

**ZONING CHANGE REVIEW SHEET**

CASE: C14-01-0046.03– Helping Hand  
Home for Children

DISTRICT: 9

ZONING FROM: SF-3-NCCD-NP,  
MF-4-NCCD-NP

TO: MF-4-NCCD-NP

ADDRESS: 310 – 312 W. 38<sup>th</sup> Street, 3803 – 3807 Avenue B

SITE AREA: 0.9246 acres (40,276 square feet)

OWNER: Helping Hand Home for  
Children, Inc.

APPLICANT: Armbrust and Brown  
(Jewels Cain)

CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)

STAFF RECOMMENDATION:

**Staff recommends MF-4-NCCD-NP combining district zoning. Staff recommends changes to the Hyde Park NCCD to apply to this property only:**

- **Make Congregate Living a permitted use in the MF-4 base district**
- **Allow buildings to front on east-west streets (e.g. W 38 ½ Street)**
- **Allow a 6-ft fence around the property**
- **Allow entrances to buildings to front internal to the site**
- **Allow for parking closer than 10 feet to a property line on W 38 ½ Street**
- **Allow for a rollover curb on W. 38 ½ Street**
- **Add a provision to allow for head-in parking on W 38 ½ Street**
- **Add a provision to require 0 loading spaces up to 11,000 square feet of buildings**

*For a summary of the basis of staff's recommendation, see page 5.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

**November 13, 2018    Scheduled for Planning Commission**

CITY COUNCIL ACTION:

**December 13, 2018    Scheduled for City Council**

ORDINANCE NUMBER:

ISSUES:

The Helping Hand Home for Children provides a safe haven for children healing from abuse, neglect or abandonment. The organization provides foster care, an adoption program and services, and a charter school, which are considered Congregate Living, and Public Primary Education uses in the Land Development Code; the facilities are located on property between W 38<sup>th</sup> ½ Street to the north, and W 38<sup>th</sup> Street to the south. Most of the land area owned by Helping Hand is on the west side of Avenue B; Helping Hand also owns five lots on the east side of Avenue B. This zoning case is for these five lots (referred to hereafter as “the property”). Two of the lots are zoned SF-3-NCCD-NP and three are zoned MF-4-NCCD-NP.

Helping Hand has a concept plan for the property that includes four two-story dormitory buildings totaling 10,952 square feet, a school (5,190 square feet) and common room (1,500 square feet) building, and a storage area of 957 square feet. The dormitories would have a total of 40 beds, and would replace 25 beds currently on the site, for a net gain of 15 beds. (See Exhibit D, Concept Plan).

The intent of the proposed rezoning is to facilitate the concept plan. One of the proposed uses is Congregate Living, which is prohibited in the SF-3 base district, and conditional in an MF-4 base district. The other proposed use is Public Primary Education, which is a permitted use in existing and proposed base zoning districts.

Further, the property is part of the Hyde Park Neighborhood Conservation Combining District (NCCD), which has a number of provisions that would make the redevelopment of the site challenging. Therefore, the request is to amend the NCCD to accommodate the proposed changes to the site.

The request is as follows:

1. Change the base zoning to MF-4 for the entire property, thus making the entire zoning MF-4-NCCD-NP.
2. Amend the NCCD to make Congregate Living a permitted use in the MF-4 base district for this property only.
3. Amend the NCCD, with regard to site development standards for this property only (see chart below, see also Exhibit F, NCCD Ordinance with highlights).
4. Add two provisions to the NCCD for this property only (see last two items in chart below)

<b>NCCD/CODE SECTION</b>	<b>EXISTING PROVISION AS WRITTEN IN NCCD/CODE</b>	<b>MODIFICATION REQUEST</b>
<b>Part 7. Section 1</b>	“A building shall front a north-south street. ....	Modify to allow frontage along W 38th ½ Street

<b>NCCD/CODE SECTION</b>	<b>EXISTING PROVISION AS WRITTEN IN NCCD/CODE</b>	<b>MODIFICATION REQUEST</b>
<b>Part 7. Section 5 &amp; Section 6</b>	<p>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.”</p> <p>6. “...The portion of a fence that is greater than four feet in height shall have a ratio of open space to solid material of not less than 1 to 1.5.”</p>	Modify to allow for a 6-ft fence around the property
<b>Part 7. Section 10</b>	“...the entrance of a building in which a principal use is located shall be located on the front of a building.”	Modify to allow for entrances to the dormitory buildings, to front internal to the site, not on Avenue B
<b>Part 7. Section 16</b>	Parking may not be closer than 10 feet to a property line.	Modify to allow for parking closer than 10 feet to a property line on W. 38th ½ Street
<b>Part 7. Section 17 b. &amp; c.</b>	<p>b. “...access to a site is limited to one curb cut.”</p> <p>c2. For a commercial, civic, multifamily residential, or condominium residential use, [driveway width] may not exceed 25 feet.</p>	Modify to allow for a rollover curb on 38 ½ Street
<b>Head-in Parking Code Section 25-6- 472(H)</b>	“Head-in parking is prohibited in a townhouse and condominium residential (SF-6) or less restrictive zoning district.”	Make a provision to allow for head-in parking along 38 ½ Street

NCCD/CODE SECTION	EXISTING PROVISION AS WRITTEN IN NCCD/CODE	MODIFICATION REQUEST
<p><b>25-6</b> <b>(Appendix A)</b></p>	<p>Congregate Living use follows Schedule C – Schedule C requires 0 loading spaces for 0 – 10,000 square feet, and 1 loading space for 10,001 – 75,000 square feet</p>	<p>Make a provision, such that 0 loading spaces are required from 0 – 11,000 square feet</p>

A community meeting was held on September 27, 2018 at Hyde Park Baptist Church to discuss the zoning application. Notification procedures were followed, and property owners, residents, and registered organizations within 500 feet of the property were notified of the meeting in advance. At the meeting, staff spoke about procedures for rezoning and opportunities for input into the process; the applicant spoke about the concept plan and items included in the request; and a representative of Helping Hand Home spoke about the organization, its mission, and the reason for the request. A question and answer session followed, and the applicant addressed questions about pedestrian street crossings and parking.

In addition to the community meeting, the applicant has spoken to surrounding neighborhood associations - Hyde Park Neighborhood Association (HPNA) and Hyde Park Contact Team (HPCT). The agent also reviewed correspondence between Friends of Hyde Park and Helping Hand Home. Letters of support from these groups are included in the backup materials (See Exhibit E, Letters from Neighborhood Organizations).

There is one pending comment from Transportation regarding Right-of-Way dedication (see Transportation comments, first comment). Transportation reviewers have communicated to the applicant that they would like dedication of a portion of the southeast corner of W 38 ½ Street and Avenue B for future pedestrian improvements. The applicant is in the process of obtaining a new survey, which they will present to transportation reviewers to further the conversation. This item will need to be resolved prior to third reading at City Council.

