

Zoning

What is it?

- A division of land into categories within which permissible uses are identified (residential, civic, commercial, agricultural, industrial)
- A police power given to municipalities to protect the health, safety, morals and general welfare of its citizens

What is its purpose?

- Ensure land uses are properly situated in relation to each other
- Control development density
- Set restrictions on building height, bulk, layout, etc.

Types of zoning system

- Cumulative (Austin, pre-1986)
- Noncumulative (Austin, post-1986)
- Performance zones (compatibility standards)
- Conditional uses (special uses-lounges)
- Other (overlay/combining districts)

Zoning participants

- Staff
- Planning Commission
- City Council
- Board of Adjustment
- Public

DEVELOPMENT PROCESS

	Development Assessment →	Zoning →	Subdivision →	Site Plan →	Building Plan →	Inspection
Regulation Review Elements	Pre-Application Review Explanation of Procedures and Requirements for all Processes Fee Estimates Potential Issues Exemptions Corrections Land Status	Land Use Appropriateness Development Intensity Density Height Traffic Impact Environmental Impact	Park Land Design Layout Lot/Tract Size Circulation Street Drainage/Grading Flood Plain Environmental Water Quality Tree/Vegetation Habitat Critical Features Utilities Transmission Distribution Service	Design Intensity Density Height Setbacks Compatibility Transportation Driveways Parking/Circulation Traffic Impact Construction Drainage Grading Flood Plan Environmental Landscaping/Tree Water Quality Utility (Service) Fire (Site)	Health Taps Electric Service Industrial Waste Construction Occupancy Access/Exiting Structural Mechanical Electrical Plumbing Energy Fire Zoning Review Signs Barricades Underground Tanks	Site & Building Plan Compliance Code Enforcement of existing structures
Notice		Property Owners within 300', Registered Neighborhood Organizations, Sector Groups at time of Application, and for Public Hearings <ul style="list-style-type: none"> • Signs Posted • Newspaper Ads 	Property Owners within 300', Registered Neighborhood Organizations, Sector Groups at time of Application, and for Public Hearings (Preliminary Only)	Property Owners within 300', Registered Neighborhood Organizations, Sector Groups at time of Application, and for Public Hearings (If any...)		
Approval Authority		City Council	<ul style="list-style-type: none"> • Zoning & Platting Commission/Planning Commission • Watershed Protection & Development Review Final w/o Prelim. < 4 lots Amended Plats	<ul style="list-style-type: none"> • Watershed Protection & Development review • Zoning & Platting Commission/Planning Commission Conditional Use Hill Country	Watershed Protection & Development Review	Watershed Protection & Development Review Neighborhood Planning & Zoning
Appeal			Watershed Variances to City Council	Waivers to Planning Commission w/Appeals to City Council Zoning & Platting Commission Approval w/Appeal to City Council	Building Official Trade Boards Zoning Variances to Board of Adjustment Sign Variances to Sign Review Board	Building Official Trade Boards
Product	Assessment Report	Zoning Ordinance	Preliminary Plan Final Plat	Released Site Plan	Building Permit	Certificate of Occupancy

ZONING USE SUMMARY TABLE (LAND DEVELOPMENT CODE)

P = Permitted Use C = Conditional Use Permit -- = Not Permitted

RESIDENTIAL USES	LA	RR	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6	MH	NO	LO	GO	CR	LR	GR	L	CBD	DMU	W/O	CS	CS-1	CH	IP	MI	LI	R&D	DR	AV	AG	PUD	P		
Bed & Breakfast (Group 1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Bed & Breakfast (Group 2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Condominium Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Duplex Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Group Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Mobile Home Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Multifamily Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Retirement Housing (Small Site)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Retirement Housing (Large Site)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Single-Family Attached Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Single-Family Residential	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Small Lot Single-Family Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Townhouse Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Two-Family Residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

COMMERCIAL USES	LA	RR	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6	MH	NO	LO	GO	CR	LR	GR	L	CBD	DMU	W/O	CS	CS-1	CH	IP	MI	LI	R&D	DR	AV	AG	PUD	P			
Administrative and Business Offices	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Agricultural Sales and Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Art and Craft Studio (Limited)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Art and Craft Studio (General)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Art and Craft Studio (Industrial)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Automotive Rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Automotive Repair Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Automotive Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Automotive Washing (of any type)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Building Maintenance Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Business or Trade School	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Business Support Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Carriage Stable	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Cocktail Lounge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial Blood Plasma Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Commercial Off-Street Parking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Communications Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Construction Sales and Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Consumer Convenience Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Consumer Repair Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Convenience Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Drop-Off Recycling Collection Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Electronic Prototype Assembly	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Equipment Repair Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Exterminating Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Financial Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Food Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Funeral Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Retail Sales (Convenience)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
General Retail Sales (General)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Hotel-Motel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Indoor Entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Indoor Sports and Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

1 Refers to SS 25-2-602 (13-2-225) 3 Refers to Subchapter B, Art. 2, Div 5 5 Refers to 25-2-803 (13-2-233) 7 Subj to compliance with 25-2-839 9 Refers to 25-2-863
 2 Refers to SS 25-2-622 (13-2-226) 4 Refers to SS 25-2-624 (13-2-227) 6 Subject to 25-2-805 (13-2-224) 8 Refers to SS 25-2-842

ZONING USE SUMMARY TABLE (LAND DEVELOPMENT CODE)

P = Permitted Use C = Conditional Use Permit -- = Not Permitted

COMMERCIAL USES continued	LA	RR	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6	MH	NO	LO	GO	CR	LR	GR	L	CBD	DMU	W/O	CS	CS-1	CH	IP	MI	LI	R&D	DR	AV	AG	PUD	P		
Kennels																																							
Laundry Services																																							
Liquor Sales																																							
Marina																																							
Medical Offices -- exceeding 5000 sq. ft. gross floor area																																							
Medical Offices -- not exceeding 5000 sq. ft. gross floor area																																							
Monument Retail Sales																																							
Off-Site Accessory Parking																																							
Outdoor Entertainment																																							
Outdoor Sports and Recreation																																							
Pawn Shop Services																																							
Personal Improvement Services																																							
Personal Services																																							
Pet Services																																							
Plant Nursery																																							
Professional Office																																							
Recreational Equipment Maint. & Stor.																																							
Recreational Equipment Sales																																							
Research Assembly Services																																							
Research Services																																							
Research Testing Services																																							
Research Warehousing Services																																							
Restaurant (Drive-In, Fast Food)																																							
Restaurant (General)																																							
Restaurant (Limited)																																							
Scrap and Salvage																																							
Service Station																																							
Software Development																																							
Special Use Historic																																							
Stables																																							
Theater																																							
Vehicle Storage																																							
Veterinary Services																																							

INDUSTRIAL USES	LA	RR	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6	MH	NO	LO	GO	CR	LR	GR	L	CBD	DMU	W/O	CS	CS-1	CH	IP	MI	LI	R&D	DR	AV	AG	PUD	P			
Basic Industry																																								
Custom Manufacturing																																								
General Warehousing and Distribution																																								
Light Manufacturing																																								
Limited Warehousing and Distribution																																								
Recycling Center																																								
Resource Extraction																																								

AGRICULTURAL USES	LA	RR	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6	MH	NO	LO	GO	CR	LR	GR	L	CBD	DMU	W/O	CS	CS-1	CH	IP	MI	LI	R&D	DR	AV	AG	PUD	P			
Urban Farm																																								
All Other Agricultural Uses																																								

