).		
(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:	
≤ 50'	35'	
50'–100'	45'	
> 100'	Set by zone standards	

Table 23-4D-7090(D) Encroachments				
(1) Encroachment Type	**Front (max.) F**	**Side St. (max.) G**	**Side (max.) H**	**Rear (max.) I**
Architectural Features [1]	2'	2'	2'	2'
Porch, Stoop, or Uncovered Steps [2]	8'	3'	3'	3'
Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).				
Encroachments are not allowed within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.				
[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).				
[2] A maximum 3' above ground.				
(2) Height Encroachment				
See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.				

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-7100(E) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	3′	3′	3′

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments are not allowed within a right-of-way, public easement, or utility easement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] A maximum 3′ above ground.

(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-7100(F) Parking

(1) Parking Requirements

See Section 23-4D-7040 (Parking Requirements) for standards.

(2) Off-Street Parking Location Standards for Commercial Uses

Allowed between the building frontage and the front property line in compliance with the following:

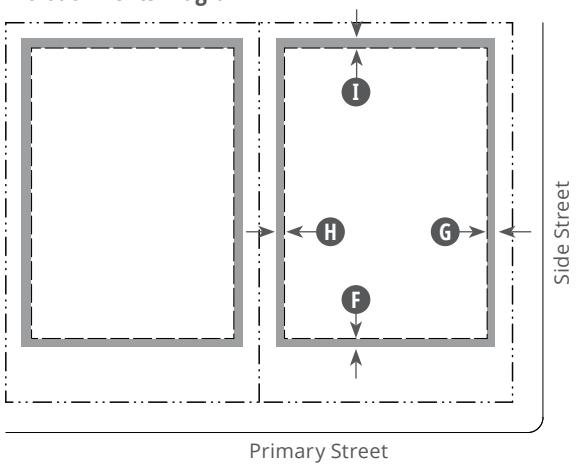
- Landscaped buffer in compliance Division 23-4E-4 (Landscape) with required between sidewalk and parking area.
- Must provide a public sidewalk that crosses parking area, providing direct pedestrian access to the building entrance visible from the property line. No more than two drive aisles may cross the sidewalk.

(3) Parking Location Standards - Corner Sites [4]

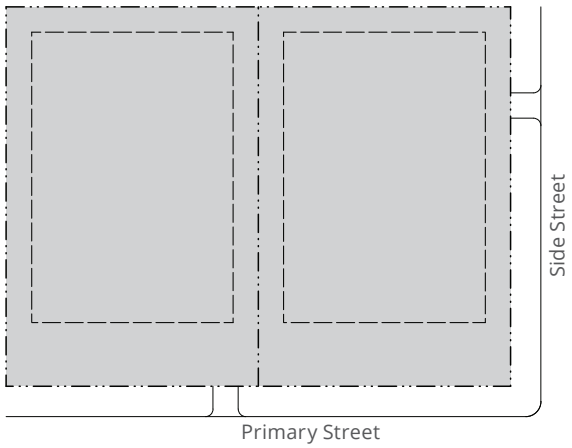
Surface parking is prohibited within the rectangular area formed by the setback lines as measured 100 feet back from the curb line corners (or the intersection of the curb line tangents), unless:

- A landscaped buffer is provided between the sidewalk and parking area in compliance with Division 23-4E-4; and
- 100% of the building frontage that faces the primary street is built to the property line.

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

Table 23-4D-7100(E) Encroachments

(1) Encroachment Type	Front (max.) F	Side St. (max.) G	Side (max.) H	Rear (max.) I
Architectural Features [1]	2′	2′	2′	2′
Porch, Stoop, or Uncovered Steps [2]	8′	3′	3′	3′

Ramp. When a ramp encroaches into a setback, then the ramp shall comply with Section 23-4E-7080 (Standards for Ramps Located Within Encroachments).

Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement.

[1] Does not apply to a feature required for a passive energy design. See ramp exceptions in Subsection 23-4E-7050(B)(7).

[2] A maximum 3′ above ground.

(2) Height Encroachment

See Section 23-4E-7050 (Encroachments Above Maximum Height) for additional standards.

Table 23-4D-7100(F) Parking

(1) Parking Requirements

See Section 23-4D-7040 (Parking Requirements) for standards.

(2) Off-Street Parking Location Standards for Commercial Uses

Allowed between the building frontage and the front property line in compliance with the following:

- Landscaped buffer in compliance Division 23-4E-4 (Landscape) with required between sidewalk and parking area.
- Must provide a public sidewalk that crosses parking area, providing direct pedestrian access to the building entrance visible from the property line. No more than two drive aisles may cross the sidewalk.

(3) Parking Location Standards - Corner Sites [4]

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:

- A landscaped buffer is provided between the sidewalk and parking area in compliance with Division 23-4E-4; and
- 100% of the building frontage that faces the primary street is built to the property line.

Table 23-4D-8030(A) Allowed Uses in Mixed-Use Zones AG, AV, DR, P, PR, and CL (continued)						
Use Type	Specifc to Use Requirements	AG	AV	CL	P	PR
(6) Restaurant and Bars						
Bar/Nightclub						
Level 1		—	P	—	P [1]	—
Level 2		—	P	—	—	—
Mobile Food Sales	23-4E-6230	—	P	—	—	—
Restaurant						
w/o Alcohol Sales		—	P	—	P [1]	—
w/ Alcohol Sales	23-4E-6310	—	P	—	P [1]	—
Drive Through	23-4E-6160	—	P	—	—	—
Late Night Operation	23-4E-6310	—	P	—	—	—
(7) Retail						
Alcohol Sales	23-4E-6070	—	P	—	P [1]	—
Commercial Food Preparation		—	—	—	P [1]	—
Food Sales		—	P	—	P [1]	—
General Retail						
≤ 5,000 sq ft		—	P	—	P [1]	—
>5,000 and ≤10,000 sf		—	P	—	P [1]	—
> 10,000 and ≤ 100,000 sf		—	P	—	P [1]	—
> 100,000 sf		—	—	—	—	—
w/ Onsite Production		—	P	—	P [1]	—
w/ Outside Storage	23-4E-6190	—	P	—	P [1]	—
Mobile Retail Sales	23-4E-6240	—	P	—	P [1]	—

Table Continues on Next Page

Notes

[1] Allowed only if associated with an allowed service, civic or public assembly use.

[2] If associated with an existing recreation use on the same site or part of an approved mater plan

[3] If not associated with an existing use or not part of an approved master plan

Key for Table 23-4D-8030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required		

Addendum Change

Table 23-4D-8030(A) Allowed Uses in Mixed-Use Zones AG, AV, DR, P, PR, and CL (continued)						
Use Type	**Specifc to Use Requirements**	**AG**	**AV**	**CL**	**P**	**PR**
(6) Restaurant and Bars						
Bar/Nightclub						
Level 1		—	P	—	P [1]	—
Level 2		—	P	—	—	—
Mobile Food Sales	23-4E-6230	—	P	—	P 1	—
Restaurant						
w/o Alcohol Sales		—	P	—	P [1]	—
w/ Alcohol Sales	23-4E-6310	—	P	—	P [1]	—
Drive Through	23-4E-6160	—	P	—	—	—
Late Night Operation	23-4E-6310	—	P	—	—	—
(7) Retail						
Alcohol Sales	23-4E-6070	—	P	—	P [1]	—
Commercial Food Preparation		—	—	—	P [1]	—
Food Sales		—	P	—	P [1]	—
General Retail						
≤ 5,000 sq ft		—	P	—	P [1]	—
>5,000 and ≤10,000 sf		—	P	—	P [1]	—
> 10,000 and ≤ 100,000 sf		—	P	—	P [1]	—
> 100,000 sf		—	—	—	—	—
w/ Onsite Production		—	P	—	P [1]	—
w/ Outside Storage	23-4E-6190	—	P	—	P [1]	—
Mobile Retail Sales	23-4E-6240	—	P	—	P [1]	—

Table Continues on Next Page

Notes

[1] Allowed only if associated with an allowed service, civic or public assembly use.

[2] If associated with an existing recreation use on the same site or part of an approved mater plan

[3] If not associated with an existing use or not part of an approved master plan

Key for Table 23-4D-8030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required		

(B) **Boundaries Defined**

(1) Red River Live Music Subdistrict is defined as properties along the 600-900 blocks of Red River Street.

(2) Pedestrian Activity Street. Within a DP Overlay Zone, pedestrian activity streets are:

(a) West 4th Street between Lavaca and Congress Streets;

(b) Colorado Street between 2nd and 5th Streets;

(c) Congress Avenue between Cesar Chavez and 11th Streets; and

(d) East 6th Street between Congress Avenue and Red River Street.

(C) **Ground Floor Use Requirements**

(1) **Minimum Use Requirements.** The ground floor of a building on a lot subject to the DP Overlay Zone shall comply with the minimum uses established in Table (A) (Minimum Use Requirements).

Table 23-4D-9080(A) Minimum Use Requirements

Street Type	Percent of Ground Floor Area	Allowed Uses[1]
Pedestrian Activity[2]	75%	Commercial Group A Civic Uses
All Other Streets	60%	Commercial Group B Civic Uses Residential Uses

Notes

[1] Defined in Subsection (C)(2) for description of allowed uses.

[1] Identified in Subsection (B)(2) and shown on Figure (1).

(2) **Allowed Uses.** Table (B) (Allowed Uses) defines the uses described in Table (A).

Table 23-4D-9080(B) Allowed Uses

Use Category	Uses
Commercial Group A	Alcohol sales Bar/nightclub Business and Financial/Professional services Food sales General retail Hotel-motel Performance Venue/Theater Personal services Library, Museum, or Public Art Gallery Restaurant Studio, art, dance, martial arts, and music

(a) West 4th Street between Lavaca and Congress Streets;

(b) Colorado Street between 2nd and 5th Streets;

(c) Congress Avenue between Cesar Chavez and 11th Streets; and

(d) East 6th Street between Congress Avenue and IH-35.

(e) 2nd Street between Shoal Creek and Trinity Street.

(f) Sabine Street between 4th Street and 7th Street.

(g) Waller Creek between Cesar Chavez Street and 7th Street.

(C) **Ground Floor Use Requirements**

(1) **Minimum Use Requirements.** The ground floor of a building on a lot subject to the DP Overlay Zone shall comply with the minimum uses established in Table (A) (Minimum Use Requirements).

Table 23-4D-9080(A) Minimum Use Requirements

Street Type	Percent of Ground Floor Area	Allowed Uses[1]
Pedestrian Activity[2]	75%	Commercial Group A Civic Uses
All Other Streets	60%	Commercial Group B Civic Uses Residential Uses

Notes

[1] Defined in Subsection (C)(2) for description of allowed uses.

[1] Identified in Subsection (B)(2) and shown on Figure (1).

(2) **Allowed Uses.** Table (B) (Allowed Uses) defines the uses described in Table (A).

Table 23-4D-9080(B) Allowed Uses

Use Category	Uses
Commercial Group A	Alcohol sales Bar/nightclub Business and Financial/Professional services Food sales General retail Hotel-motel Performance Venue/Theater Personal services Library, Museum, or Public Art Gallery Restaurant Studio, art, dance, martial arts, and music

(4) Rents are established annually by the Housing Director as follows:

(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 Low HOME Rent Limit for one bedroom as established annually by the Texas Department of Housing and Community Affairs.

(b) 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.

(c) For existing developments in the UNO Zone that opt in to leasing by the bedroom for the remainder of their commitment:

(i) 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

(ii) 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 Median Family Income HOME rent limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs.

(iii) The Housing Director may adopt administrative rules necessary to enforce these provisions.

(5) For a hotel/motel use that has an associated multi-family use, group residential use, or senior/retirement housing use, instead of complying with Subsection (I)(1) a person may pay into the University Neighborhood Housing Trust Fund a fee for each square foot of the combined net square footage of the residential units and the hotel/motel units, if:

(a) The number of residential units associated with a hotel/motel use does not exceed 40 percent of the number of hotel/motel units; and

(b) The net square footage of the residential units does not exceed 45 percent of the net square footage of hotel/motel units.

23-4D-9140 Waterfront Overlay Zone

(A) **Purpose**

(1) The purpose of the Waterfront Overlay (WO) Zone is to promote the harmonious interaction and transition between urban development and the park land and shoreline of Lady Bird Lake and the Colorado River.

(2) The director and City board's decisions regarding implementation of this section 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:

(i) Eliminating industrial uses from the confluence of Longhorn Dam;

(4) Rents are established annually by the Housing Director as follows:

(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 Low HOME Rent Limit for one bedroom as established annually by the Texas Department of Housing and Community Affairs.

(b) 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.

(c) For existing developments in the UNO Zone that opt in to leasing by the bedroom for the remainder of their commitment:

(i) 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

(ii) 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 Median Family Income HOME rent limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs.

(iii) The Housing Director may adopt administrative rules necessary to enforce these provisions.

(5) An applicant cannot deny a prospective tenant 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.

(6) For a hotel/motel use that has an associated multi-family use, group residential use, or senior/retirement housing use, instead of complying with Subsection (I)(1) a person may pay into the University Neighborhood Housing Trust Fund a fee for each square foot of the combined net square footage of the residential units and the hotel/motel units, if:

(a) The number of residential units associated with a hotel/motel use does not exceed 40 percent of the number of hotel/motel units; and

(b) The net square footage of the residential units does not exceed 45 percent of the net square footage of hotel/motel units.

23-4D-9140 Waterfront Overlay Zone

(A) **Purpose**

(1) The purpose of the Waterfront Overlay (WO) Zone is to promote the harmonious interaction and transition between urban development and the park land and shoreline of Lady Bird Lake and the Colorado River.

(2) The director and City board's decisions regarding implementation of this section shall be guided at all stages by the goals and policies of the Town Lake Corridor Study, including, but not limited to, the following:

(7) preserves the economic base that is attracted to the City's identity and environment;

(8) provides cooling shade, which reduces urban heat; and

(9) enhances public health, safety and general welfare.

23-4E-4020 Applicability

(A) This division applies to:

(1) New development that requires a site plan and proposes a use, a building, or stormwater controls unless:

(a) the development substantially restores a building within one year after the building was damaged;

(b) the development restores a building designated as a historic landmark;

(c) the development is to construct a single family or duplex structure; or

(d) the development modifies a boat dock or shoreline .

(2) A project that includes substantial improvements or renovations and:

(a) the proposed and existing structures have a combined 5,000 square feet first floor (GFA) footprint; or

(b) the project cost exceeds 50 percent of the pre-project value of the structure.

(B) Except as provided in Subsection (C),if this division conflicts with other provisions of this Title, this division prevails.

(C) If this division conflicts with a provision of Chapter 23-9 (Transportation), Article 23- 10E (Drainage), Article 23-3C (Urban Forest Protection and Replenishment), or Article 23-3D (Water Quality), those provisions prevail.

(D) The director may approve a site plan that proposes an alternative method to comply with this division if:

(1) the alternative method is based on criteria provided from the Environmental Criteria Manual; and

(2) the alternative method achieves or improves the purpose of the requirements of this division.

(E) When evaluating an alternative method, the director shall consider:

(1) whether the alternative method will preserve existing trees; and

(2) how the alternative method will address environmental constraints that exist on the site.

(7) preserves the economic base that is attracted to the City's identity and environment;

(8) provides cooling shade, which reduces urban heat; and

(9) enhances public health, safety and general welfare.

23-4E-4020 Applicability

(A) This division applies to:

(1) New development that requires a site plan and proposes a use, a building, or stormwater controls unless:

(a) the development substantially restores a building within one year after the building was damaged;

(b) the development restores a building designated as a historic landmark;

(c) the development is to construct a single family or duplex structure; or

(d) the development modifies a boat dock or shoreline .

(2) A project that includes substantial improvements or renovations and:

(a) the proposed and existing structures have a combined 5,000 square feet first floor (GFA) footprint; or

(b) the project cost exceeds 50 percent of the pre-project value of the structure.

(B) Except as provided in Subsection (C),if this division conflicts with other provisions of this Title, this division prevails.

(C) If this division conflicts with a provision of Chapter 23-9 (Transportation), Article 23- 10E (Drainage), Article 23-3C (Urban Forest Protection and Replenishment), or Article 23-3D (Water Quality), those provisions prevail.

(D) The director may approve a site plan that proposes an alternative method to comply with this division if:

(1) the alternative method is based on criteria provided from the Environmental Criteria Manual; and

(2) the alternative method achieves or improves the purpose of the requirements of this division.

23-4E-4050 Foundation Buffer

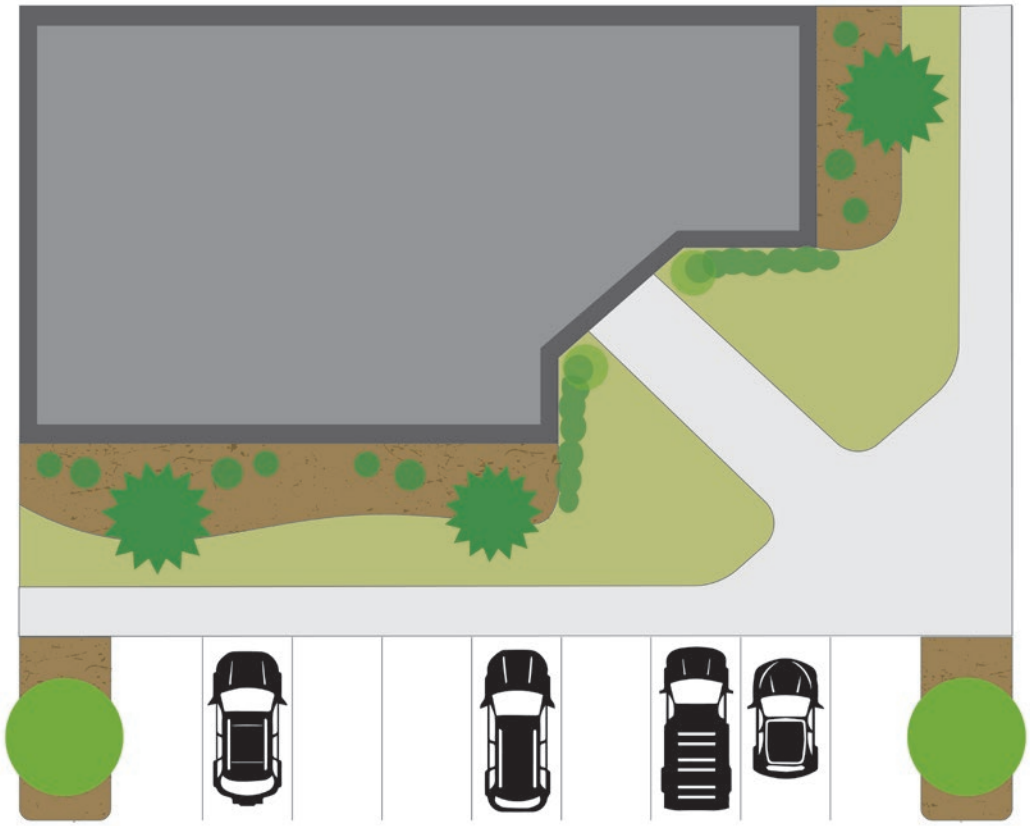


Diagram 23-4E-4050(1) Foundation Buffer

Description

(A) Except for an area area used for service/loading or a drive through facility, a foundation buffer is required between a structure's exterior wall and any portion of a parking lot or drive aisle. Diagram 23-4E-4050(1)(Foundation Buffer) illustrates this section's requirements.

(B) A foundation buffer is not required around service/loading areas or drive-through facilities.

Applicability

(C) This section applies in each zone.

Requirements

(D) The minimum width of a foundation buffer is 10 feet. A sidewalk or ramp is not included in the calculation of width.

(E) The minimum length of a foundation buffer is equal to 75 percent of length of the adjacent exterior wall that faces a parking lot or drive aisle.

(F) A foundation buffer shall meet or exceed the minimum planting requirements established in Table 23-4E-4050(A)(Planting Requirements).

Table 23-4E-4050(A) Planting Requirements

Plant Type	Quantity
Small trees	5 per 100 linear feet
Perennial shrubs, grasses, and/or groundcovers	45 per 100 linear feet

(G) The plants required by this section shall comply with the tree diversity standards in Table 23-4E-4170(A)(Diversity Standards).

