

**ORDINANCE NO. 20120112-086**

**AN ORDINANCE AMENDING ORDINANCE NO. 20020131-20, REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY WHOSE BOUNDARIES ARE EAST 45<sup>TH</sup> STREET TO THE NORTH, 38<sup>TH</sup> STREET TO THE SOUTH, GUADALUPE STREET TO THE WEST AND DUVAL STREET TO THE EAST, IN THE HYDE PARK NCCD-NP AREA FROM NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT TO NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT, TO CHANGE A CONDITION OF ZONING.**

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

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from neighborhood conservation-neighborhood plan (NCCD-NP) combining district to neighborhood conservation-neighborhood plan (NCCD-NP) combining district on the property (the "Property") whose boundaries are East 45<sup>th</sup> Street to the north, 38<sup>th</sup> Street to the south, Guadalupe Street to the west, and Duval Street to the east, as described in Zoning Case No. C14-01-0046.01 and as more particularly identified in the map attached as Exhibit "A," SAVE AND EXCEPT Lots 5 through 16 of Block 12 of the Hyde Park Addition No. 1.

**PART 2.** The Hyde Park NCCD-NP was approved January 31, 2002 under Ordinance No. 020131-20 (the "Original Ordinance") and amended under Ordinance No. 20080605-062. The Hyde Park Local Historic district was established for a portion of the NCCD under Zoning Case C14H-2010-0019 and those properties must comply with the Preservation Plan and Design Standards set forth in Ordinance No. 20101216-93 as well as the Original Ordinance, as amended.

**PART 3.** Except as otherwise provided in this ordinance the Property is subject to the Original Ordinance, as amended, and in all other respects, the terms and conditions of the Original Ordinance, as amended, remain in full force and effect.

**PART 4.** Part 7 (*General Provisions*) of The Ordinance is amended to change a condition of zoning for certain property in the Hyde Park NCCD-NP area as shown in this ordinance.

Part 7. (*General Provisions*) Except as otherwise provided in Part 5 and Part 8 of this ordinance, or in this part, the following provisions apply to all property within the NCCD-NP.

1. Except as otherwise provided, a building shall front on a north-south street. A building located on a lot that only has frontage on a numbered street may front on the numbered street. A building on a through lot located west of Speedway on West 38<sup>th</sup> Street or West 39<sup>th</sup> Street shall front on West 38<sup>th</sup> Street or West 39<sup>th</sup> Street. The street on which a building fronts under this section is the front of the property on which the building is located for purposes of this ordinance.
2. This section applies to a property that is redeveloped for multifamily, commercial or civic use.
  - a. A site for a dumpster shall be provided on the property. The dumpster shall be screened from the view of adjacent property.
  - b. Except as otherwise provided in this subsection, each parking space shall be independently accessible. For a multifamily use, tandem parking is permitted if the spaces are assigned to one dwelling unit.
3. Except as otherwise provided in this section, the maximum gross floor area of the rear dwelling unit of a two-family residential use is 850 square feet. On a corner lot, the rear dwelling unit may exceed 850 square feet if the following conditions and other applicable site development regulations are satisfied:
  - a. living space is provided on the ground floor;
  - b. one unit has frontage on an north-south street; and
  - c. one unit has frontage on a numbered street.
4. Accessory buildings may not exceed 10 percent of the site area.
5. A fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5.
6. This section applies to a fence located in a street side yard that faces an avenue and is greater than four feet in height. The portion of a fence that is greater than four feet shall have a ratio of open space to solid material of not less than 1 to 1.5.

7. A fence located along an alley shall have an inset to accommodate a trash receptacle. The inset shall be a minimum 18 square feet.
8. A driveway that provides four or fewer required parking spaces may be designed with gravel surfacing or using driveway runners. Design and construction must be approved by the Director of the Watershed Protection and Development Review Department. A driveway apron shall comply with City of Austin specifications.
9. A required or excess parking space may not be located in a street yard. This provision does not apply to property in the West 38<sup>th</sup> Street District or to property located at 4300 or 4307 Speedway if provisions for those areas permit parking in the street yard.
10. Except as otherwise provided in this section, the entrance of a building in which a principal use is located shall be located on the front of a building.
11. If a parking facility is located on the ground floor of a building, pedestrian-oriented uses must be located at the front of the building.
12. Except for a single-family, duplex, or two-family residential use, excess parking is prohibited. This section does not apply to property located at 4300 or 4307 Speedway if excess parking is permitted by the provisions applicable to the property.
13. This section applies to a multifamily use.
  - a. A maximum of one sign is permitted on a building.
  - b. The size of a sign may not exceed one foot in height and eight feet in length.
  - c. Internal lighting of a sign is prohibited except for the internal lighting of individual letters.
  - d. Free-standing signs are prohibited.
14. Alley access is permitted if the access complies with applicable City regulations.

