

PC C+O 9/20/11

RESOLUTION NO. 20100826-045

ITEM D-1

WHEREAS, the North Burnet Gateway Regulating Plan was adopted by Council on March 12, 2009; and

WHEREAS, the North Burnet Gateway Plan envisions transit oriented development with dense mixed use development that transitions to single family residential development; and

WHEREAS, some of the existing properties are currently legally nonconforming according to adopted district use regulation and, if the occupant changes, the use must be the same type as the current existing legally nonconforming use; and

WHEREAS, the plan recognizes that the redevelopment is market driven and will occur over the next twenty to thirty years; and

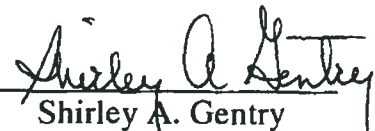
WHEREAS, the plan does not allow for a phased-in redevelopment scenario by parcel that will work towards implementing the vision established and also takes into account short term changes in building ownership and occupancy; **NOW, THEREFORE,**

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

The City Manager is directed to process amendments to the North Burnet Gateway Regulating Plan to allow certain legal non-conforming uses to continue or change in the Neighborhood Residential Subdistrict for a set period of time.

ADOPTED: August 26, 2010

ATTEST:


Shirley A. Gentry
City Clerk

**Regulating Plan for the
North Burnet/Gateway Zoning District
Austin, Texas**

1.2. APPLICABILITY

1.2.1. General Applicability

This Document applies to all development within the NBG Zoning District as shown in Figure 1-1. This Document sets forth the regulations for the North Burnet/Gateway Zoning District. The relevance of the regulations in Articles 2 through 7 will vary based upon the NBG Subdistrict that applies to a specific piece of property and the type of roadway(s) that is adjacent to it as well as the size of the site and type of development. Figures 1-4 and 1-5 summarize the applicability of each Article and section of this Document.

1.2.2. Land Use and General Development Standards

A. Except as provided in Subsection B. All properties in the NBG Zoning District are subject to the following Articles and Sections of this Document (see Figure 1-4):

1. Article 2, Land Use Standards;
2. Subsection 3.5.2, Dedication of NBG Collector Streets
3. Section 4.2, General Development Standards;
4. Section 4.10, Public Open Space and Trails; and
5. Article 6, Development Bonus

B. For specific properties in the Neighborhood Residential (NR) subdistrict and Neighborhood Mixed Use (NMU) subdistrict, as shown in Figure 1-4 Figure 1-6

1. The land use standards in Section 2.3.3. and Figure 2-1 of this Document apply only to proposed development requiring a site plan under LDC Section 25-5 and to development authorized by a site plan submitted after March 23, 2009;

2. For all other existing development, the permitted, conditional and prohibited land use regulations of the Limited Industrial Services (LI) zoning district under LDC Section 25-2-491 apply, with the following exceptions:

a. The following uses are prohibited:

- Agricultural Sales and Services;
- Bail Bond Services;
- Campground;
- Drop off Recycling Collection Facility;
- Equipment Sales;
- Exterminating Services;
- Monument Retail Sales;
- Outdoor Entertainment;
- Outdoor Sports and Recreation;

- Scrap and Salvage;
- Vehicle Storage;
- Basic Industry;
- General Warehousing and Distribution;
- Recycling Center;
- Resource Extraction;
- Community Events;
- Railroad Facilities;
- Automotive Washing;
- Equipment Repair Services;
- Laundry Services;
- Maintenance and Service Facilities;

b. The following uses are permitted, with conditions:

- A Construction Sales and Services use shall be permitted if the use is operated in an enclosed structure and does not include outdoor storage of merchandise, construction materials, equipment or vehicles.
- Automotive Rentals: A maximum of 10 fleet cars is allowed in the NR, and NMU subdistricts;
- Automotive Sales: A maximum of 20 vehicles for sale or rental is allowed on the site.

c. Existing Private Primary Education Facility or Private Secondary Educational Facility uses in place prior to [date of this amendment] are permitted uses.

3. Uses that are classified as H-Occupancy as defined by the International Building Code and the Fire Code are prohibited.

1.5 NONCONFORMING USES AND NONCOMPLYING STRUCTURES

All properties within the NBG Zoning District shall remain subject to Article 7 Nonconforming Uses and Article 8 Noncomplying Structures in the City LDC Sections 25-2-941 through 25-2-964. With reference to Article 7, all uses are governed by Group "D" regulations prescribed by Section 25-2-947.

2.3 NORTH BURNET/GATEWAY SUBDISTRICTS

2.3.1 Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 2.3 North Burnet/Gateway Subdistricts	●	●	●	●	●	●	●	●	●	●	All development. <u>See Section 1.2.2 for applicability of land use standards.</u>

2.3.2 NBG Subdistricts General

- A. The locations of the NBG Subdistricts in the NBG Zoning District are depicted in Figure 1-2.
- B. The NBG Subdistricts vary in terms of use, development intensity, and level of urban character.
- C. All NBG Subdistricts permit combinations of uses within a building or a site.

2.3.3 Land Use Summary Table

The Land Use Summary Table in Figure 2-1 establishes the permitted, conditional, and prohibited uses according to NBG Subdistrict and any additional regulations that apply to a particular use in a specific subdistrict. See Section 1.2.2 for applicability of land use standards.

Figure 2-1: NBG ZONING DISTRICT LAND USE TABLE

Add the following footnote to Figure 2-1: See Section 1.2.2 for applicability of land use standards.

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Figure 1-6 : Properties Subject to Section 1.2.2.B