23-4E-4050 Foundation Buffer

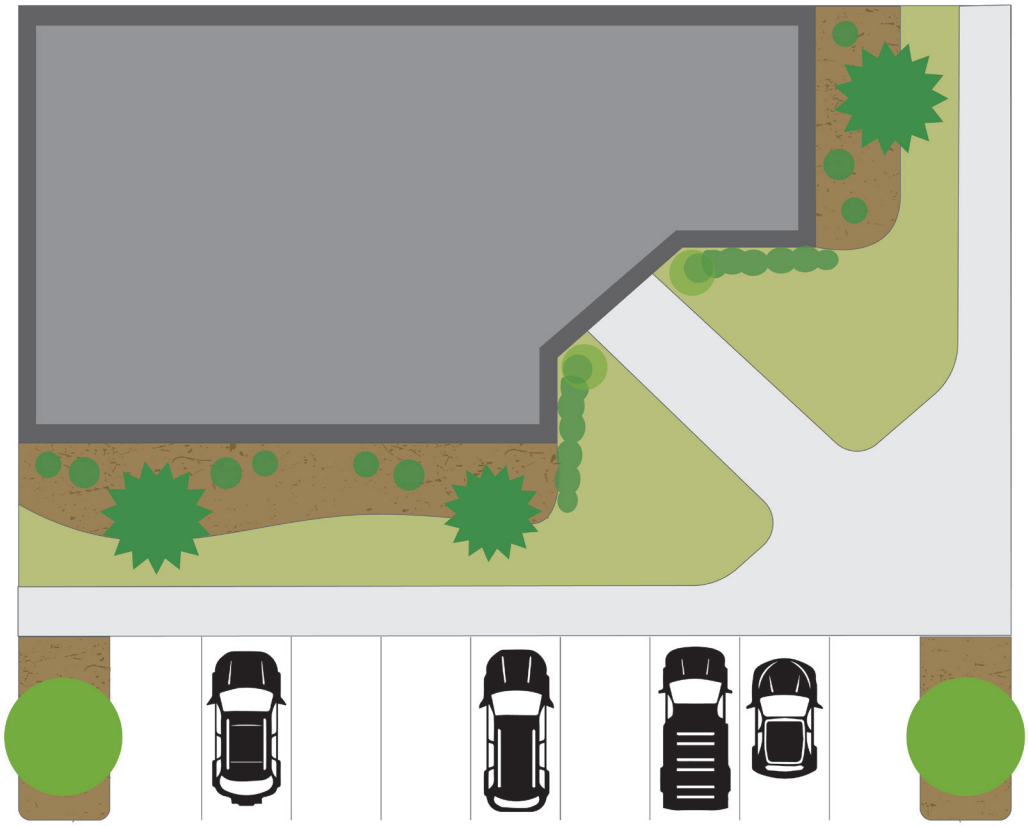


Diagram 23-4E-4050(1) Foundation Buffer

Description

(A) Except for an area area used for service/loading or a drive through facility, a foundation buffer is required between a structure's exterior wall and any portion of a parking lot or drive aisle. Diagram 23-4E-4050(1)(Foundation Buffer) illustrates this section's requirements.

(B) A foundation buffer is not required around service/loading areas or drive-through facilities.

Applicability

(C) This section applies in each zone.

Requirements

(D) The minimum width of a foundation buffer is 10 feet. A sidewalk or ramp is not included in the calculation of width.

(E) The minimum length of a foundation buffer is equal to 75 percent of length of the adjacent exterior wall that faces a parking lot or drive aisle.

(F) A foundation buffer shall meet or exceed the minimum planting requirements established in Table 23-4E-4050(A)(Planting Requirements).

Table 23-4E-4050(A) Planting Requirements

Plant Type	Quantity
Small trees	5 per 100 linear feet
Shrubs, grasses, and/or groundcovers	45 per 100 linear feet

(G) The plants required by this section shall comply with the tree diversity standards in Table 23-4E-4170(A)(Diversity Standards).

23-4E-4060 Surface Parking Tree Islands

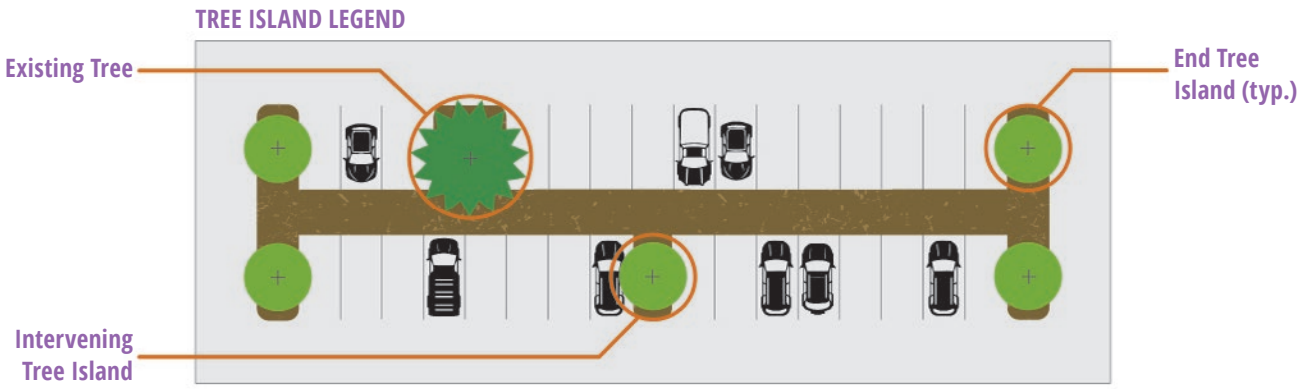


Diagram 23-4E-4060(1)

Description

(A) A tree island allows medium or large trees to grow in a parking area and serve to provide shade, reduce heat island effect, and promote plant diversity. Diagram 23-4E-4060(1) illustrates this section's requirements.

Applicability

(B) An off-street parking lot shall include at least one parking tree island.

Requirements

Location and Quantity

(C) The last parking stall of each parking run must be separated from the adjacent travel lanes using a parking tree island.

(D) Except as provided in Subsection (E), the maximum number of consecutive parking stalls separated by a parking tree island is eight.

Exception for Saving Existing Trees

(E) To preserve existing trees and foster design flexibility based on context, the number and location of parking tree islands may be reduced provided the number of parking stalls between parking tree islands does not exceed 12.

Island Size for Proposed Trees

Tree Island Minimums

(F) A tree island with proposed trees, the tree island shall be (1) sized to comply with soil volume requirements; (2) at least ten feet wide measured from the edge of the pavement; and (3) at least the entire length of the adjacent parking stall.

(G) A tree island that preserves existing trees, the tree island shall be (1) the greater of 10 feet wide measured from the edge of the pavement or ½ of the critical root zone; and (2) at least the entire length of a parking stall.

(H) The plants required by this section shall comply with the tree diversity standards in Table 23-4E-4170(A)(Diversity Standards).

Green Infrastructure

(I) When new trees are planted in a parking tree island, the parking lot and each median shall be graded to receive stormwater in a manner that complies with the Environmental Criteria Manual, except when preserved existing trees do not allow.

(J) To allow runoff to enter planting areas as well as protect planting from automobile traffic, the edge of pavement treatment is required.

(K) If an applicant integrates green stormwater infrastructure into landscape design or uses the stormwater to irrigate parking tree islands, then the parking tree islands may comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards).

23-4E-4060 Surface Parking Tree Islands

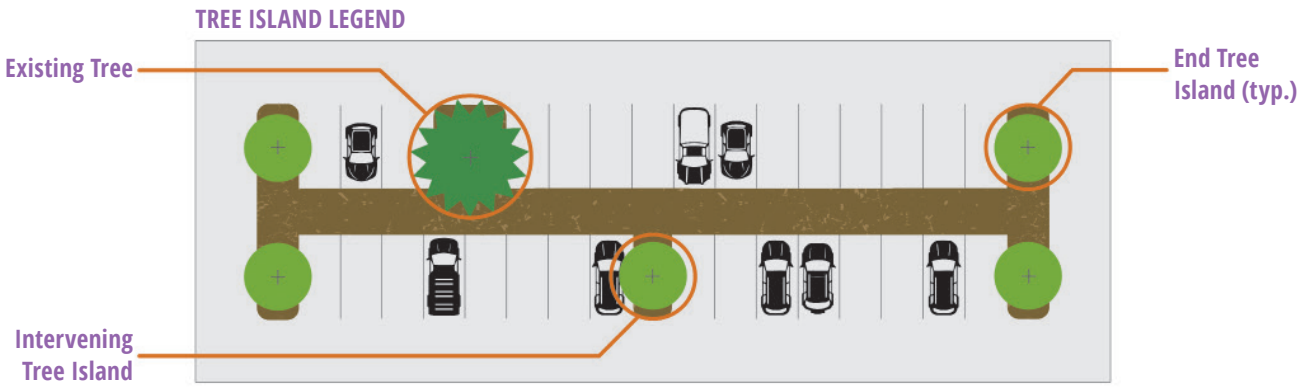


Diagram 23-4E-4060(1)

Description

(A) A tree island allows medium or large trees to grow in a parking area and serve to provide shade, reduce heat island effect, and promote plant diversity. Diagram 23-4E-4060(1) illustrates this section's requirements.

Applicability

(B) Surface parking lots shall include parking tree islands.

Requirements

Location and Quantity

(C) The last parking stall of each parking run must be separated from the adjacent travel lanes using a parking tree island.

(D) Except as provided in Subsection (E), the maximum number of consecutive parking stalls separated by a parking tree island is eight.

Exception for Saving Existing Trees

(E) To preserve existing trees and foster design flexibility based on context, the number and location of parking tree islands may be reduced provided the number of parking stalls between parking tree islands does not exceed 12.

Island Size for Proposed Trees

Tree Island Minimums

(F) A tree island with proposed trees, the tree island shall be (1) sized to comply with soil volume requirements; (2) at least ten feet wide measured from the back of the curb: and (3) at least the entire length of the adjacent parking stall.

(G) A tree island that preserves existing trees, the tree island shall be (1) the greater of 10 feet wide measured from the back of curb to back of curb or ½ of the critical root zone; and (2) at least the entire length of a parking stall.

(H) The plants required by this section shall comply with the tree diversity standards in Table 23-4E-4170(A)(Diversity Standards).

Green Infrastructure

(I) When new trees are planted in a parking tree island, the parking lot and each median shall be graded to receive stormwater in a manner that complies with the Environmental Criteria Manual, except when preserved existing trees do not allow.

(J) To allow runoff to enter planting areas as well as protect planting from automobile traffic, the edge of pavement treatment is required.

(K) If an applicant integrates green stormwater infrastructure into landscape design or uses the stormwater to irrigate parking tree islands, then the parking tree islands may comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards).

23-4E-4070 Surface Parking Landscape Medians

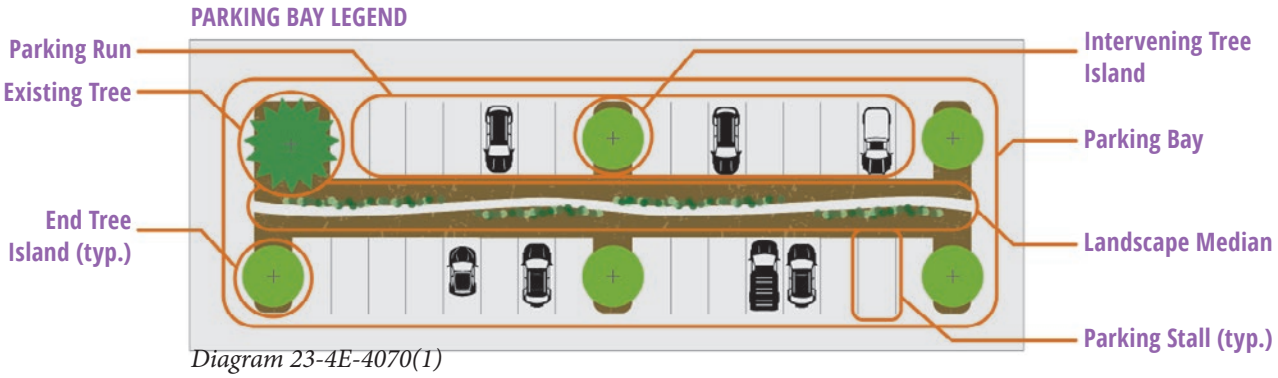


Diagram 23-4E-4070(1)

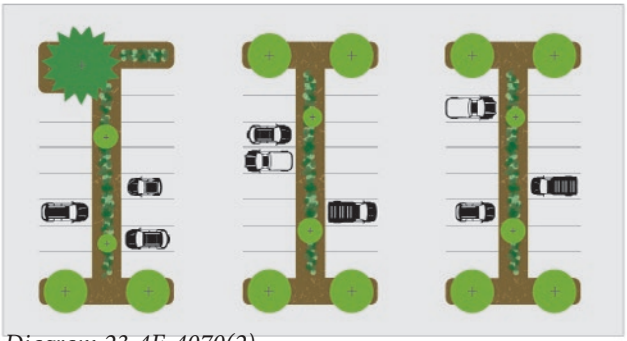


Diagram 23-4E-4070(2)

STANDARD

Each parking bay contains a 10' wide Landscape Median

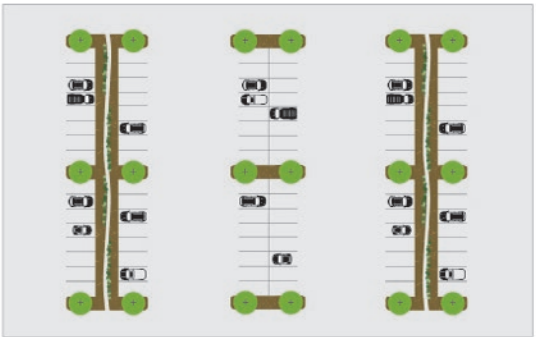


Diagram 23-4E-4070(3)

OPTIONAL

If the parking lot has 120 parking stalls, every other parking bay contains a 15' wide Landscape Median with 5' wide sidewalk running the entire length

Description

(A) A landscape median separates parking runs on the interior portion of a parking lot. Diagrams 23-4E-4070(1), (2), and (3) illustrate this section's requirements.

Applicability

(B) A landscape median is required for a surface parking lot with two adjacent facing parking runs.

Requirements

Landscape Median Minimums

(C) A landscape median must be a minimum of ten feet wide when measured from the edge of the pavement unless the soil volume standards established in the Environmental Criteria Manual require a different width.

(D) For a surface parking lot with 120 or more parking stalls, every other parking bay may contain a 15 foot wide walkway that runs the entire length of the median.

(E) The plants required by this section shall comply with tree diversity standards Table 23-4E-4170(A) (Diversity Standards).

Green Infrastructure

(F) When new trees are planted, each median shall be graded to receive stormwater in a manner that complies with the Environmental Criteria Manual, except when preserved existing trees do not allow.

(G) To allow runoff to enter planting areas as well as protect planting from automobile traffic, the edge of pavement treatment is required.

(H) If an applicant integrates green stormwater infrastructure into landscape design or uses stormwater to irrigate medians, then the median area may comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards).

23-4E-4070 Surface Parking Landscape Medians

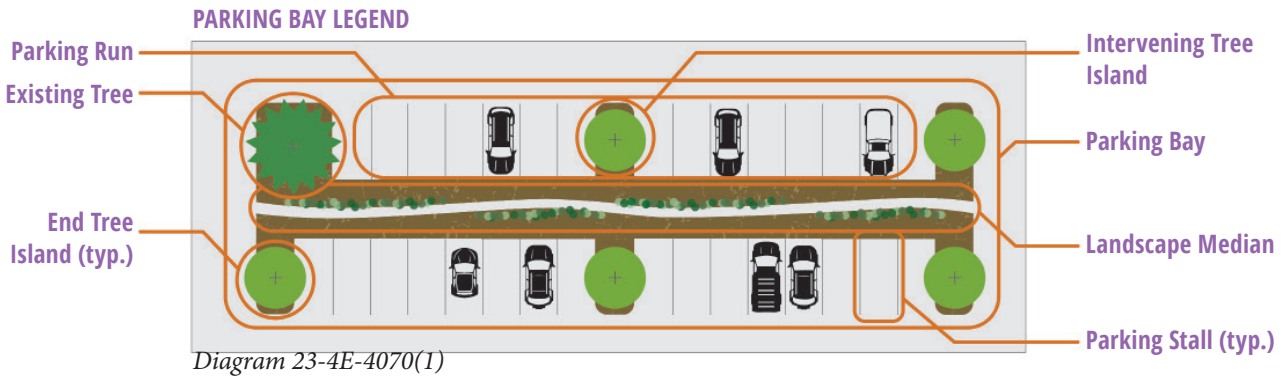


Diagram 23-4E-4070(1)

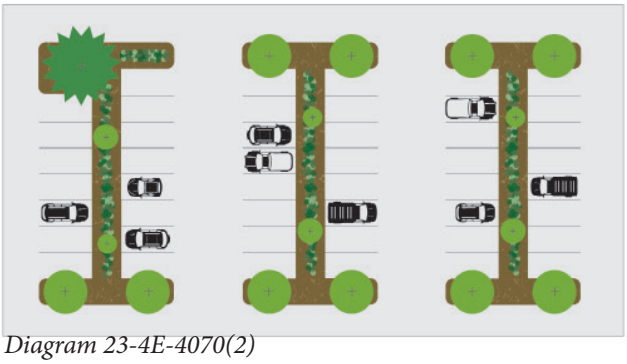


Diagram 23-4E-4070(2)
STANDARD

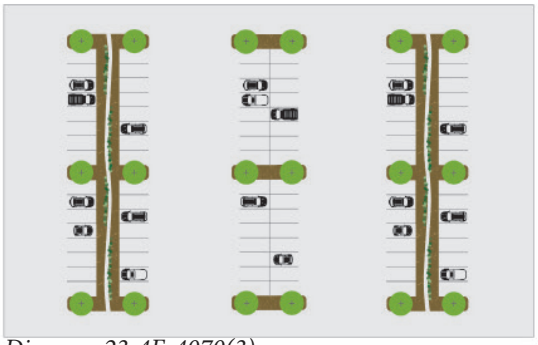


Diagram 23-4E-4070(3)
OPTIONAL

Description

(A) A landscape median separates parking runs on the interior portion of a parking lot. Diagrams 23-4E-4070(1), (2), and (3) illustrate this section's requirements.

Applicability

(B) A landscape median is required for a surface parking lot with two or more adjacent facing parking runs.

Requirements

Landscape Median Minimums

(C) Standard: A landscape median must be a minimum of ten feet wide when measured from the edge of the pavement unless the soil volume standards established in the Environmental Criteria Manual require a different width.

(D) Optional: Optional compliance is for parking lots with 120 or more parking stalls; every other parking bay may be eliminated if remaining parking bays are 15 feet wide and have 5-foot wide walkway running the entire length.

(E) The plants required by this section shall comply with tree diversity standards Table 23-4E-4170(A) (Diversity Standards).

Green Infrastructure

(F) When new trees are planted, each median shall be graded to receive stormwater in a manner that complies with the Environmental Criteria Manual, except when preserved existing trees do not allow.

(G) To allow runoff to enter planting areas as well as protect planting from automobile traffic, the edge of pavement treatment is required.

(H) If an applicant integrates green stormwater infrastructure into landscape design or uses stormwater to irrigate medians, then the median area may comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards).

23-4E-4090 Intermittent Visual Obstruction Buffer

Description

(A) An intermittent visual obstruction buffer is a compatibility buffer, is at least 20 feet in height, and creates the appearance of spatial separation but does not eliminate the visual contact between properties.

Requirements

(B) An intermittent visual obstruction shall meet or exceed the minimum requirements established in Table 23-4E-4090(A) (Minimum Buffer Requirements).

Table 23-4E-4090(A) Minimum Buffer Requirements

Minimum Buffer Width	8′
Min. planting per 100 linear feet	**Aggregate Caliper**
Large or Medium Trees	9″
Small Trees	12″
Shrubs per 100 linear feet	**Quantity**
Shrubs	15

(C) At least 75 percent of the trees and shrubs in the buffer must be evergreen species.

(D) The plants required by this section shall comply with the tree diversity standards Table 23-4E-4170(A) (Diversity Standards).

Green Infrastructure

(E) If healthy, existing plant materials are located within the undisturbed area of a buffer and the plant materials are listed in Appendices F and N of the Environmental Criteria Manual, then the plants may be used to comply with the minimum planting requirements in this section.

(F) If an applicant integrates green stormwater infrastructure into landscape design or uses stormwater to irrigate the perimeter landscape area, this area may comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards).

23-4E-4090 Intermittent Visual Obstruction Buffer

Description

(A) An intermittent visual obstruction buffer is a compatibility buffer, is at least 20 feet in height, and creates the appearance of spatial separation but does not eliminate the visual contact between properties.

Requirements

(B) An intermittent visual obstruction buffer shall meet or exceed the minimum requirements established in Table 23-4E-4090(A) (Minimum Buffer Requirements).