1 Refers to SS 25-2-602 (13-2-225)	3 Refers to Subchapter B, Art. 2, Div 5	5 Refers to 25-2-803 (13-2-233)	7 Subj to compliance with 25-2-839
2 Refers to SS 25-2-622 (13-2-226)	4 Refers to SS 25-2-624 (13-2-227)	6 Subject to 25-2-805 (13-2-224)	8 Refers to SS 25-2-842
			9 Refers to 25-2-863

ZONING USE SUMMARY TABLE (LAND DEVELOPMENT CODE)

P = Permitted Use C = Conditional Use Permit -- = Not Permitted

CIVIC USES	LA	RR	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6	MH	NO	LO	GO	CR	LR	GR	L	CBD	DMU	WLO	CS	CS-1	CH	IP	MI	LI	R&D	DR	AV	AG	PUD	P			
Administrative Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Aviation Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Camp	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
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Club or Lodge	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
College and University Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Communication Service Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community Events	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	
Community Recreation (Private)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Community Recreation (Public)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Congregate Living	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Convalescent Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Convention Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Counseling Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Cultural Services	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Day Care Services (Commercial)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Day Care Services (General)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Day Care Services (Limited)	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Detention Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Employee Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Family Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group Home, Class I (General)	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group Home, Class I (Limited)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group Home, Class II	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Guidance Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hospital Services (General)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hospital Services (Limited)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Local Utility Services	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Maintenance and Service Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Major Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Major Utility Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Military Installations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Park and Recreation Services (General)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Park and Recreation Services (Special)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Postal Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Private Primary Educational Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Private Secondary Educational Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Public Primary Educational Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Secondary Educational Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Railroad Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Residential Treatment	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Safety Services	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Telecommunication tower – subject to SS 25-2-839 (13-2-225) and 13-2-273)	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	
Transitional Housing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transportation Terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
All other Civic Uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

1 Refers to SS 25-2-602 (13-2-225)	3 Refers to Subchapter B, Art. 2, Div 5	5 Refers to 25-2-803 (13-2-233)	7 Subj to compliance with 25-2-839
2 Refers to SS 25-2-622 (13-2-226)	4 Refers to SS 25-2-624 (13-2-227)	6 Subject to 25-2-805 (13-2-224)	8 Refers to SS 25-2-842
			9 Refers to 25-2-863

SITE DEVELOPMENT REGULATIONS

Zoning District	Min. Lot Size (Sq. Ft.)	Min. Lot Width (Feet)	Max FAR	Max. Bldg Coverage	Max Imper. Coverage	Max. Ht. (Feet)	Street Front	Min. Setbacks (in feet)		
								STREET Side	INT. Side	Rear
DR	10 ac.	100	no req.	12,000 sf	15,000 sf	35	25	25	10	10
RR	43,560	100	1u/A	20%	25%	35	40	25	10	20
SF-1	10,000	60	4.3 u/A	35%	40%	35	25	15	5	10
SF-2	5,750	50	7u/Ac	40%	45%	35	25	15	5	10
SF-3	5,750	50	7u/Ac	40%	45%	35	25	15	5	10
(duplex)	7,000	50	6.2 u/Ac	40%	45%	35	25	15	5	10
SF-4	3,600	40	12.4 u/Ac	45% 55	55% 65	35	25	15	5	10
SF-5	5,750	50	7u/Ac	40%	55%	35	20 15	10	0	5
SF-6	5,750/3,500	50	12.4 u/Ac	40&	55%	35	25	15	5	10
(duplex)	7,000	50	6.2 u/Ac	40%	55%	35	25	15	5	10
(condo)	3,500 per/u	50	12.4 u/Ac	40%	55%	35	25	15	5	10
MF-1	8,000	50	17u/A+	45%	55%	40	25	15	5	10
MF-2	8,000	50	23u/A*	50%	60%	40	25	15	5	10
MF-3	8,000	50	36u/A	55%	65%	40	25	15	5	10
MF-4	8,000	50	.75 to 1	60%	70%	60	15	15	5	10
MF-5	8,000	50	1	60%	70%	60	15	15	5	10
MF-6	8,000	50	1 unlim. density	70%	80%	60 90	15	15	5	10
MH park	90,000									
MH lot	5,750									
NO	5,750	50	.35 to 1	35%	60%	35	—	25	15	—
LO	5,750	50	.70 to 1	50%	70%	40	25	15	5	5
GO	5,750	50	1	60%	80%	60	15	15	5	5
LR	5,750	50	.5 to 1	50%	80%	40	25	15	5	5
GR	5,750	50	1	75%	90%	60	10	10	none	none
W/LO	43,560	100	.25 to 1	—	70%	25	25	25	5	25
CR	20,000	100	.25 to 1	25%	60%	40	50	50	20	20
CS	5,750	50	2 to 1	95%	95%	60	10	10	none	none
CS-1	5,750	50	2 to 1	95%	95%	60	10	10	none	none
DMU	none	none	5 to 1	100%	100%	120	none	none	none	none
CBD	none	none	8 to 1	100%	100%	varies	none	none	none	none
CH	20,000	100	3 to 1	85%	85%	120	50	50	25	25
IP	43,560	100	1	50%	80%	60	25	25	50**	50**
MI	50 ac.	250	1	75%	80%	120	none	none	50**	50**
LI	5,750	50	1	74%	80%	60	none	none	50**	50**
R&D	5 ac.									
"	25 ac. site	100	.25 to 1	40%	50%	45	75	100	100	100
AG	10 ac.					60	100	100	100	50

* Efficiency density

** Refer to Section 13-2-675 for variation on rear and interior side yard setbacks

PARKING REQUIREMENTS UNDER CBD AND DMU ZONING

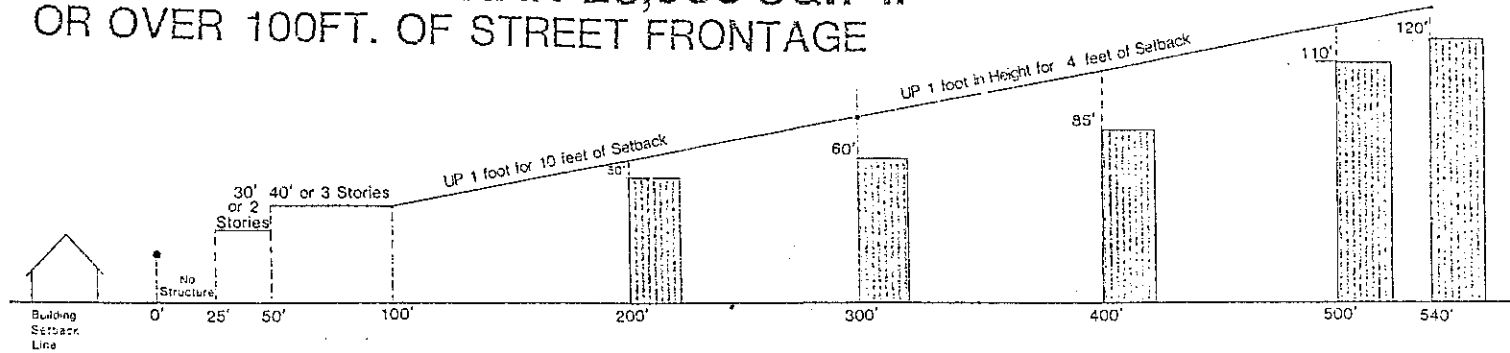
No parking is required for historically-zoned properties, or use consisting of less than 4,000 square feet. For all other uses, the minimum number of parking spaces is 20% and the maximum is 60% of the required spaces.

