

**ARTICLE 11. - HILL COUNTRY ROADWAY REQUIREMENTS.**

• **Division 1. - General Provisions.**

• **§ 25-2-1101 - DEFINITIONS.**

In this article:

SCENIC VISTA means a generally recognizable, noteworthy view of:

- Barton Creek; (1)
- Bull Creek; (2)
- West Bull Creek; (3)
- Lake Austin; (4)
- Lake Travis; (5)
- a valley of the Colorado River; or (6)
- the downtown area of Austin. (7)

Source: Section 13-2-783(b)(1); Ord. 990225-70; Ord. 031211-11.

• **§ 25-2-1102 - APPLICABILITY.**

Except as provided in [Section 25-2-1104](#) ( *Exceptions* ), this article applies to development on a site in a **hill country roadway** corridor.

Source: Section 13-2-782 ; Ord. 990225-70; Ord. 031211-11.

• **§ 25-2-1103 - HILL COUNTRY ROADWAY CORRIDORS IDENTIFIED.**

A **hill country roadway** corridor is the land within the City's zoning jurisdiction located 1,000 feet or less from each side of the right-of-way of the following **roadways**:

- Loop 360, from US 290 West to US 183; (1)
- RM 620, from SH 71 to Anderson Mill Road; (2)
- RM 2222, from Highland **Hills** Drive to RM 620; (3)
- RM 2244, from Loop 360 to SH 71; and (4)
- Southwest Parkway. (5)

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

• **§ 25-2-1104 - EXCEPTIONS.**

(A) This article does not apply to development that occurs 1,000 feet or less from the dedicated right-of-way of:

- US 183; or (1)
- US 290 West. (2)

(B) This article does not apply to development that complies with a site plan approved by council before January 27, 1986 or to a modification of the approved site plan if a zoning change was approved to allow the modification. (C)

(D) This article does not apply to development that complies with a site plan for which a development permit was issued by the City before January 27, 1986. (D)

This article does not apply to development that complies with a site plan that was submitted for approval before May 23, 1985, or that was recommended for approval by the Planning Commission before November 6, 1985. The development must comply with City requirements in effect on the date the site plan was submitted for approval.

(E)

This article does not apply to development that complies with a planned development area agreement approved by the council before January 26, 1986.

Source: Section 13-2-781(a), (b), (c), (e) and (f); Ord. 990225-70; Ord. 031211-11.

- **§ 25-2-1105 - WAIVERS.**

Subject to Subsection (B), the Land Use Commission may approve the waiver of a provision in this article if the person applying for the waiver demonstrates that:

(A)

(1) the provision imposes an undue hardship on a development because of the location, topography, or peculiar configuration of the tract; or

(1)

(2) a proposed development incorporates the use of highly innovative architectural, site planning, or land use technique; and

(2)

(3) if the waiver is approved, a proposed development will equal or exceed a development that is in compliance with this article in terms of:

(3)

(a) environmental protection;

(a)

(b) aesthetic enhancement;

(b)

(c) land use compatibility; and

(c)

(d) traffic considerations.

(d)

(B) The Land Use Commission may waive a provision only to the extent necessary to allow the development to occur.

(B)

(C) The approval or disapproval of a waiver by the Land Use Commission under this section may be appealed to the council.

(C)

Source: Section 13-2-785; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

- **§ 25-2-1106 - VOLUNTARY COMPLIANCE.**

This section applies to development that is:

(A)

(1) on a site in a hill county roadway corridor; and

(1)

(2) excepted from the application of this article.

(2)

(B) The owner of a site may file a request with the director to apply this article to the development.

(B)

(C) If an owner requests that this article apply to a development, the council may approve a waiver or a provision of this article.

(C)

(D) The director shall recommend to the Land Use Commission and council each provision of this article that should be:

(D)

(1) applied to the development; or

(1)

(2)

waived by the council.

(E)

The Land Use Commission shall review a request filed under Subsection (B) and shall prepare a recommendation on the request.

(F)

In making a recommendation under Subsection (D), the director shall take into consideration each existing land use approved for the site.

(G)

The council may approve a waiver of a provision of this article to the minimum extent necessary to allow development to occur, based on the recommendations of the director and the Land Use Commission.

Source: Section 13-2-781(g); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

• **§ 25-2-1107 - HILL COUNTRY ROADWAY CORRIDOR FILES AND MAPS.**

The Watershed Protection and Development Review Department shall maintain a file on the hill country roadway corridors. The file must contain:

(1)

a contour map of each corridor that shows each proposed or approved land use in a corridor;

(2)

a copy of each site plan submitted in connection with development in each corridor, whether the site plan was subsequently approved, disapproved, or withdrawn;

(3)

a map that shows each scenic vista or overlook in each corridor that the Watershed Protection and Development Review Department has identified; and

(4)

a map that shows each segment of a hill country roadway along which scenic vistas are prevalent.