Table 23-4E-4090(A) Minimum Buffer Requirements

Minimum Buffer Width	8′
Min. planting per 100 linear feet	**Aggregate Caliper**
Large or Medium Trees	9″
Small Trees	12″
Shrubs per 100 linear feet	**Quantity**
Shrubs	15

(C) At least 75 percent of the trees and shrubs in the buffer must be evergreen species.

(D) The plants required by this section shall comply with the tree diversity standards Table 23-4E-4170(A) (Diversity Standards).

Green Infrastructure

(E) If healthy, existing plant materials are located within the undisturbed area of a buffer and the plant materials are listed in Appendices F and N of the Environmental Criteria Manual, then the plants may be used to comply with the minimum planting requirements in this section.

(F) If an applicant integrates green stormwater infrastructure into landscape design or uses stormwater to irrigate the perimeter landscape area, this area may comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards).

23-4E-4100 Semi-Opaque Buffer

Description

(A) A semi-opaque buffer is a compatibility buffer, is at least six feet in height, and creates the appearance of spatial separation but does not eliminate visual contact between properties.

Requirements

(B) An intermittent visual obstruction shall meet or exceed the minimum requirements established in Table 23-4E-4100(A) (Minimum Buffer Requirements).

Table 23-4E-4100(A) Minimum Buffer Requirements

Minimum Buffer Width [1]	12′
Min. planting per 100 linear feet	**Aggregate Caliper**
Large or Medium Trees	12″
Small Trees	14″
Shrubs per 100 linear feet	**Quantity**
Shrubs	33

[1] Buffer width can be reduced to 8 feet when a 6-foot opaque wood fence, masonry wall, or vegetative wall system is utilized (same plant quantities apply).

(C) At least 75 percent of the trees and shrubs in the buffer must be evergreen species.

(D) The plants required by this section shall comply with the tree diversity standards Table 23-4E-4170(A) (Diversity Standards).

Green Infrastructure

(E) If healthy, existing plant materials are located within the undisturbed area of a buffer and the plant materials are included in Appendices F and N of the Environmental Criteria Manual, the plants may be used to comply with the minimum planting requirements in this section.

(F) If an applicant integrates green stormwater infrastructure into landscape design or uses stormwater to irrigate the perimeter landscape area, this area may comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards).

23-4E-4100 Semi-Opaque Buffer

Description

(A) A semi-opaque buffer is a compatibility buffer, is at least six feet in height, and creates the appearance of spatial separation but does not eliminate visual contact between properties.

Requirements

(B) A semi-opaque shall meet or exceed the minimum requirements established in Table 23-4E-4100(A) (Minimum Buffer Requirements).

Table 23-4E-4100(A) Minimum Buffer Requirements

Minimum Buffer Width [1]	12'
Min. planting per 100 linear feet	**Aggregate Caliper**
Large or Medium Trees	12"
Small Trees	14"
Shrubs per 100 linear feet	**Quantity**
Shrubs	33

[1] Buffer width can be reduced to 8 feet when a 6-foot opaque wood fence, masonry wall, or vegetative wall system is utilized (same plant quantities apply).

(C) At least 75 percent of the trees and shrubs in the buffer must be evergreen species.

(D) The plants required by this section shall comply with the tree diversity standards Table 23-4E-4170(A) (Diversity Standards).

Green Infrastructure

(E) If healthy, existing plant materials are located within the undisturbed area of a buffer and the plant materials are included in Appendices F and N of the Environmental Criteria Manual, the plants may be used to comply with the minimum planting requirements in this section.

(F) If an applicant integrates green stormwater infrastructure into landscape design or uses stormwater to irrigate the perimeter landscape area, this area may comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards).

23-4E-4110 Opaque Buffer

Description

(A) An opaque buffer is a compatibility buffer, is at least 20 feet in height, prevents visual contact between uses, and creates the appearance of total separation.

Requirements

(B) An intermittent visual obstruction shall meet or exceed the minimum requirements established in Table 23-4E-4110(A) (Minimum Buffer Requirements).

Table 23-4E-4110(A) Minimum Buffer Requirements

Minimum Buffer Width [1]	15'
Min. planting per 100 linear feet	**Aggregate Caliper**
Evergreen Small Trees	20"
Shrubs per 100 linear feet	**Quantity**
Evergreen Shrubs	55

[1] Buffer width can be reduced to 8 feet when a 6-foot opaque wood fence, masonry wall, or vegetative wall system is utilized (same plant quantities apply).

(C) The plants required by this section shall comply with the tree diversity standards Table 23-4E-4170(A) (Diversity Standards).

Green Infrastructure

(D) If healthy, existing plant materials are located within the undisturbed area of a buffer and the plant materials are included in Appendices F and N of the Environmental Criteria Manual, the plants may be used to comply with the minimum planting requirements in this section.

(E) If an applicant integrates green stormwater infrastructure into landscape design or uses stormwater to irrigate the perimeter landscape area, this area may comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards).

23-4E-4110 Opaque Buffer

Description

(A) An opaque buffer is a compatibility buffer, is at least 20 feet in height, prevents visual contact between uses, and creates the appearance of total separation.

Requirements

(B) An opaque border shall meet or exceed the minimum requirements established in Table 23-4E-4110(A) (Minimum Buffer Requirements).

Table 23-4E-4110(A) Minimum Buffer Requirements

Minimum Buffer Width [1]	15'
Min. planting per 100 linear feet	**Aggregate Caliper**
Evergreen Small Trees	20"
Shrubs per 100 linear feet	**Quantity**
Evergreen Shrubs	55

[1] Buffer width can be reduced to 8 feet when a 6-foot opaque wood fence, masonry wall, or vegetative wall system is utilized (same plant quantities apply).

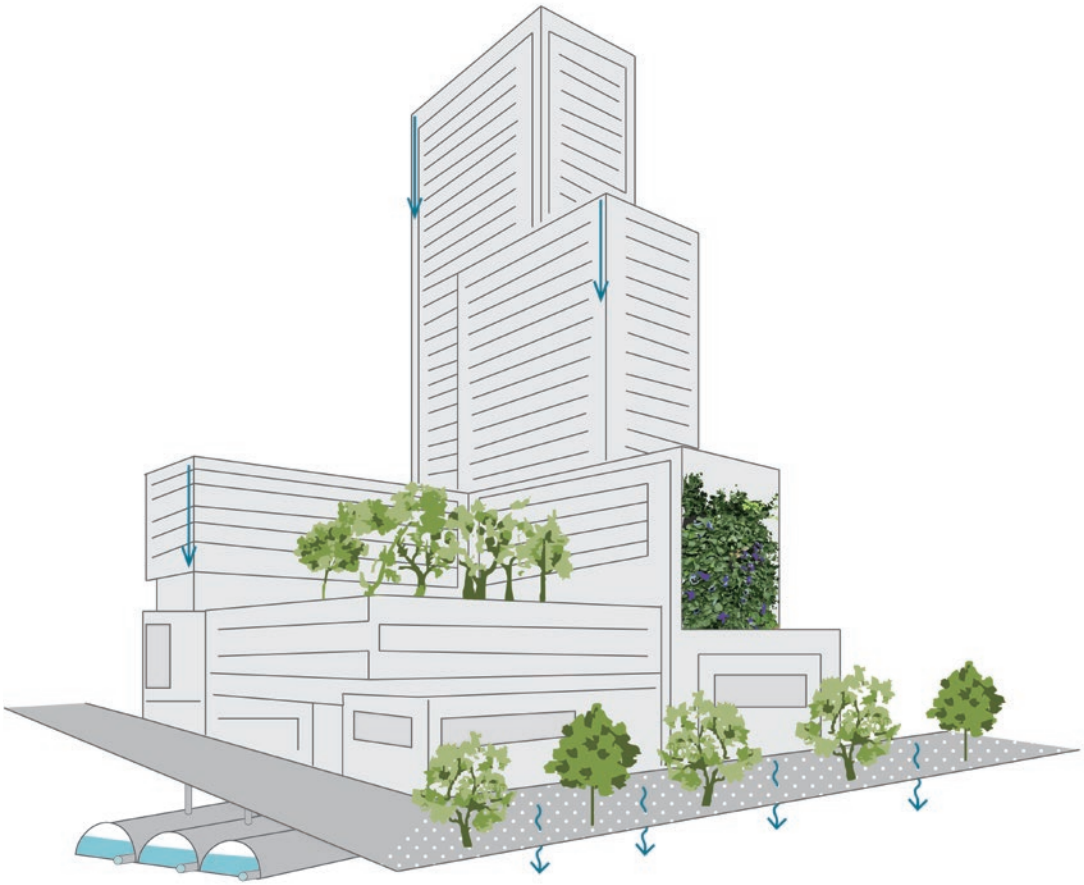
(C) The plants required by this section shall comply with the tree diversity standards Table 23-4E-4170(A) (Diversity Standards).

Green Infrastructure

(D) If healthy, existing plant materials are located within the undisturbed area of a buffer and the plant materials are included in Appendices F and N of the Environmental Criteria Manual, the plants may be used to comply with the minimum planting requirements in this section.

(E) If an applicant integrates green stormwater infrastructure into landscape design or uses stormwater to irrigate the perimeter landscape area, this area may comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards).

23-4E-4120 Functional Green



Description

(A) A functional green landscape provides a site with little to no landscape area or planting areas at ground level with green infrastructure that function equivalent to the ecosystem provided by a site that complies with landscape requirements.

Applicability

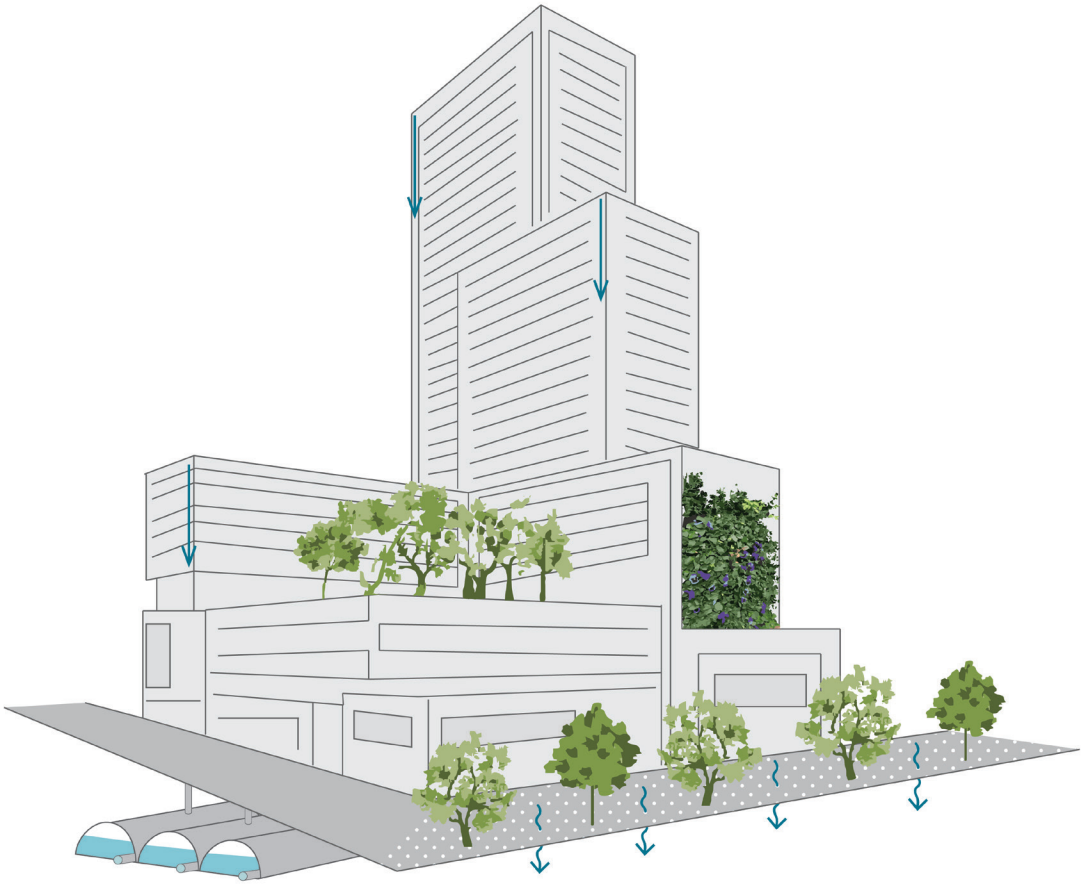
(B) A site that may exceed 80 percent impervious cover must meet functional green landscape requirements.

Requirements

(C) The Environmental Criteria Manual establishes the minimum requirements for functional green landscapes.

Addendum Change

23-4E-4120 Functional Green



Description

(A) Functional Green Landscape is a two-tiered approach to fulfilling the purpose of the landscape code. The first tier requires landscape elements to be placed in specified areas of a site, thus protecting private and public investment, providing visual buffering, limiting overcrowding, and enhancing property values. The second tier is a scoring system that measures the ecosystem service value created by landscape; it is intended to improve ecological balance, replenish native vegetation, and enhancing public health, safety, and welfare.

(B) The Functional Green Score measures the total amount of ecosystem services provided by the landscape elements proposed for a development site. Landscape plans are required to reach a total target Functional Green Score based on the assigned value per square foot area of each landscape element in relation to the area of the site.

Applicability

(C) Functional Green Score applies to all sites that propose an impervious cover total exceeding 80 percent.

Requirements

(D) A Functional Green Landscape plan is required to:

Comply with all applicable landscape and buffer types (23-4E-4050 through 23-4E-4130); and

Reach the target score (prescribed in the ECM). If the target score cannot be reached by providing the applicable landscape and buffer types, landscape elements must be added in order to reach the target score.

(E) All sites must be designed to accommodate the minimum space requirements for each landscape element proposed to meet the Functional Green Score.

(F) Plant selection is prescribed in the ECM.

Calculating the Score

(C) To calculate the Functional Green Score, the total square foot area of each landscape element is measured and then multiplied by the Functional Green Multiplier, as prescribed in the Environmental Criteria Manual. The weighted-area value of each landscape element is then summed and divided by the total area of the site. (Landscape elements may be planted in the public right-of-way, but the site-area denominator does not include the area of the public right-of-way.)

(I) **Accessory Uses to a Principal Industrial Use.** An accessory use to a principal industrial use must comply with the requirements in this subsection.

(1) A retail, restaurant, office, business and financial/professional service, personal storage, or recreation use that is otherwise prohibited in the base zone is allowed as an accessory use if the use:

(a) Is operated primarily for the convenience of employees, clients, or customers of the principal use;

(b) Occupies less than 40 percent of the total floor area of the use; or

(c) Is an integral part of the principal use.

(2) A parking facility is allowed as an accessory use.

(3) A major utility facility is allowed 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.

(J) **Accessory Uses to a Principal Civic and Public Assembly Use**. An accessory use to a principal civic and public assembly use includes:

(1) Refreshment stands and convenience food or beverage sales that serve a public assembly use;

(2) Cafeterias, dining halls, and similar food services that are primarily for the convenience of employees, residents, clients, patients, or visitors;

(3) Gift shops, newsstands, and similar commercial activities primarily for the convenience of employees, residents, clients, patients, or visitors;

(4) Parking facilities, except a facility located in a Residential House-Scale Zone may not exceed the minimum parking requirements; and

(5) A columbarium that:

(a) Is affiliated with a religious assembly use;

(b) Occupies no 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.

(K) **Accessory Use to 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 allowed.

(L) Accessory Use to a Principal Recreation Use. An accessory use for a principal recreation use includes:

(1) Accessory dwelling unit- residential;

(2) Bathroom facilities;

(3) Communications;

(4) Concession stand;

(5) Dock;

(6) Duplex;

(b) Occupies less than 40 percent of the total floor area of the use; or

(c) Is an integral part of the principal use.

(2) A parking facility is allowed as an accessory use.

(3) A major utility facility is allowed 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.

(J) **Accessory Uses to a Principal Civic and Public Assembly Use**. An accessory use to a principal civic and public assembly use includes:

(1) Refreshment stands and convenience food or beverage sales that serve a public assembly use;

(2) Cafeterias, dining halls, and similar food services that are primarily for the convenience of employees, residents, clients, patients, or visitors;

(3) Gift shops, newsstands, and similar commercial activities primarily for the convenience of employees, residents, clients, patients, or visitors;

(4) Parking facilities, except a facility located in a Residential House-Scale Zone may not exceed the minimum parking requirements; and

(5) A columbarium that:

(a) Is affiliated with a religious assembly use;

(b) Occupies no 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.

(K) **Accessory Use to 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 allowed.

(L) Accessory Use to a Principal Recreation Use. An accessory use for a principal recreation use includes:

(1) Bathroom facilities;

(2) Communications;

(3) Dock;

(4) Meeting facility;

(5) Parking facility

(6) Utilities, local;

(7) Storage shed;

(8) If part of an approved master plan:

(a) Recreational vehicle park;

(b) Library, museum, or public art gallery;

Table 23-4E-6050 (A) Allowed Accessory Uses (cont.)
Accessory Uses to a Civic and Public Assembly Use (cont.)
Gift shops, newsstands, and similar
Parking facilities
Refreshment stands, convenience food or beverage sales
Accessory Uses to an Agricultural Use
Uses that are necessarily and customarily associated with the purpose and function of an agricultural use
Accessory to a Recreation Use
Accessory dwelling unit - residential
Bathroom facilities
Communications
Concession stand
Dock
Duplex
Gift Shop
Government office
Meeting facility
Stables
Utilities,local
Single-family residential
Storage shed
Studio: art, dance, martial arts, music
Recreational vehicle park[1]
Library, museum, or public art gallery[1]
Parking facility[1]
Public safety facility[1]
Notes
[1]Additional accessory uses in the PR zone allowed if part of an approved master plan

(D) A use other than one described in this section is allowed as an accessory use if the director determines that the use is necessary, customary, appropriate, incidental, and subordinate to a principal use.

(E) **Development Requirements**. A structure associate with the accessory use must comply with the development requirements of the base zone.

(F) **Accessory Uses to a Principal Residential Use**. An accessory use to a principal residential use must comply with the requirements of this subsection.

(1) A residential use includes a use listed in the residential and residential support services use categories in the land use tables in Article 23-4D (Specific to Zones).

(2) An accessory use may not generate more than 10 guest vehicles trips a day or 30 guest vehicle trips a week.

Table 23-4E-6050 (A) Allowed Accessory Uses (cont.)
Accessory Uses to a Civic and Public Assembly Use (cont.)
Gift shops, newsstands, and similar
Parking facilities
Refreshment stands, convenience food or beverage sales
Accessory Uses to an Agricultural Use
Uses that are necessarily and customarily associated with the purpose and function of an agricultural use
Accessory to a Recreation Use
Bathroom facilities
Communications
Dock
Library, museum, or public art gallery[1]
Meeting facility
Parking facility
Recreational vehicle park[1]
Storage shed
Utilities, local
Notes
[1]Additional accessory uses in the PR zone allowed if part of an approved master plan

(D) A use other than one described in this section is allowed as an accessory use if the director determines that the use is necessary, customary, appropriate, incidental, and subordinate to a principal use.

(E) **Development Requirements**. A structure associate with the accessory use must comply with the development requirements of the base zone.

(F) **Accessory Uses to a Principal Residential Use**. An accessory use to a principal residential use must comply with the requirements of this subsection.

(1) A residential use includes a use listed in the residential and residential support services use categories in the land use tables in Article 23-4D (Specific to Zones).

(2) An accessory use may not generate more than 10 guest vehicles trips a day or 30 guest vehicle trips a week.

(3) The following uses are allowed as an accessory use to a principal residential use:

(a) Recreational activities and recreational facilities for use by residents;

(b) Religious study meetings;

(c) Playhouses, patios, cabanas, porches, gazebos, and household storage buildings;

(d) Radio and television receiving antenna and dish-type satellite receivers;

(e) Solar collectors;

(f) The keeping of dogs, cats, and similar small animals as household pets;

(E) A bulk storage area for soil, compost, or a similar product outside of an enclosed building must:

(i) Not exceed 10 percent of the site area;

(ii) Be located at least 25 feet from property used or zoned for a residential use;

(iii) Be screened from view from an adjacent property used or zoned for a residential use; and

(iv) Not cause noxious odors that are detectable from an adjacent property used or zoned for a residential use.

23-4E-6200 Home Occupations

(A) A home occupation is a commercial use that is accessory to a residential use and shall comply with the requirements of this section.

(B) A home occupation shall be conducted entirely within the dwelling unit or an accessory structure.

(C) Except as provided in Subsection (D), participation in a home occupation is limited to occupants of the dwelling unit, except that one person who is not an occupant may participate in a medical, professional, administrative, or business office if off-street parking is provided for that person.

(D) If the owner obtains a minor use permit up to three employees who are not occupants of the dwelling unit are allowed.