CASE MANAGER COMMENTS:

The subject property is approximately 0.92 acres or 40,276 square feet, and consists of five lots on the east side of Avenue B, between W. 38<sup>th</sup> Street to the south and W 38 ½ Street to the north. The site is relatively flat and is not in the flood plain.

Currently on the property are a handful of portable buildings, an apartment structure, and a single family house structure.

To the west across Avenue B is the main campus of Helping Hand Home, which contains dormitories, school buildings, and facilities for the children. To the east of the property, there is an apartment complex and a small office. On the south side of W 38<sup>th</sup> Street, there are predominantly single family homes, with a few apartment / condominiums mixed in. To the north, between W 38 ½ Street and W 39<sup>th</sup> Street, the predominant land use is apartment / condominium.

#### BASIS OF RECOMMENDATION:

Staff recommends multi-family residence – moderate-high density — neighborhood plan (MF-4-NCCD-NP) combining district zoning. Staff recommends the changes to the NCCD that are listed in the table above.

The first basis is that a proposed zoning should be consistent with the purpose statement of the district sought. In the City of Austin zoning guide, the purpose statement of MF-4 states that it is for “multifamily and group residential use with a maximum of 36 to 54 units per acre... This district is appropriate to moderate-high density housing in centrally located areas...” This description is an apt one which fits the requested use, as well as the context of the neighborhood.

The second basis is that the rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission. For the proposed rezoning, the comprehensive plan reviewer found that the Hyde Park Neighborhood Plan (HPNP) “appears to partially support the construction of this proposed multi-family project because a student dorm would ‘enhance the child friendliness of the neighborhood’ and ‘reach out to newcomers and those in need.’” Further, the HPNP “recommends that [the buildings] be in scale and character of the surrounding neighborhood, and include streetscape, landscaping elements, and parking areas that improve the safety and travel of pedestrians and bicyclists.” These criteria would appear to be met by the size and scale of the proposed buildings; there are several smaller buildings rather than one large one, and they are two stories tall at the highest.

The third basis is that zoning should allow for reasonable use of the property. There are some unique and special needs that are associated with a home for children, which have been considered in the initial site design, for example the orientation of the buildings and the fence around the property. These elements will enhance security on the site. Other aspects of the NCCD and the Land Development Code, as written, would be challenging or prohibitive to the development of the site, such as requirements on the placement of parking and loading spaces. For these reasons, it is recommended that the NCCD be amended to accommodate the concept plan put forward by Helping Hand Home.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NCCD-NP, MF-4-NCCD-NP	Cultural Services (Helping Hand Home), Single Family House
North	W 38 ½ St, then MF-4-NCCD-NP	W 38 ½ St, then Apartments/Condos
South	W 38 <sup>th</sup> St, then SF-3-NCCD-NP	W 38 <sup>th</sup> St, then Single Family
East	MF-4-NCCD-NP, GO-NCCD-NP	Apartments/Condos, Office
West	Ave B, then MF-3-NCCD-NP	Ave B, then Cultural Services ((Helping Hand Home)

NEIGHBORHOOD PLANNING AREA: Hyde Park

TIA: Not required

WATERSHED: Waller Creek

OVERLAYS: Hyde Park Neighborhood Conservation Combining District

SCHOOLS: Lee Elementary School, Kealing Middle School, McCallum High School

NEIGHBORHOOD ORGANIZATIONS

- |   |   |
|---|---|
| Austin Heritage Tree Foundation         | Hyde Park Neighborhood Assn               |
| Austin Independent School District      | Hyde Park Neighborhood Plan Contact Team  |
| Austin Neighborhoods Council            | North Austin Neighborhood Alliance        |
| Bike Austin                             | North University Neighborhood Assn        |
| CANPAC (Central Austin Neigh Plan Area) | North University Neighborhood Association |
| Friends of Austin Neighborhoods         | NPT                                       |
| Friends of Hyde Park                    | Preservation Austin                       |
| Friends of Sparky Park                  | Seltexas                                  |
| Homeless Neighborhood Association       | Shoal Creek Conservancy                   |
|   | Sierra Club Austin Regional Group         |

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
<b>C14-01-0046 Hyde Park NCCD</b>	<b>Neighborhood Conservation Combining District</b>	<b>05-22-01- Approved staff rec with conditions</b>	<b>01-31-02- Approved NCCD</b>
C14-01-0046.01 Hyde Park NCCD Amendment #1	Modify the NCCD	12-13-11- Approved amendment to the Hyde Park NCCD with a maximum of 0.4 FAR	01-12-12- Approved changes to NCCD
C14-01-0046.02 Hyde Park NCCD Amendment #2 3908 Avenue B	Modify the NCCD to include the Baker School, zoning of GR-HD-NCCD-NP	03-13-18- Apvd GR- HD-NCCD-NP	06-14-18 – Apvd GR-HD-NCCD-NP
C14-2016-0072 39 <sup>th</sup> Street Apartments 405 W 39 <sup>th</sup> Street	From SF-3 to MF-4	10-11-18 – Apvd MF-4-NCCD-NP	11-10-16 – Apvd MF-4-NCCD-NP

RELATED CASES:

The subject property is part of Hyde Park Neighborhood Conservation Combining District (NCCD), and contained in the W. 38<sup>th</sup> Subdistrict.

At the time of the writing of this staff report, a survey of the property is pending. This survey and field notes will be added to the report prior to third reading at City Council.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
38 <sup>th</sup> St.	57 ft	30 ft	MNR 2	yes	yes	yes
Avenue B	42 ft	24 ft	Local	no	no	yes
38 <sup>th</sup> ½ St.	29 ft	20 ft	Local	yes	no	yes

*\* FYI – Existing driveways and sidewalks along Avenue B, 38<sup>th</sup> St. and 38<sup>th</sup> ½ St. may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.*

OTHER STAFF COMMENTS:

Comprehensive Planning

This zoning case is located on the north side of W. 38<sup>th</sup> Street, and is part of a larger five parcel project, which is 0.92 acres in size. The property is located in the Hyde Park Neighborhood Planning Area. Surrounding land uses includes: to the north are several apartment buildings, single family housing, a grocery store and retail uses; to the south is single family housing and several apartment buildings; to the west is single family housing, a large apartment complex and retail uses, and the main campus of Helping Hand Home for Children (who is the applicant and includes a public school); and to the east are several apartment building and a few single family houses. Per their website, Helping Hand Home is the oldest continuously operating residential childcare agency in Travis County, and provides a safe haven for children healing from physical, emotional and sexual abuse, neglect or abandonment. The organization provides a residential treatment program, foster care and adoption program and services, and includes a charter school for children. The proposal is to rezone the property to acknowledge the existing primary public school, and construct a 40-bed, two story dormitory for the students attending the school.