LANDSCAPING REQUIREMENTS UNDER CBD AND DMU ZONING

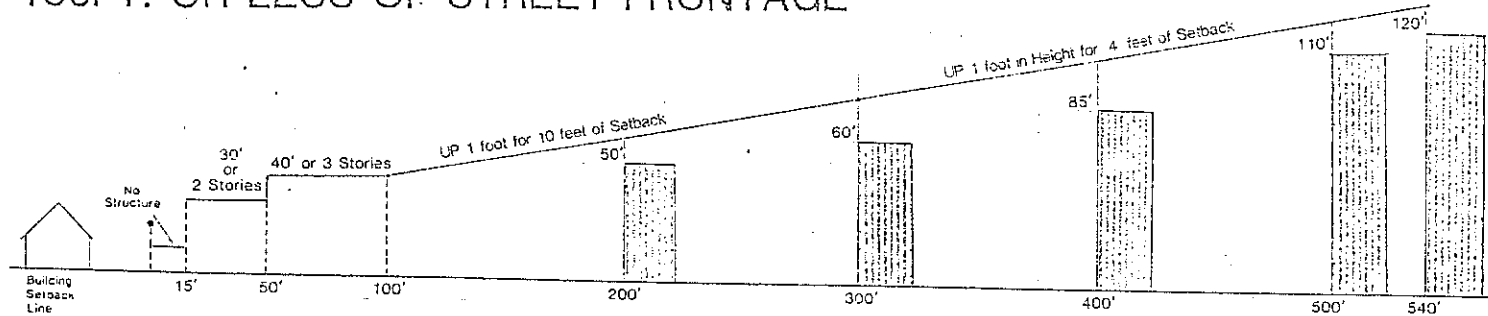
Landscaping is not required for properties with CBD or DMU zoning.

COMPATIBILITY: HEIGHT+SETBACKS

SITES GREATER THAN 20,000 SQ.FT.
OR OVER 100FT. OF STREET FRONTAGE



SITES LESS THAN 20,000 SQ.FT.
100FT. OR LESS OF STREET FRONTAGE

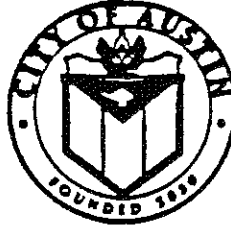


NOTES:

COMPATIBILITY STANDARDS ARE APPLICABLE TO ALL PROPERTY ADJOINING OR ACROSS THE STREET FROM A LOT ZONED OR USED AS SF-5 OR MORE RESTRICTIVE OR WITHIN 540 FEET FROM A LOT ZONED SF-5 OR MORE RESTRICTIVE.

COMPATIBILITY INCLUDES:

- (1) HEIGHT (2) SETBACK PROVISIONS (3) SCALE & CLUSTERING (4) BUFFERING (5) RECOGNITION OF PASSIVE USES WITHIN FLOOD PLAIN (6) DESIGN OF SIGNS (7) NOISE OF MECHANICAL EQUIPMENT (8) LIGHTING (9) PARKING & DRIVEWAYS.



MEMORANDUM

TO: Planning Commissioners

FROM: J. Michael English, Assistant City Attorney
Alice Glasco, Manager of Current Planning
Department of Planning and Development

DATE: November 10, 1993

SUBJECT: Report on conditions of zoning and policy recommendations

The City Council by resolution dated October 14, 1993 requested a report with policy recommendations from city staff and the Planning Commission on conditions of zoning. The report is due back to the City Council on November 18, 1993.

This report sets forth the current law on conditions of zoning as well as concerns about the enforceability of certain kinds of proposed conditions. Recommendations are also made regarding the review of proposed conditions. The Planning Commission is asked to consider approval of this report and the policy recommendations contained herein. It will then be forwarded to the City Council for its consideration.

Conditional Overlays

Land Development Code ("LDC") Section 13-2-121 sets forth the allowable parameters for a conditional overlay ("CO"). Generally speaking, a CO must involve a regulation contained in the LDC, and the CO must tighten up the regulation, not relax it. If a proposed condition involves a matter not found in the LDC, imposing a CO is not legally possible. CO's may be imposed by the City Council as an exercise of its legislative power regardless of the wishes of the property owner.

Restrictive Covenants

If a proposed condition cannot be a CO, then another mechanism which can be used to subject property to a proposed condition is a restrictive covenant ("RC"). However, the city does not have the power to unilaterally impose an RC on property; the owner of property must agree to subject the property to the RC.

Test For Lawful Condition Of Zoning

Regardless of whether conditions are proposed to be placed in an RC or a CO, there are additional limitations on the types of conditions which can be required by the City. The test used by courts in determining whether a condition is lawful is set forth below.

Conditions of zoning will be struck down by the courts if they are clearly arbitrary and unreasonable and have no substantial relation to the public health, safety, and general welfare. Conditions that are not reasonably conceived to meet the public needs resulting from the landowner's proposed use are invalid because they are not within the scope of a municipality's police power. If rezoning without the limiting conditions will not result in substantial negative effects on the surrounding area, the imposition of the conditions is unreasonable. In addition, conditions cannot be solely for the benefit of private individuals. See Rohan, *Zoning and Land Use Controls* §§ 5.04 and 5.05.

Enforceability Concerns

A matter of concern for the city staff is the enforceability of conditions of zoning. Conditions should be as specific and unambiguous as possible. Terms used should be consistent with those used in the LDC. Undefined terms should be avoided. Uses prohibited in a CO should be only those described in the LDC. Conditions involving subjective determinations should be avoided. Objective, defined criteria is essential if conditions of zoning are to be enforceable.

Examples of Proper Conditions

Some examples of proper conditions of zoning are set forth in this paragraph. This list is illustrative only, and it is by no means exhaustive.

1. Prohibiting permitted or conditional uses, or making a permitted use a conditional use.
2. Decreasing the density that would otherwise be permitted.
3. Increasing minimum lot size or minimum lot width requirements.
4. Decreasing the maximum floor-to-area ratio permitted.
5. Decreasing the maximum height permitted.
6. Increasing the minimum yard and setback requirements.
7. Restricting access to nearby and abutting roadways.
8. Requiring dedication of right-of-way in an amount proportionate to the increased burden placed by the project on the roadway system.
9. Requiring greenspace buffers.
10. Requiring compliance with the most recent water quality regulations.

Examples Of Improper Conditions

Some examples of improper conditions of zoning are set forth in this paragraph. As in the previous paragraph, this list is illustrative only.

1. Requiring brick facades, particular exterior colors, masonry or wrought iron fences, or particular building designs.
2. Requiring that a project be "compatible" with existing structures.
3. Linking a grant of zoning to a particular land owner.
4. Modifying LDC procedural requirements.
5. Eliminating a person's ability to request a variance.
6. Delegating approval authority to neighborhood organizations.
7. Limiting property to only one use.
8. Requiring monetary contributions to private organizations.
9. Automatic zoning rollbacks.
10. Excluding group homes or churches from neighborhoods.