(E) The owner or occupant shall maintain the residential character of the lot and dwelling. Unless a modification is required to comply with accessibility requirements, a home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited.

(F) If the owner obtains a minor use permit, the limited sale of merchandise directly to customers on premises is allowed between the hours of 9:00 a.m. and 5:00 p.m.

(G) Equipment or materials associated with the home occupation must not be visible from locations off the premises.

(H) A home occupation must not produce dust, glare, heat, noise, vibration, smoke, odor, fumes, electrical interference, or waste run-off outside the dwelling unit or accessory structure.

(I) Parking a commercial vehicle on a thoroughfare adjacent to a residentially zoned property is prohibited. A commercial vehicle associated with the home occupation may be stored on the premises of a residentially zoned property if it complies with Section 23-4E-6050(F)(4)(d) and it is screened from the street or housed in an accessory structure that conforms with residential standards

(J) A sign on the premises that is related to the home occupation must comply with Chapter 23-8 (Signage).

(E) A bulk storage area for soil, compost, or a similar product outside of an enclosed building must:

(i) Not exceed 10 percent of the site area;

(ii) Be located at least 25 feet from property used or zoned for a residential use;

(iii) Be screened from view from an adjacent property used or zoned for a residential use; and

(iv) Not cause noxious odors that are detectable from an adjacent property used or zoned for a residential use.

23-4E-6200 Home Occupations

(A) A home occupation is a commercial use that is accessory to a residential use and shall comply with the requirements of this section.

(B) A home occupation shall be conducted entirely within the dwelling unit or an accessory structure.

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

(D) The owner or occupant shall maintain the residential character of the lot and dwelling. Unless a modification is required to comply with accessibility requirements, a home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited.

(E) A home occupation may not generate more than four vehicle trips each day of customer-related vehicular traffic.

(F) The sale of merchandise directly to a customer on the premises is prohibited.

(G) Equipment or materials associated with the home occupation must not be visible from locations off the premises.

(H) A home occupation must not produce dust, glare, heat, noise, vibration, smoke, odor, fumes, electrical interference, or waste run-off outside the dwelling unit or accessory structure.

(I) Parking a commercial vehicle on a thoroughfare adjacent to a residentially zoned property is prohibited. A commercial vehicle associated with the home occupation may be stored on the premises of a residentially zoned property if it complies with Section 23-4E-6050(F)(4)(d) and it is screened from the street or housed in an accessory structure that conforms with residential standards

(J) A sign on the premises that is related to the home occupation must comply with Chapter 23-8 (Signage).

(K) A use that complies with this section is allowed as a home occupation, except the following uses are prohibited:

23-4E-6230 Mobile Food Sales

(A) **Applicability**. Except as provided in Subsection (B), this section applies to all mobile food establishments.

(B) **Permit Required.** Mobile food sales use operating in the public right-of-way must also comply with standards in Title 14 (Use of Streets and Public Property).

(C) **Permit Not Required.** A mobile food establishment located on private property for three hours or less between the hours of 6:00 a.m. and 10:00 p.m. is not subject this section.

(D) The permit holder is 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).

(E) A site plan, site plan exemption, or temporary use permit is not required for the operation of a mobile food establishment.

(F) **Where Prohibited.** A mobile food establishment is not allowed:

(1) On private property, except as provided in this section;

(2) Within 50 feet of a lot with a building that contains both a residential and commercial use; or

(3) Within 20 feet of any restaurant use.

(G) **Operational Requirements**. A mobile food establishment:

(1) May operate if the operator obtains a permit required by Chapter 10-3 (Food and Food Handlers) from the health authority;

(2) May not operate between the hours of 3:00 a.m. and 6:00 a.m.; and

(3) May not provide drive-through service.

(H) A mobile food establishment located on the same site as a restaurant and serves food provided by the restaurant may 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 Residential House-Scale Zone.

(I) **Noise.** Noise from mechanical equipment or sound equipment associated with a mobile food establishment must not exceed 70 "A"-weighted decibels when measured at the property line that is across the street from or abutting a residential use.

(J) **Lighting**. An exterior light source:

(1) May not be directly visible to a residential use; and

(2) Must be hooded or shielded.

(K) **Signs**. A mobile food establishment is limited to signs attached to the exterior of the mobile food establishment. The signs:

(1) Must be secure and mounted flat against the mobile food establishment; and

(2) Must not project more than six inches from the exterior of the mobile food establishment.

Addendum Change

23-4E-6230 Micro-Brewery/Micro-Distillery/Winery

(1) Allowed. The sale of beer, ale, wine, or distilled liquor produced on-site for on-site consumption:

(a) Is an allowed use, if the use is at least 540 feet from any single-family residential use, as measured from lot line to lot line;

(b) Is a conditional use, if the use is less than 540 feet from any Residential House Scale Zone, as measured from lot line to lot line; and

(c) Except as provided in Subsection (B)(2), must not exceed the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use.

(2) On-site Consumption Area

(a) During a tour, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use.

(b) If the use is located in Airport Overlay Zones AO-1, AO-2, or AO-3, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use.

(3) Increased Square Footage. During the conditional use permit approval process, the Planning Commission or city council may increase the square footage allowed under Subsection (B)(1)(c).

23-4E-6240 Mobile Food Sales

(A) **Applicability**. Except as provided in Subsection (B), this section applies to all mobile food establishments.

(B) **Permit Required.** Mobile food sales use operating in the public right-of-way must also comply with standards in Title 14 (Use of Streets and Public Property).

(C) **Permit Not Required.** A mobile food establishment located on private property for three hours or less between the hours of 6:00 a.m. and 10:00 p.m. is not subject this section.

(D) The permit holder is 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).

(E) A site plan, site plan exemption, or temporary use permit is not required for the operation of a mobile food establishment.

(F) **Where Prohibited.** A mobile food establishment is not allowed:

(1) On private property, except as provided in this section;

(2) Within 50 feet of a lot with a building that contains both a residential and commercial use; or

(3) Within 20 feet of any restaurant use.

(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 Planning Director to enforce this section.

(F) **Items and Services Sold.** An operator may only sell non-food retail items or services. Mobile retail establishments may only sell items or services allowed under a general retail, animal service (Level 1), and personal service use. All sales items and supplies must be stored within the mobile unit.

(G) **Location Requirements.** A mobile retail establishment must comply with the requirements of this subsection:

(1) Unless located in a Commercial Center (CC) or Downtown Core (DC) Zone, a mobile retail establishment may not be located less than 50 feet from a lot with a building that contains both a residential and commercial use.

(2) A mobile retail establishment may not be located less than 50 feet from a Residential House-Scale Zone.

(3) A mobile retail establishment may not be located less than 20 feet from a general retail, animal service (Level 1), or personal service use.

(4) 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) .

(5) A mobile retail establishment may not occupy or impede required parking for another use.

(H) **Operational Requirements**

(1) A person shall not operate a mobile retail establishment between the hours of 11:00 p.m. and 6:00 a.m.

(2) A mobile retail establishment may not provide drive-through service.

(3) A person shall not place sales items, equipment, or supplies that are part of its operations outside of the allowed unit and shall conduct all of its operational activities within the mobile retail establishment.

(I) **Lighting**. An exterior light source:

(1) Must not be directly visible to a residential use; and

(2) Must be hooded or shielded.

(J) **Noise**. Noise from mechanical equipment or sound equipment associated with the mobile retail establishment must not exceed 70 "A"-weighted decibels when measured at the property line that is across the street from or abutting a residential use.

23-4E-6250 Mobile Retail Sales

(A) **Applicability.** Except as provided in Subsection (B), a mobile retail establishment is subject to this section. A mobile retail establishment does not include a mobile food establishment.

(B) A mobile retail establishment that is located on private property for three hours or less between the hours of 6:00 a.m. and 11:00 p.m. is not subject to this section.

(C) **Permit Not Required.** A site plan, site plan exemption, or temporary use permit is not required for the a mobile retail sales use.

(D) **Time Limit.** A mobile retail establishment may not remain at the same location for more than 180 consecutive days.

(E) **Application**

(1) A person may not operate a mobile retail establishment unless the Planning Director approves the establishment.

(2) The Planning Director shall approve the establishment if the operator provides an application that includes:

(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;

(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 Planning Director to enforce this section.

(F) **Items and Services Sold.** An operator may only sell non-food retail items or services. Mobile retail establishments may only sell items or services allowed under a general retail, animal service (Level 1), indoor recreation and personal service use. All sales items and supplies must be stored within the mobile unit.

(G) **Location Requirements.** A mobile retail establishment must comply with the requirements of this subsection:

(1) Unless located in a Commercial Center (CC) or Downtown Core (DC) Zone, a mobile retail establishment may not be located less than 50 feet from a lot with a building that contains both a residential and commercial use.

23-4E-6260 Performance Venue/Theater

(A) **Applicability**. This section applies to:

(1) An indoor performance venue/theater use; and

(2) An outdoor performance venue/theater use.

(B) **Alcohol Sales as an Accessory Use**

(1) The Incidental sale of alcohol for onsite consumption related to the primary use is allowed and must comply with all applicable state and local regulations.

(2) The sale of alcohol is not incidental if 50 percent or more of the gross revenue is from alcohol sales.

23-4E-6270 Recreation Indoor/Outdoor

(A) **Applicability**. This section applies to:

(1) An indoor recreation use; and

(2) An outdoor recreation use.

(B) **Alcohol Sales as an Accessory Use**

(1) The incidental sale of alcohol for onsite consumption related to the primary use is allowed and shall comply with all applicable state and local regulations.

(2) The sale of alcohol is not incidental if 50 percent or more of the gross income is from alcohol sales.

(C) Additional Accessory Uses. The following uses are accessory to an outdoor, formal recreation use:

(1) A single-family, duplex, or accessory dwelling unit that is occupied by at least one individual who is employed on-site for security, maintenance, management, supervision, or personal service;

(2) A refreshment stand or convenience food or beverage sales that serve a public assembly use;

(3) Restrooms that serve the use;

(4) A gift shop that serves the use; and

(5) Maintenance buildings related only to the recreation use on the property.

23-4E-6280 Recreational Vehicle Parks

(A) **Applicability.** This section applies to a site used for a recreational vehicle park.

(B) **Applicability of Hotel Laws; Registration of Guests**. A recreational vehicle park shall be operated in conformity with state law relating to hotels. A person staying 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.

Personal	5% of gross site area		
Area Requirements	**Width (min.)**	**Depth (min.)**	**Area (min.)**
Ground Level	10′	10′	100 sf
Above Ground	5′	5′	50 sf

23-4E-6270 Performance Venue/Theater

(A) **Applicability**. This section applies to:

(1) An indoor performance venue/theater use; and

(2) An outdoor performance venue/theater use.

(B) **Alcohol Sales as an Accessory Use**

(1) The Incidental sale of alcohol for onsite consumption related to the primary use is allowed and must comply with all applicable state and local regulations.

(2) The sale of alcohol is not incidental if 50 percent or more of the gross revenue is from alcohol sales.

23-4E-6280 Recreation Indoor/Outdoor

(A) **Applicability**. This section applies to:

(1) An indoor recreation use; and

(2) An outdoor recreation use.

(B) **Alcohol Sales as an Accessory Use**

(1) The incidental sale of alcohol for onsite consumption related to the primary use is allowed and shall comply with all applicable state and local regulations.

(2) The sale of alcohol is not incidental if 50 percent or more of the gross income is from alcohol sales.

(C) Additional Accessory Uses. The following uses are accessory to an outdoor, formal recreation use:

(1) A single-family, duplex, or accessory dwelling unit that is occupied by at least one individual who is employed on-site for security, maintenance, management, supervision, or personal service;

(2) A refreshment stand or convenience food or beverage sales that serve a public assembly use;

(3) Restrooms that serve the use;

(4) A gift shop that serves the use; and

(5) Maintenance buildings related only to the recreation use on the property.

(11) Require adequate pollution controls and drainage facilities, to safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and

(12) Encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of its land.

(B) **Applicability.** This subsection describes the types of land divisions and conveyances that constitute a subdivision and the particular requirements of this Title that apply to a subdivision.

(1) For purposes of this Title:

(a) A subdivision of land occurs if a tract of land is divided into two (2) or more parts:

(i) To lay out a subdivision of the tract, including an addition to the City ;

(ii) To lay out suburban, building, or other lots; or

(iii) To lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

(b) For purposes of this chapter, a division of a land occurs regardless of whether the division is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. The division of a tract of land for any of the purposes specified herein does not require a transfer of title of all or part of the tract.

(2) Except as provided in Paragraph (B)(3):

(a) A subdivision within the City's zoning jurisdiction must comply with the requirements of this Title; and

(b) A subdivision within the City's extraterritorial jurisdiction is subject to the general procedural requirements of this Title, including Chapters 23-1 (Introduction) and 23-2 (Administration and Procedures), and must comply with:

(i) Article 23-3D(Water Quality);

(ii) Article 23-3E (Affordable Housing);

(iii) Article 23-9B (Right-Of-Way and Transportation Improvements);

(iv) Article 23-9D (Street Design);

(v) Division 23-9E-5 (Sidewalks, Street Trees, and Urban Trails);

(vi) Article 23-10A (Utility Service);

(vii) Article 23-10E (Drainage); and

(viii) Technical criteria manuals adopted under requirements listed in this subsection.

(3) 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).

(C) **Subdivision Standards.** For purposes Texas Local Government Code, Section 212.002, the City's subdivision rules include this chapter and all other provisions of this Title

(11) Require adequate pollution controls and drainage facilities, to safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and

(12) Encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of its land.

(B) **Applicability.** This subsection describes the types of land divisions and conveyances that constitute a subdivision and the particular requirements of this Title that apply to a subdivision.

(1) For purposes of this Title:

(a) A subdivision of land occurs if a tract of land is divided into two (2) or more parts:

(i) To lay out a subdivision of the tract, including an addition to the City ;

(ii) To lay out suburban, building, or other lots; or

(iii) To lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

(b) For purposes of this chapter, a division of a land occurs regardless of whether the division is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. The division of a tract of land for any of the purposes specified herein does not require a transfer of title of all or part of the tract.

(2) Except as provided in Paragraph (B)(3):

(a) A subdivision within the City's zoning jurisdiction must comply with the requirements of this Title; and

(b) A subdivision within the City's extraterritorial jurisdiction is subject to the general procedural requirements of this Title, including Chapters 23-1 (Introduction) and 23-2 (Administration and Procedures), and must comply with:

(i) Article 23-3B (Parkland Dedication);

(ii) Article 23-3D (Water Quality);

(iii) Article 23-3E (Affordable Housing);

(iv) Division 23-9A-2 (Proportionality of Transportation Infrastructure Requirements);

(v) Article 23-9B (Right-Of-Way Dedication and Reservation);

(vi) Article 23-9F (Street Design);

(vii) Division 23-9E-6 (Sidewalks, Urban Trails and Street Trees)

(viii) Chapter 23-10 (Infrastructure); and

(ix) Technical criteria manuals adopted under requirements listed in this subsection.

(3) 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).

(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 public street; and

(5) Complies with the requirements of this Title for roadway frontage.

(F) **Exemptions for Original Unplatted Tracts Configured for Development.**

(1) 1987 Exemption. A parcel is exempt from the requirement to plat if the responsible director determines that the parcel is:

(a) Five acres or less;

(b) Existed in its current configuration on August 31, 1987;

(c) Was receiving utility service that was authorized under the rules of the utility provider on August 31, 1987;

(d) Is located on an existing public street; and

(e) Complies with the requirements of this Title for roadway frontage.

(2) 1995 Exemptions. In the full-purpose limits of the City, a parcel is exempt from the requirement to plat if the responsible director determines that the parcel is:

(a) Five acres or less;

(b) Existed in its current configuration on January 1, 1995;

(c) Was receiving utility service that was authorized under the rules of the utility provider on January 1, 1995;

(d) Is located on an existing public street; and

(e) Complies with the requirements of this Title for roadway frontage.

23-5A-1050 Remainder Tracts

(A) **Purpose and Applicability.**

(1) A "remainder tract" is any portion of a legal lot or tract that is not wholly contained within the boundaries of a subdivision plat, including portions of a larger lot or tract that were previously divided without approval from the City as required by this Title or other applicable law.

(2) In order to avoid the creation of substandard or nonconforming tracts, and to ensure that the requirements of this Title are applied to property as a whole, discretionary review under this section is required for the Land Use Commission to approve a preliminary plan or final plat that includes a remainder tract.

(B) **Inclusion of Remainder Tracts Prohibited.** A preliminary plan or final plat may not include a remainder tract except as provided under Subsection (C).

(C) **Waiver by the Land Use Commission.**

(1) Review Criteria. The Land Use Commission may waive the requirement of Subsection (B) and approve a preliminary plan or final plat that includes a remainder tract if the Commission determines that:

(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 public street; and

(5) Complies with the requirements of this Title for roadway frontage.

(F) **Exemptions for Original Unplatted Tracts Configured for Development.**

(1) 1987 Exemption. A parcel is exempt from the requirement to plat if the responsible director determines that the parcel is:

(a) Five acres or less;

(b) Existed in its current configuration on August 31, 1987;

(c) Was receiving utility service that was authorized under the rules of the utility provider on August 31, 1987;

(d) Is located on an existing public street; and

(e) Complies with the requirements of this Title for roadway frontage.

(2) 1995 Exemptions. In the full-purpose limits of the City, a parcel is exempt from the requirement to plat if the responsible director determines that the parcel is:

(a) Five acres or less;

(b) Existed in its current configuration on January 1, 1995;

(c) Was receiving utility service that was authorized under the rules of the utility provider on January 1, 1995;

(d) Is located on an existing public street; and

(e) Complies with the requirements of this Title for roadway frontage.

23-5A-1050 Remainder Tracts

(A) **Purpose and Applicability.**

(1) A "remainder tract" is any portion of a legal lot or tract that is not wholly contained within the boundaries of a subdivision plat, including portions of a larger lot or tract that were previously divided without approval from the City as required by this Title or other applicable law.

(2) In order to avoid the creation of substandard or nonconforming tracts, and to ensure that the requirements of this Title are applied to property as a whole, discretionary review under this section is required for the Land Use Commission to approve a preliminary plan or final plat that includes a remainder tract.

(B) **Inclusion of Remainder Tracts Prohibited.** A preliminary plan or final plat may not include a remainder tract except as provided under Subsection (C).

(C) **Approval by Commission.**

(1) **Review Criteria.** At the recommendation of the director, the Land Use Commission:

(a) Including a remainder tract from the proposed subdivision will not substantially impair the orderly planning of roads, utilities, drainage, and other public facilities; and

(b) The portion of the remainder tract omitted from the subdivision:

(i) Has direct access onto a public street or through right-of-way dedicated by the applicant, which must be at least 50-feet wide; and

(ii) May be put to reasonable use without approval of a variance from the requirements of the Title.

(2) **Action on Waiver Request.** In acting on a waiver request under this section, the Land Use Commission may approve, deny, or conditionally approve a remainder tract subject to inclusion of more or less of the larger lot or tract's total land area than proposed by the applicant based on the criteria in Paragraph (C)(1) of this subsection. Approval by the Land Use Commission of a preliminary plan or final plat that requires a waiver under this subsection is deemed approval of the waiver.

(3) **Director's Recommendation.** If a preliminary plan or final plat application includes a waiver request under this section, the director shall provide a recommendation to the Land Use Commission on whether the request meets the criteria in Paragraph (C)(1) of this subsection. The director's recommendation to approve a preliminary plan or final plat shall be deemed a recommendation to approve a waiver required by this section.

(4) **Application Requirements.** A request to include a remainder tract in a preliminary plan or final plat application must be made concurrent with the preliminary plan or final plat application and must include information required by this subsection.

(a) To facilitate review of a waiver request under this section, the director may require an applicant to provide a schematic land plan of the remainder tract depicting topography, natural features, and existing development, but may not require detailed engineering information.

(b) An application for a waiver under this section must include:

(i) Written verification, signed by each owner of land within the portion of a remainder tract to be omitted from the subdivision, certifying to the director that the owners is aware that no portion of the remainder tract omitted from the subdivision will be considered a legal lot or eligible to receive initial or expanded utilities unless the tract is platted as required by this chapter; or

(ii) Certification that the applicant has provided, by certified mail, the verification form required under Paragraph (C)(5) to each owner of land within the portion of a remainder tract proposed to be omitted from the subdivision.

(5) **Effect of Approval.** Approval of a waiver under this section allows inclusion of a remainder tract within the subdivision, but does not constitute a variance from the requirements of this Title or authorize development on the portion of the remainder tract excluded from the subdivision.