Source: Sections 13-2-783(b)(1) and 13-2-784; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

• **Division 2. - Development Standards.**

• **§ 25-2-1121 - INTENSITY ZONES.**

(A)

Property is in a high intensity zone, if the property:

(1)

is along Loop 360 and within 3,500 feet of the intersection of Loop 360 with US 290; or

(2)

is within 1,000 feet of the right-of-way of two intersecting highways that are maintained by the state; and

(a)

has frontage on:

(i)

both highways; or

(ii)

one highway and an intersecting arterial or collector street.

(B)

Property is in a moderate intensity zone, if the property:

(1)

is not in a high intensity zone; and

(2)

has frontage on:

(a)

Loop 360, north of RM 2222 and south of RM 2244;

(b)

the segment of Loop 360 that is 1,200 feet or less from Westlake Drive;

(c)

the segment of RM 2222 that extends east from RM 620 for 2.1 miles;

(d)

the segment of RM 620 that extends from Comanche Trail to Anderson Mill Road; (e)

the segment of RM 620 that extends from Lohman's Crossing to Steward Road; or (f)

a segment of a roadway that would otherwise place the property in a low intensity zone, if access to the property is solely from an arterial or collector street that is not a hill country roadway. (C)

Property is in a moderate intensity zone, if the property is not in a high intensity zone, has frontage on a hill country roadway and on an intersecting arterial or collector street, and is located 500 feet or less from the right-of-way boundary of the arterial or collector street. This subsection does not apply to an intersection on RM 2222 east of Loop 360. (D)

Property is in a low intensity zone if the property is not in a high intensity zone or a moderate intensity zone.

Source: Section 13-2-782(1); Ord. 990225-70; Ord. 031211-11.

• **§ 25-2-1122 - FLOOR-TO-AREA RATIO OF A NONRESIDENTIAL BUILDING.**

Except as provided in Subsection (B), the floor-to-area ratio of a nonresidential building may not exceed: (A)

in a low intensity zone: (1)

0.20 for a building on property with a slope gradient of 15 percent or less; (a)

0.08 for a building on property with a slope gradient of more than 15 percent, but not more than 25 percent; or (b)

0.04 for a building on property with a slope gradient of more than 25 percent, but not more than 35 percent; (c)

in a moderate intensity zone: (2)

0.25 for a building on property with a slope gradient of 15 percent or less; (a)

0.10 for a building on property with a slope gradient of more than 15 percent, but not more than 25 percent; or (b)

0.05 for a building on property with a slope gradient of more than 25 percent, but not more than 35 percent; or (c)

in a high intensity zone: (3)

0.30 for a building on property with a slope gradient of 15 percent or less; (a)

0.12 for a building on property with a slope gradient of more than 15 percent, but not more than 25 percent; or (b)

0.06 for a building on property with a slope gradient of more than 25 percent, but not more than 35 percent. (c)

If the Land Use Commission grants a development bonus under [Section 25-2-1128](#) ( *Development Bonuses* ), the floor-to-area ratio of a building on a slope that has a gradient of not more than 15 percent may not exceed: (B)

0.25 if the property is a low intensity zone; (1)

(2)

0.30 if the property is in a moderate intensity zone; or (3)  
0.35 if the property is in a high intensity zone. (C)

If a portion of developed property or property covered by an approved site plan is condemned for right-of-way and if the development complies with other applicable requirements, the gross square footage permitted before the condemnation is the gross square footage permitted for the portion of the property remaining after the condemnation. (D)

To calculate allowable floor area under this section, gross site area includes all land dedicated for right-of-way under [Section 25-6-55](#) ( *Dedication Of Right-Of-Way* ) that is more than 60 feet from the centerline of a **hill country roadway**. (E)

This section does not apply to property in the Southwest Parkway **hill country roadway** corridor. Source: Section 13-2-782(2); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

• **§ 25-2-1123 - CONSTRUCTION ON SLOPES.**

(A) Development of property in a **hill country roadway** corridor must comply with [Chapter 25-8](#), Subchapter A, Article 7, Division 3 ( *Construction On Slopes* ) and this section. If a conflict exists between this section and another section of this title, the more restrictive provision applies. (B)

A person who constructs a structure uphill of a slope with a gradient of 15 percent or more: (1)  
must use a pier and beam technique to construct the structure; and (2)

may not extend a vertical wall below the lowest finished floor elevation of the structure, except as necessary to screen mechanical equipment. (C)

A person who constructs a structure downhill of a slope with a gradient of 15 percent or more may not exceed a depth of eight feet for structural excavation. (D)

To restore a cut or fill for a **roadway**, driveway, or structure, a person may construct a terraced wall and fill with a finished gradient of 100 percent. The wall may not exceed a height of four feet. More than one level of terracing may be constructed. (E)

If a person does not use terracing to restore a cut or fill, the person must revegetate and restore the cut or fill to a slope have a finished gradient of 33 percent. (F)

A cut or fill restored under Subsection (E) may not exceed eight feet in length. If additional restoration is required, a terrace that complies with Subsection (D) must be constructed between each eight-foot slope segment. (G)

A person must place fill to blend with the natural contour of the slope. Source: Section 13-2-782; Ord. 990225-70; Ord. 031211-11.