Private Restrictive Covenants

There are cases where an applicant and a neighborhood have agreed to conditions of zoning that cannot or should not be imposed by the city. In those cases, the applicant and the neighborhood may prepare a private RC containing those conditions to which they have agreed. In essence, the neighborhood gets the property owner to agree to imposition of the RC in exchange for the neighborhood's support of the property owner's zoning case. The city is not a party to the private RC, and the terms of such an RC are technically not a concern of the city. However, the Council may be informed of the RC as a point of information.

Staff Review Is Necessary

As can be seen from a review of the foregoing discussion, the determination of whether, and in what manner, to impose a condition of zoning requires thorough review and consideration by the city staff. This cannot be easily accomplished when new conditions are proposed during a Planning Commission or City Council meeting. The city staff should have the time and opportunity for adequate review of proposed conditions in order to make an informed recommendation to the Planning Commission and City Council.

Policy Recommendation

Conditions of zoning must be reasonable and substantially related to the public health, safety, and general welfare. In addition, conditions of zoning must contain objective, defined criteria so that there will be no misunderstanding as to what is required. This will allow the conditions to be enforceable by the city staff. All proposed conditions of zoning should be submitted to city staff for review at least one week before the meeting at which the zoning case is to be considered. If any new conditions are proposed after that deadline, the zoning case should be postponed for at least one week to allow for staff review. This policy will result in more efficient staff processing of cases, less likelihood of improper conditions being imposed, and the opportunity to explain to concerned parties the city staff's position on proposed conditions. If a proposed condition is not appropriate, it may be possible to accomplish the same objective in a permissible manner if sufficient review time is allowed.

If there are additional questions, please contact us.



J. Michael English
Assistant City Attorney



Alice Glasco
Manager of Current Planning
Department of Planning and Development

xc: Camille Cates Barnett, Ph.D., City Manager
Byron Marshall, First Assistant City Manager
Oscar Rodriguez, Administrator for Development Services
Diana L. Granger, City Attorney
Michael Cosentino, Deputy City Attorney
Jim Smith, Director, Department of Planning and Development
Tracy Watson, Assistant Director, Department of Planning and Development

HOW TO FILE A PETITION

A petition should be dated and addressed to the City Council. In order to be legally binding, the first paragraph should read as follows:

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than

After this initial statement, briefly state the reasons for the protest.

This statement should be followed by the signatures of the protesters and their addresses. If a protester signs for other than the owner of record, a Power of Attorney should accompany the petition. Signatures should be in black ink to facilitate reproduction. A sample petition is attached.

Property owner information is obtained from the Travis County Appraisal District. If there has been a recent sale of the property, the current owners may not be shown. A copy of the deed or closing statement must be furnished with the petition to establish ownership.

Please furnish the name and phone number of a contact person in case there are questions about the petition.

File number and zoning information may be obtained from the Neighborhood Planning and Zoning Department, 505 Barton Spring, Fifth Floor. It is also suggested that a numeric printout of the property owners and a copy of that portion of the tax plat showing 200 feet around the area proposed for rezoning be obtained.

A parcel number for each property within a 200-foot radius must be determined. This may be done as follows:

- The first five digits of the parcel number is the tax plat number.
- The next two digits is the block number. This is the large underlined number shown on each block.
- The last two digits is the lot number. This is the small underlined number on each lot.

This nine digit number is called a parcel number and corresponds to those numbers shown on the property owner printout. A sample map with the appropriate numbers circled is attached for your information.

A brief description of the process for determining the validity of a petition is as follows:

Figure square footage of area within 200-foot radius of property being rezoned, excluding property being considered.

Figure each petitioner's area. These areas should include one-half of right-of-way adjacent to the petitioner's property.

Figure percentage:

$$\frac{\text{Total of petitioners' area}}{\text{Total area within 200' radius}}$$

Condominium projects may protest the rezoning if the petition is signed by the appropriate officer of the governing body of the condominium. An individual condominium owner shall not be included when calculating the petition unless the documents governing the condominium clearly establish the right of an individual owner to act with respect to his or her respective undivided interest in the common elements of the condominium.

The petition should be furnished to the Neighborhood Planning and Zoning Department as early as possible prior to the Council hearing so the validity may be determined prior to the bearing.

If you need additional information or assistance concerning the above procedures, please contact the Neighborhood Planning and Zoning Department, 505 Barton Springs, Fifth Floor, 974-7668.

INFORMATION FOR OPPOSING A ZONING CHANGE

If you are in opposition to a zoning change in your neighborhood, it is suggested you contact the City staff and the applicant to attempt to reach a compromise. When possible, applicants are advised to contact and work with the applicable neighborhood organization(s) prior to submitting an application.

If a compromise cannot be reached, the following procedures may be used to protest the zoning change. These are

- 1) either in writing or at the public hearing, request the Zoning and Platting Commission/Planning Commission not to recommend the zoning change to the City Council, and /or
- 2) petition the City Council not to grant the zoning change. Petitions must be submitted no later than 12:00 p.m. (noon) on the day of the scheduled public hearing to the Case Manager, Neighborhood Planning and Zoning Department (per City Council Resolution as of 11/13/86). You are, however, encouraged to submit your petition earlier (possibly two days earlier) to assure that validation occurs in a timely manner.

These procedures are described below:

ZONING AND PLATTING COMMISSION / PLANNING COMMISSION

At the Zoning and Platting Commission/Planning Commission hearing you will be given an opportunity to speak in opposition to the zoning. If you are part of an organized group, it is recommended a spokesman be selected to represent the interests of the group.

A written statement of your opposition may also be presented to the Commission members (there are nine) with a copy for the staff.

The order of the meeting is as follows:

1. Chair announces request.
2. Staff present a summary
3. Chair calls on those FAVORING the request.
 - a. Applicant's presentation (5 minutes)
 - b. Others favoring the request (3 minutes)
4. Chair calls on those OPPOSING the request
 - a. Primary presentation (5 minutes)
 - b. Others opposing the request (3 minutes)
5. Applicant answers stated objections (3 minutes)
6. Staff summation and questions form Commission
7. Public hearing is closed and Commission acts on request

The Zoning and Platting Commission/Planning Commission's recommendation will be forwarded to the City Council for their action.

Austin City Code

Austin, Texas Code of Ordinances / Volume II / TITLE 25 LAND DEVELOPMENT / CHAPTER 25-2 ZONING / SUBCHAPTER B ZONING PROCEDURES / ARTICLE 1: ZONING PROCEDURES GENERALLY / DIVISION 4: PUBLIC HEARING; ACTION / § 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

§ 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

(A) The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:

(1) the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or

(2) the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:

(a) included in the proposed change; or

(b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.

(B) The Director of the Neighborhood Planning and Zoning Department shall include the area of streets and alleys to compute the percentage of land area under Subsection (A)(2).

(C) The Director of the Neighborhood Planning and Zoning Department shall include land subject to a condominium regime in a protest under Subsection (A)(2) if:

(1) the protest is signed by the authorized officer of the condominium on behalf of the governing body of the condominium and the protest states that the governing body has authorized the protest petition in accordance with procedures required by its bylaws; or

(2) the protest is signed by the owner of an individual condominium unit and the documents governing the condominium establish the right of an individual owner to act with respect to the owner's undivided interest in the common elements of the condominium.