(a) Shall approve inclusion of a remainder tract if the portion of the tract omitted from the subdivision meets the applicable regulations of this Title, including minimum lot area, required for a platted lot; or

(b) May approve inclusion of a remainder tract if:

(i) Including a remainder tract in the proposed subdivision will not substantially impair the orderly planning of roads, utilities, drainage, and other public facilities; and

(ii) The portion of the remainder tract omitted from the subdivision:

(a) Has direct access onto a public street or through right-of-way dedicated by the applicant, which must be at least 50-feet wide; and

(b) May be put to reasonable use without approval of a variance from the requirements of the Title.

(2) **Action on Remainder Tract.**

(a) Approval by the Land Use Commission of a preliminary plan or final plat that includes a remainder tract constitutes a determination that inclusion of a remainder tract meets the requirements of Paragraph (C)(1) of this subsection. Separate action approving a remainder tract is not required.

(b) If required to meet the criteria in Paragraph (C)(1), the Land Use Commission may require that a remainder tract include more or less of the larger lot or tract's total land area than proposed in the application for preliminary plan or final plat approval.

(3) **Director's Recommendation.** The director's recommendation to approve a preliminary plan or final plat that includes a remainder tract shall be deemed a recommendation that the remainder tract meets the criteria in Paragraph (C)(1). If required to meet those criteria, the director may conditionally recommend approval subject to inclusion of more or less of the larger lot or tract's total land area than proposed in the application.

(4) **Application Requirements.** A request to include a remainder tract in a preliminary plan or final plat application must be made concurrent with the preliminary plan or final plat application and must include information required by this subsection.

(a) To facilitate review of a remainder tract under this section, the director may require an applicant to provide a schematic land plan of the remainder tract depicting topography, natural features, and existing development, but may not require detailed engineering information.

(b) A preliminary plan or final plat application including a remainder must be supported by:

(i) Written verification, signed by each owner of land within the portion of a remainder tract to be omitted from the subdivision, certifying to the director that the owners is aware that no portion of the remainder tract omitted from the subdivision will be considered a legal lot or eligible to receive initial or expanded utilities unless the tract is platted as required by this chapter; or

(ii) Certification that the applicant has provided, by certified mail, the verification form required under Paragraph (C)(5) to each owner of land within the portion of a remainder tract proposed to be omitted from the subdivision.

(a) Including a remainder tract from the proposed subdivision will not substantially impair the orderly planning of roads, utilities, drainage, and other public facilities; and

(b) The portion of the remainder tract omitted from the subdivision:

(i) Has direct access onto a public street or through right-of-way dedicated by the applicant, which must be at least 50-feet wide; and

(ii) May be put to reasonable use without approval of a variance from the requirements of the Title.

(2) **Action on Waiver Request.** In acting on a waiver request under this section, the Land Use Commission may approve, deny, or conditionally approve a remainder tract subject to inclusion of more or less of the larger lot or tract's total land area than proposed by the applicant based on the criteria in Paragraph (C)(1) of this subsection. Approval by the Land Use Commission of a preliminary plan or final plat that requires a waiver under this subsection is deemed approval of the waiver.

(3) **Director's Recommendation.** If a preliminary plan or final plat application includes a waiver request under this section, the director shall provide a recommendation to the Land Use Commission on whether the request meets the criteria in Paragraph (C)(1) of this subsection. The director's recommendation to approve a preliminary plan or final plat shall be deemed a recommendation to approve a waiver required by this section.

(4) **Application Requirements.** A request to include a remainder tract in a preliminary plan or final plat application must be made concurrent with the preliminary plan or final plat application and must include information required by this subsection.

(a) To facilitate review of a waiver request under this section, the director may require an applicant to provide a schematic land plan of the remainder tract depicting topography, natural features, and existing development, but may not require detailed engineering information.

(b) An application for a waiver under this section must include:

(i) Written verification, signed by each owner of land within the portion of a remainder tract to be omitted from the subdivision, certifying to the director that the owners is aware that no portion of the remainder tract omitted from the subdivision will be considered a legal lot or eligible to receive initial or expanded utilities unless the tract is platted as required by this chapter; or

(ii) Certification that the applicant has provided, by certified mail, the verification form required under Paragraph (C)(5) to each owner of land within the portion of a remainder tract proposed to be omitted from the subdivision.

(5) **Effect of Approval.** Approval of a waiver under this section allows inclusion of a remainder tract within the subdivision, but does not constitute a variance from the requirements of this Title or authorize development on the portion of the remainder tract excluded from the subdivision.

(5) **Effect of Approval.** Approval of a preliminary plan or final plat under this section allows inclusion of a remainder tract within the subdivision, but does not constitute a variance from the requirements of this Title or authorize development on the portion of the remainder tract excluded from the subdivision.

Division 23-5B-1: General Requirements

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23-5B-1010 Delegation of Approval Authority

(A) **Land Use Commission.**

(1) Except as provided in Subsection (C), the Land Use Commission is the delegated authority responsible under Section 212.006, Texas Local Government Code, for approving preliminary plan and final plat applications in compliance with this chapter and other applicable requirements of this Title.

(2) The Land Use Commission shall review and approve:

(a) An application for preliminary plan or final plat approval that complies with the requirements of this Title, as specified under Sections 23-5B-2050 (Action on Preliminary Plan) and 23-5B-3050 (Commission Action on Final Plat);

(b) An application for an environmental variance or subdivision variance associated with an application under Section 23-5B-1050 (Variance Determination); and

(c) Requests to include a remainder tract within a preliminary plan or final plat under Section 23-5B-1040 (Remainder Tracts).

(B) **Director.** The director, in addition to exercising general administrative authority under Section 23-5A-1020 (Review Authority), is the authority responsible for approving a minor plat under Section 23-5B-3060 (Minor Plats).

(C) **City Council.** The city council is the authority responsible for approval of an application for preliminary plan associated with:

(1) An application for rezoning to a planned unit development;

(2) A development agreement, as authorized under Division 23-2L-2 (General Development Agreements); and

(3) An appeal of a decision by the Land Use Commission on an environmental variance associated with a preliminary plan, as authorized under 23-5B-2060 (Appeal of Action on Preliminary Plan).

Addendum Change

Division 23-5B-1: General Requirements

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23-5B-1010 Delegation of Approval Authority

(A) **Land Use Commission.**

(1) Except as provided in Subsection (C), the Land Use Commission is the delegated authority responsible under Section 212.006, Texas Local Government Code, for approving preliminary plan and final plat applications in compliance with this chapter and other applicable requirements of this Title.

(2) The Land Use Commission shall review and approve:

(a) An application for preliminary plan or final plat approval that complies with the requirements of this Title, as specified under Sections 23-5B-2050 (Action on Preliminary Plan) and 23-5B-3050 (Commission Action on Final Plat);

(b) An application for an environmental variance or subdivision variance associated with an application under Section 23-5B-1050 (Variance Determination); and

(c) Requests to include a remainder tract within a preliminary plan or final plat under Section 23-5B-1040 (Remainder Tracts).

(B) **Director.** The director, in addition to exercising general administrative authority under Section 23-5A-1020 (Review Authority), is the authority responsible for approving a minor plat under Section 23-5B-3060 (Minor Plats).

(C) **City Council.** The city council is the authority responsible for approval of an application for preliminary plan associated with:

(1) An application for rezoning to a planned unit development; and

(2) A development agreement, as authorized under Division 23-2L-2 (General Development Agreements).

(B) **Variance Criteria for Specially Approved Development.**

(1) If a preliminary plan or final plat is associated with a mass housing project, a planned unit development, or a similar specially approved development, the Land Use Commission may grant a variance from a requirement of Article 23-5C (Platting Requirements) if the Land Use Commission determines that:

(a) The requirement for which the variance is sought would, if strictly applied, prevent or unreasonably impede development authorized for the housing project or other special approval; and

(b) The development will provide light and air, vehicular and pedestrian circulation, and recreational facilities that meet or exceed the requirements of this Title.

(2) A variance request under this subsection need not satisfy the criteria in Subsection (A).

(C) **Applicant's Report.** An applicant for a subdivision variance must provide a written report demonstrating that the variance application satisfies the applicable criteria in Subsection (B) or (C).

23-5B-1060 Infrastructure and Fiscal Surety Requirements

(A) **Director's Recommendation.**

(1) The director shall provide the Land Use Commission a recommendation regarding streets, transportation facilities, utilities, drainage facilities, and other facilities required for a preliminary plan or final plat to adequately address the impacts of development consistent with the requirements of the Title.

(2) Where offsite transportation improvements, right-of-way dedications, or similar public facilities are required to be dedicated or funded outside the boundaries of a preliminary plan or final plat, the director must make a proportionality determination consistent with Division 23-9C-1 (System Transportation Improvements).

(B) **Requirements for Approval.** Before the Land Use Commission may approve a final plat application under Division 23-5B-3 (Final Subdivision Plat), the subdivision applicant must:

(1) Construct all required streets, transportation facilities, utilities, and drainage facilities in compliance with the requirements of this Title;

(2) Provide fiscal surety, as required by Section 23-2B-3020 (Fiscal Surety), for any required streets and other facilities which are not constructed as required by this subsection, except that Surety for water and wastewater infrastructure must comply with requirements established by Austin Water Utility; or

(3) If approved by the director, execute an agreement for alternative fiscal consistent with the requirements of Section 23-5B-1070 (Alternative Fiscal).

(C) **Use of Fiscal by City.** Fiscal Surety provided under this section may be used by the City to construct subdivision improvements that serve the public interest and are reasonably related to development proposed by the final plat.

(B) **Variance Criteria for Specially Approved Development.**

(1) If a preliminary plan or final plat is associated with a mass housing project, a planned unit development, or a similar specially approved development, the Land Use Commission may grant a variance from a requirement of Article 23-5C (Platting Requirements) if the Land Use Commission determines that:

(a) The requirement for which the variance is sought would, if strictly applied, prevent or unreasonably impede development authorized for the housing project or other special approval; and

(b) The development will provide light and air, vehicular and pedestrian circulation, and recreational facilities that meet or exceed the requirements of this Title.

(2) A variance request under this subsection need not satisfy the criteria in Subsection (A).

(C) **Applicant's Report.** An applicant for a subdivision variance must provide a written report demonstrating that the variance application satisfies the applicable criteria in Subsection (B) or (C).

23-5B-1060 Infrastructure and Fiscal Surety Requirements

(A) **Director's Recommendation.**

(1) The director shall provide the Land Use Commission a recommendation regarding streets, transportation facilities, utilities, drainage facilities, and other facilities required for a preliminary plan or final plat to adequately address the impacts of development consistent with the requirements of the Title.

(2) Where offsite transportation improvements, right-of-way dedications, or similar public facilities are required to be dedicated or funded outside the boundaries of a preliminary plan or final plat, the director must make a proportionality determination consistent with Division 23-9A-2 (Proportionality of Transportation Infrastructure Requirements).

(B) **Requirements for Approval.** Before the Land Use Commission may approve a final plat application under Division 23-5B-3 (Final Subdivision Plat), the subdivision applicant must:

(1) Construct all required streets, transportation facilities, utilities, and drainage facilities in compliance with the requirements of this Title;

(2) Provide fiscal surety, as required by Section 23-2B-3020 (Fiscal Surety), for any required streets and other facilities which are not constructed as required by this subsection, except that Surety for water and wastewater infrastructure must comply with requirements established by Austin Water Utility; or

(3) If approved by the director, execute an agreement for alternative fiscal consistent with the requirements of Section 23-5B-1070 (Alternative Fiscal).

(C) **Use of Fiscal by City.** Fiscal Surety provided under this section may be used by the City to construct subdivision improvements that serve the public interest and are reasonably related to development proposed by the final plat.

(ii) Meets the applicable requirements of Article 23-3B (Parkland Dedication), Article 23-9B (Right-of-Way and Transportation Improvements), Article 23-9C (Traffic Impact Analysis), Article 23-9D (Street Design), Article 23-9F (Access to Major Roadways), Article 23-9H (Street Layout), Article 23-10A (Utility Service), and Article 23-10E (Drainage).

(2) The Land Use Commission may not deny or withhold approval of a preliminary plan application that meets the requirements of this Title. If the Commission denies a preliminary plan application, the Commission shall specify each requirement in Subsection (B)(1) that it finds has not been met and the actions required to satisfy the requirement.

(C) **Council Action.** When acting on a preliminary plan application, whether on appeal of a decision by the Land Use Commission under Section 23-5B-2060 (Appeal of Action on Preliminary Plan) or concurrent with an application listed in Section 23-5B-1010 (Delegation of Approval Authority), the city council shall apply the same standards as the Land Use Commission under Subsection (B).

23-5B-2060 Appeal of Action on Preliminary Plan

If a preliminary plan is associated with an environmental variance under Section 23-3D-2060 (Land Use Commission Variances), an interested party may appeal the Land Use Commission's decision on the environmental variance and preliminary plan to city council in under Article 23-2I (Appeals).

23-5B-2070 Expiration of Approved Preliminary Plan

An approved preliminary plan expires five years after the date the application was submitted. A new preliminary plan is required to plat any land for which a final plat application was not submitted prior to expiration of the preliminary plan.

23-5B-2080 Changes to Approved Preliminary Plan

(A) **Purpose and Applicability.** In order to provide reasonable flexibility in project design and construction, this section authorizes the director or Land Use Commission to approve certain changes to an approved preliminary plan without requiring submittal of a new preliminary plan application. Approval of a new preliminary plan is required for any change beyond the limits specified in this section, and a changed may not be approved following expiration of the preliminary plan or approval of a final plat.

(B) **Application Requirements.** Depending on the significance of a requested change, the director may require submittal of a formal application or may allow information to be provided informally. An applicant requesting to change an approved preliminary plan shall:

(1) Submit all information required by the director to determine whether the request is within the scope of changes authorized under this section; and

(ii) Meets the applicable requirements of Article 23-3B (Parkland Dedication), Article 23-3D (Water Quality), Article 23-3E (Affordable Housing), Article 23-9A-2 (Proportionality of Transportation Infrastructure Requirements), Article 23-9B (Right-of-Way Dedication and Reservation), Article 23-9F (Street Design), Division 23-9E-6 (Sidewalks, Urban Trails and Street Trees), and Chapter 23-10 (Infrastructure).

(2) The Land Use Commission may not deny or withhold approval of a preliminary plan application that meets the requirements of this Title. If the Commission denies a preliminary plan application, the Commission shall specify each requirement in Subsection (B)(1) that it finds has not been met and the actions required to satisfy the requirement.

23-5B-2060 Expiration of Approved Preliminary Plan

An approved preliminary plan expires five years after the date the application was submitted. A new preliminary plan is required to plat any land for which a final plat application was not submitted prior to expiration of the preliminary plan.

23-5B-2070 Changes to Approved Preliminary Plan

(A) **Purpose and Applicability.** In order to provide reasonable flexibility in project design and construction, this section authorizes the director or Land Use Commission to approve certain changes to an approved preliminary plan without requiring submittal of a new preliminary plan application. Approval of a new preliminary plan is required for any change beyond the limits specified in this section, and a changed may not be approved following expiration of the preliminary plan or approval of a final plat.

(B) **Application Requirements.** Depending on the significance of a requested change, the director may require submittal of a formal application or may allow information to be provided informally. An applicant requesting to change an approved preliminary plan shall:

(1) Submit all information required by the director to determine whether the request is within the scope of changes authorized under this section; and

(2) Provide written verification that all landowners within the area included in the preliminary plan support the requested change, unless the director determines that the requested change does not impact other sections of the preliminary plan.

(C) **Changes Approved by the Director.** The director may approve a change to an approved preliminary plan under this subsection if the change would not, in the director's determination, significantly increase the amount of right-of-way required to be dedicated or otherwise impair the orderly planning of roads, utilities, drainage, and other public facilities.

(1) Minor Deviation. The director may approve a minor deviation to change the size or configuration of lots, street widths or alignments, and the size or location of utility and access easements, provided that the deviation does not:

(a) increase the number of lots;

(b) change the use of a lot;

Division 23-5C-1: Property Markers, Easements, and Alleys

Contents

23-5C-1010 Property Markers 1
23-5C-1020 Easements and Alleys 1
23-5C-1030 Easements in Areas Adjoining Proposed Subdivision 1
23-5C-1040 Hazardous Pipelines 1

23-5C-1010 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.

23-5C-1020 Easements and Alleys

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.

23-5C-1030 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 consistent with the requirements of this Title, the subdivider shall obtain the easements or make arrangements with the City to obtain them.

23-5C-1040 Hazardous Pipelines

(A) The applicant shall determine whether a hazardous pipeline crosses a proposed subdivision and, if so, shall depict a restricted pipeline area on the plat. If an applicant represents that no hazardous pipeline exists within a proposed subdivision, the director may require verification by an independent third party if historical records or other evidence indicates that a pipeline may exist.

(B) A residential lot may not include a pipeline-restricted area if the lot is less than one acre in size, excluding the restricted pipeline area.

Addendum Change

Division 23-5C-1: Property Markers, Easements, and Alleys

Contents

23-5C-1010 Property Markers 1
23-5C-1020 Easements and Alleys 1
23-5C-1030 Easements in Areas Adjoining Proposed Subdivision 1
23-5C-1040 Hazardous Pipelines 1

23-5C-1010 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.

23-5C-1020 Easements and Alleys

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.

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If the director determines that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage or utility service consistent with the requirements of this Title, the subdivider shall obtain the easements or make arrangements with the City to obtain them.

23-5C-1040 Hazardous Pipelines

(A) The applicant shall determine whether a hazardous pipeline crosses a proposed subdivision and, if so, shall depict a restricted pipeline area on the plat.

(B) A residential lot may not include a pipeline-restricted area if the lot is less than one acre in size, excluding the restricted pipeline area.

(b) Approval of water or wastewater system plans by the applicable director, and the Texas Commission on Environmental Quality, if applicable, is required.

(c) Approval of the construction of water or wastewater facilities by the director is required. A City inspector shall inspect the facilities during construction and the developer shall pay applicable inspection fees.

23-5C-3070 Subdivisions Without Access to Water or Wastewater Services

(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 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 shall be designed and located in compliance with the standards of the Texas Natural Resource Conservation Commission and the local health authority. Approval by the director of the plans for the system is required.

23-5C-3080 Private On-Site Sewage Facility

A subdivision that is to be served by private on-site sewage facilities shall comply with Chapter 15-5 (Private Sewage Facilities) of the City Code.

23-5C-3090 Street Lights

(A) A subdivision construction plan shall not be approved unless the subdivider has complied with the requirements of this section. If a subdivision construction plan is not required, the plat shall not be approved unless the subdivider has complied with the requirements of this section.

(B) This section applies to the residential portion of a subdivision 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.

(b) Approval of water or wastewater system plans by the applicable director, and the Texas Commission on Environmental Quality, if applicable, is required.

(c) Approval of the construction of water or wastewater facilities by the director is required. A City inspector shall inspect the facilities during construction and the developer shall pay applicable inspection fees.

23-5C-3070 Subdivisions Without Access to Water or Wastewater Services

(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 and the Texas Commission on Environmental Quality.

(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 shall be designed and located in compliance with the standards of the Texas Natural Resource Conservation Commission and the local health authority. Approval by the director of the plans for the system is required.

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(B) This section applies to the residential portion of a subdivision 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.

Division 23-5C-4: Trees for Residential Subdivision

Contents

23-5C-4010 Purpose and Intent 1
23-5C-4020 Applicability 1
23-5C-4030 Visual Screening 2
23-5C-4040 Submittal Requirements 2
23-5C-4050 Final Inspection 3
23-5C-4060 Landscape Maintenance 3
23-5C-4070 Planting & Soil Standards 4

23-5C-4010 Purpose and Intent

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)

23-5C-4020 Applicability

(A) Trees Required

(1) Each single family lot in a residential subdivision shall contain:

(a) 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;

(b) 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.

(2) Trees required under this section must be planted or preserved in accordance with this Division and the Environmental Criteria Manual. (Source: Ord. 20090618-077)

(B) Trees Planted

(1) A tree planted under this Division shall:

(a) Be suitable, as defined in the Environmental Criteria Manual;

(b) Meet the spacing and location requirements in the Environmental Criteria Manual; and

(c) Be maintained in accordance with the Environmental Criteria Manual.

(2) The size of a tree planted under this Division shall be:

(a) At least two inches in diameter measured six inches above root flare; or

Addendum Change

Division 23-5C-4: Trees for Residential Subdivision

Contents

23-5C-4010 Purpose and Intent 1
23-5C-4020 Applicability 1
23-5C-4030 Visual Screening 2
23-5C-4040 Submittal Requirements 2
23-5C-4050 Final Inspection 3
23-5C-4060 Landscape Maintenance 3
23-5C-4070 Planting & Soil Standards 4

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(b) Meet the spacing and location requirements in the Environmental Criteria Manual; and

(c) Be maintained in accordance with the Environmental Criteria Manual.