15. Except in the Guadalupe District, this section applies to construction of a single-family, duplex or two-family residential use on property that is located in a townhouse and condominium residence (SF-6) district or less restrictive zoning district. Except as otherwise provided in this section, construction must comply with the regulations for the family residence (SF-3) district. Construction may comply with the regulations of the district in which the use is located if construction complies with the compatibility standards of the City Code.
16. Except as otherwise provided in this section, parking is permitted in a street yard on West 38<sup>th</sup> ½ Street. Parking may not be closer than ten feet to a property line.
17. Except as otherwise provided in this section, the following provisions apply in all Districts except the Guadalupe District.
  - a. A circular driveway is not permitted.
  - b. Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has 100 feet of frontage or more and has two dwelling units. Property located at 4300 Speedway may have 3 curb cuts.
  - c. The width of a driveway:
    1. for a residential use, may not exceed 12 feet from the driveway apron to the building setback line and 24 feet from the building setback line to a parking area;
    2. for a commercial, civic, multifamily residential, or condominium residential use, may not exceed 25 feet.
  - d. For an existing single-family, duplex, or two-family residential use:
    1. compliance with current City parking regulations is required if:

- a. 200 square feet or more are added to a building floor area;
  - b. the principal use changes; or
  - c. a full bathroom is added to a dwelling unit that has three or more bathrooms; and
- 2. a person may not reduce the parking spaces to a number less than the number of spaces prescribed in the City Code.
- e. For property located at 4300 Speedway:
  - 1. the minimum parking requirement is 70 percent of the minimum requirement established by the City Code;
  - 2. the maximum parking allowed is 100 percent of the minimum requirement established by the City Code;
  - 3. parking in excess of the maximum allowed is not permitted, provided that excess parking that exists on the effective date of this ordinance may continue as long as not more than 5000 square feet of gross floor area is added to the property; and
  - 4. off-site parking at 4307 Speedway does not count against the maximum parking allowed at 4300 Speedway.
- f. The design and location of parking facilities located at 4300 and 4307 Speedway is permitted as shown on the survey of the property conducted by Roy D. Smith Surveyors and dated August 26, 1993, attached to this ordinance as Exhibit "C" and on file with the Director of Neighborhood Planning and Zoning Department in File C14-01-0046.
- g. The following provision applies to parking required under Subsection d.
  - 1. Tandem parking:
    - a. for a single-family or duplex residential use, is permitted; and

- b. for a multi-family use, is permitted if both spaces are assigned to the same unit.
- 2. Two parking spaces per dwelling unit are required in the Residential District and the West 38<sup>th</sup> Street District.
- h. This subsection applies to property located at 4307 Speedway. Parking is permitted in a street yard for any use if an off-site accessory parking use exists on any part of the property.

18. The maximum floor to-area-ratio (FAR) for property subject to the City of Austin Land Development Code, Subchapter F, Article 2, (Development Standards) Section 2.1 (Maximum Development Permitted), is 0.4 to 1.0, except for 511 West 41<sup>st</sup> Street, and specifically applies to single family zoning district properties in the Residential District and is reflected in the Site Development Table in Part 8 of this ordinance.

**PART 8. RESIDENTIAL DISTRICT.** The following site development regulations apply in the Residential District.

- 1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Residential District.

