

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE TITLE 25 RELATING TO SITE DEVELOPMENT REGULATIONS FOR PUBLIC PRIMARY AND SECONDARY EDUCATIONAL FACILITIES.

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

PART 1. City Code Section 25-2-6 (*Civic Uses Described*) is amended to amend definitions of “Public Primary Educational Facilities” and “Public Secondary Educational Facilities” to read as follows and to renumber the remaining definitions accordingly:

(37) PUBLIC PRIMARY EDUCATIONAL FACILITIES use is the use of a site for a public school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state. The term includes an open enrollment charter school as defined under the Texas Education Code.

(38) PUBLIC SECONDARY EDUCATIONAL FACILITIES use is the use of a site for a public school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state. The term includes an open enrollment charter school as defined under the Texas Education Code.

PART 2. The “Zoning Use Summary Table” in Subsection (C) of City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) is amended to change Public Secondary Educational Facilities to a permitted use in the Limited Industrial (LI) base zoning district.

PART 3. City Code Section 25-2-601 (*Industrial Park (IP), Major Industry (MI), and Limited Industrial Service (LI) District Regulations*) is amended to add a new Subsection (C) to read:

(C) Within the Limited Industrial Service (LI) District, public secondary educational facilities are limited to the senior high school level.

PART 4. City Code Chapter 25-2, Article 4 (*Additional Requirements for Certain Uses*) is amended to repeal Sections 25-2-834 (*Public Facility School Waiver*) and 25-2-833

1 (Public School Facility Standards) and to add new Sections 25-2-833 and 25-2-834 to
2 read:

3 **§ 25-2-833 EDUCATIONAL FACILITY DEVELOPMENT STANDARDS.**

4 (A) Except as provided in Section 25-2-835 (*School District Development*
5 *Agreements*), this section applies to development of a public primary or
6 secondary educational facility.

7 (B) This subsection specifies the minimum setback required from a public primary
8 or secondary educational facility and an adjoining residential, intensive
9 recreational, or activity center use.

10 (1) Within the boundaries of the Austin Independent School District, a public
11 primary or secondary educational facility must be constructed within the
12 setbacks required under the applicable regulations of this chapter.

13 (2) Outside the boundaries of the Austin Independent School District, a
14 public primary or secondary educational facility may not be constructed
15 closer than 25 feet from an adjoining residential use.

16 (C) This subsection specifies maximum height of a public primary or secondary
17 educational facility.

18 (1) Within the boundaries of the Austin Independent School District, the
19 height of a public primary or secondary educational facility may not
20 exceed the lesser of:

21 (a) 60 feet;

22 (b) 30 feet, if the facility is located within 50 feet of a single-family
23 residential base district or a single-family use; or

24 (c) 40 feet, if the facility is located within 100 feet of a single-family
25 residential district or a single-family use.

26 (2) Outside the boundaries of the Austin Independent School District, the
27 height of a public primary or secondary educational facility may not
28 exceed the lesser of:

29 (a) two stories or 30 feet, if the facility is located within 50 feet of a
30 single-family residential base district or single-family use; or

1 (b) three stories or 40 feet, if the facility is located within 100 feet of a
2 single family residential base district or single family use.

3 (D) A public primary or secondary educational facility:

4 (1) is exempt from requirements of this chapter limiting floor-to-area ratio;
5 (2) is subject to Chapter 25-2, Subchapter C, Article 10 (*Compatibility*)
6 within the boundaries of the Austin Independent School District, except
7 that no opaque fencing or screening around any building or shielding for
8 security lighting is required; and

9 (3) is exempt from Chapter 25-2, Subchapter C, Article 10 (*Compatibility*)
10 outside the boundaries of the Austin Independent School District, but
11 must comply the standards specified under this subsection.

12 (a) An intensive recreational use associated with a public primary or
13 secondary educational facility, excluding a multi-use trail and
14 including a swimming pool, tennis court, ball court, or playground,
15 may not be constructed 50 feet or less from adjoining property:

16 (i) in an SF-5 or more restrictive zoning district; or

17 (ii) on which a use permitted in an SF-5 or more restrictive
18 zoning district is located.

19 (b) Exterior lighting must be hooded or shielded so that the light
20 source is not directly visible from adjacent property:

21 (i) in an urban family residence (SF-5) or more restrictive
22 zoning district; or

23 (ii) on which a use permitted in an SF-5 or more restrictive
24 zoning district is located.
25

26 **§ 25-2-834 FEE WAIVER FOR EDUCATIONAL FACILITIES.**

27 Fees associated with review of a site plan or building permit application required for a
28 public primary or secondary educational facility are waived.