(2) The size of a tree planted under this Division shall be:

(a) At least two inches in diameter measured six inches above root flare; or

Division 23-6B-2: Submittal Waivers

Contents

23-6B-2010 Small Projects 1

23-6B-2010 Small Projects

(A) If a project qualifies as a "small project" under this section, the director may wave 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 section.

(B) The following are considered small projects:

(1) Construction of a building or parking area if the construction:

(a) Does not require a variance under Article 23-3D (Water Quality);

(b) Does not exceed 5,000 square feet of new or redeveloped impervious cover;

(c) The construction site does not exceed 10,000 square feet, including the following areas:

(i) Construction, clearing, grading, construction equipment access, driveway reconstruction, landscaping;

(ii) Temporary installations including portable buildings, construction trailers, storage areas for building materials, spoil disposal areas, erosion and sedimentation controls or construction entrances; and

(iii) Other areas the director determines are part of a 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) A development that has existing utilities available to serve a structure (i.e. an existing water stub or cleanout already in use or available) and the Water Utility Director has determined that the size of the service meets City standards;

(4) Construction of a left turn lane on a divided 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) Depositing less than two feet of earth fill, if the site is not in a 100-year floodplain or other environmental setback and the fill is not to be deposited within the critical root zone of a protected tree;

(8) Construction of a boat dock as an accessory use to a single-family residential use, duplex residential use, or accessory dwelling unit use if shoreline modification, including bulkheads, or dredging of no more than 25 cubic yards is required;

Addendum Change

Division 23-6B-2: Submittal Waivers

Contents

23-6B-2010 Small Projects 1

23-6B-2010 Small Projects

(A) If a project qualifies as a "small project" under this section, the director may wave 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 section.

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(1) Construction of a building or parking area if the construction:

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(iii) Other areas the director determines are part of a construction site.

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(7) Depositing less than two feet of earth fill, if the site is not in a 100-year floodplain or other environmental setback and the fill is not to be deposited within the critical root zone of a protected tree;

(8) Construction of a boat dock as an accessory use to a single-family residential use, duplex residential use, or accessory dwelling unit use no if shoreline modification, including bulkheads, or dredging of no more than 25 cubic yards is required;

Division 23-7A-1: General Provisions

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23-7A-1010 Jurisdiction 1
23-7A-1020 Historic Properties and Buildings 45 or More Years Old 1
23-7A-1030 Permit Inspections 1
23-7A-1040 Definitions. 1

23-7A-1010 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.

23-7A-1020 Historic Properties and Buildings 45 or More Years Old

(A) The building official must notify the historic preservation officer before issuing a building, demolition, or relocation permit for a building 45 or more years old.

(B) The building official may not issue a building, demolition, or relocation permit for a property described in Subsection (D) unless all applicable requirements of Division 23-7D have been satisfied.

23-7A-1030 Permit Inspections

(A) A permit holder must obtain any inspection required by Chapter 23-11 (Technical Codes).

(B) Additional inspections may be required if the building official determines that one or more hazardous conditions exist. An inspection under this subsection must be performed by an inspector approved by the building official.

(C) The building official shall ensure that an inspection is performed as required by Chapter 23-11 (Technical Codes).

23-7A-1040 Definitions

ARCHITECTURAL FEATURE. An architectural element that, alone or as part of a pattern, reflects 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, siding, trim, eaves, cornices, roof ornamentation and materials, , lights, porches, awnings, and signs.

Addendum Change

Division 23-7A-1: General Provisions

Contents

23-7A-1010 Jurisdiction 1
23-7A-1020 Historic Properties and Buildings 45 or More Years Old 1
23-7A-1030 Permit Inspections 1
23-7A-1040 Definitions. 1

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(B) Additional inspections may be required if the building official determines that one or more hazardous conditions exist. An inspection under this subsection must be performed by an inspector approved by the building official.

(C) The building official shall ensure that an inspection is performed as required by Chapter 23-11 (Technical Codes).

23-7A-1040 Definitions

(A) This section defines words and phrases that are used primarily in this chapter. For words and phrases used generally throughout this Title, see Division 23-13A-1 (Terms and Measurements).

ARCHITECTURAL FEATURE. An architectural element that, alone or as part of a pattern, reflects 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,

BUILDING. For purposes of the historic preservation sections of the Code, a construction primarily for human habitation, activities, or shelter. The terms buildings, structures, sites, and objects, may all fall under the more general term of historic properties.

CERTIFICATE OF APPROPRIATENESS. A signed and dated document evidencing approval by the Historic Landmark Commission or Historic Preservation Office for work proposed by an owner or applicant to the exterior or site of a designated or pending historic landmark or a contributing property to a designated or pending local historic district. A Certificate of Appropriateness may relate to exterior alterations, additions, demolition, or relocation.

CONTRIBUTING PROPERTY. A building, structure, site, feature, or object within a local or National Register historic district that reflects the historic character of the district, was built during the district's period of significance, and retains sufficient integrity to convey its historic appearance. Contributing properties are designated by the ordinance creating the local historic district or the National Register historic district nomination. In the absence of a determination of whether a property is contributing, the Historic Preservation Officer may make that determination. The Historic Preservation Officer may also change the status of whether a property is contributing to the historic district if the appearance of the property has changed over time or the property is now 50 years of age if, at the time of the original designation, the property did not qualify as contributing because of its age. A property that was moved into a district at least 50 years ago may also be contributing to the historic district.

DEMOLITION. An act or process that totally or partially removes any exterior architectural or site features of a designated or pending historic landmark, a contributing property within a designated or pending local historic district, a property individually listed in the National Register of Historic Places, or a contributing property within a National Register historic district.

DEMOLITION BY NEGLECT. Lack of maintenance resulting in deterioration that threatens the preservation of any designated or pending historic landmark or contributing property in a designated or pending local historic district (see Section 23-7E-1020 Duty to Preserve and Repair).

HISTORIC CONTEXT. The information about a historic property or historic district based on a shared theme, development history, specific time period, and/or geographical area.

HISTORIC DISTRICT OVERLAY ZONE. An area approved by the Council that possesses particular architectural, cultural, and/or historic importance or significance. A historic district overlay zone must consist, at minimum, of one block-face, and is typically referred to as a local historic district. Properties in a historic district overlay zone (local historic district) are zoned HD.

INTEGRITY. The ability of a property to convey its significance. Integrity may be impaired by changes to the location, setting, design, materials, workmanship, association, and feeling of a property.

HISTORIC LANDMARK. A property designated by the Council as possessing particular architectural, cultural, and/or historic importance or significance. Historic landmarks are zoned H.

LOCAL HISTORIC DISTRICT. The common term used to refer to a historic district (HD) overlay zone.

and style and type of windows, doors, siding, trim, eaves, cornices, roof ornamentation and materials, , lights, porches, awnings, and signs.

BUILDING. For purposes of the historic preservation sections of the Code, a construction primarily for human habitation, activities, or shelter. The terms buildings, structures, sites, and objects, may all fall under the more general term of historic properties.

CERTIFICATE OF APPROPRIATENESS. A signed and dated document evidencing approval by the Historic Landmark Commission or Historic Preservation Office for work proposed by an owner or applicant to the exterior or site of a designated or pending historic landmark or a contributing property or new construction within a designated or pending local historic district. A Certificate of Appropriateness may relate to exterior alterations, additions, demolition, or relocation.

CONTRIBUTING PROPERTY. A building, structure, site, feature, or object within a local or National Register historic district that reflects the historic character of the district, was built during the district's period of significance, and retains sufficient integrity to convey its historic appearance. Contributing properties are designated by the ordinance creating the local historic district or the National Register historic district nomination. In the absence of a determination of whether a property is contributing, the Historic Preservation Officer may make that determination. The Historic Preservation Officer may also change the status of whether a property is contributing to the historic district if the appearance of the property has changed over time or the property is now 50 years of age if, at the time of the original designation, the property did not qualify as contributing because of its age. Alterations completed within the district's period of significance may achieve historic significance in their own right.

DEMOLITION. For purposes of the historic preservation sections of this article, demolition is an act or process that totally or partially removes any exterior architectural or site features of a building 45 or more years old, a designated or pending historic landmark, a contributing property within a designated or pending local historic district, a property individually listed in the National Register of Historic Places, or a contributing property within a National Register historic district.

DEMOLITION BY NEGLECT. Lack of maintenance resulting in deterioration that threatens the preservation of any designated or pending historic landmark or contributing property in a designated or pending local historic district (see Section 23-7E-1020 Duty to Preserve and Repair).

HISTORIC CONTEXT. The information about a historic property or historic district based on a shared theme, development history, specific time period, and/or geographical area.

HISTORIC DISTRICT OVERLAY ZONE. An area approved by the Council that possesses particular architectural, cultural, and/or historic importance or significance. A historic district overlay zone must consist, at minimum, of one block-face, and is typically referred to as a local historic district. Properties in a historic district overlay zone (local historic district) are zoned HD.

INTEGRITY. The ability of a property to convey its significance. Integrity may be impaired by changes to the location, setting, design, materials, workmanship, association, and feeling of a property.

LOADED HEIGHT. The height of a building or structure, measured from the ground, when it is loaded on a trailer for moving.

LOADED WIDTH. The width of a building or structure, measured from the ground, when it is loaded on a trailer for moving.

NATIONAL REGISTER HISTORIC DISTRICT. An area designated in the Federal Register under the National Historic Preservation Act of 1966, as amended, for which maps depicting the area are available for inspection by the public at the Planning and Zoning Department.

ORDINARY REPAIR OR MAINTENANCE. 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 material as the original.

PERIOD OF SIGNIFICANCE. The length of time when a property or district was associated with important events, activities, or persons, or attained the characteristics which qualify it for designation. The period of significance begins with a date when significant activities or events began that give the property or district its historic significance, often the date of construction for a property or the date of subdivision for a district.

ROUTINE REPAIR OR MAINTENANCE. Acts of ordinary maintenance that do not include a change in the design, material, form, or outer appearance of a historic landmark, contributing building or structure, or site thereof, including methods of stabilizing and preventing further decay and may incorporate in-kind replacement or refurbishment of materials on a structure.

SITE. For the purposes of the historic preservation sections of the Code, the location of a significant event; a prehistoric or historic occupation or activity; or a structure or building, whether standing, ruined, or vanished; where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. The site of a historic landmark will generally include all of the land necessary to convey the context and history of the landmark, generally the tax parcel(s) that are zoned historic. The terms buildings, structures, sites, and objects may all fall under the more general term of historic properties.

STRUCTURE. For purposes of the historic preservation sections of this Code, a functional construction made usually for a purpose other than creating human shelter. The terms buildings, structures, and sites may all fall under the more general term of historic properties. “Structure” is used throughout the Code to refer generally to buildings, structures, and sites.

HISTORIC LANDMARK. A property designated by the Council as possessing particular architectural, cultural, and/or historic importance or significance. Historic landmarks are zoned H.

LOCAL HISTORIC DISTRICT. The common term used to refer to a historic district (HD) overlay zone.

LOADED HEIGHT. The height of a building or structure, measured from the ground, when it is loaded on a trailer for moving.

LOADED WIDTH. The width of a building or structure, measured from the ground, when it is loaded on a trailer for moving.

NATIONAL REGISTER HISTORIC DISTRICT. An area designated in the Federal Register under the National Historic Preservation Act of 1966, as amended, for which maps depicting the area are available for inspection by the public at the Planning and Zoning Department.

ORDINARY REPAIR OR MAINTENANCE. 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 material as the original.

PERIOD OF SIGNIFICANCE. The length of time when a property or district was associated with important events, activities, or persons, or attained the characteristics which qualify it for designation. The period of significance begins with a date when significant activities or events began that give the property or district its historic significance, often the date of construction for a property or the date of subdivision for a district.

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SITE. For the purposes of the historic preservation sections of the Code, the location of a significant event; a prehistoric or historic occupation or activity; or a structure or building, whether standing, ruined, or vanished; where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. The site of a historic landmark will generally include all of the land necessary to convey the context and history of the landmark, generally the tax parcel(s) that are zoned historic. The terms buildings, structures, sites, and objects may all fall under the more general term of historic properties.

23-7D-1030 Review Authority

Authority and responsibility for implementing this article is delegated to the director of Planning and Zoning, hereafter referred to as "the director."

23-7D-1040 Types of and Time Limits for Review

The time limits for Historic Landmark Commission action in this table are based on the indicated applicable code sections, If a conflict exists between this table and the indicated code sections, the indicated code sections prevail. Unless otherwise indicated, the time limit for Historic Landmark Commission action begins the day after the first Historic Landmark Commission meeting at which the application is posted on the agenda.

Table 23-7D-1040 (A): Types of and Time Limits for Review

Property Type	Historic Review Type	Applicable Sections in Division 23-7D (1) & (2)	Application Type	Time Limit for Commission Action
No Designation				
45 or more years old	Evaluation for eligibility as historic landmark	23-7D-1030, 23-7D-3010, 23-7D-3020	Demolition, Relocation	75 days
Individual Designation				
Historic Landmark (includes pending)	Certificate of Appropriateness Required	23-7D-1030, 23-7D-2010, 23-7D-2030, 23-7D-4010	Building	75 days
Listed in the National Register of Historic Places	Advisory review, evaluation for eligibility as a historic landmark	23-7D-1030, 23-7D-2020, 23-7D-2040	Building	75 days
National Historic Landmark	Advisory review, evaluation for eligibility as a historic landmark	23-7D-1030, 23-7D-2020, 23-7D-2040	Building	75 days
Recorded Texas Historic Landmark	Advisory review, evaluation for eligibility as a historic landmark	23-7D-1030, 23-7D-2020, 23-7D-2040	Building	75 days
State Antiquities Landmark	Advisory review, evaluation for eligibility as a historic landmark	23-7D-1030, 23-7D-2020, 23-7D-2040	Building	75 days

23-7D-1030 Review Authority

Authority and responsibility for implementing this article is delegated to the director of Planning and Zoning, hereafter referred to as "the director."

23-7D-1040 Types of and Time Limits for Review

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45 or more years old	Evaluation for eligibility as historic landmark	23-7D-1030, 23-7D-3010, 23-7D-3020	Partial Demolition, Demolition, Relocation	75 days
Individual Designation				
Historic Landmark (includes pending)	Certificate of Appropriateness Required	23-7D-1030, 23-7D-2010, 23-7D-2030, 23-7D-4010	Building	75 days
Historic Landmark (includes pending)	Certificate of Appropriateness Required	23-7D-1030, 23-7D-2010, 23-7D-2030, 23-7D-4010	Demolition, Relocation	180 days
Listed in the National Register of Historic Places	Advisory review, evaluation for eligibility as a historic landmark	23-7D-1030, 23-7D-2020, 23-7D-2040	Building	75 days
National Historic Landmark				
Recorded Texas Historic Landmark				
State Antiquities Landmark				
Listed in the National Register of Historic Places	Advisory review, evaluation for eligibility as a historic landmark	23-7D-1030, 23-7D-2020, 23-7D-2040	Demolition, Relocation	180 days
National Historic Landmark				
Recorded Texas Historic Landmark				
State Antiquities Landmark				

Table 23-7D-1040 (A): Types of and Time Limits for Review					
Local Historic District (includes pending)					
	Contributing Property	Certificate of Appropriateness Required	23-7D-1030, 23-7D-2010, 23-7D-2030, 23-7D-4010	Demolition, Relocation	See 23-7D-1030(E)(5)
	Non- contributing Property	Evaluation for eligibility as a historic landmark	N/A	N/A	N/A
	New Construction	Certificate of Appropriateness Required	23-7D-1030, 23-7D-2010, 23-7D-2030, 23-7D-4010	Building	75 days
National Register Historic District					
	Contributing Property	Advisory review; evaluation for eligibility as a historic landmark	23-7D-1030, 23-7D-2020, 23-7D-2030, 23-7D-2040	Building	75 days
	Non- contributing Property	Evaluation for eligibility as a historic landmark	N/A	N/A	N/A
	New Construction	Advisory review	23-7D-1030, 23-7D-2020, 23-7D-2040	Building	75 days

23-7D-1050 Tolling of Time Limits

For time limits for review and action established under this article, a postponement requested or agreed to by the owner or the owner's agent tolls the running of the time limit by the Historic Landmark Commission. The time is tolled from the date of the request or the date the owner or the owner's agent agrees to postpone the case until the day of the Historic Landmark Commission meeting to which the case has been postponed.

23-7D-1060 Process for Historic Review

(A) When the building official receives an application requesting a building permit, relocation permit, or demolition permit for a property to which this section applies, the building official shall immediately notify the historic preservation officer

(B) When the historic preservation officer notifies the building official that the application will be placed on a Historic Landmark Commission's agenda, the building official shall post a sign on the site and notify property owners, residents, and registered parties as required by Division 23-2C-5 (Notice of Application and Administrative Decisions).

(C) The historic preservation officer may administratively approve an application for a Certificate of Appropriateness or permit under Section 23-7D-2015 (Administrative Approval of Certificates of Appropriateness), Section 23-7D-2025 (Administrative Approval Under Advisory Review), or Section 23-7D-3015 (Administrative Approval for Buildings Without Historic Designation).

Table 23-7D-1040 (A): Types of and Time Limits for Review				
Property Type	Historic Review Type	Applicable Sections in Division 23-7D (1) & (2)	Application Type	Time Limit for Commission Action
Local Historic District (includes pending)				
Contributing Property	Certificate of Appropriateness Required	23-7D-1030, 23-7D-2010, 23-7D-2030, 23-7D-4010	Building	75 days
Contributing Property	Certificate of Appropriateness Required	23-7D-1030, 23-7D-2010, 23-7D-2030, 23-7D-4010	Demolition, Relocation	180 days
Non-contributing Property	See *No Designation: Buildings 45 or More Years Old*			
New Construction	Certificate of Appropriateness Required	23-7D-1030, 23-7D-2010, 23-7D-2030, 23-7D-4010	Building	75 days
National Register Historic District				
Contributing Property	Advisory review; evaluation for eligibility as a historic landmark	23-7D-1030, 23-7D-2020, 23-7D-2030, 23-7D-2040	Building	75 days
Contributing Property	Advisory review; evaluation for eligibility as a historic landmark	23-7D-1030, 23-7D-2020, 23-7D-2030, 23-7D-2040	Demolition, Relocation	180 days
Non- contributing Property	See *No Designation: Buildings 45 or More Years Old*			
New Construction	Advisory review	23-7D-1030, 23-7D-2020, 23-7D-2040	Building	75 days

23-7D-1050 Tolling of Time Limits

For time limits for review and action established under this article, a postponement requested or agreed to by the owner or the owner's agent tolls the running of the time limit by the Historic Landmark Commission. The time is tolled from the date of the request or the date the owner or the owner's agent agrees to postpone the case until the day of the Historic Landmark Commission meeting to which the case has been postponed.

23-7D-1060 Process for Historic Review

(A) When the building official receives an application requesting a building permit, relocation permit, or demolition permit for a property to which this section applies, the building official shall immediately notify the historic preservation officer

(B) When the historic preservation officer notifies the building official that the application will be placed on a Historic Landmark Commission's agenda, the building official shall post a sign on the site and notify property owners, residents, and registered parties as required by Division 23-2C-5 (Notice of Application and Administrative Decisions).

(D) Unless an application has been administratively approved, the Historic Landmark Commission shall hold a public hearing on an application within 60 days of the historic preservation officer receiving a complete application.

(E) Unless the building official determines that action is necessary to protect public safety, the building official shall not issue a building, relocation, or demolition permit for a property subject to this article until the earliest of:

(1) The date the historic preservation officer administratively approves an application;

(2) The date the Historic Landmark Commission decides not to initiate a historic designation case regarding the property;

(3) The date the Historic Landmark Commission approves an application for a Certificate of Appropriateness or provides comments on an application;

(4) The expiration of 75 days after the date of the first Historic Landmark Commission meeting at which the application is posted on the agenda; or

(5) 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 combining district.

(F) If the Historic Landmark Commission decides to initiate a historic zoning case under Section 23-4B-3030 (Zoning Map Amendment Initiation), the structure is subject to Section 23-7D-4010 (Pending Historic Designations).

(C) The historic preservation officer may administratively approve an application for a Certificate of Appropriateness or permit under Section 23-7D-2015 (Administrative Approval of Certificates of Appropriateness), Section 23-7D-2025 (Administrative Approval Under Advisory Review), or Section 23-7D-3015 (Administrative Approval for Buildings Without Historic Designation).

(D) Unless an application has been administratively approved, the Historic Landmark Commission shall hold a public hearing on an application within 60 days of the historic preservation officer receiving a complete application.

