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**ORDINANCE AMENDMENT REVIEW SHEET**

**Amendment:** C20-2010-015 Group Residential in MF-4 Zoning.

**Description:**

Amend Chapter 25-2 by creating the Central Austin – University Area Zoning Overlay District (CAUA) in which the group residential land use would become a conditional instead of permitted use in the multi-family residence moderate-high density (MF-4) base zoning district

**Proposed Language:**

The proposed code amendment would add the following language to chapter 25-2 of the Land Development Code:

**§ 25-2-180 THE CENTRAL AUSTIN – UNIVERSITY AREA (CAUA) ZONING OVERLAY DISTRICT PURPOSE AND BOUNDARIES.**

- (A) The purpose of the Central Austin – University Area Zoning Overlay District (CAUA) is to preserve single family neighborhoods near the University of Texas campus by limiting the group residential use.
- (B) The CAUA district consists of the following subdistricts:
  - (1) Hancock;
  - (2) Heritage Hills and Shoal Crest; and
  - (3) West University.
- (C) The boundaries of the CACU district and each subdistrict are identified in Appendix D (Central Austin-University Area Zoning Overlay District Boundaries and Subdistrict Boundaries) of this chapter

**§ 25-2-652 CENTRAL AUSTIN – UNIVERSITY AREA (CAUA) ZONING OVERLAY DISTRICT REGULATIONS.**

In the Central Austin – University Area (CAUA) Zoning Overlay District:

- (1) a group residential use is conditional in a multi-family residence moderate-high density (MF-4) base zoning district.

**Staff Recommendation:**

Staff does not recommend the creation of this district for the following reasons:

- 1) The issue of the appropriate placement of group residential in this area is already addressed in the Central Austin Combined neighborhood plan.
- 2) The proposed zoning overlay district does not meet the same standards used in Austin for the establishment of other zoning overlay districts .
- 3) The proposed zoning overlay district would not be in keeping with the purpose of the multi-family residence moderate-high density (MF-4) base zoning district.

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Staff recommends that if specific properties are inappropriately zoned MF-4, or if there are MF-4 zoned properties are an unsuitable site for the group residential use, that these properties be handled individually, and that the specifics of each property be addressed on a case-by-case basis with the full involvement of the property owner, and surrounding neighbors.

**Background:**

The neighborhood planning areas that comprise the Central Austin Combined Neighborhood Planning Area – West University, North University and Hancock – were selected by City Council to begin the neighborhood planning process in April 2002. The first meetings were held in the Summer of 2002, and roughly 18 months later the final workshop was held in January 2004.

The neighborhood plan – including a neighborhood conservation combining district for North University – were presented to the Planning Commission on April 27, 2004, and to City Council on May 6, 2004.

On June 10, 2004, City Council passed on first reading the Central Austin Combined Neighborhood Plan, consisting of the two neighborhood plans and one neighborhood plan with a neighborhood conservation combining district.

Of the four MF-4 tracts in the Hancock neighborhood plan, two had conditional overlays added that prohibited the group residential land use, and on the other two MF-4 tracts, group residential was allowed. In the West University Planning Area there were 59 tracts with a base zoning of MF-4. The group residential use was prohibited on 25 of these tracts and permitted on 34.

On August 26, 2004 Council passed on third reading the Hancock neighborhood plan. The recommendations for all of the MF-4 zoned properties in Hancock were identical to the recommendations approved on first reading.

The neighborhood plan for the West University area was largely approved by Council on third reading on August 4, 2004. Final decisions on some tracts were held over until later meetings, and the last parts of the West University Neighborhood Plan were approved in December 2, 2004.

In the West University Area, three tracts with MF-4 zoning that had on first reading a prohibition on the group residential, had that prohibition removed at third reading. This was done for Tract 25 on September 2, 2004 and tracts 30 and 60 on December 2, 2004.

In March 2010, at the meeting Codes and Ordinances Committee of the Planning Commission, the issue of group residential, specifically fraternity houses, was raised during citizen communication, and the Committee decided to pursue the issue.

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/3**Detailed Staff Recommendation:**

Staff does not recommend the creation of this district for the following reasons:

- 1) **The issue of the appropriate placement of group residential in this area is already addressed in the Central Austin Combined neighborhood plan.**

In 2004, City Council approved the West University and Hancock neighborhood plans. These plans were the result of months of careful work by neighbors and property owners and were reviewed. The issue of the prohibition of group residential was discussed at that time and these recommendations were included in the adopted plan. Staff does not believe that conditions in the neighborhoods have changed sufficiently since that time to justify additional restrictions above those worked out by stakeholders in the adopted neighborhood plan.

- 2) **The proposed zoning overlay district does not meet the same standards used in Austin for the establishment of other zoning overlay districts.**

Zoning overlay districts are designed to achieve specific goals in a clearly defined area with similar characteristics. Examples include the Waterfront Overlay and the Criminal Justice Center Overlay. The proposed overlay district does not meet these standards.

There has not been a clearly defined purpose for the proposed Central Austin – University Area Zoning Overlay District, beyond the desire to limit group residential uses above the agreements in the adopted neighborhood plan.

The boundaries of the proposed district do not match the boundaries of neighborhood plan areas or neighborhood association boundaries. These boundaries were created by neighborhood representatives without the involvement of the impacted property owners. The boundaries of the three separate areas largely follow major roads, but in some cases appear to have been drawn to include or exclude specific properties.

- 3) **The proposed zoning overlay district would not be in keeping with the purpose of the multi-family residence moderate-high density (MF-4) base zoning district.**

In the definition of the MF-4 zoning, the land use development code specifically calls out the group residential use as appropriate in this district. This is one of the major distinctions between MF-4 and the more common MF-3 district.

**§ 25-2-65 MULTIFAMILY RESIDENCE MODERATE - HIGH DENSITY (MF-4) DISTRICT DESIGNATION.**

Multifamily residence moderate - high density (MF-4) district is the designation for multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size. An MF-4 district designation may be applied to high density housing in a centrally located area near supporting

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transportation and commercial facilities, in an area adjacent to the central business district or a major institutional or employment center, or in an area for which moderate to high density multifamily use is desired.

**Alternative Staff Recommendation:**

Staff recommends that if specific properties are inappropriately zoned MF-4, or if there are MF-4 zoned properties are an unsuitable site for the group residential use, that these properties be handled individually, and that the specifics of each property be addressed on a case-by-case basis with the full involvement of the property owner, and surrounding neighbors.

**Board and Commission Actions**

**Planning Commission Committee on Codes and Ordinances –**

March 16, 2010: The issue is raised during citizen communication.

April 20, 2010: The Committee votes to initiate creating a zoning overlay district where Group Residential would be a conditional use in MF zoning on a vote of 5-0.

March 15, 2011 – The Committee moves to forward the item on to the full Planning Commission with a recommendation for approval, on a vote of 5-0.

**Planning Commission –**

April 27 2010 – Planning Commission approves a motion to direct staff to initiate an amendment to the Land Development Code on a vote of 9-0.

October 11, 2011: Planning Commission is scheduled for a public hearing and possible action on this item

**Council Action**

**City Council** – A public hearing at City Council has not yet been set.

**Ordinance Number:**

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