**Connectivity**

Public sidewalks and bike lanes are located along both sides of W. 38<sup>th</sup> Street. A CapMetro transit stop is located within 500 ft. of this site. There are no existing urban trails located within a quarter mile of this site. The Walk Score® for this site is **83/100, Very Walkable**, meaning most errands can be accomplished on foot.



*Please note, Walk Score® is a private company that provides walkability services and apartment search tools through a website and mobile applications. Walk Score® has received some criticism in the media, particularly from urban planning professionals, for the limits of its accuracy and relevancy in methodology and results. Specifically, this tool does not calculate whether there are public sidewalks, how many lanes of traffic one must cross, how much crime occurs in the area. It also does not differentiate between types of amenities, for example a supermarket grocery store versus a small food mart selling mostly chips and liquor. **When analyzing this location, the connectivity options in this area appears exceptional (bike lanes, transit, public sidewalks, a grocery, retail and personal services).***

### **Hyde Park Neighborhood Plan (HPNP)**

The HPNP does not have a Future Land Use Map. The following text and policies found in the HPNP are relevant to this case:

**W. 38th Street District Purpose:** To permit the remaining single family homes an appropriate context by maintaining compatibility standards for redeveloped multi-family projects. Encourage owners of single family homes to roll back their base zoning to single family. To encourage appropriate redevelopment of multi-family projects that may offer a relaxing of some rules in exchange for putting back the traditional elements (primarily of the streetscape) that were lost when the apartments replaced homes. To maintain the civic and business uses in a scale and use compatible with the predominant residential character. Any new construction or reconstruction shall be of an architectural design to be compatible with general neighborhood standards. Any such new construction shall have appropriate set-back and landscaping requirements so as to enhance the neighborhood concept. (p. 12)

### **TOP TEN PRIORITIES OF THE HYDE PARK PLANNING AREA (p. 6)**

**10.)** Roll-back multifamily zoned land with existing single-family structures to single family zoning. (City Action Item #16: Development Review & Inspection, Planning, Environmental & Conservation Services)

### **NCCD**

Complete the Neighborhood Conservation Combining District (NCCD) ordinance which will revise the zoning laws to foster the preservation of the neighborhood while respecting the different land uses in different parts of Hyde Park. Elements of this ordinance will include addressing the following: (p. 15)

- Change uses and structures and build new structures only in ways that are in scale and compatible with surrounding uses and structures.
- Ensure that new multi-family developments should occur only if they are in keeping with the **scale, character and streetscape elements in the area**

**16.)** Roll-back multifamily zoned land with existing single-family structures to single family zoning. City Action Item: DRID, PECSD (p. 20)

**Goal 2:** Preserve and enhance the unique and historic streetscape patterns of Hyde Park. (p. 21)

**Objective 2.1:** Establish standards for maintenance and completion of streetscape elements that are followed by both private and public entities.

**Objective 2.4:** Maintain streetscapes in a condition that fosters safe pedestrian passage. Enforce laws regarding size and location of landscaping/vegetation that impedes visibility or accessibility.

**Goal 6:** Foster a genuine community of neighbors of every age and background. (p. 45)

**Objective 6.1:** Promote and maintain a **diverse culture** of young and old, students and workers, civic groups and merchants, of various races and cultures who respect and appreciate their diversity, recognize their common goals, reach out to newcomers and those in need, and exhibit pride in and commitment to their community.

**Objective 6.2:** Respect and preserve the **network of public life** created by public, civic, social and commercial activities (schools, associations, churches, shopping, etc.) which serve residents and are linked by a pleasant and safe sidewalk system.

**Objective 6.4:** Enhance the child-friendliness of the neighborhood.

(Case Manger Note - “Dorm” is a term used in these comments. However, Congregate Living is the correct use in the Land Development Code - SG) The HPNP text and policies appears to partially support the construction of this proposed multi-family project because a student dorm would ‘*enhance the child friendliness of the neighborhood*’ and ‘*reach out to newcomers and those in need.*’ However, if this dorm is constructed, the HPNP recommends that it be in scale and character of the surrounding neighborhood, and include streetscape, landscaping elements, and parking areas that improve the safety and travel of pedestrians and bicyclists. Because the proposed dorm is slated to be two stories tall with limited parking, this project would appear to have a negligible future impact to the surrounding neighborhood in terms of traffic.

### **Imagine Austin**

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses the promotion of different types of housing throughout Austin:

- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin’s diverse population.
- **HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

This parcel is not located along an Activity Corridor or by an Activity Center. However, looking through the scope of Imagine Austin policies referenced above, this project appears

to support Imagine Austin because it: (1) supports a variety of housing types and land uses, including schools and a student dorm; (2) the project is adjacent to a variety of connectivity options in the areas (bike lanes, transit and public sidewalks), and (3) the HPNP appears to support schools and partially support a student dorm, because it would keep the neighborhood child friendly and promote diversity and civic uses in the planning area.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the southerly property line, the following standards apply:

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line of the residences to the south of W 38<sup>th</sup> street.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.

### Transportation

38<sup>th</sup> ½ St. requires 50 feet of right-of-way in accordance with the TCM. It is recommended that 25 feet of right-of-way should be dedicated from the centerline of 38<sup>th</sup> ½ St. in accordance with the TCM. LDC 25-6-55; TCM, Tables 1-7, 1-12. (Case Manager Note: As of the writing of this staff report, the applicant is working on a survey, which will be delivered to the transportation reviewer and this comment will be revisited. – SG)

Additional right-of-way may be required at the time of subdivision and/or site plan.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for 38<sup>th</sup> St. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC 25-6-113]