(E) Unless the building official determines that action is necessary to protect public safety, the building official shall not issue a building, relocation, or demolition permit for a property subject to this article until the earliest of:

(1) The date the historic preservation officer administratively approves an application;

(2) The date the Historic Landmark Commission decides not to initiate a historic designation case regarding the property;

(3) The date the Historic Landmark Commission approves an application for a Certificate of Appropriateness or provides comments on an application;

(4) The expiration of 75 days after the date of the first Historic Landmark Commission meeting at which the application is posted on the agenda; or

(5) The expiration of 180 days after receipt of a complete application for a contributing structure within a National Register Historic District or a pending local historic district.

(F) If the Historic Landmark Commission decides to initiate a historic zoning case under Section 23-4B-3030 (Zoning Map Amendment Initiation), the structure is subject to Section 23-7D-4010 (Pending Historic Designations).

Division 23-7D-2: Properties with Historic Designation

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23-7D-2010 Certificates of Appropriateness

(A) This section applies to a building, structure, or site that is:

(1) A historic landmark;

(2) Pending designation as a historic landmark under Section 23-7D-4010 (Pending Historic Designations); or

(3) A contributing property within a local historic district;

(4) A contributing property within a pending local historic district under Section 23-7D-4010 (Pending Historic Designations).

(B) A Certificate of Appropriateness is required for:

(1) Full or partial demolition;

(2) Relocation; and

(3) All exterior and site work regardless of whether a building or demolition permit is required, including but not limited to the replacement of doors, windows, siding, and roof materials, unless the work is ordinary repair and maintenance as defined in Article 23-13A (Definitions and Measurements).

(C) A criminal penalty for a violation of this section applies only to a person who has actual or constructive notice that:

(1) The building is a historic landmark or contributing property within a local historic district; or

(2) A designation is pending under Section 23-7D-4010 (Pending Historic Designations).

23-7D-2020 Administrative Approval of Certificates of Appropriateness

(A) For a property that is a designated or pending historic landmark, the historic preservation officer may administratively approve an application under 23-7D-2010 (Certificates of Appropriateness) that is requested for:

(1) A minor repair or maintenance work that does not involve changes to architectural and historical value, style, or general design;

Addendum Change

Division 23-7D-2: Properties with Historic Designation

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23-7D-2010 Certificates of Appropriateness

(A) This section applies to a building, structure, or site that is:

(1) A historic landmark;

(2) Pending designation as a historic landmark under Section 23-7D-4010 (Pending Historic Designations);

(3) A contributing property within a local historic district;

(4) A contributing property within a pending local historic district under Section 23-7D-4010 (Pending Historic Designations);

(5) New construction on a historic landmark property or within a local historic district; or

(6) New construction on a pending historic landmark property or within a pending local historic district under Section 23-7D-4010 (Pending Historic Designations).

(B) A Certificate of Appropriateness is required for:

(1) Full or partial demolition of any exterior feature;

(2) Relocation;

(3) All exterior and site work regardless of whether a building or demolition permit is required, including but not limited to the replacement of doors, windows, siding, and roof materials, unless the work is ordinary repair and maintenance as defined in Article 23-13A (Definitions and Measurements); and

(4) New construction.

(C) A criminal penalty for a violation of this section applies only to a person who has actual or constructive notice that:

(1) The building is a historic landmark or contributing property within a local historic district; or

(2) A designation is pending under Section 23-7D-4010 (Pending Historic Designations).

Division 23-7D-2: Properties with Historic Designation

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23-7D-2010 Certificates of Appropriateness

(A) This section applies to a building, structure, or site that is:

(1) A historic landmark;

(2) Pending designation as a historic landmark under Section 23-7D-4010 (Pending Historic Designations); or

(3) A contributing property within a local historic district;

(4) A contributing property within a pending local historic district under Section 23-7D-4010 (Pending Historic Designations).

(B) A Certificate of Appropriateness is required for:

(1) Full or partial demolition;

(2) Relocation; and

(3) All exterior and site work regardless of whether a building or demolition permit is required, including but not limited to the replacement of doors, windows, siding, and roof materials, unless the work is ordinary repair and maintenance as defined in Article 23-13A (Definitions and Measurements).

(C) A criminal penalty for a violation of this section applies only to a person who has actual or constructive notice that:

(1) The building is a historic landmark or contributing property within a local historic district; or

(2) A designation is pending under Section 23-7D-4010 (Pending Historic Designations).

23-7D-2020 Administrative Approval of Certificates of Appropriateness

(A) For a property that is a designated or pending historic landmark, the historic preservation officer may administratively approve an application under 23-7D-2010 (Certificates of Appropriateness) that is requested for:

(1) A minor repair or maintenance work that does not involve changes to architectural and historical value, style, or general design;

23-7D-2020 Administrative Approval of Certificates of Appropriateness

(A) For a property that is a designated or pending historic landmark, the historic preservation officer may administratively approve an application under 23-7D-2010 (Certificates of Appropriateness) that is requested for:

(1) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;

(2) A change to the exterior paint color;

(3) Work that does not visually affect the historic character of the structure or site from the principal street frontage of the property, complies with all applicable design standards, and is limited to the construction of:

(a) A one-story rear outbuilding;

(b) A pool, deck, fence, back porch enclosure, or other minor feature; or

(4) A sign that conforms to any applicable sign design standards for the property.

(B) For a contributing property located within a local historic district, the historic preservation officer may administratively approve an application under 23-7D-2010 (Certificates of Appropriateness) that is requested for:

(1) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;

(2) Work that does not visually affect the historic character of the property or site from the principal street frontage of the property, complies with all applicable design standards for the district, and is limited to the construction of:

(a) A ground-floor, one-story rear addition;

(b) A one-story rear outbuilding;

(c) A pool, deck, fence, back porch enclosure, or other minor feature;

(d) A rear addition of up to two stories to a two-story building;

(e) A one-story accessory dwelling unit located behind the principal structure;

(f) A sign that conforms to applicable sign design standards; or

(3) The demolition of an outbuilding such as a carport, detached garage, shed, greenhouse, or other outbuilding determined by the historic preservation officer not to possess historic or architectural significance, either as a standalone building or structure, or as part of a complex of buildings or structures on the site.

23-7D-2030 Action on a Certificate of Appropriateness

(A) This section applies to an application for a Certificate of Appropriateness under Section 23- 7D-2010 (Certificates of Appropriateness).

(B) If the Historic Landmark Commission determines that the proposed work will not adversely affect the designated or pending historic landmark (H) or contributing property within a designated or pending local historic district (HD), it shall approve the application for a Certificate of Appropriateness.

(2) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;

(3) A change to the exterior paint color;

(4) Work that does not visually affect the historic character of the structure or site from the principal street frontage of the property, complies with all applicable design standards, and is limited to the construction of:

(a) A one-story rear outbuilding;

(b) A pool, deck, fence, back porch enclosure, or other minor feature; or

(5) A sign that conforms to any applicable sign design standards for the property.

(B) For a contributing property located within a local historic district, the historic preservation officer may administratively approve an application under 23-7D-2010 (Certificates of Appropriateness) that is requested for:

(1) A minor repair or maintenance work that does not involve changes to architectural and historical value, style, or general design;

(2) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;

(3) Work that does not visually affect the historic character of the property or site from the principal street frontage of the property, complies with all applicable design standards for the district, and is limited to the construction of:

(a) A ground-floor, one-story rear addition;

(b) A one-story rear outbuilding;

(c) A pool, deck, fence, back porch enclosure, or other minor feature;

(d) A rear addition of up to two stories to a two-story building;

(e) A one-story accessory dwelling unit located behind the principal structure;

(f) A sign that conforms to applicable sign design standards; or

(4) The demolition of an outbuilding such as a carport, detached garage, shed, greenhouse, or other outbuilding determined by the historic preservation officer not to possess historic or architectural significance, either as a standalone building or structure, or as part of a complex of buildings or structures on the site.

23-7D-2030 Advisory Review for Properties with Historic Designation

(A) This section applies to a building, structure, or site that is:

(1) A contributing property within a National Register historic district;

(2) New construction within a National Register historic district;

(3) A property individually listed in the National Register of Historic Places;

(4) A National Historic Landmark;

(5) A recorded Texas Historic Landmark; or

(6) A State Antiquities Landmark.

23-7D-2020 Administrative Approval of Certificates of Appropriateness

(A) For a property that is a designated or pending historic landmark, the historic preservation officer may administratively approve an application under 23-7D-2010 (Certificates of Appropriateness) that is requested for:

(1) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;

(2) A change to the exterior paint color;

(3) Work that does not visually affect the historic character of the structure or site from the principal street frontage of the property, complies with all applicable design standards, and is limited to the construction of:

(a) A one-story rear outbuilding;

(b) A pool, deck, fence, back porch enclosure, or other minor feature; or

(4) A sign that conforms to any applicable sign design standards for the property.

(B) For a contributing property located within a local historic district, the historic preservation officer may administratively approve an application under 23-7D-2010 (Certificates of Appropriateness) that is requested for:

(1) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;

(2) Work that does not visually affect the historic character of the property or site from the principal street frontage of the property, complies with all applicable design standards for the district, and is limited to the construction of:

(a) A ground-floor, one-story rear addition;

(b) A one-story rear outbuilding;

(c) A pool, deck, fence, back porch enclosure, or other minor feature;

(d) A rear addition of up to two stories to a two-story building;

(e) A one-story accessory dwelling unit located behind the principal structure;

(f) A sign that conforms to applicable sign design standards; or

(3) The demolition of an outbuilding such as a carport, detached garage, shed, greenhouse, or other outbuilding determined by the historic preservation officer not to possess historic or architectural significance, either as a standalone building or structure, or as part of a complex of buildings or structures on the site.

23-7D-2030 Action on a Certificate of Appropriateness

(A) This section applies to an application for a Certificate of Appropriateness under Section 23- 7D-2010 (Certificates of Appropriateness).

(B) If the Historic Landmark Commission determines that the proposed work will not adversely affect the designated or pending historic landmark (H) or contributing property within a designated or pending local historic district (HD), it shall approve the application for a Certificate of Appropriateness.

(B) The Historic Landmark Commission provides comments for all exterior and site work for a property subject to this section regardless of whether a building or demolition permit is required, including but not limited to the replacement of doors, windows, siding, and roof materials, unless administratively released under Subsection (C) or the work is ordinary repair and maintenance as defined in Article 23-13A (Definitions and Measurements).

23-7D-2040 Administrative Approval under Advisory Review

(A) The historic preservation officer may administratively approve and release an application for a project under 23-7D-2020 (Advisory Review for Properties with Historic Designation) that consists of:

(1) Minor repair or maintenance work that does not involve changes to architectural and historical value, style, or general design;

(2) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;

(3) Work that does not visually affect the historic character of the structure or site from the principal street frontage of the property, complies with all applicable design guidelines for the district, and is limited to the construction of:

(a) A ground-floor, one-story rear addition;

(b) A one-story rear outbuilding, including an accessory dwelling unit;

(c) A rear addition up to two stories to a two-story building or structure;

(d) An accessory dwelling unit up to two stories behind a two-story house; and

(e) A pool, deck, fence, back porch enclosure, or other minor feature; or

(4) The demolition of an outbuilding such as a carport, detached garage, shed, greenhouse, or other outbuilding determined by the historic preservation officer not to possess historic or architectural significance, either as a standalone building or structure, or as part of a complex of buildings or structures on the site.

23-7D-2050 Action on a Certificate of Appropriateness

(A) This section applies to an application for a Certificate of Appropriateness under Section 23- 7D-2010 (Certificates of Appropriateness).

(B) If the Historic Landmark Commission determines that the proposed work will not adversely affect the designated or pending historic landmark (H) or contributing property within a designated or pending local historic district (HD), it s approve the application for a Certificate of Appropriateness.

(C) In making a determination under this section for a contributing property in a local historic district (HD), the Historic Landmark Commission shall first apply any applicable historic district design standards approved under Subsection 23-4D-9090 (G) (HD Overlay and Preservation Plan), followed by the Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).

(D) In making a determination under this section for historic landmarks for which no approved district design standards are applicable, the Historic Landmark Commission

materials, unless administratively released under Subsection (C) or the work is ordinary repair and maintenance as defined in Article 23-13A (Definitions and Measurements).

23-7D-2050 Administrative Release under Advisory Review

(A) The historic preservation officer may administratively release an application for a project under 23-7D-2020 (Advisory Review for Properties with Historic Designation) that consists of:

(1) Minor repair or maintenance work that does not involve changes to architectural and historical value, style, or general design;

(2) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;

(3) Work that does not visually affect the historic character of the structure or site from the principal street frontage of the property, complies with all applicable design guidelines for the district, and is limited to the construction of:

(a) A ground-floor, one-story rear addition;

(b) A one-story rear outbuilding, including an accessory dwelling unit;

(c) A rear addition up to two stories to a two-story building or structure;

(d) An accessory dwelling unit up to two stories behind a two-story house; and

(e) A pool, deck, fence, back porch enclosure, or other minor feature; or

(4) The demolition of an outbuilding such as a carport, detached garage, shed, greenhouse, or other outbuilding determined by the historic preservation officer not to possess historic or architectural significance, either as a standalone building or structure, or as part of a complex of buildings or structures on the site.

23-7D-2060 Action on an Application for a Building, Demolition, or Relocation Permit

(A) This section applies to a building, demolition, or relocation application under Section 23-7D-2020 (Advisory Review for Properties with Historic Designation).

(B) The Historic Landmark Commission may initiate a historic zoning case under Section 23-4B-3030 (Zone Map Initiation) if it determines that the property for which an application has been submitted meets the requirements in Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones).

(C) If the Historic Landmark Commission determines that the property does not meet the requirements in Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones), it shall:

(1) For an application for a building permit on a building with state or national historic designation described in Section 23-7D-2020 (Advisory Review for Properties with Historic Designation), provide any applicable comments to the applicant to encourage a higher degree of compatibility with the historic character of the property or the district and release the application; or

(2) For an application for a demolition or relocation permit, release the application.

(B) The Historic Landmark Commission may initiate a historic zoning case if it determines that the property meets the requirements for a historic landmark under Subsection

(C) If the Historic Landmark Commission determines that the property does not meet the requirements for a historic landmark under Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones), it shall release the application.

(D) The historic preservation officer shall notify the applicant and the building official within two days of an action on an application by the Historic Landmark Commission.

(E) The historic preservation officer shall provide the building official with any documents necessary to complete processing of the application for a building, demolition, or relocation permit by the latest of:

(1) The fifth day from the date the Historic Landmark Commission acts on an application, if the action is not subject to appeal under Subsection 23-7D-5010 (Appeal); or

(2) The end of the appeal period, if the action is subject to appeal under Subsection 23-7D-5010 (Appeal).

(B) The Historic Landmark Commission may initiate a historic zoning case if it determines that the property meets the requirements for a historic landmark under Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones).

(C) If the Historic Landmark Commission determines that the property does not meet the requirements for a historic landmark under Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones), it shall release the application.

(D) The historic preservation officer shall notify the applicant and the building official within two days of an action on an application by the Historic Landmark Commission.

(E) The historic preservation officer shall provide the building official with any documents necessary to complete processing of the application for a building, demolition, or relocation permit by the latest of:

(1) The fifth day from the date the Historic Landmark Commission acts on an application, if the action is not subject to appeal under Subsection 23-7D-5010 (Appeal); or

(2) The end of the appeal period, if the action is subject to appeal under Subsection 23-7D-5010 (Appeal).

Division 23-7E-1: Maintenance Requirements

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23-7E-1010 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.

23-7E-1020 Duty to Preserve and Repair

(A) This section establishes the responsibilities of an owner or other person having legal custody and control of a:

(1) designated or pending historic landmark;

(2) a contributing property within a designated or pending local historic district;

(3) a contributing property within a National Register historic district;

(4) a property individually listed in the National Register of Historic Places;

(5) a National Historic Landmark;

(6) a Recorded Texas Historic Landmark; or

(7) a State Antiquities Landmark .

(B) The property shall be preserved against decay and deterioration and kept free from any of the following defects, as defined in Division 23-11B-1 (Building Code) or the Existing Building Code:

(1) Parts that are improperly or inadequately attached so that they may fall and injure persons or property;

(2) Deteriorated or inadequate foundation;

(3) Floor supports that are defective, deteriorated, or 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;

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Division 23-7E-1: Maintenance Requirements

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23-7E-1010 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.

23-7E-1020 Duty to Preserve and Repair

(A) This section establishes the responsibilities of an owner or other person having legal custody and control of a:

(1) designated or pending historic landmark;

(2) a contributing property within a designated or pending local historic district;

(3) a contributing property within a National Register historic district;

(B) The property shall be preserved against decay and deterioration and kept free from any of the following defects, as defined in Division 23-11B-1 (Building Code) or the Existing Building Code:

(1) Parts that are improperly or inadequately attached so that they may fall and injure persons or property;

(2) Deteriorated or inadequate foundation;

(3) Floor supports that are defective, deteriorated, or 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 that sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed;

(6) Broken, missing, or rotted roofing materials or roof components;

(5) Ceilings, roofs, ceiling or roof supports, or other horizontal members that sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed;

(6) Broken, missing, or rotted roofing materials or roof components;

(7) Fireplaces and chimneys that list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;

(8) Rotted, damaged, or missing siding or deteriorated, crumbling, or loose exterior stucco or mortar;

(9) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering;

(10) Broken, missing, or deteriorated window glass, sashes, frames, or exterior doors or door frames;

(11) Any other fault, defect, or condition in the structure that renders it structurally unsafe as defined by the Building Code and the Existing Building Code; or

(12) Any fault, defect, or condition in the structure that allows excessive water to infiltrate the building envelope or is not sufficiently watertight as to prevent future deterioration or water infiltration.

(C) If the building has any of the defects listed in Subsection (B), the owner shall repair the building to comply with the City's minimum housing standards.

(D) The property shall be maintained in a manner that complies with Chapter 9-1 (Abandoned Property and Vehicles), and Chapter 10-5 (Miscellaneous Public Health Regulations).

(E) The owner of a residential dwelling with a homestead exemption as defined under state law may apply for an exception from certain requirements of this section, provided the conditions are not a threat to public safety. The city council may grant an exception if the owner demonstrates a financial inability to comply with this section. The city council may limit the duration of the exception and may impose conditions on the exception.

23-7E-1030 Demolition by Neglect Procedure

(A) This section applies to the owner or other person having legal custody and control of a designated or pending historic landmark or contributing property in a designated or pending local historic district.

(B) Except as provided in Subsection (D), the following procedures apply to enforcement of this article.

(1) The Historic Landmark Commission may request the historic preservation officer to investigate whether a property is being demolished by neglect.

(2) After receiving a request to investigate from the Historic Landmark Commission or on the historic preservation officer's own initiative, the historic preservation officer may investigate the property.

(3) The historic preservation officer shall request consent to inspect the property from the property owner.

(4) After the inspection, the historic preservation officer must confer with the appropriate departments and the property owner on a plan to stabilize, maintain, rehabilitate, and preserve the property that is the subject of an investigation of demolition by neglect.

(7) Fireplaces and chimneys that list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;

(8) Rotted, damaged, or missing siding or deteriorated, crumbling, or loose exterior stucco or mortar;

(9) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering;

(10) Broken, missing, or deteriorated window glass, sashes, frames, or exterior doors or door frames;

(11) Any other fault, defect, or condition in the structure that renders it structurally unsafe as defined by the Building Code and the Existing Building Code; or

(12) Any fault, defect, or condition in the structure that allows excessive water to infiltrate the building envelope or is not sufficiently watertight as to prevent future deterioration or water infiltration.

(C) If the building has any of the defects listed in Subsection (B), the owner shall repair the building to comply with the City's minimum housing standards.

(D) The property shall be maintained in a manner that complies with Chapter 9-1 (Abandoned Property and Vehicles), and Chapter 10-5 (Miscellaneous Public Health Regulations).

(E) The owner of a residential dwelling with a homestead exemption as defined under state law may apply for an exception from certain requirements of this section, provided the conditions are not a threat to public safety. The city council may grant an exception if the owner demonstrates a financial inability to comply with this section. The city council may limit the duration of the exception and may impose conditions on the exception.

23-7E-1030 Demolition by Neglect Procedure

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(B) Except as provided in Subsection (D), the following procedures apply to enforcement of this article.

(1) The Historic Landmark Commission may request the historic preservation officer to investigate whether a property is being demolished by neglect.

(2) After receiving a request to investigate from the Historic Landmark Commission or on the historic preservation officer's own initiative, the historic preservation officer may investigate the property.

(3) The historic preservation officer shall request consent to inspect the property from the property owner via certified mail. If no response is received within 30 days of the mailing of the request, or if consent is denied, the historic preservation officer may inspect the property with a police or code compliance escort.

