

**ORDINANCE NO. 030612-93**

**AN ORDINANCE AMENDING CHAPTERS 15-12 AND 25-2 OF THE CITY CODE RELATING TO THE USE AND DEVELOPMENT OF PROPERTY ZONED CENTRAL BUSINESS AND DOWNTOWN MIXED USE.**

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

**PART 1.** Section 15-12-43 of the City Code is amended to amend Subsection (A) and add a new Subsection (F) to read as follows:

- (A) Except as provided in Subsections (C), ~~[and]~~ (E), and (F), the holder of an approved license agreement shall pay the City an annual license fee.
- (F) The director of the Public Works Department shall waive an annual license fee if the director determines that:
  - (1) the license agreement relates to property zoned central business (CBD) or downtown mixed use (DMU) and authorizes overhead pedestrian cover or a roof drain on adjacent public property; and
  - (2) the overhead cover, if any, is provided by a projection from a building, including a balcony or awning, or an arcade that is open to the street.

**PART 2.** Section 25-2-168(B) of the City Code is amended to read as follows:

- (B) The DP overlay district applies to property zoned CBD or DMU that is within:
  - (1) 60 feet of the public right-of-way surrounding Republic Square; ~~[or]~~
  - (2) 60 feet of the public right-of-way surrounding Brush Square; or
  - (3) 60 feet of the public right-of-way surrounding Wooldridge Square.

**PART 3.** Chapter 25-2, Subchapter C, Article 3, Division 2 of the City Code is amended to designate Sections 25-2-581 through 25-2-585 as "Subpart A: General Requirements" and to add a new Subpart B to read as follows:

## **SUBPART B: DOWNTOWN DESIGN**

### **§ 25-2-591 APPLICABILITY.**

This subpart applies to property zoned central business (CBD) or downtown mixed use (DMU).

### **§ 25-2-592 DRIVE-IN SERVICES.**

- (A) A business that offers a drive-in service must provide a similar service for a pedestrian that does not require the pedestrian to stand or walk in a vehicle lane.
- (B) For a drive-in service, the total width of the curb cuts on a block face may not exceed 30 feet.

### **§ 25-2-593 SITE PLAN AND CONSTRUCTION REQUIREMENTS.**

- (A) A site plan may not be approved unless the development complies with this section.
- (B) A building must achieve at least a one star rating under the Austin Green Building program, as prescribed by a rule adopted in accordance with Chapter 1-2 (*Adoption Of Rules*).
- (C) A surface parking facility must be at least partially and periodically obscured from the street by landscaping, a berm, a wall, decorative fencing, or another structure.
- (D) This subsection prescribes screening requirements for a parking structure.
  - (1) The headlights of automobiles in a parking structure may not be directly visible from an adjacent building or a building across a street, other than an alley, from the parking structure.
  - (2) Automobiles in a parking structure must be screened from public view.
  - (3) The building code requirements for an open parking garage supersede the requirements of this subsection to the extent of conflict.
- (E) This subsection prescribes additional screening requirements for all land uses except a major utility facilities use or a local utility services use.
  - (1) A trash receptacle, air conditioning or heating equipment, loading area, or external storage must be screened from public view.

- (2) Equipment located on a roof must be screened from the view of a person standing on the farthest edge of an adjacent public street, other than an alley. The director of the Watershed Protection and Development Review Department may waive this requirement after determining that screening is not practical.

**§ 25-2-594 MAXIMUM SETBACK REQUIREMENT.**

(A) Except as provided in Subsection (B), a site plan may not be approved unless the development complies with this section.

(B) This section does not apply to a site plan for:

- (1) property zoned historic;
- (2) property designated as a historic landmark by the state or federal government;
- (3) property located in a national register historic district established by the federal government;
- (4) remodeling of or addition to an existing structure;
- (5) restoration of a damaged structure within one year of the date of damage;
- (6) a change of use;
- (7) property located in the area bounded by Seventh Street from San Antonio Street to Shoal Creek, Shoal Creek from Seventh Street to Fifteenth Street, Fifteenth Street from Shoal Creek to West Avenue, West Avenue from Fifteenth Street to Martin Luther King, Jr. Boulevard, Martin Luther King, Jr. Boulevard from West Avenue to San Antonio Street, San Antonio Street from Martin Luther King, Jr. Boulevard to Eleventh Street, Eleventh Street from San Antonio Street to Guadalupe Street, Guadalupe Street from Eleventh Street to Tenth Street, Tenth Street from Guadalupe Street to San Antonio Street, and San Antonio Street from Tenth Street to Seventh Street; or
- (8) the following uses:
  - (a) carriage stable;
  - (b) family home;
  - (c) group home;

- (d) local utility services;
- (e) major utility facilities;
- (f) outdoor entertainment;
- (g) outdoor sports and recreation;
- (h) park and recreation services;
- (i) religious assembly;
- (j) safety services;
- (k) transitional housing; or
- (l) transportation terminal.

(C) Except as provided in Subsection (D), for the first four stories of a building that are above grade:

- (1) the maximum front yard setback is ten feet; and
- (2) the maximum street side yard setback is ten feet.

(D) The maximum setbacks prescribed by Subsection (C) do not apply to the portion of a building adjacent to a plaza or protected tree.

**PART 4.** Section 25-2-643(A) of the City Code is amended to read as follows:

(A) In the Congress Avenue (CA), East Sixth / Pecan Street (PS), downtown parks (DP), and downtown creeks (DC) combining districts:

- (1) glass used on the first floor of a structure must [~~be clear or lightly tinted~~] have a visible transmittance rating of 0.6 or higher;
- (2) reflective surface building materials must not produce glare; and
- (3) within 60 feet of Congress Avenue:
  - (a) the minimum structure height is 30 feet; and
  - (b) the maximum structure height is 90 feet.

**PART 5.** Section 25-2-643(D) of the City Code is amended to read as follows:

(D) In the DP combining district: [5]