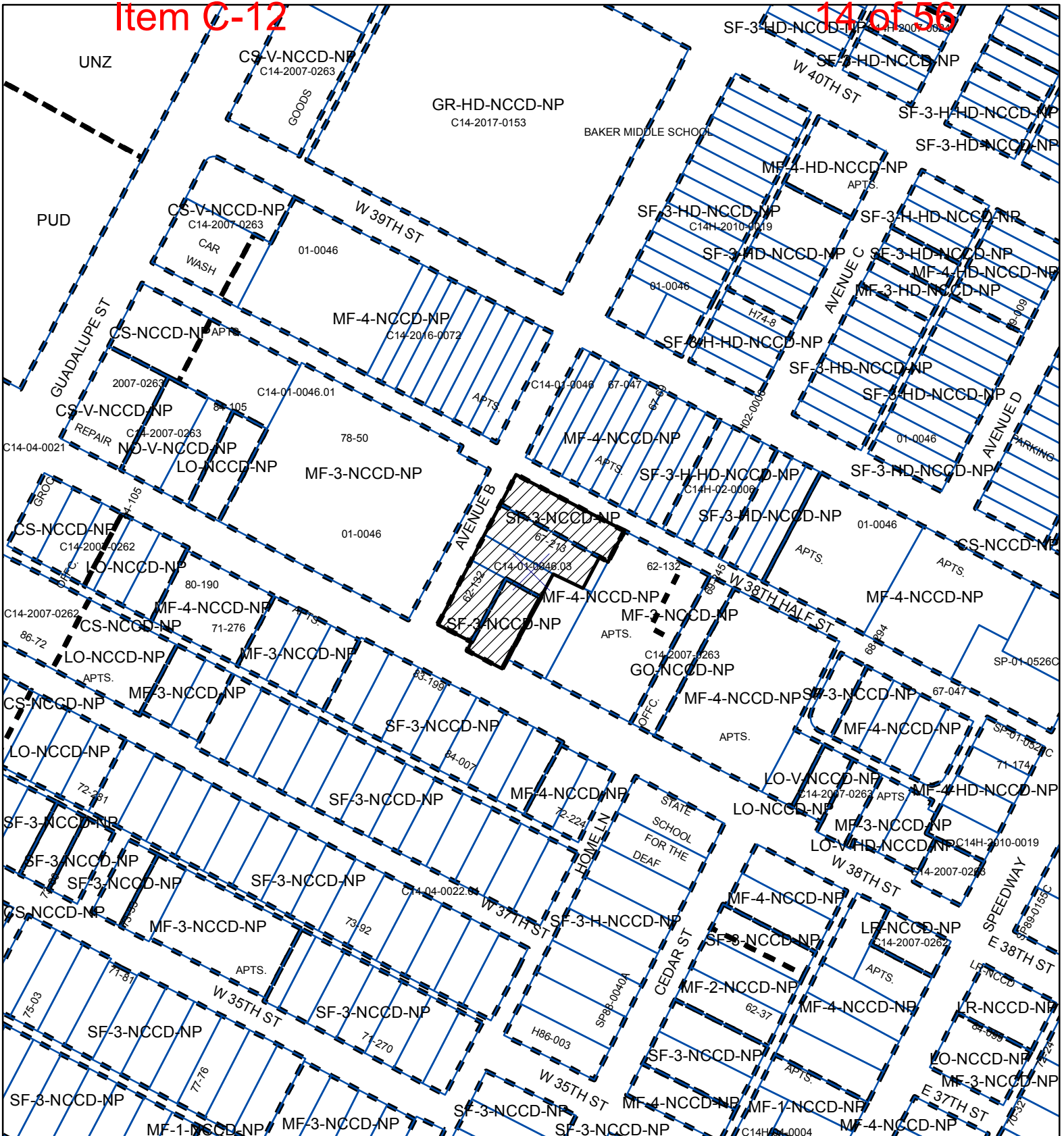
### Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the

utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

## INDEX OF EXHIBITS TO FOLLOW




- A: Zoning Map
- B. Aerial Map
- C. Request Letter from Applicant
- D. Concept Plan
- E. Correspondence with Neighborhood Associations
- F. Hyde Park NCCD, with highlighted sections



### Zoning EXHIBIT A

Zoning Case: C14-01-0046.03  
formerly C14-2018-0101



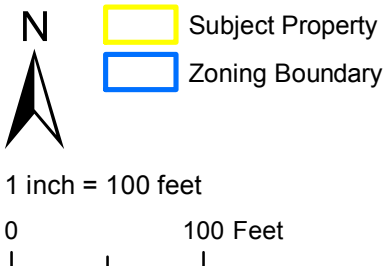
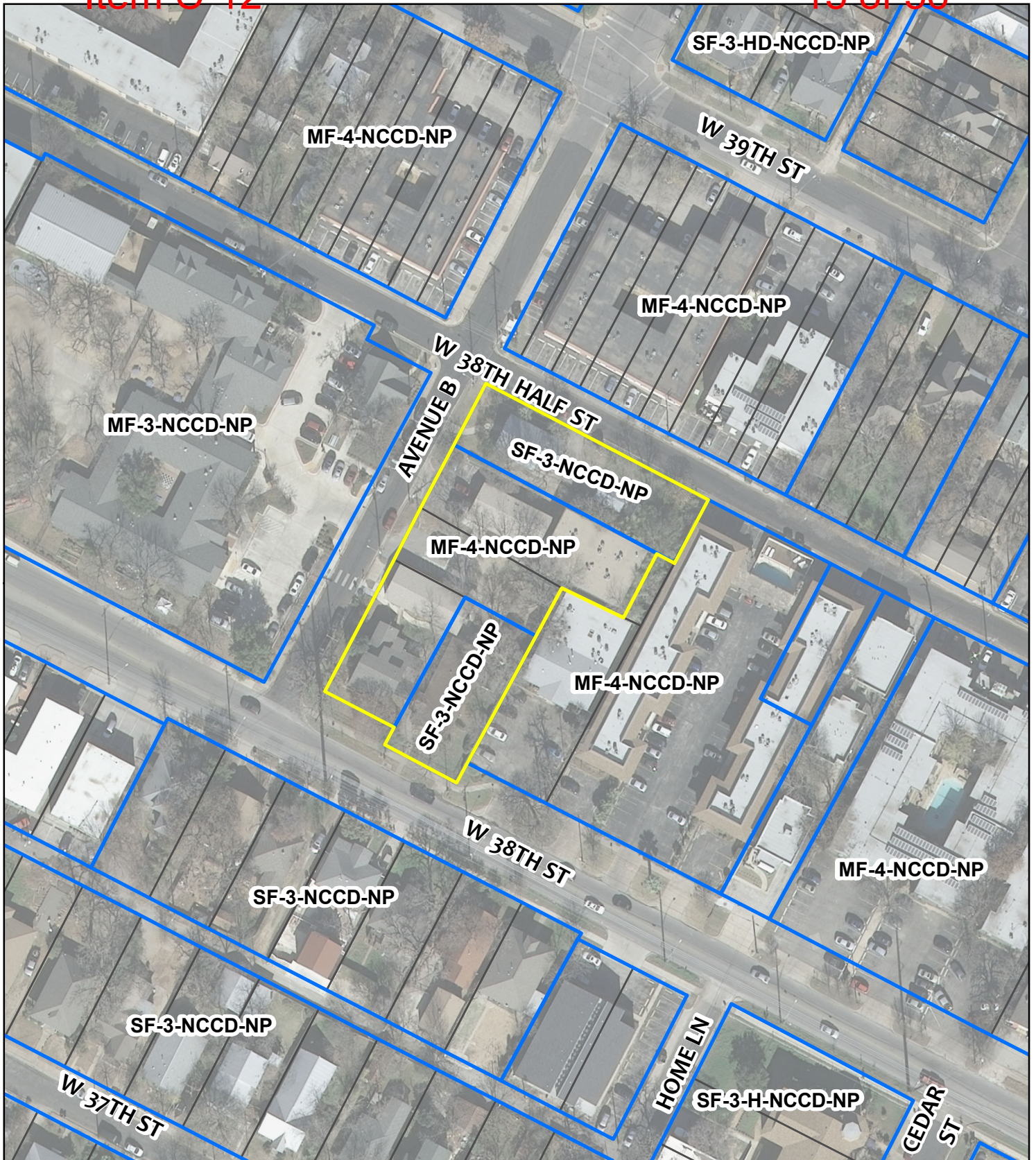
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



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.