(4) After the inspection, the historic preservation officer shall confer with the appropriate departments and the property owner on a plan to stabilize, maintain, rehabilitate, and preserve the property by neglect. If the property owner does not cooperate in preparing the plan, the historic preservation officer shall prepare it in consultation with the appropriate departments.

(5) After the investigation is complete, the historic preservation officer shall prepare a written report on the condition of the structure, the repairs needed to maintain and stabilize the structure, the property owner's proposed plan, and the meetings and agreements between the property owner and the historic preservation officer.

(6) The Historic Landmark Commission shall review the historic preservation officer's report and may vote to initiate a demolition by neglect case on the property.

(7) If the Historic Landmark Commission initiates a demolition by neglect case, the historic preservation officer shall take the following actions:

(a) Send notice by certified mail and regular mail to the property owner or the property owner's agent that:

(i) describes the required repairs;

(ii) states that repairs must begin within 60 days from the date of the notice;

(iii) establishes the deadline to complete repairs; and

(iv) requires the property owner or the owner's agent to contact the historic preservation officer within 30 days from the date of the notice; and

(b) If the property owner or the owner's agent fails to contact the historic preservation officer within 30 days from the date of the notice, the historic preservation officer shall send a second notice by certified mail and regular mail; and

(c) Meet with the property owner or owner's agent within 90 days from the date of the notice to discuss progress in making repairs and to consider any issues that may delay completion of repairs.

(8) The historic preservation officer may refer a demolition by neglect case to the appropriate city department or the city attorney for enforcement action to prevent demolition by neglect if the property owner fails to:

(a) Demolition by neglect if the property owner fails to:

(i) Start repairs by the deadline set in the notice;

(ii) Make continuous progress toward completion;

(iii) Complete repairs by the deadline set in the notice; or

(9) The historic preservation officer shall provide notice of a referral under Subsection (B)(5) of this section to the property owner.

Addendum Change

(5) The historic preservation officer shall prepare a written report on the condition of the structure, the repairs needed to maintain and stabilize the structure, the property owner's proposed plan, and any meetings and agreements between the property owner and the historic preservation officer.

(6) The Historic Landmark Commission shall review the historic preservation officer's report and may vote to initiate a demolition by neglect case on the property.

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(i) Start repairs by the deadline set in the notice;

(ii) Make continuous progress toward completion;

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(9) The historic preservation officer shall provide notice of a referral under Subsection (B)(5) of this section to the property owner.

Article 23-7F: Enforcement and Penalties

Contents

Division 23-7F-1: Demolition by Neglect and New Construction

23-7F-1010 Demolition by Neglect and New Construction

Addendum Change

Article 23-7F: Demolition by Neglect and New Construction

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Division 23-7F-1: Demolition by Neglect and New Construction

23-7F-1010 Demolition by Neglect and New Construction

Division 23-9C-2: Comprehensive Transportation Review

Contents

23-9C-2010 Purpose and Applicability 1
23-9C-2020 Transportation Impact Analysis 1
23-9C-2030 Transportation Demand Management 2
23-9C-2040 Active Modes Analysis 4

23-9C-2010 Purpose and Applicability

(A) The purpose of comprehensive transportation review is to ensure that, for new development with the greatest potential impact to the City's transportation system, an applicant for development approval:

(1) Provides thorough and high-quality analysis of:

(a) Projected multi-modal traffic generated by a proposed development;

(b) The effect of proposed development on the transportation network near the development; and

(c) Potential operational, geometric, or safety impacts of the development, as well as recommendations for appropriate mitigation; and

(2) Identifies transportation infrastructure improvements sufficient to mitigate the impacts of new development on the transportation system.

(B) Compliance with this division is required if a proposed development is anticipated to generate impacts of at least 1,000 vehicle trips per day or 100 peak hour trips, after deducting any trip reductions approved by the director under Section 23-9D-2030 (Transportation Demand Management).

(C) A public primary or secondary education facility is exempt from this division.

23-9C-2020 Transportation Impact Analysis

(A) **Purpose and Scope of TIA.**

(1) Purpose. The purpose of transportation impact analysis is to assess the impact of vehicle trips generated by new development on the City's transportation system and identify potential options to mitigate those impacts.

(2) Scope. An applicant must propose a geographic area and scope to be used as a basis for the analysis, which must be approved by the director before the analysis is submitted. The geographic area must be consistent with trip distributions established by the director and must include all major intersections immediately adjacent to a proposed development, as well any other intersections anticipated to accommodate 50 or more peak hour trips generated by the proposed development.

Division 23-9C-2: Comprehensive Transportation Review

Contents

23-9C-2010 Purpose and Applicability 1
23-9C-2020 Transportation Demand Management 1
23-9C-2030 Transportation Impact Analysis 3
23-9C-2040 Active Modes Analysis 4

23-9C-2010 Purpose and Applicability

(A) The purpose of comprehensive transportation review is to ensure that, for new development with the greatest potential impact to the City's transportation system, an applicant for development approval:

(1) Provides thorough and high-quality analysis of:

(a) Projected multi-modal traffic generated by a proposed development;

(b) The effect of proposed development on the transportation network near the development; and

(c) Potential operational, geometric, or safety impacts of the development, as well as recommendations for appropriate mitigation; and

(2) Identifies transportation infrastructure improvements sufficient to mitigate the impacts of new development on the transportation system.

(B) Compliance with this division is required if a proposed development is anticipated to generate impacts of at least 1,000 vehicle trips per day or 100 peak hour trips, after deducting any trip reductions approved by the director under Section 23-9D-2030 (Transportation Demand Management).

(C) A public primary or secondary education facility is exempt from this division.

23-9C-2020 Transportation Demand Management

(A) Purpose and Applicability.

(1) A transportation demand management (TDM) plan is a coordinated set of strategies for minimizing the number of vehicle trips likely to be generated by a proposed development. The purpose of a TDM plan is to identify options for reducing the number of vehicle trips a proposed development is likely to generate, which may in turn reduce the level of transportation review and mitigation required under this chapter.

(2) A TDM plan is required for a development application that is subject to comprehensive transportation review under this division. If a development application is not subject to comprehensive transportation review, an applicant may request to submit a TDM plan in lieu of meeting other applicable requirements where authorized by this chapter.

Division 23-9E-6: Sidealks, Urban Trails, and Street Trees

Contents

23-9E-6010 General Sidewalk Requirements 1
23-9E-6020 Fee In Lieu of Sidewalk Construction 2
23-9E-6030 Urban Trails 2
23-9E-6040 Street Tree Requirements 2

23-9E-6010 General Sidewalk Requirements

(A) **Sidewalks Required.** Sidewalks are required in all subdivisions, except in residential areas where all lots equal or exceed one acre, and they must be installed in accordance with this section.

(1) New Subdivisions. For new subdivisions or re-subdivisions, sidewalks shall be dedicated on the plat and installed:

(a) Concurrently with the construction or improvement of adjacent streets within the subdivision; or

(b) In conformance with a phasing plan that provides pedestrian access which meets the standards of the Americans with Disabilities Act (ADA):

(i) From the boundaries of the subdivision to any transit stop, park, or place of accommodation regulated by the ADA that is located within the subdivision;

(ii) From the boundaries of the subdivision to any multi-family building within the subdivision that is subject to Fair Housing Act Accessibility requirements and has received a certificate of occupancy;

(iii) From the boundaries of the subdivision to any lot or building that has received a certificate of occupancy or compliance within two years from the installation of the adjacent subdivision street.

(2) Existing Subdivisions. Within a platted subdivision, required sidewalks shall be documented on plans approved with a site plan or building permit and must be installed prior to the issuance of:

(a) a certificate of occupancy for:

(i) a new building, regardless of land use;

(ii) an addition to an existing single-family dwelling that increases the gross floor area of the original structure by 50 percent or more; or

(iii) all nonresidential development, unless the improvements are limited to renovating or remodeling an existing structure consistent with the limitations established in Article 23-2G (Nonconformity); and

(b) a permit to relocate a building from one site to another.

(B) **Installation Requirements.** A sidewalk must be:

(1) Located along the front of lots and the street-side of corner lots;

Division 23-9E-6: Sidealks, Urban Trails, and Street Trees

Contents

23-9E-6010 General Sidewalk Requirements . . . 1
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23-9E-6030 Urban Trails . . . 2
23-9E-6040 Street Tree Requirements . . . 2

23-9E-6010 General Sidewalk Requirements

(A) **Sidewalks Required.** Sidewalks must be dedicated and installed as a condition to development approval, as required under this section.

(1) New Subdivisions. For new subdivisions or re-subdivisions, sidewalks shall be dedicated on the plat and installed:

(a) Concurrently with the construction or improvement of adjacent streets within the subdivision; or

(b) In conformance with a phasing plan that provides pedestrian access which meets the standards of the Americans with Disabilities Act (ADA):

(i) From the boundaries of the subdivision to any transit stop, park, or place of accommodation regulated by the ADA that is located within the subdivision;

(ii) From the boundaries of the subdivision to any multi-family building within the subdivision that is subject to Fair Housing Act Accessibility requirements and has received a certificate of occupancy, and;

(iii) From the boundaries of the subdivision to any lot or building that has received a certificate of occupancy within two years from the installation of the adjacent subdivision street.

(2) Existing Subdivisions. For development within a platted subdivision, required sidewalks shall be dedicated as a condition to approval of a site plan or building permit and must be installed prior to the issuance of:

(a) a certificate of occupancy for:

(i) a new building, regardless of land use;

(ii) an addition to an existing single-family, single-family attached, duplex, or accessory dwelling unit that increases the gross floor area of the original structure by 50 percent or more; or

(iii) all nonresidential development, unless the improvements are limited to renovating or remodeling an existing structure consistent with the limitations established in Article 23-2G (Nonconformity); and

(b) a permit to relocate a building from one site to another.

(3) Unplatted Land. For development on land exempt from the requirement to plat under Section 23-5A-1040 (Platting Exemptions), required sidewalks shall be dedicated and

(2) Constructed in accordance with the Transportation Criteria Manual, including minimum requirements for the location and width of a sidewalk and the installation of drainage facilities and pedestrian ramps; and

(3) Separately permitted under Section 23-9E-3010 (Right-of-Way Permit Required), unless sidewalk construction is approved as part of a subdivision construction plan.

23-9E-6020 Fee In Lieu of Sidewalk Construction

(A) The director may allow an applicant to pay a fee for the construction of off-site sidewalks or urban trails in lieu of installing all or part of the sidewalk improvements required under Section 23-9E-6010 (General Sidewalk Requirements).

(B) In determining whether to allow payment of a fee in-lieu, the director shall consider:

(1) Proximity to the nearest existing sidewalk;

(2) Proximity to civic uses, such as schools, libraries, and government buildings;

(3) Whether future sidewalk improvements in the general vicinity of the proposed development are:

(a) designated in the Transportation Plan, the City sidewalk plan, or a neighborhood plan; or

(b) likely to be installed as a result of anticipated development; and

(4) Topographical or other site constraints that impact the cost or feasibility of installing a sidewalk.

(C) The amount of a fee in-lieu paid under this section shall be based on the cost of sidewalk construction and shall be established in the Transportation Criteria Manual or by separate ordinance.

(D) A fee collected under this section must be placed in a designated fund to be used solely for installing pedestrian facilities within the service area in which the development is located. The City shall expend a fee for this purpose within 10 years from the date it is collected or refund the fee at the request of the applicant.

23-9E-6030 Urban Trails

The dedication, installation or improvement of an urban trail must comply with the Transportation Criteria Manual and any adopted urban trail plans.

23-9E-6040 Street Tree Requirements

(A) This section applies to:

(1) A subdivision construction plan;

(2) A site plan for new construction on previously undeveloped land; or

(3) A site plan for new construction or redevelopment, if the director determines that all buildings on the site have been or will be demolished

installed as required for development within an existing subdivision under Subsection (A)(2).

(B) **Installation Requirements.** A sidewalk must be:

(1) Located along the front of lots and the street-side of corner lots;

(2) Constructed in accordance with the Transportation Criteria Manual, including minimum requirements for the location and width of a sidewalk and the installation of drainage facilities and pedestrian ramps; and

(3) Separately permitted under Section 23-9E-3010 (Right-of-Way Permit Required), except that a separate permit is not required if sidewalk construction is approved as part of a subdivision construction plan or located within a public access easement.

23-9E-6020 Fee In Lieu of Sidewalk Construction

(A) The director may allow an applicant to pay a fee for the construction of off-site sidewalks or urban trails in lieu of installing all or part of the sidewalk improvements required under Section 23-9E-6010 (General Sidewalk Requirements).

(B) In determining whether to allow payment of a fee in-lieu, the director shall consider:

(1) Proximity to the nearest existing sidewalk;

(2) Proximity to civic uses, such as schools, libraries, and government buildings;

(3) Whether future sidewalk improvements in the general vicinity of the proposed development are:

(a) designated in the Transportation Plan, the City sidewalk plan, or a neighborhood plan; or

(b) likely to be installed as a result of anticipated development; and

(4) Topographical or other site constraints that impact the cost or feasibility of installing a sidewalk.

(C) The amount of a fee in-lieu paid under this section shall be based on the cost of sidewalk construction and shall be established in the Transportation Criteria Manual or by separate ordinance.

(D) A fee collected under this section must be placed in a designated fund to be used solely for installing pedestrian facilities within the service area in which the development is located. The City shall expend a fee for this purpose within 10 years from the date it is collected or refund the fee at the request of the applicant.

23-9E-6030 Urban Trails

The dedication, installation or improvement of an urban trail shall be required when identified within an adopted urban trail plan, and shall comply with the Transportation Criteria Manual.

(2) Constructed in accordance with the Transportation Criteria Manual, including minimum requirements for the location and width of a sidewalk and the installation of drainage facilities and pedestrian ramps; and

(3) Separately permitted under Section 23-9E-3010 (Right-of-Way Permit Required), unless sidewalk construction is approved as part of a subdivision construction plan.

23-9E-6020 Fee In Lieu of Sidewalk Construction

(A) The director may allow an applicant to pay a fee for the construction of off-site sidewalks or urban trails in lieu of installing all or part of the sidewalk improvements required under Section 23-9E-6010 (General Sidewalk Requirements).

(B) In determining whether to allow payment of a fee in-lieu, the director shall consider:

(1) Proximity to the nearest existing sidewalk;

(2) Proximity to civic uses, such as schools, libraries, and government buildings;

(3) Whether future sidewalk improvements in the general vicinity of the proposed development are:

(a) designated in the Transportation Plan, the City sidewalk plan, or a neighborhood plan; or

(b) likely to be installed as a result of anticipated development; and

(4) Topographical or other site constraints that impact the cost or feasibility of installing a sidewalk.

(C) The amount of a fee in-lieu paid under this section shall be based on the cost of sidewalk construction and shall be established in the Transportation Criteria Manual or by separate ordinance.

(D) A fee collected under this section must be placed in a designated fund to be used solely for installing pedestrian facilities within the service area in which the development is located. The City shall expend a fee for this purpose within 10 years from the date it is collected or refund the fee at the request of the applicant.

23-9E-6030 Urban Trails

The dedication, installation or improvement of an urban trail must comply with the Transportation Criteria Manual and any adopted urban trail plans.

23-9E-6040 Street Tree Requirements

(A) This section applies to:

(1) A subdivision construction plan;

(2) A site plan for new construction on previously undeveloped land; or

(3) A site plan for new construction or redevelopment, if the director determines that all buildings on the site have been or will be demolished

23-9E-6040 Street Tree Requirements

If development approval requires installation of sidewalks under Section 23-9E-6010 (General Sidewalk Requirements), street trees must be planted or installed concurrent with sidewalk installation consistent with applicable requirements of the Environmental Criteria Manual and the Transportation Criteria Manual.

23-9F-3050 Block Dimensions

(A) **Block Shape and Size.** Individual block faces and the total block perimeter shall comply with the standards established in Table 23-9F-3050(A): (Block Shape and Size).

Table 23-9F-3050(A): Block Shape and Size

Zoning Districts	Face length max	Perimeter max
Regional Center Zones	350′	1400′
Main Street, Mixed-Use, Residential Multi-Unit, Residential House-Scale (R2D, R2E, R3B, R3D) Zones	600′	1600′
Residential House-Scale (R1, R2A, R2B, R2C, R3A) Zones	900′	2400′
Commercial, Industrial, Residential House-Scale (RR,LA) Zones	1320′	5000′

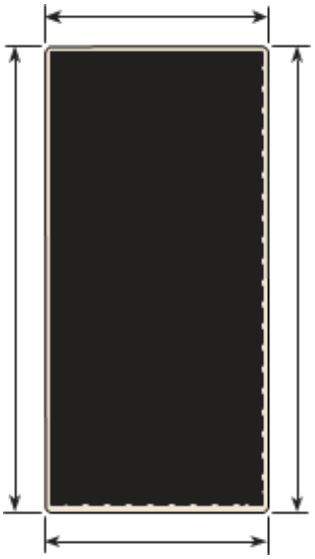


Figure 23-9F-1050(1): Regularly-shaped block

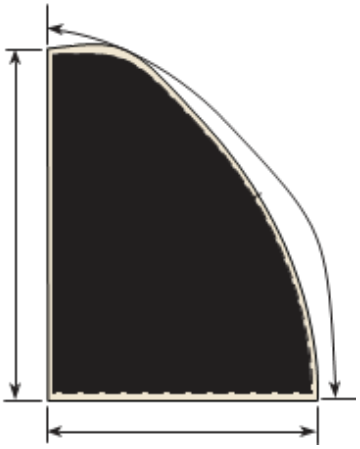


Figure 23-9F-1050(2): Irregularly-shaped block

(B) **Rules for Applying Table 23-9F-3050 (Block Shape and Size).**

(1) If a block contains multiple zones, the least restrictive zone shall be used to establish the requirements for block size.

(2) Irregularly-shaped blocks shall meet the overall perimeter established in Table 23-9F-3050(A) Block Shape and Size).

(3) A block that is more than 600 feet in length must be transected by a public multi-use trail easement that is located not less than 300 feet from each block end. The easement shall be at least 15 feet wide and limited to pedestrians, bicycles, and similar non-motorized users.

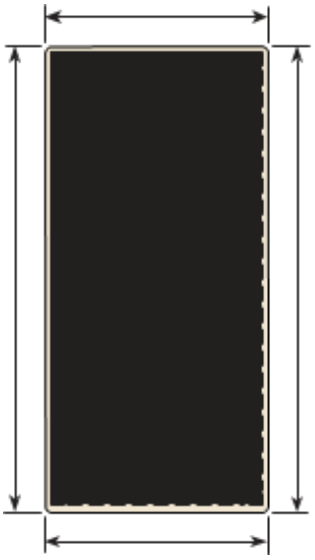
(C) **Administrative Modifications.** An applicant may request an administrative modification to a restriction in Table 23-9F-3050(A) or Subsection (B)(3). The director may approve

23-9F-3050 Block Dimensions

(A) **Block Shape and Size.** Individual block faces and the total block perimeter shall comply with the standards established in Table 23-9F-3050(A): (Block Shape and Size).

Table 23-9F-3050(A): Block Shape and Size

Zoning Districts	Face length max	Perimeter max
Regional Center Zones	350′	1400′
Main Street, Mixed-Use, Residential Multi-Unit, Residential House-Scale (R2D, R2E, R3B, R3D, R4A, R4B, R4C) Zones	600′	1600′
Residential House-Scale (R1, R2A, R2B, R2C, R3A, R3C) Zones	900′	2400′
Commercial, Industrial, Residential House-Scale (RR,LA) Zones	1320′	5000′



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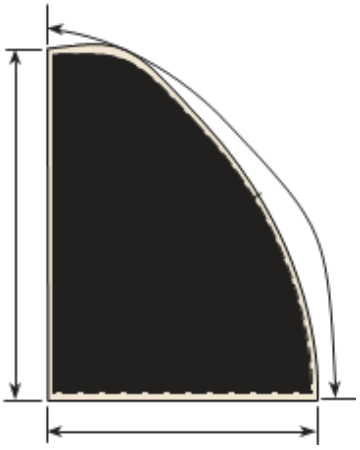

Figure 23-9F-1050(2): Irregularly-shaped block

(B) **Rules for Applying Table 23-9F-3050 (Block Shape and Size).**

(1) If a block contains multiple zones, the least restrictive zone shall be used to establish the requirements for block size.

(2) Irregularly-shaped blocks shall meet the overall perimeter established in Table 23-9F-3050(A) Block Shape and Size).

(3) A block that is more than 600 feet in length must be transected by a public multi-use trail easement that is located not less than 300 feet from each block end. The easement shall be at least 15 feet wide and limited to pedestrians, bicycles, and similar non-motorized users.