• **§ 25-2-1124 - BUILDING HEIGHT.**

(A) Except as provided in Subsection (C) or [Section 25-2-1128](#) ( *Development Bonuses* ), a person may not construct a building that is more than 28 feet in height, if the building is: (1)

200 feet or less from the nearest right-of-way boundary of a **hill country roadway**; or (2)  
in a low intensity zone. (B)

If a building is more than 200 feet from the nearest right-of-way boundary of a **hill country roadway**, a person may construct a building that is not more than: (1)

40 feet in height in a moderate intensity zone; or

53 feet in a high intensity zone. (2)

The height of a building in the Southwest Parkway **roadway** corridor may not exceed the lesser of: (C)

the height permitted by the zoning or the site plan approved for the property; or (1)

60 feet. (2)

Source: Section 13-2-782(4); Ord. 990225-70; Ord. 031211-11.

- **§ 25-2-1125 - LOCATION OF ON-SITE UTILITIES.**

Each on-site utility must be located underground, unless otherwise required by the utility provider.

Source: Section 13-2-782(5); Ord. 990225-70; Ord. 031211-11.

- **§ 25-2-1126 - BUILDING MATERIALS.**

Each building shall be designed to use, to the greatest extent feasible, building materials that are compatible with the environment of the **hill country**, including rock, stone, brick, and wood. (A)

A person may not construct a building that has mirrored glass with a reflectance of more than 20 percent. (B)

Source: Section 13-2-782(6); Ord. 990225-70; Ord. 031211-11.

- **§ 25-2-1127 - IMPERVIOUS COVER.**

To calculate impervious cover under this article, gross site area includes all land dedicated for right-of-way under [Section 25-6-55](#) ( *Dedication Of Right-Of-Way* ) that is more than 60 feet from the centerline of a **hill country roadway**.

Source: Section 13-2-782(2); Ord. 990225-70; Ord. 031211-11.

- **§ 25-2-1128 - DEVELOPMENT BONUSES.**

The Land Use Commission shall grant a development bonus to a proposed development if the Land Use Commission determines that: (A)

an unusual circumstance exists, as defined in Subsection (C); and (1)

the proposed development as constructed will comply with at least 50 percent of the criteria identified in [Section 25-2-1129](#) ( *Criteria For Approval Of A Development Bonus* ). (2)

A development bonus approved by the Land Use Commission for a proposed development may: (B)

for property on a slope with a gradient of 15 percent or less, increase the floor-to-area ratio up to .05 to 1; (1)

increase building height up to: (2)

40 feet in a low intensity zone; (a)

53 feet in a moderate intensity zone; or (b)

63 feet in a high intensity zone; or (c)

reduce a required setback by 25 feet or less. (3)

In Subsection (A), an unusual circumstance must involve: (C)

(1)

an undue hardship caused by this article, or by the cumulative effects of this title, because of the configuration, topography, or location of the tract; (2)

the demonstration of an innovative architectural, site planning, or land use design that: (a)

has not been used in the Austin area before; and (b)

will serve as an excellent example for a subsequent development; or (3)

a condemnation for right-of-way, if a bonus allows the property owner to recapture square footage potential that was lost because of that condemnation. (D)

Notwithstanding Subsection (A)(2), if an unusual circumstance exists, the Land Use Commission may approve a development bonus if the proposed development does not comply with at least 50 percent of the criteria in [Section 25-2-1129](#) ( *Criteria For Approval Of A Development Bonus* ).

Source: Sections 13-2-783(a) and (c); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

• **§ 25-2-1129 - CRITERIA FOR APPROVAL OF A DEVELOPMENT BONUS.**

In determining whether to approve a development bonus for a proposed development, the Land Use Commission may consider criteria that reasonably relate to the development bonus, including if the proposed development:

- (1) preserves a scenic vista and provides a place where the public can view the scenic vista;
- (2) limits access to a **roadway** that is not a **hill country roadway** if use of the **roadway** does not increase traffic in a residential area;
- (3) reduces by at least 15 percent the amount of impervious cover otherwise required for the development;
- (4) increases landscaping or a setback by more than 50 percent above the amount required for the development or increases a natural area;
- (5) is a mixed-use development, particularly a mixed-use development that includes a residential use and community facility;
- (6) reduces building mass by breaking up buildings;
- (7) uses pervious pavers although the development is not entitled to receive an impervious cover credit;
- (8) consolidates small lots to create a parcel that has at least 300 feet of frontage on a **hill country roadway**;
- (9) uses pitched roof design features;
- (10) includes the construction or dedication of a public facility that is not required by a City ordinance, including a park, **roadway** and right-of-way, Police Department site, Fire Department site, emergency medical services facility site, or a regional drainage facility;
- (11) limits the construction of a building or parking area to an area with a slope that has a gradient of not more than 15 percent; or
- (12) uses an energy-conserving or a water-conserving device that reduces energy or water consumption below City requirements.

Source: Section 13-2-783(b); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.