1" = 200'

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.



### ZONING & VICINITY

Zoning Case: **C14-01-0046.03**  
 Address: 310 - 312 W. 38th Street  
 3803 - 3807 Avenue B  
 Subject Area: 0.92 Acres  
 Case Manager: Scott Grantham

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**EXHIBIT B**

**ARMBRUST & BROWN, PLLC**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2380

Richard T. Suttle, Jr.  
(512) 435-2300  
[rsuttle@abaustin.com](mailto:rsuttle@abaustin.com)

August 30, 2018

Greg Guernsey  
Planning & Development Review Department  
City of Austin  
505 Barton Springs Road, 5th Floor  
Austin, TX 78704

Re: Rezoning request for property located at 3803-3807 Avenue B & 310-312 W.  
38th Street (0.92 acres) (the "Application")

Dear Mr. Guernsey:

This firm represents and this letter is submitted on behalf of Helping Hand Home for Children for the above referenced Application. The area to be rezoned is comprised of five tracts of land located at 3803-3807 Avenue B and 310-312 W. 38<sup>th</sup> Street (the "Property"). Land Status Determinations for the properties were approved on October 26, 2007 and are included in the submittal package.

The Property is currently zoned SF-3-NCCD-NP and MF-4-NCCD-NP. The request is to rezone to MF-4-NCCD-NP to allow for Congregate Living & Public Primary Education Facility uses. This Application proposes to modify the Hyde Park NCCD, adopted by Ordinance NO. 020131-20, to allow for the redevelopment of the Property for the proposed project. Attached is a modification chart identifying provisions written in the Hyde Park NCCD that must be modified to allow for the project.

A Traffic Impact Analysis (TIA) has been waived since the proposed project will not exceed the allowable threshold established in the Land Development Code. The TIA Determination signed by Amber Mitchell on April 20, 2018 is included in the submittal package.



ARMBRUST & BROWN, PLLC

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Thank you in advance for your time and consideration of this zoning request. If you have any questions or need additional information, please do not hesitate to contact me or Jewels Cain at (512) 435-2318.

Respectfully,

**ARMBRUST & BROWN, PLLC**



Richard T. Suttle, Jr.

cc: Scott Grantham, City of Austin  
Jewels Cain, Armbrust and Brown, PLLC  
Amanda Morrow, Armbrust and Brown, PLLC