(D) Except as provided in Subsection (C), the Director of the Neighborhood Planning and Zoning Department shall include land owned by more than one person in a protest under Subsection (A)(2) if a written protest is filed by one of the owners.

Source: Section 13-1-407; Ord. 010329-18; Ord. 010607-8.

CITY OF AUSTIN PARKING RATIO REQUIREMENTS

(Excerpts from the Land Development Code Sec. 25-6 Appendix A)

Parking requirements for development in the City of Austin are based upon the proposed specific land use as identified in the tables below. For uses not listed below, refer to the Land Development Code, Sec. 25-6 Appendix A or visit the City of Austin website address at www.ci.austin.tx.us/development.

Other Parking Related Provisions:

- Sites with more than 12 spaces may designate up to 30 percent of the parking for compact vehicles.
- Handicapped parking spaces are required per the LDC, Sec. 25-6-475.
- Special parking provisions apply for sites zoned Central Bus. District (CBD), Downtown Mixed Use (DMU) and CURE districts in accordance with LDC Sec. 25-6-591 and 25-6-593.
- Loading space and bicycle parking spaces may be required in accordance with LDC Sec. 25-6 Appendix A

Residential

Land Use	Parking Ratio
Single Family Residential	2 spaces/dwelling unit
Duplex or Single Family Attached (<6 Bedrooms per lot)	2 spaces/dwelling unit
Duplex or Single Family Attached (6+ Bedrooms per lot)	1 space per bedroom
Townhouse Residential	2 spaces/dwelling unit
Lodginghouse Residential (Bed and Breakfast)	1 space/rented room plus spaces req'd for each dwelling unit

Land Use	Parking Ratio
Multifamily or Condominium	
Efficiency	1.0 spaces/unit
One Bedroom	1.5 spaces/unit
Two Bedroom	2.0 spaces/unit
Three Bedroom	2.5 spaces per unit
Each Addn Bedroom	0.5 spaces per bedroom per unit
Group Residential (Boarding House)	1 space/dwelling unit plus 1 space per 2 lodgers or tenants

Civic

Land Use	Parking Ratio
Convalescent Services	1 space per 4 beds patient cap. plus 1 per 2 employees max. shift
Guidance Services	
Residential	1 space per 4 patients
Non-Residential	1 space/300 sq. ft.
Hospital Services	1 space/4 beds patient cap. plus 1 space/2 employees max. shift

Land Use	Parking Ratio
Religious Assembly (Churches)	
Fixed Seating (or)	1 space/10 seats in sanctuary (18" linear pew space equals 1 seat)
Non-Fixed Seating	
Sanctuary/Lobby	1/70 s.f.
Fellowship Hall	1/150
Religious. Ed.	1/200
Kitchen	1/2000
Office	1/300 s.f.
Halls/Restrooms	None

Commercial

Land Use	Parking Ratio
Administrative Office	1 space/300 sq. ft.
Automotive Repair	6 spaces per bay or mechanic
Auto Sales	
Office	1/300 s.f.
Indoor Sales	1/500 s.f.
Outdoor Sales	1/750 s.f.
Indoor Warehs/Mfg	1/1000 s.f.
Outdoor Storage	1/2000 s.f.
Auto Washing	
Automatic	1 space per 2 employees and 6 queue spaces per queue line
Manual (coin-op)	3 queue spaces per queue line (the car wash bay may be counted as 1 space)
Cocktail Lounge	
up to 2,500 sq. ft.	1 space/100 sq. ft.
2,501 to 5,000 sq. ft.	1 space/50 sq. ft.
5,001 to 7,500 sq. ft.	1 space /40 sq. ft.
7,501 to 10,000 sq. ft.	1 space/35 sq. ft.
10,000 + sq. ft.	1 space/25 sq. ft.
Convenience Storage (Mini-warehouse)	1 space per 1,000 sq. ft.
Dance Hall/Meeting Halls	1 space per 40 sq. ft. or 2 spaces per 6 seats
Financial Services	1 space/200 sq. ft.
Drive-In	8 queue spaces/lane
Food Sales (Conv. Store)	1 space/200 sq. ft.
Furniture or Carpet Store	1 space/400 sq. ft.
General Retail Sales	
<25,000 sq. ft.	1 space/200 sq. ft.
25,001 – 400,000 s.f.	1 space/250 sq. ft.
400,001 - 600, 000 s.f.	1 space/225 sq. ft.
>600,000 sq. ft.	1 space/200 sq. ft.
Hotel/Motel	
≤250 Rooms	1.25 spaces/room for first 50 rooms plus 1 space/room exceeding 50 rooms; other uses within hotel calculated at standard rates

Land Use	Parking Ratio
Hotel/Motel (continued)	
>250 Rooms	1.25 spaces/room for first 50 rooms plus 1 space/room for 51 to 500 rooms, and .5 spaces/room exceeding 500 rooms; retail uses at 90% of standard parking. reqmnt;. other uses calculated at 50% of standard parking rates
Live Theater	1 space per 3 seats w/in auditorium
Motion Picture Theater	1 space per 4 seats w/in auditorium
Indoor Sports and Recreation	1 space/400 sq. ft.
Billiard Parlor	1 space/150 sq. ft.
Bowling Alley	1 space/300 sq. ft.
Liquor Sales (Package Store)	1 space/200 sq. ft.
Personal Improvement Services	1 space/200 sq. ft.
Personal Services	1 space/200 sq. ft.
Pet Services	1 space/300 sq. ft.
Professional Offices (incl. Med. Office)	1/ space/200 sq. ft.
Restaurant	
<2,500 sq. ft.	1 space/100 sq. ft.
2,500+ sq. ft.	1 space/75 sq. ft.
If no customer service or dining area provided	1 space/200 sq. ft.
Drive-in Lanes	
1 Service Lanes	8 queue spaces/lane
2. Service Lanes	7 queue spaces/lane
Service Station/Lube	1 space/bay plus 3 queuing spaces/bay
Warehouse/Indoor Mfg.	1/1,000 sq. ft.

NOTICE

APPLICATIONS FOR TIA DETERMINATIONS

Effective Date: January 26th 1998

The process for determining whether a traffic impact analysis will be required for zoning, PUD, and site plan applications has been revised. Refer to the information below to determine whether your application will require submittal of a traffic impact analysis.

