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**NEW BUSINESS: CODE AMENDMENT INITIATION REVIEW SHEET**

**Amendment:** Initiate an amendment to Title 25 of the City Code regarding regulations for development of educational facilities.

**Description:** Under the current code public educational facilities are exempt having to file a site plan and from certain site development standards relating (but not limited) to impervious cover, landscaping, and compatibility. In-lieu of having to meet the standards of the land development code, the City has inter-local agreements with various school districts. However, the City does not currently have an inter-local agreement in place for charter schools, and as such these schools do not need to meet standards of Title 25. Initiation of this amendment would allow staff to look into creating standards for charter schools that are equivalent or similar to that of other school districts.

**Proposed Language:** TBD

**Background:** Initiation recommended by Codes and Ordinances Subcommittee on August 18, 2015.

**Staff Recommendation:**

**Board and Commission Actions:**

**Council Action:**

**Ordinance Number:** NA

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§ 25-2-832 - PRIVATE SCHOOLS.

This section applies to a public or private primary or secondary school.

- (1) A site must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet.
- (2) If more than one dwelling unit is located on the site, the dwelling units must comply with the requirements of this title that are applicable to residential uses.

Source: Section 13-2-261; Ord. 990225-70; Ord. 031211-11.

§ 25-2-833 - PUBLIC SCHOOL FACILITY STANDARDS.

- (A) This section applies to the development of a public primary educational facility or public secondary educational facility:
  - (1) that is exempt under Section 25-5-2 (Site Plan Exemptions) from the site plan requirement of Section 25-5-1 (Site Plan Required); or
  - (2) if an independent school district elects to develop in accordance with this section.
- (B) Development described in Subsection (A) is not required to comply with the following requirements of this title:
  - (1) impervious cover, except as provided by Chapter 25-8, Subchapter A, Article 12 (Save Our Springs Initiative);
  - (2) cut or fill;
  - (3) Article 9 (Landscaping);
  - (4) Article 10 (Compatibility Standards);
  - (5) Chapter 25-4 (Subdivision); or
  - (6) Chapter 25-6, Article 3 (Traffic Impact Analysis).

Source: Section 13-2-618; Ord. 990225-70; Ord. 030306-48A; Ord. 031211-11.

§ 25-5-2 - SITE PLAN EXEMPTIONS.

- (A) The director shall determine whether a project is exempt under this section from the site plan requirement of Section 25-5-1 (Site Plan Required). The director may require an applicant to submit information necessary to make a determination under this section or to revise a previously approved site plan under Section 25-5-61 (Revisions To Released Site Plans).
- (B) A site plan is not required for the following development:
  - (1) construction or alteration of a single-family residential, single-family attached residential, duplex residential, two-family residential, or secondary apartment special use structure, or an accessory structure, if:
    - (a) not more than one principal residential structure is constructed on a legal lot or tract; and



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- (b) a proposed improvement is not located in the 100 year flood plain, or the director determines that the proposed improvement will have an insignificant effect on the waterway;
  - (2) removal of a tree not protected by this title;
  - (3) interior alteration of an existing building that does not increase the square footage, area, or height of the building;
  - (4) construction of a fence that does not obstruct the flow of water;
  - (5) clearing an area up to 15 feet wide for surveying and testing, unless a tree more than eight inches in diameter is to be removed;
  - (6) restoration of a damaged building that begins within 12 months of the date of the damage;
  - (7) relocation or demolition of a structure or foundation covering not more than 10,000 square feet of site area under a City demolition permit, if trees larger than eight inches in diameter are not disturbed and the site is not cleared;
  - (8) development in the extraterritorial jurisdiction that is exempt from all water quality requirements of this title; or
  - (9) placement of a commercial portable building on existing impervious cover if the building does not impede or divert drainage and the site complies with the landscaping requirements of this title; and
  - (10) construction or alteration of a townhouse in the Mueller Planned Unit Development or the area identified in Section 1.2.5.B (Conflicting Provisions) of the Regulating Plan for the Lamar Blvd./Justin Lane Transit Oriented Development.
- (C) Except for a change of use to an adult oriented business, a site plan is not required for a change of use if the new use complies with the off-street parking requirements of this title.
- (D) Except for an adult oriented business, a site plan is not required for construction that complies with the requirements of this subsection.
- (1) The construction may not exceed 1,000 square feet, and the limits of construction may not exceed 3,000 square feet, except for the following:
    - (a) enclosure of an existing staircase or porch;
    - (b) a carport for fewer than ten cars placed over existing parking spaces;
    - (c) a wooden ground level deck up to 5,000 square feet in size that is for open space use;
    - (d) replacement of a roof that does not increase the building height by more than six feet;
    - (e) remodeling of an exterior facade if construction is limited to the addition of columns or awnings for windows or entrance ways;
    - (f) a canopy over an existing gas pump or paved driveway;
    - (g) a sidewalk constructed on existing impervious cover;
    - (h) replacement of up to 3,000 square feet of building or parking area lost through condemnation, if the director determines that there is an insignificant effect on drainage or a waterway; or
    - (i) modification of up to 3,000 square feet of a building or impervious cover on a developed site if the modification provides accessible facilities for persons with disabilities.
  - (2) The construction may not increase the extent to which the development is noncomplying.