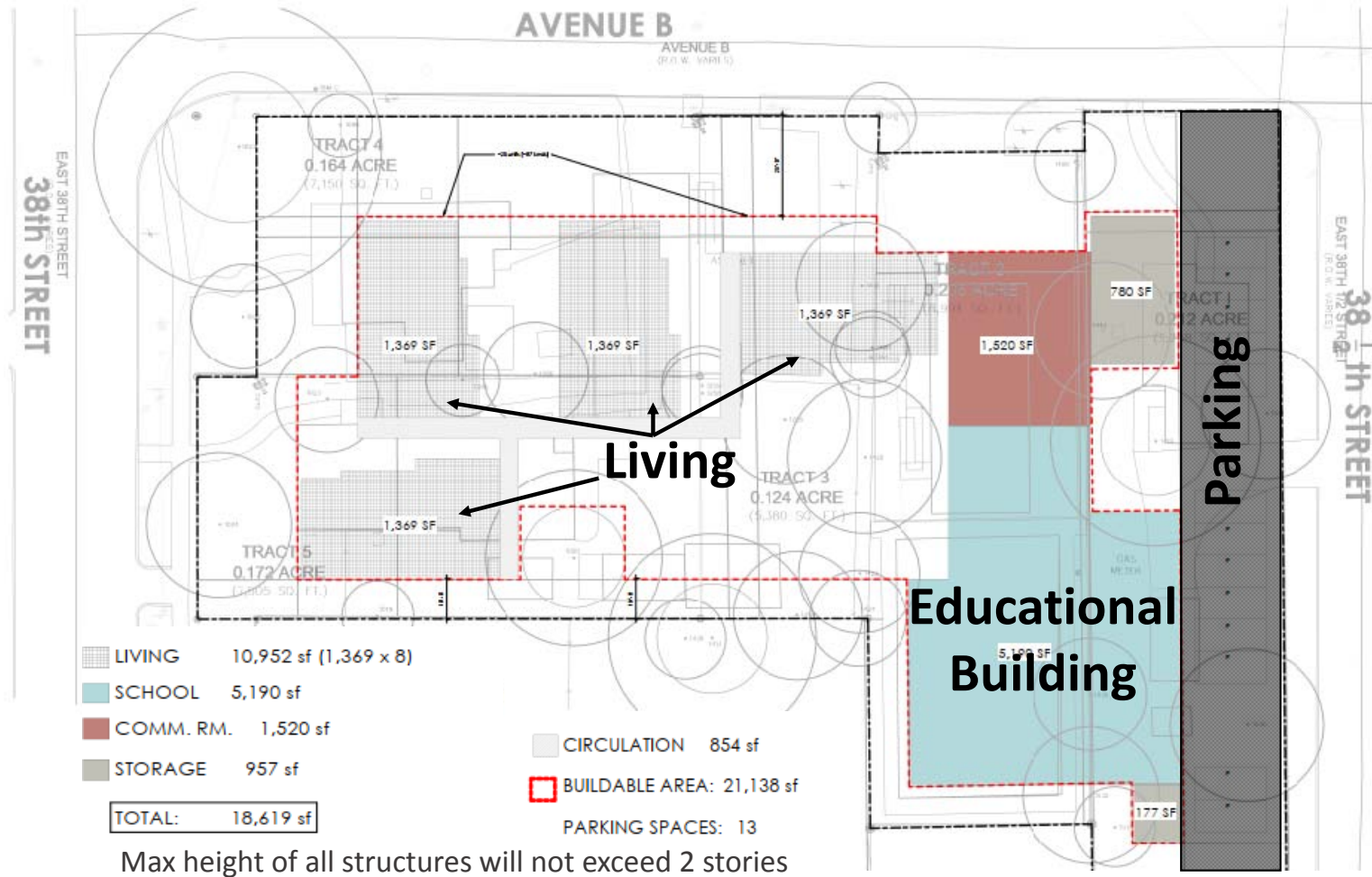
Modification Chart

Helping Hand Home for Children  
July 17, 2018

NCCD/CODE SECTION	EXISTING PROVISION AS WRITTEN IN NCCD/CODE	MODIFICATION REQUESTS
Part 6	Congregate living is a Conditional Use for property in the commercial zoning districts in the Hyde Park NCCD.	<ul style="list-style-type: none"> <li>• A modification to the NCCD would be needed to make Congregate Living a permitted use on this site.</li> </ul>
Part 7. Section 1	A building shall front 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 38th Street or West 39th Street shall front on West 38th or West 39th 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.	<ul style="list-style-type: none"> <li>• Modify Part 7. Section 1 to allow for the development to have frontage along W. 38th 1/2 Street.</li> </ul>
Part 7. Section 5 & Section 6	<p>Section 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.</p> <p>Section 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 in height shall have a ratio of open space to solid material of not less than 1 to 1.5.</p>	<ul style="list-style-type: none"> <li>• A 6-ft fence is desired around the property. Fence would be consistent with the existing facility.</li> </ul>
Part 7. Section 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.	<ul style="list-style-type: none"> <li>• This will need to be modified since there will be entrances to the building that aren't the front side.</li> </ul>
Part 7. Section 16	Except as otherwise provided in this section, parking is permitted in a street yard on West 38 1/2 Street. Parking may not be closer than 10 feet to a property line.	<ul style="list-style-type: none"> <li>• Modify Part 7. Section 16 to allow for parking to be closer than 10 feet to a property line on W. 38th 1/2 Street.</li> </ul>
Part 7. Section 17 b. & c.	<p>b. Except as otherwise provided in this section, access to a site is limited to one curb cut. ....</p> <p>c.</p> <ol style="list-style-type: none"> <li>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;</li> <li>2. for a commercial, civic, multifamily residential, or condominium residential use, may not exceed 25 feet.</li> </ol>	<ul style="list-style-type: none"> <li>• Parking along 38 1/2 Street may require a modification to this section.</li> </ul>
Head-in Parking Code Section 25-6-472(H)	Head-in parking is prohibited in a townhouse and condominium residential (SF-6) or less restrictive zoning district.	<ul style="list-style-type: none"> <li>• Head-in parking is proposed along 38 1/2 Street.</li> </ul>

EXHIBIT D

Main Campus West of Avenue B



## EXHIBIT E

**Hyde Park Neighborhood Association**P.O. Box 49427 • Austin, TX 78765 • [www.austinydepark.org](http://www.austinydepark.org)

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TO: Scott Grantham  
Senior Planner  
City of Austin | Planning and Zoning Department  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, TX 78704

FR: Betsy Clubine & Sarah Cook  
Co-Vice Presidents  
Hyde Park Neighborhood Association

DT: 10.17.2018

RE: Case No. C14-01-0046.03 (formerly C14-2018-0101)

On Monday October 1st, 2018 members of the Hyde Park Neighborhood Association voted to approve the following resolution related to the rezoning request for property located at 3803-3807 Avenue B & 310-312 W. 38<sup>th</sup> Street. We request that you include this resolution as part of the background materials for this case.

If you have any questions or concerns, please contact us at [betsyclubine@gmail.com](mailto:betsyclubine@gmail.com) or [cooksickle@gmail.com](mailto:cooksickle@gmail.com).

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**Helping Hand Home for Children Resolution**

The Hyde Park Neighborhood Association (HPNA) supports the Helping Hand Home for Children in the following proposed rezoning and other changes to its properties on Avenue B between 38<sup>th</sup> and 38 ½ Streets.

1. A zoning change to the properties located at 3807 Avenue B and 310 W. 38<sup>th</sup> Street. These properties are currently zoned SF-3-NCCD-NP and the request is to rezone them to MF-4-NCCD-NP to match 312 W. 38th Street, 3803 Avenue B, and 3805 Avenue B, which are already zoned MF-4.
2. The following changes to the Hyde Park Neighborhood Conservation Combining District (NCCD) (Ordinance No. 02013131-20):



The addition of the following provision to Part 6: Congregate living shall be a permitted use on 310 and 312 W. 38<sup>th</sup> Street and 3803 and 3805 Avenue B, with a limit of ten residents per residential structure

The addition of the following provisions to Part 7:

- The property at 3807 Avenue B may front on 38 ½ Street.
- The property at 3807 Avenue B may include parking closer than 10 feet to the property line on W. 38 ½ Street.
- The property at 3807 Avenue B may include a driveway that exceeds 25 feet and more than one curb cut.
- The property at 3807 Avenue B may include head-in parking.
- The five-lot area consisting of 310 and 312 W. 38<sup>th</sup> Street and 3803, 3805, and 3807 Avenue B may include a surrounding fence up to 6' in height. The fence must have a ratio of open space to solid material of not less than 1 to .25.
- Buildings on 310 and 312 W. 38<sup>th</sup> Street and 3803 and 3805 Avenue B may have entrances that are not on the front of the building. However, those buildings shall be constructed so that their appearance suggests street-facing entrances.

The HPNA recognizes that the Helping Hand Home provides an invaluable service for children who have experienced physical, emotional, and sexual abuse; neglect; or abandonment. It is our understanding that the proposed development will enhance this service by expanding the on-site congregate residential living and educational facilities.

**Grantham, Scott**

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**From:** Lorre Weidlich <>  
**Sent:** Sunday, October 14, 2018 9:12 AM  
**To:** Grantham, Scott  
**Subject:** Contact Team Resolution for Helping Hand Home  
**Attachments:** Helping Hand Resolution.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Attached is the resolution passed by the Hyde Park Neighborhood Plan Contact Team for the Helping Hand Home. The resolution passed with 6 in favor, 0 opposed, and 2 abstentions.

Lorre Weidlich  
Contact Team Chair

The Hyde Park Neighborhood Plan Contact Team (HPNPCT) supports the Helping Hand Home for Children in the following proposed zoning and other changes to its properties on Avenue B between 38<sup>th</sup> and 38 ½ Streets.

1. A zoning change to the properties located at 3807 Avenue B and 310 W. 38<sup>th</sup> Street. These properties are currently zoned SF-3-NCCD-NP and the request is to rezone them to MF-4-NCCD-NP to match 312 W. 38<sup>th</sup> Street, 3803 Avenue B, and 3805 Avenue B, which are already zoned MF-4.
2. The following changes to the Hyde Park Neighborhood Conservation Combining District (NCCD) (Ordinance No. 02013131-20):
  - The addition of the following provision to Part 6: Congregate living shall be a permitted use on 310 and 312 W. 38<sup>th</sup> Street and 3803 and 3805 Avenue B, with a limit of ten residents per residential structure.
  - The addition of the following provisions to Part 7:
    - The property at 3807 Avenue B may front on 38 ½ Street.
    - The property at 3807 Avenue B may include parking closer than 10 feet to the property line on W. 38 ½ Street.
    - The property at 3807 Avenue B may include a driveway that exceeds 25 feet and more than one curb cut.
    - The property at 3807 Avenue B may include head-in parking.
    - The five-lot area consisting of 310 and 312 W. 38<sup>th</sup> Street and 3803, 3805, and 3807 Avenue B may include a surrounding fence up to 6' in height. The fence must have a ratio of open space to solid material of not less than 1 to .25.
    - Buildings on 310 and 312 W. 38<sup>th</sup> Street and 3803 and 3805 Avenue B may have entrances that are not on the front of the building. However, those buildings shall be constructed so that their appearance suggests street-facing entrances.