Threshold Requirements for Requiring a Traffic Impact Analysis (2,000 Trips Per Day)

Zoning Applications:

Zoning	Acres	Zoning	Acres
NO	10.5	SF-1	47.6
LO	1.92	SF-2	27.8
GO	1.34	SF-3	23.0
LR	.61	SF-4	17.2
GR	.31	SF-5	23.0
CS	.15	SF-6	23.0
CS-1	.15	MF-1	17.4
CH	.10	MF-2	11.1
IP	1.34	MF-3	8.3
MI	1.34	MF-4	9.1
LI	.31	MF-5	9.1
R&D	3.84	MH	43.5
CBD	.04		
DMU	.06		

Site Plan or Development Permit Applications:

Land Use	Sq. Ft.
Retail	13,300
Restaurants (Fast Food)	2,800
Restaurants (Non- Fast Food)	11,500
Conven. Stores/Serv. Sta.	2,700
Supermarkets	23,000
Warehouse	451,000
Light Industrial	281,500
Manufacturing	518,000
Medical Office	60,000
Admin. Office	160,000
Multifamily (Dwelling Units)	315
Motel/Hotel	195 Rooms
Finan. Services(Drive-in Bank/S&L)	12,500
Relig. Assembly (Church)	215,000
Hospital	57,700
Day Care	214,500

Neighborhood Traffic Impact Analysis

A neighborhood traffic impact analysis is required if a project has access to a residential local or collector street and the expected number of vehicle trips generated by the project exceeds 300 vehicle trips per day over the existing uses. Local or collector street means any roadway not designated as an arterial street. For the purposes of this determination, a residential local or collector is one along which 50% or more of the frontage within 1,500 feet of the proposed project's property lines (or to the nearest arterial, whichever distance is less,) is zoned for SF-5 or more restrictive uses. In determining whether a street is classified as a residential street, each segment within 1,500 feet of the project's property lines (or to the nearest arterial) shall be considered separately. The City of Austin Development Review and Inspections Dept. shall determine whether a neighborhood traffic impact analysis is required and conduct a study, (if one is required), when the zoning or development application is reviewed by staff. The applicant, however, may be required to obtain current 24-hour traffic counts for specific roadways and submit this data to the staff so the neighborhood study can be performed.



LAW DEPARTMENT

MEMORANDUM

TO: Mayor and Council Members
Jesus Garza, City Manager

FROM: Sedora Jefferson, City Attorney

DATE: December 14, 2001

SUBJECT: Land Use Commission

On Thursday, November 29, 2001, the Council passed Ordinance No. 112901-79 amending Section 25-1-46 of the City Code relating to the land use commission. The purpose of this memo is to explain the effect of the ordinance.

The ordinance provides that the Planning Commission (PC) acts as the land use commission for property wholly or partly within:

- (1) the boundaries of an adopted neighborhood plan;
- (2) a proposed neighborhood plan area after the Council directs the commission to consider the proposed plan; or
- (3) the former Robert Mueller airport.

The Zoning and Platting Commission (ZAP) acts as the land use commission in all other cases, including those in the downtown area.

Under Subsection (B) of the ordinance, a determination of whether PC or ZAP acts as the land use commission is made on the date that a land development application is filed. The designated commission retains jurisdiction over that application until the application is approved or denied. For example, if ZAP is considering a zoning case and the Council directs PC to consider a neighborhood plan for that area, ZAP would continue to act on the zoning case until its conclusion.

Land Use Commission
December 14, 2001
Page 2

Attached are the following:

1. Ordinance No. 112901-79.
2. A flow chart showing the jurisdictional distribution of responsibilities between the Planning Commission and Zoning and Platting Commission.
3. A map showing the current neighborhood planning areas.

George Adams in the Transportation, Planning, and Sustainability Department provided items 2 and 3.

If you have any questions, do not hesitate to contact me or Marty Terry in the Law Department.

Sedora Jefferson
City Attorney

xc: Lisa Gordon, Assistant City Manager
Alice Glasco, NPZD
George Adams, TPSD
Marty Terry, Law

ORDINANCE NO. 011129-79

AN ORDINANCE AMENDING SECTION 25-1-46 OF THE CITY CODE RELATING TO THE LAND USE COMMISSION; AND VALIDATING CERTAIN ACTIONS OF THE PLANNING COMMISSION.

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

PART 1. Section 25-1-46 of the City Code is amended to read as follows:

§ 25-1-46 LAND USE COMMISSION.

- (A) The Planning Commission or the Zoning and Platting Commission may act as the land use commission, as prescribed by this section.
- (B) A determination of which commission shall act as the land use commission to consider a particular application is made on the date that the application is filed. After the determination is made, the designated commission continues to act as the land use commission until the application is approved or denied.
- ~~(C) [(B)]~~ Except as otherwise provided in this section, the Zoning and Platting Commission shall act as the land use commission.
- ~~[(C) For property that is wholly or partly within the boundaries of a neighborhood plan that the Council has adopted as a component of the comprehensive plan, the Planning Commission shall act as the land use commission.]~~
- (D) Except as provided in Subsection (B), the Planning Commission shall act as the land use commission for property that is wholly or partly within:
- (1) the boundaries of a neighborhood plan that the Council has adopted as a component of the comprehensive plan; or
 - (2) the former Robert Mueller Municipal Airport site.
- (E) Except as provided in Subsection (B), the Planning Commission shall act as the land use commission for property that is wholly or partly within the boundaries of a proposed neighborhood plan that the Planning Commission is considering as an amendment to the comprehensive plan. In this subsection, Planning Commission consideration of a proposed neighborhood plan:

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

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

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

PART 2. The Council validates the acts of the Planning Commission taken before the effective date of this ordinance in assuming the jurisdiction of the land use commission to make recommendations on zoning cases in proposed neighborhood plan areas.

PART 3. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on December 10, 2001.

PASSED AND APPROVED

_____, November 29, 2001

§
§
§

Gustavo L. Garcia
Mayor

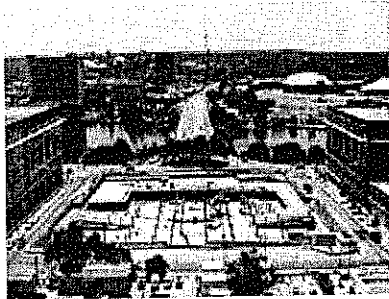
APPROVED: _____
Sedora Jefferson
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk



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City of Austin Development Process

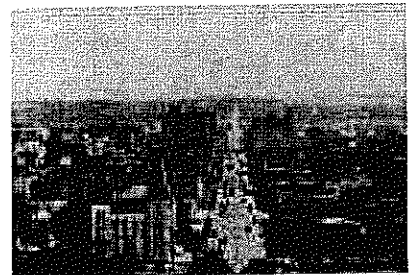
E-mail: devweb@ci.austin.tx.us

Development Assistance Center: (512) 974-6370

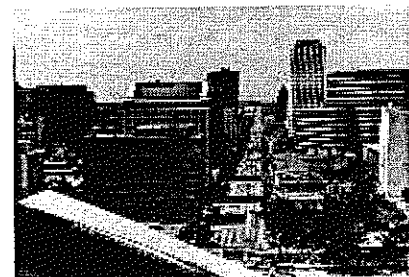
New City Hall garage completed
August 2002

Land Development Processes

- General Information
- Process Description
- Zoning and Zoning Report
 - Zoning Use Districts Table
 - Zoning Development Standards
- Subdivision
- Site Plan
- Application Packets
 - Zoning
 - Subdivisions
 - Site Plan



Downtown circa 1900



Downtown 1996

Building Regulations, Permits & Inspections

- Building Information (Forms and Documents)
- Interactive Building Plans, Permits & Inspection Request
- Building Inspection Information
(*Inspection Territory Maps*)
- Announcements Updated 1/8/03

Interactive Codes and Criteria





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limits. To determine whether a zoning change is required please contact the Development Assessment Center.

Zoning Districts

The City of Austin has 16 residential zoning districts and 13 commercial zoning districts, 4 industrial, and 5 special purpose base districts. In addition up to 13 combining districts may also relate to a particular zoning cases; these combining districts act as overlays to provide site or use specific conditions for an identified area or project. The zoning section also reviews demolition/relocation permits for historic buildings and districts for consideration by the Historic Landmark Commission, sign permits and alcoholic and beverage permits.