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- (3) The construction may not be for a new drive-in service or additional lanes for an existing drive-in service, unless the director determines that it will have an insignificant effect on traffic circulation and surrounding land uses.
- (4) A tree larger than eight inches in diameter may not be removed.
- (5) The construction may not be located in the 100 year flood plain, unless the director determines that it would have an insignificant effect on the waterway.
- (E) A site plan is not required for minor site development, minor construction, or a change of use that the director determines is similar to that described in Subsections (B), (C), and (D) of this section.
- (F) A site plan is not required for construction of additional facilities at an existing public primary educational facility or public secondary educational facility in the zoning jurisdiction or in a municipal utility district in which City building permits are required.
- (G) A site plan is not required for construction of a new public primary educational facility or public secondary educational facility in the zoning jurisdiction.
- (H) A site plan is not required for the construction of subdivision infrastructure in accordance with approved subdivision construction plans.
- (I) The exemptions provided by Subsections (C) and (D) do not apply to a bed and breakfast residential use established after October 1, 1994.
- (J) The exemptions provided by this section do not apply to a telecommunications tower described in Subsection 25-2-839(F) or (G) (Telecommunication Towers).
- (K) A site plan is not required for development of a site solely for a community garden use if the director determines that the overall plan does not exceed the exceptions described in subsections (B), (C) or (D).
- (L) The exemptions provided by this section do not apply to the construction of a dock, bulkhead, or shoreline access as described in Chapter 25-2, Subchapter C, Article 13 (Docks Bulkheads, and Shoreline Access), but a site plan is not required for the repair, maintenance, or modification of existing structures or improvements if the applicable requirements of this subsection are met.
  - (1) A site plan is not required for simple re-decking of a dock.
  - (2) A site plan is not required to modify a dock, or to maintain or repair a dock or shoreline access, if:
    - (a) the dock or shoreline access was legally constructed; and
    - (b) the work proposed does not:
      - (i) require a variance or other approval from a city board or commission;
      - (ii) increase the existing footprint of the dock or shoreline access;
      - (iii) add, change, or replace structural components, including load bearing beams or walls, piers, pilings; or
      - (iv) add new walls.
  - (3) A site plan is not required to repair a bulkhead if:
    - (a) the bulkhead was legally constructed;
    - (b) the repair does not exceed 25% of the bulkhead or portion of a bulkhead existing on a lot or tract; and
    - (c) no repair to the bulkhead was done without a site plan in the previous three years.
- (M) An exemption under this section does not waive applicable requirements for obtaining a building permit and may not include modifications to a non-complying structure, including repair or

maintenance, except as provided under Chapter 25-2, Subchapter C, Article 8 (Noncomplying Structures).

Source: Section 13-1-603; Ord. 990225-70; Ord. 990520-38; Ord. 000302-36; Ord. 000831-65; Ord. 031120-40; Ord. 031211-11; Ord. 20101209-075; Ord. 20110210-018; Ord. 20130328-032; Ord. No. 20140626-112, Pt. 15, 7-7-14.

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