The HPNPCT recognizes that the Helping Hand Home provides an invaluable service for children who have experienced physical, emotional and sexual abuse, neglect or abandonment. It is our understanding that the proposed development will enhance this service by expanding the on-site congregate residential living and educational facilities.

# Friends of Hyde Park

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[contact@friendsofhydepark.com](mailto:contact@friendsofhydepark.com)  
[friendsofhydepark.com](http://friendsofhydepark.com)

## Board of Directors

Pete Gilcrease  
Teresa Griffin  
Thomas Ates  
Matt Desloge  
Tom Clear  
Adam Luikart  
Robert Prentiss

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22 AUGUST 2018

City of Austin: Planning and Development  
505 Barton Springs Rd # 175  
Austin, Texas 78704

RE: Helping Hand Home For Children Rezoning (3804 Avenue B)

Dear City Staff,

[Friends of Hyde Park](#) supports Helping Hand Home For Children being granted a zoning change to General Office (GO) or similar zoning requested by Helping Hand Home For Children in order for them to continue providing congregate living and add an expansion on their property to better serve the children that they help. In a recent vote held by the neighborhood association Friends of Hyde Park, 38 out of our 421 members voted. 87% of the members that voted supported the resolution. The property is located along a major corridor and should be zoned for the greater entitlements needed based on the location.

**Friends of Hyde Park opposes adding any additional restrictions onto the base zoning** through restrictive covenants, conditional overlays, through the use of the Neighborhood Conservation Combining District (NCCD), or any other means. Complicated zoning regulations make it difficult for city staff and for property owners. Imagine Austin states the need to simplify the land development code. Maintaining these types of unnecessary layers of regulations leads to unpredictability, delay, increased costs, added complexity, inconsistency, harms affordability, and results in different interpretations in our land development code.

Please support the Helping Hand Home For Children by recommending the zoning change of General Office (GO) or similar zoning requested by Helping Hand Home For Children, which will benefit our neighborhood, its residents, and the City of Austin.

For more information on our membership's vote on this issue please visit <http://friendsofhydepark.com/record-of-votes/>.

## Information About Friends of Hyde Park

Friends of Hyde Park is currently the largest neighborhood association in our neighborhood with 421 current members (approximately 50% renters and 50% homestead homeowners). Friends of Hyde Park advocates for affordable housing and a more walkable, bikeable, inclusive, and transit friendly neighborhood.

Sincerely,

Board of Directors of Friends of Hyde Park



## EXHIBIT F

ORDINANCE NO. 020131-20

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE TO ESTABLISH THE HYDE PARK NEIGHBORHOOD CONSERVATION COMBINING DISTRICT (NCCD) FOR THE PROPERTY WHOSE BOUNDARIES ARE 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 CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND TO MODIFY CERTAIN BASE DISTRICTS IN THE NCCD; AND DECLARING AN EMERGENCY.**

**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 establish the Hyde Park neighborhood conservation combining district (NCCD) and to add a NCCD to each base zoning district within the property bounded by 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, described in File C14-01-0046 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, and to change the base zoning districts on 13 tracts of land within the NCCD.

**PART 2.** The base zoning of the 13 tracts shown in the chart below are changed from family residence (SF-3) district, multifamily residence medium density (MF-3) district, multifamily residence moderate- high density (MF-4) district, multifamily residence moderate-high density-historic (MF-4-H) combining district, limited office-historic (LO-H) combining district, and general commercial services (CS) district, to multifamily residence limited density neighborhood conservation (MF-1-NCCD) combining district, multifamily residence low density neighborhood conservation (MF-2-NCCD) combining district, family residence neighborhood conservation (SF-3-NCCD) combining district, family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district, limited office-historic-neighborhood conservation (LO-H-NCCD) combining district, neighborhood commercial neighborhood conservation (LR-NCCD) combining district, and multifamily residence medium density neighborhood conservation (MF-3-NCCD) combining district.

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
2	4309 Avenue D	MF-4	SF-3-NCCD
2	4307 Avenue D	MF-4	SF-3-NCCD
2	4311 Avenue D	MF-4	SF-3-NCCD
3	4416 Speedway	MF-3	SF-3-NCCD
3	4414 Speedway	MF-3	SF-3-NCCD
3	4412 Speedway	MF-3	SF-3-NCCD
3	4410 Speedway	MF-3	SF-3-NCCD
3	4408 Speedway	MF-3	SF-3-NCCD
3	4406 Speedway	MF-3	SF-3-NCCD
3	4404 Speedway	MF-3	SF-3-NCCD
3	4402 Speedway	MF-3	SF-3-NCCD
3	4400 Speedway	MF-3	SF-3-NCCD
4	4313 Speedway	MF-3	SF-3-NCCD
4	4311 Speedway	MF-3	SF-3-NCCD
4	4309 Speedway	MF-3	SF-3-NCCD
6	4408 Duval Street	MF-4	SF-3-NCCD
6	4406 Duval Street	MF-4	SF-3-NCCD
6	4404 Duval Street	MF-4	SF-3-NCCD
6	4402 Duval Street	MF-4	SF-3-NCCD
6	4400 Duval Street	MF-4	SF-3-NCCD
6	4316 Duval Street	MF-4	SF-3-NCCD
6	4314 Duval Street	MF-4	SF-3-NCCD
6	4308 Duval Street	MF-4	SF-3-NCCD
6	4306 Duval Street	MF-4	SF-3-NCCD
6	4302 Duval Street	MF-4	SF-3-NCCD
6	4204 Duval Street	MF-4	SF-3-NCCD
6	4202 Duval Street	MF-4	SF-3-NCCD
6	4106 Duval Street	MF-4	SF-3-NCCD
6	4104 Duval Street	MF-4	SF-3-NCCD
6	4100 Duval Street	MF-4	SF-3-NCCD
6	4016 Duval Street	MF-4	SF-3-NCCD
6	4012 Duval Street	MF-4	SF-3-NCCD
6	4014 Duval Street	MF-4	SF-3-NCCD
6	4008 Duval Street	MF-4	SF-3-NCCD
6	4006 Duval Street	MF-4	SF-3-NCCD
6	4004 Duval Street	MF-4	SF-3-NCCD
6	4200 Duval Street	MF-4	SF-3-NCCD