- Cases involving historic structures or national register districts have specific requirements in addition to the zoning process.

Zoning Districts: Categories and Development Standards

Combining Districts-The following are special districts that when combined with a base zoning district, may alter permitted site development characteristics and uses permitted on a site. Combining and overlay districts are designed to achieve special goals such as downtown design, economic redevelopment, and parkland protection.

Conditional Overlay-Modifies and restricts the use and site development regulations authorized in the base districts. All requirements are in addition to and supplement land development code requirements. Examples include prohibiting permitted uses authorized in a base district, increasing minimum lot sizes, decreasing FAR etc.

Neighborhood Conservation Combining District-Preserves and protects older neighborhoods by allowing modifications to applicable development regulations in accordance with a neighborhood plan, which for NCCDs is intended to protect neighborhoods that were substantially built out over 30 years ago.

Capitol View Corridor Combining District-Are applied in combination with the various base districts to limit the height of structures within selected corridors which represent the remaining significant, publicly accessible views of the State Capitol Building of Texas, so that those views may be preserved and protected.

Planned Development Area Combining District-Is intended for combination with selected commercial and industrial base districts, in order to modify base district provisions as necessary to allow for appropriate industrial and commercial uses or to reflect the terms of the PDA agreement following annexation of properties subject to the agreement.

Waterfront Overlay Combining District-Reflects the goals and policies set forth in the Town Lake Corridor Study adopted by the City Council on October 24, 1985. The District is designed and intended to provide a more harmonious interaction and transition between urban development and the park land

Historic zoning enables the City Council to designate a building, structure, site, district, area, or land of architectural, historical or cultural importance. This process can provide tax incentives while encouraging or requiring certain safeguards and review procedures for any proposed exterior changes.

Applications for historic zoning are reviewed by the Historic Landmark Commission approximately five weeks after the deadline at their regular monthly meeting, which occurs the 4th Monday of each month. These cases are heard by the Planning Commission approximately two weeks after the Historic Landmark Commission hearing on the second Tuesday of the month, and by the City Council approximately six weeks later on the 4th Tuesday of the month.

What criteria is considered by the Council for historic review?

1. Character, interest or value, as part of the development, heritage or cultural characteristics of the City of Austin, State of Texas or the United States.
2. Recognition as a Recorded Texas Historic Landmark, a National Register of Historic Places.
3. Embodiment of distinguishing characteristics of an architectural type or specimen.
4. Identification as the work of an architect or master builder whose individual work has influenced the development of the city.
5. Embodiment of elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation.
6. Relationship to other distinctive buildings, sites, or area which are eligible for preservation according to a plan based on architectural, historic, or cultural motif.
7. Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style.
8. Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.
9. Exemplification of the cultural, economic, social, ethnic, or historical heritage of the city, State or the United States.
10. Location as the site of a significant historic event.
11. Identification with a person or persons who significantly contributed to the culture and development of the City, State or United States.
12. A building that, because of its location, has become of value to a neighborhood, community area, or the city.
13. Value as an aspect of community sentiment or public pride.

For additional information contact the historic zoning section of the Transportation, Planning and Sustainability Department.

Certificate of Appropriateness

The commission would prefer that signs be limited to one per building, unless the building is at an intersection, then one sign per street frontage may be allowed. Owners and tenants of multi use buildings are encouraged to use directory signs.

Lettering

Light colored letters on dark background are preferred. No more than two typefaces are allowed.

Lighting

In an effort to maintain the historic character of National Register Districts, the commission strongly urges that no back lighted signs be requested. Shielded incandescent lights attached to the top of a sign are encouraged. Other types of lighting which the commission will consider are low level fluorescent, spot and neon lighting.

Neon

Although the commission generally disapproves neon signs for buildings on late 19th and early 20th century buildings, neon signs for buildings after 1920 may be considered.

Frequently Asked Questions?

What are the requirements to be considered a home occupation?

Home occupations accessory to residential uses are subject to the following limitations:

1. The home occupation must be conducted entirely within a dwelling unit which is the bona fide residence of the practitioners, or entirely within only one accessory garage building (not to include a carport).
2. No person other than a family member who resides in the dwelling unit should participate in the home occupation on the premises.
3. The residential character of the lot and the dwelling unit must be maintained. Neither the interior nor the exterior of the dwelling should be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation. No additional buildings shall be added on the property to accommodate the home occupation.
4. The home occupation should not generate customer related vehicular traffic in excess of three vehicles per 24 hour day in the residential neighborhood.
5. No direct selling of merchandise is allowed to occur on the premises.
6. No equipment or materials associated with the home occupation can be displayed or stored where visible from anywhere off in the premises.
7. The occupation must not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes,

PUD is not justified for development of tracts of less than ten acres since conventional zoning regulations should provide for adequate development. (See 25-2-411)

What is a Transportation Impact Analysis (TIA)?

A Traffic Impact Analysis (TIA) provides information on the projected traffic expected from a proposed development. A TIA also evaluates the impact of proposed development on the roadways in the immediate proximity of the proposed development. The TIA should identify any potential traffic operational problems or concerns and recommend appropriate actions to address such problems or concerns.

A traffic impact analysis shall be consistent with the code requirements and the Transportation Criteria Manual. The geographic area to be considered in the TIA shall be established by the Director. The TIA should consider and account for the potential traffic to be generated by other undeveloped sites within the established study boundaries.

A neighborhood traffic analysis is a simplified TIA that assesses the impact of a proposed project on residential streets. A neighborhood TIA is limited to an evaluation of existing and projected operating levels of residential streets and an identification of mitigation measures needed to minimize traffic impacts.

TIA requirements apply to each individual lot when an application is made to zone or rezone the lot or for site plan approval to develop the lot.

Thresholds

Local or collector street means any roadway not designated as an arterial street. For the purposes of this section, a residential local or collector street is one along which 50% or more of the frontage within 1,500 feet of the proposed project's property lines (or the nearest arterial, whichever distance is less) is zoned SF-5 or more restrictive uses.

- A TIA is required if the expected number of trips generated by the project exceeds 2,000 vehicle trips per day.
- A neighborhood traffic analysis is required if the project has access only to a residential local or collector street and the expected number of vehicle trips generated by the project exceeds 300 vehicle trips per day over the existing uses.

Generally modifications to an application may include but are not limited to:

- 1) A reduction in the number of projected vehicle trips per day.
- 2) Dedication of additional right-of-way.

- 3) Reroutings of traffic and of proposed access and egress points serving the proposed project;
- 4) Participation in the funding of traffic signal and /or intersection improvements.

Notification

All property owners within 300', *Registered Neighborhood Organizations*, and Sector Groups at the time of application are notified within 10 days of an application. In addition, these entities are again notified prior to public hearings. Signs are placed on all properties under zoning review.

Processing Time

A written report from staff is available to the applicant and public no later than 28 calendar days after the deadline date.

All zoning requests are heard by the Planning Commission either on the first, second or fourth Tuesday of a month (approximately six to seven weeks after the deadline). The City Council acts on the request the following month, generally four to six weeks after the Planning Commission hearing.

City Council approvals or approvals with conditions result in a city ordinance which must be voted on and approved by the City Council in three readings (usually 2nd and 3rd can be combined). Adopted city ordinances are available at the *City Clerk's office*.