RESIDENTIAL DISTRICT			
	Site Development Standards		
	Single-family Zoning Districts	Multifamily Zoning Districts	Commercial Zoning Districts
Minimum lot size	5750	8000	5750
Minimum lot width	50	50	50
Maximum FAR	<u>0.4 to 1 *</u>	0.5 to 1	0.5 to 1
Maximum building coverage	40%	50%	50%
Maximum impervious cover	45%	60%	70%

Maximum height	30	30	30
Minimum interior side yard setback	5	5	5
Minimum rear setback	10	10	10
<u>*does not apply to 511 W 41<sup>st</sup> St</u>			

2. Except as otherwise provided in this part, on an avenue, Duval Street, and the south side of West 39<sup>th</sup> Street:
  - a. the minimum street yard setback is 25 feet; and
  - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than a street identified in Section 2 of this part. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. This section applies to the minimum street yard setback established in Subsection 2.a. of this part.
  - a. The minimum street yard setback may equal the average of the street yard setbacks of the principal buildings on the same side of the block that are 25 feet or less from the street property line. If more than one principal building is located on a property, then the setback of the building closest to the street property line is used in the calculation.
  - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
5. This subsection applies to the street yard setback established in Section 3 of this part.
  - a. The street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots if the setbacks

are 15 feet or less. In this section, a building across an alley is a building on an adjoining lot. The street yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.

- b. Notwithstanding any provision in this section, a setback may not be less than five feet.
6. For a building façade that is longer than 50 feet, the façade may not extend horizontally in an unbroken line for more than 30 feet.
  7. A two-family residential use is permitted in the Residential District on a lot that is 7000 square feet or larger.
  8. Except as provided in Section 9 of this part, a porch may extend:
    - a. on an avenue, a maximum of eight feet in front of the street yard setback; and
    - b. on a street other than an avenue, a maximum of five feet in front of a street yard setback.
  9. A porch must be at least five feet from a property line that faces a street.
  10. Except as otherwise provided in Sections 13 and 14 in this part, for an accessory building the minimum setback from:
    - a. a property line facing an avenue, Duval Street, or the south side of West 39<sup>th</sup> Street is 60 feet;
    - b. a property line facing a street other than a street identified in Subsection a. of this section is 15 feet; and
    - c. an interior side property line is five feet.
  11. Except as otherwise provided in Section 12, 13, and 14 of this part, the minimum setback from a rear property line for an accessory building that is not more than 30 feet in height, is five feet.

12. Section 11 of this part does not apply to a through lot.
13. An attached or detached garage that has vehicular access on an alley or street shall be set back at least 20 feet from the alley or street.
14. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior and street side property lines.
15. An attached garage shall be a minimum of 60 feet from the property line facing an avenue, Duval Street, or the south side of West 39<sup>th</sup> Street.
16. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
17. Driveway runners or gravel driveways are permitted. The design and construction must be approved by the Director of the Watershed Protection and Development Review Department.
18. The following applies to a two-family use located at 511 West 41<sup>st</sup> Street:
  - a. The minimum lot area is 5,900 square feet.
  - b. A two-family residential use is permitted on a lot that is 5,900 square feet or larger.
  - c. The maximum building coverage is 55 percent.
  - d. For a two-family residential use, the maximum floor-to-area ratio (FAR) is 0.5 to 1.0.
  - e. The maximum impervious cover is 91 percent.
  - f. The minimum setbacks are as follows:
    - i. the front setback is 0 feet;
    - ii. the rear setback is five feet;

- iii. the east interior side yard setback is 10 feet; and
  - iv. the west alley setback is 0 feet.
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- g. The second dwelling unit on the eastern portion of the property is limited to a maximum of 750 square feet and two bedrooms.
  - h. Part 8 10(b) does not apply to the second dwelling unit. Its front setback from 41<sup>st</sup> Street may equal that of the principal building.
  - i. The maximum number of parking spaces is five. For a residential use, two parking spaces per dwelling unit are allowed; for a commercial use, one space per 1200 sq. ft. is allowed.
  - j. The width of a driveway must be greater than 10 feet in width but less than 15 feet.
  - k. The provisions under Subchapter F, Section 2.7 (*Sidewall Articulation*) and Section 3.1 (*Buildable Area*) do not apply along the west property line abutting the existing alley.
  - l. Part 7.2.a and Part 7.17.b do not apply to the property at 511 West 41st Street.
  - m. Par 7.4 is modified to allow an accessory building a maximum of 15 percent of site area.