29 **PART 5.** City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is
30 amended to read:
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1 A. General Exemptions. Except as otherwise provided in this Subchapter, the
2 following types of development are exempt from the requirements of this
3 Subchapter:

- 4 1. Development that does not require a site plan under Chapter 25-5, except
5 that Section 2.5 (*Exterior Lighting*) shall apply;
- 6 2. Development in the following zoning districts:
 - 7 a. Agricultural (AG) district;
 - 8 b. Aviation (AV) district; and
 - 9 c. Traditional neighborhood (TN) district;
- 10 3. Development built pursuant to the overlay district provisions of the
11 University Neighborhood Overlay (UNO) district;
- 12 4. Development of a public primary or secondary educational facility;
- 13 5. Development built pursuant to the Robert Mueller Municipal Airport
14 Redevelopment Plan;
- 15 6.[5.] Development of an industrial use or unmanned communication services,
16 construction sales and service, drop-off recycling collection facility,
17 equipment repair or scrap and salvage services use that is not located on a
18 Core Transit Corridor;
- 19 7.[6.] Interior remodeling of a building.
- 20 8.[7.] Development for which public access is prohibited due to health, safety
21 and welfare reasons;
- 22 9.[8.] Development of a warehouse if less than 25% of the gross floor area is
23 used for a non-industrial use;
- 24 10.[9.] Sidewalk, shared use and urban trail projects managed by the City of
25 Austin and processed under the City's General Permit program which are
26 undertaken for the purpose of bringing existing facilities into compliance
27 with the Americans With Disabilities Act; and
- 28 11.[10.] Development built pursuant to any of the following adopted
29 regulating plans:
 - 30 a. Transit-Oriented District Station Area Plan;
 - 31 b. North Burnet/Gateway (NBG) District;

- c. East Riverside Corridor;
- d. Waller Creek District;
- e. Downtown Austin Plan; or
- f. Airport Boulevard Corridor Plan.

PART 6. City Code Section 25-5-2 (*Exemptions*) is amended to repeal Subsections (F) and (G) and to renumber the remaining subsections accordingly.

PART 7. Subsection (B) of Section 25-8-42 (*Administrative Variances*) is amended to read:

(B) The director of the Watershed Protection Department may grant a variance from a requirement of:

(1) Section 25-8-261 (*Critical Water Quality Zone Development*), only if:

- (a) necessary to protect public health and safety, or if it would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual,
- (b) necessary to allow an athletic field in existence on October 28, 2013, to be maintained, improved, or replaced,
- (c) necessary to allow an athletic field to be located in an area not otherwise allowed under Section 25-8-261(B)(5), or
- (d) necessary to allow a hard surfaced trail to be located in an area not otherwise allowed under Section 25-8-261(B)(3);

(2) Section 25-8-261 (*Critical Water Quality Zone Development*), for development within an urban watershed, only if the proposed development:

- (a) is located not less than 25 feet from the centerline of a waterway,
- (b) is located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual,
- (c) does not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 25-8-281

1 (Critical Environmental Features) or Section 25-8-282 (Wetland
2 Protection), and

3 (d) restores native vegetation and soils if development is removed
4 from the Critical Water Quality Zone;

5 (3) Subsection 25-8-262(B) (Critical Water Quality Zone Street Crossings),
6 only outside the Barton Springs Zone;

7 (4) Section 25-8-281 (Critical Environmental Features);

8 (5) Section 25-8-322 (Clearing For A Roadway);

9 (6) Section 25-8-341 (Cut Requirements) or Section 25-8-342 (Fill
10 Requirements), for a water quality control or detention facility and
11 appurtenances for conveyance such as swales, drainage ditches, and
12 diversion berms;

13 (7) Section 25-8-341 (Cut Requirements) or Section 25-8-342 (Fill
14 Requirements), for a cut or fill of not more than eight feet in the desired
15 development zone and, for a public primary or secondary educational
16 facility, within the desired development zone or the drinking water
17 protection zone;

18 (8) Subsection 25-8-343(A) (Spoil Disposal);

19 (9) Section 25-8-365 (Interbasin Diversion).

20
21 **PART 8.** City Code Chapter 25-8, Article 7 (Requirements in All Watersheds) is
22 amended to add a new Section 25-8-366 to read:

23 **§ 25-8-366 IMPERVIOUS COVER RESTRICTIONS FOR EDUCATIONAL**
24 **FACILITIES.**

25 (A) This section establishes impervious cover restrictions for development of a
26 public primary or secondary educational facility.

27 (B) In watersheds other than an urban watershed or the Barton Spring Zone, the
28 maximum impervious cover in an upland zone is 50 percent of next site area or
29 60 percent of net site area, if transfer of impervious cover is authorized and
30 used.

31 (C) In an urban watershed, maximum impervious cover is the greater of:

- 1 (1) 65 percent gross site area; or
2 (2) the impervious cover allowed under Section 25-2-492 (*Site Development*
3 *Regulations*) for the base zoning district in which the educational facility
4 is located.

5 (D) In the Barton Springs Zone, maximum impervious is established under Article
6 13 (*Save Our Springs*).

7
8 **PART 9.** Subsection (A) of Section 25-6-114 (*Neighborhood Traffic Analysis Required*)
9 would be amended to read:

10 (A) The director shall conduct a neighborhood traffic analysis for a project
11 proposed in a site development permit application or a zoning or rezoning
12 application if:

13 (1) the project has access to a residential local or collector street as described
14 in Subsection (C); and

15 (2) one of the following applies:

16 (a) the projected number of vehicle trips generated by the project
17 exceeds the vehicle trips per day generated by existing uses by at
18 least 300 vehicle trips per day; or

19 (b) the application is for a public primary or secondary educational
20 facility.

21
22 **PART 10.** This ordinance takes effect on _____, 2016.

23
24 **PASSED AND APPROVED**

25
26 §
27 §
28 _____, 2016 § _____

29 Steve Adler
30 Mayor

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33 **APPROVED:** _____
34 Anne L. Morgan
35 City Attorney

33 **ATTEST:** _____
34 Jannette S. Goodall
35 City Clerk