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- electrical interference or waste run-off outside the dwelling unit or in the property surrounding the dwelling unit.
8. No vehicle used in connection with the home occupation which requires a commercial driver's license to operate is allowed to be parked on the premises or on any street adjacent to the residentially zoned property.
 9. The home occupation is not permitted to be advertised by any signs on the premises, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio or newspapers.
 10. No animal hospitals, animal breeding, clinics, hospitals, contractors' yards, dancing schools, junk yards, lodginghouse residential uses, massage parlors, restaurants, rental outlets or vehicle repair shops are permitted as home occupations.

What is a nonconforming use?

A nonconforming use is the use of any land, building or structure does not conform with current applicable use regulations but complied or was not under requirements to comply with regulations at the time the use was established.

Specific requirements govern the discontinuance of nonconforming uses. Also, specific code requirements address damages and the ability to make major substantial changes to structures designated as nonconforming uses.

What are petition rights?

The protest provisions contained in S25-2-284 are commonly referred to as "petition rights." This provision generally provides that when the Planning Commission has recommended approval of a request for rezoning to a planned unit development (PUD) district, or when a written protest against a proposed rezoning, signed by 20% or more of either the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, such rezoning shall not become effective except by the favorable vote of three-fourths of all members of the Council. In computing the percentage of land area, the area of streets and alleys shall be included in the computation.

What is a Planned Unit Development (PUD)?

A Planned Unit Development (PUD) is intended for large or complex developments under unified control planned as a single continuous project, to allow single or multi-use projects within its boundaries and provide greater design flexibility for development proposed within the PUD. Use of a PUD district should result in development superior to that which would occur using conventional zoning regulations. PUD zoning is appropriate if the PUD enhances preservation of the natural environment; encourages high quality and innovative design and ensures adequate public facilities and services for development within the PUD. The minimum size generally considered appropriate for a PUD is ten acres. Absent unique or special topographic constraints or other exceptional circumstances affecting the property, creation of a

No person shall construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of a designated historic landmark unless a certificate of appropriateness is issued by the Landmark Commission. The Landmark commission may approve or disapprove requests for certificates of appropriateness. The need for this approval is usually triggered by proposed alterations to the exterior of historically zoned structures. Detailed information is recommended to facilitate the ability of the Landmark Commission to review an application.

For changes or additions requiring a building permit, plans should be submitted to the Watershed Protection and Development Review Department two weeks prior to the Landmark Commission hearing. Plans should be prepared relating to the exterior, to the extent required for the issuance of the building permit.

The Landmark Commission meets on the fourth Monday of every month, All information required for the consideration of certificates of appropriateness must be submitted to Transportation, Planning and Sustainability Department at 505 Barton Springs Road, 4th floor, PO box 1088, 78767. For further information please call 974-2414.

National Register Districts

All alterations, new construction, demolition, awning installations, etc. in a National Register District requiring a permit should be reviewed by the Landmark Commission. These plans should be submitted to the Department of Transportation, Planning and Design Department two weeks prior to the Landmark Commission meeting. Preliminary plans should be prepared to illustrate the ability of an application to comply with permit requirements.

The Landmark Commission meets on the fourth Monday of every month. Information being furnished for the Commission's review should be submitted to the Central Intake area of the Transportation, Planning and Sustainability Department, 505 Barton Springs Road, 4th floor, 10 days prior to the hearing.

Signs within a National Register District

All signs within a National Register District require Historic Landmark Commission approval. These include new, relettered, and/or changes to existing signs.

It is recommended that the sign's size and proportions be related to window size and the detailing of the building. All sign ordinance requirements relating to permitted type, size, maximum height, minimum setback and the number of allowable signs must also be met.

The commission by ordinance shall not approve the following types of signs rotating, off premise, roof signs, portable signs or signs which flash or blink at intervals.

Sign District Guidelines

Number

and shoreline of Town Lake and the Colorado River. There are 15 different subdistricts within the Waterfront.

Mixed Use Combining District-Is intended to combine with selected base districts, to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district. Other acceptable districts are Limited Office (LO), General Office (GO), Limited Retail (LR), Community Commercial (GR), General Commercial Services (CS), Commercial Liquor Sales (CS-1).

CURE-Is a zoning district for the downtown area and several commercial corridors east of IH 35. The purpose of this recently added zoning district is to provide flexibility and incentives for development within the designated boundaries, including changes to site development standards and waivers from development fees with one application.

Downtown Overlay Combining District-Are intended for combination with the CBD and DMU base districts in order to protect and enhance identified unique features of downtown Austin and peripheral areas.

Capitol Dominance Combining District-Is intended for combination with selected base districts in order to protect the visual and symbolic significance of the State Capitol by keeping buildings in close proximity of the Capitol from dominating the structure. This district includes all land within a one-fourth mile radius of the State Capitol dome.

Congress Avenue Combining District-Is intended for combination with the CBD and DMU base districts in order to protect the historic character and symbolic significance of Congress Avenue and to enhance the pedestrian environment along this unique downtown corridor.

Sixth/Pecan Street Combining District-Is intended for combination with the CBD and DMU base districts in order to protect the historic character of East Sixth/Pecan Street and to enhance the pedestrian orientation of this unique urban area.

Downtown Parks Combining District-Is intended for combination with the CBD and DMU base districts, in order to enhance the pedestrian use and vitality of downtown parks and to establish a unique urban design identity associated with these public open spaces. The DP combining district includes all land within 60 feet of the public right-of-way surrounding Brush Square.

Downtown Creeks Combining District-Is intended for combination with the CBD and DMU base districts in order to promote public accessibility and pedestrian use along downtown creeks, and to protect and enhance the scenic character of these creek corridors.

Convention Center Combining District-Is intended to protect and enhance the health, safety, and welfare of the public, to promote pedestrian activity and vitality in the Convention Center area, and to protect the existing character of the area.

Historic Zoning



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What is zoning and where does it apply?

Zoning districts are established to promote compatible patterns of land use within the city limits. Zoning districts also establish site development regulations and performance standards appropriate to the purposes and the uses allowed in each district. Distinct zoning districts exist for residential, office, retail and industrial uses. Furthermore, specific use restrictions, site development regulations or performance standards may apply to zoning districts combined with special overlay or combining districts.

As part of the zoning process, appropriate land uses for an area are identified based on such factors as the intensity, density, height of a proposed project, surrounding land uses, traffic impacts and access to a site, environmental concerns and overall compatibility.

Zoning changes may be required for a change of land use or alteration of a building or site within the city

- Land Development Code (Vol. II)
September 2002 Updates
- Technical Manuals
September 2002 Updates
- Standard Details & Specifications
- Standard Construction Contract Bid Documents *New*
- Standard Products Lists
 - Water and Wastewater Products *New*

Texas State Capitol

Geographic Information

- Interactive mapping system - GIS
- [To download GIS files](#)
- Review Team Boundary Map

Support Information

- International Conference of Building Officials (codes)
- Southern Building Code Congress International
- Boards and Commissions
- Watershed Protection
- Long Range Planning
- Neighborhood Planning and Zoning Department
- Neighborhood Plan Information *New!*
- City Clerk's Office

Ordinance Amendments & Rule Postings

- Rule Adoptions
- Proposed Rules for Review
- Past Rule Adoptions
- Proposed Code Amendments

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- [APA Award Winner Site](#)