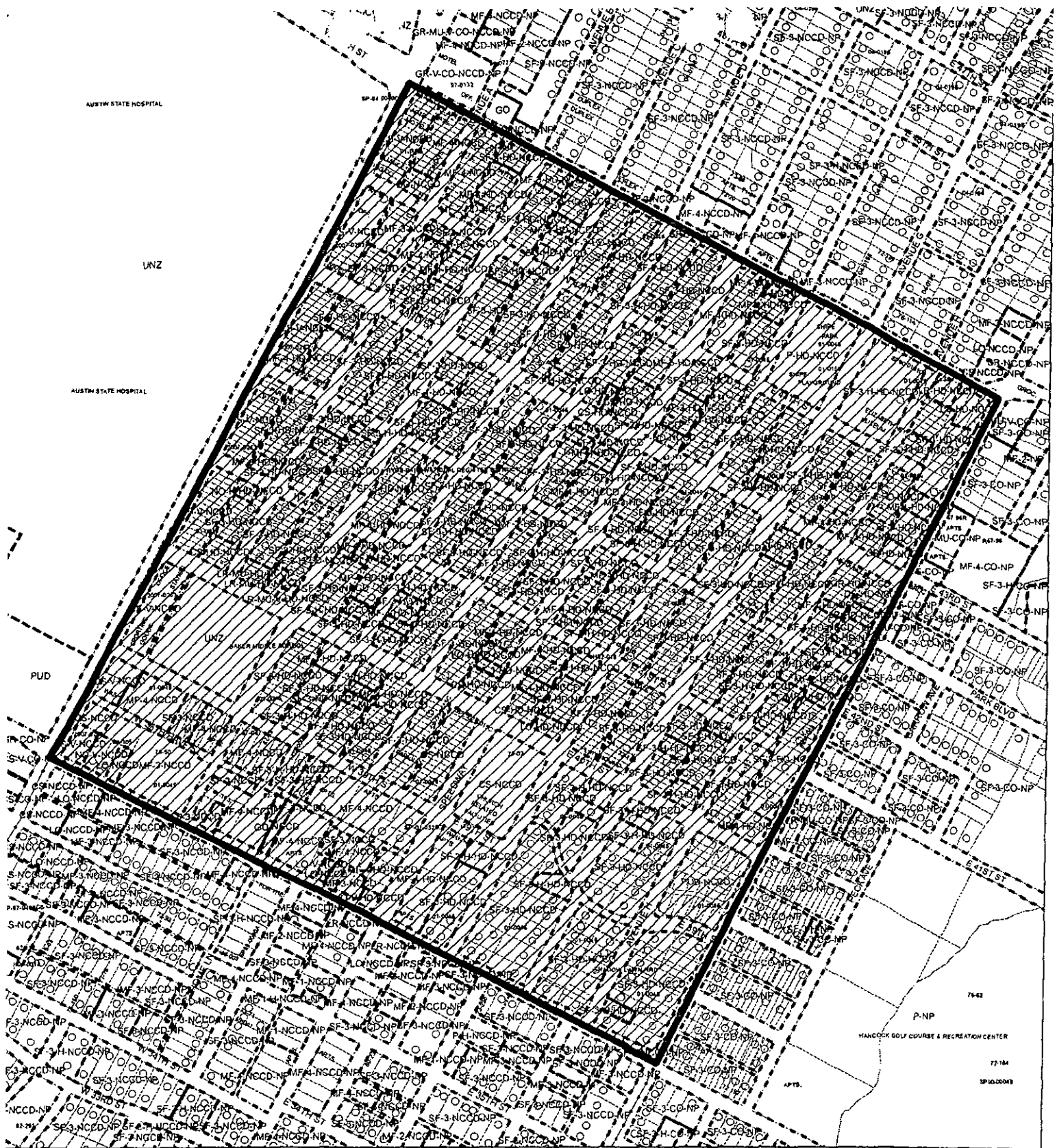
**PART 5.** This ordinance takes effect on January 23, 2012.

**PASSED AND APPROVED**

January 12, 2012 §  
§  
Lee Leffingwell  
Mayor




**APPROVED:** Karen M. Kennard  
City Attorney

**ATTEST:** Shirley A. Gentry  
City Clerk



# ZONING

ZONING CASE#: C14-01-0046.01

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 500'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Exhibit A