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
7	4112 Duval Street	MF-4	MF-2-NCCD
8	4214 Speedway	MF-4	SF-3-NCCD
8	4210 Speedway	MF-4	SF-3-NCCD
8	4213 Speedway	MF-4	SF-3-NCCD
8	4203 Speedway	MF-4	SF-3-NCCD
8	4112 Speedway	MF-4-H	SF-3-H-NCCD
8	4201 Speedway	MF-4	SF-3-NCCD
8	4110 Speedway	MF-4-H	SF-3-H-NCCD
8	4115 Speedway	MF-4	SF-3-NCCD
8	4113 Speedway	MF-4	SF-3-NCCD
8	4108 Speedway	MF-4-H	SF-3-H-NCCD
8	4104 Speedway	MF-4	SF-3-NCCD
8	4109 Speedway	MF-4	SF-3-NCCD
8	4107 Speedway	MF-4	SF-3-NCCD
8	4100 Speedway	MF-4	SF-3-NCCD
8	4101 Speedway	MF-4	SF-3-NCCD
9	4006 Speedway	LO-H	LO-H-NCCD
10	4007 Speedway	MF-4	SF-3-NCCD
10	4009 Speedway	MF-4	SF-3-NCCD
11	3913 Avenue C (2 parcels)	MF-4-H	SF-3-H-NCCD
12	3900 Avenue C (2 parcels)	MF-4-H	SF-3-H-NCCD
13	4002 Avenue B	CS	SF-3-NCCD
14	408 W 40th Street	CS	LR-MU-NCCD
14	406 W 40 <sup>th</sup> Street	CS	LR-MU-NCCD
14	4000 Avenue B	CS	LR-MU-NCCD
15	3815 Guadalupe Street	CS	CS-NCCD for first 120' from the r.o.w.; MF-3-NCCD for remainder

**PART 3. DEFINITIONS.** In this ordinance:

**ACCESSORY BUILDING** means a building in which an accessory use is located that is detached from and located on the same site as a building in which a principal use is located.

**AVENUE** means a street running in a north-south direction and designated as an avenue.

**CIRCULAR DRIVEWAYS** means a cul-de-sac type driveway with one access point or a half-circular driveway with two access points.

**COMMERCIAL DISTRICT** means the districts within the hierarchy of zoning districts from neighborhood office (NO) district through commercial-liquor sales (CS-1) district.

**DISTRICT** means the Residential District, Speedway District, West 38<sup>th</sup> District, Guadalupe District, Duval District, or the Hyde Park Civic District.

**DRIVEWAY RUNNERS** means a pair of pavement strips acting as a driveway.

**FULL BATHROOM** means a bathroom with a toilet, sink, and a bathtub or shower or shower/bathtub combination.

**REDEVELOPMENT** means development in which the value of the improvements is 50 percent of the value of all existing improvements on the site or development that requires a site plan.

**TANDEM PARKING** means one car behind another so that one car must be moved before the other can be accessed.

**PART 4.** The Hyde Park NCCD is divided into the following districts which are more particularly identified on the map attached as Exhibit B.

1. The Residential District - includes all property not included in another district.
2. The Speedway District - generally located one-half block on each side of Speedway Street from 38<sup>th</sup> Street to 45<sup>th</sup> Street.
3. The Duval District – generally located one-half block west of Duval Street from 40<sup>th</sup> Street to 45<sup>th</sup> Street.
4. The West 38<sup>th</sup> Street District - generally located one block between West 38<sup>th</sup> Street and West 38<sup>th</sup> ½ Street from one lot back from Speedway to one lot back from Guadalupe Street.

5. The Guadalupe District – generally located from Guadalupe Street to one-half block east of Guadalupe Street from 38<sup>th</sup> Street to 45<sup>th</sup> Street.
6. The Hyde Park Civic District - generally located in the area of Speedway and 40<sup>th</sup> Street.

**PART 5.** Development in the Hyde Park Civic District is subject to Ordinance No. 900830-Q. The regulations in Part 6 (Permitted and Conditional Uses), Part 7 (General Provisions), Part 8 (Residential District) and Part 9 (Speedway District) of this ordinance apply to development in the Hyde Park Civic District if they do not conflict with Ordinance No. 900830-Q, as amended. If a use regulation or site development standard is not addressed by Ordinance No. 900830-Q or this ordinance, then the base zoning district regulations as they existed on August 30, 1990 apply.

**PART 6. Permitted and Conditional Uses.**

1. The following table establishes the permitted and conditional uses for property in commercial zoning districts in the Hyde Park NCCD. Use regulations in this section may be modified in Section 2 of this part.

Column (A) applies to property with commercial zoning in the Residential, Speedway, Duval, West 38<sup>th</sup>, and Hyde Park Civic Districts that are not included in Column (B) or Column (C).

Column (B) applies to property at the following locations: 408 E. 43<sup>rd</sup> Street; the Duval Shopping Center which includes 411, 413, 417, and 419 E.43<sup>rd</sup> Street and 4220, 4222, 4224 and 4230 Duval Street; and 4206 Duval Street.

Column (C) applies to property located at 4300 Speedway.

USES:	Column A					Column B			Column C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Administrative and business offices	P	P	P	P	P	P	P	P	P
Art and craft studio (limited)	P	P	P	P	--	P	P	P	P

USES:	Column A					Column B			Column C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Art and craft studio (general)	P	--	--	--	--	P	--	--	P
Commercial off-street parking	C	C	--	--	--	C	C	--	C
Condominium Residential	--	--	--	--	--	--	--	--	P
Congregate living	C	C	C	C	C	C	C	C	C
Consumer convenience services	C	C	--	--	--	P	P	P	P
Consumer repair services	C	C	--	--	--	P	P	P	P
Cultural services	P	P	P	P	--	P	P	P	P
Custom manufacturing	--	--	--	--	--	C	--	--	--
Club or lodge	C	C	C	C	--	C	C	C	C
Day care services (limited)	P	P	P	P	P	P	P	P	P
Day care services (general)	P	P	P	P	P	P	P	P	P
Day care services (commercial)	P	P	P	P	P	P	P	P	P
Duplex residential	P	P	P	P	P	P	P	P	P
Family home	P	P	P	P	P	P	P	P	P
Financial services	C	C	--	--	--	P	P	P	P
Food sales	C	C	--	--	--	P	P	P	P
General retail sales (convenience)	C	C	--	--	--	P	P	P	P
General retail sales (general)	C	C	--	--	--	P	P	--	--
Group home class I (limited)	P	P	P	P	P	P	P	P	P
Group home class I (general)	P	P	P	P	P	P	P	P	P
Group home class II	P	P	P	C	C	P	P	P	P
Guidance services	P	P	P	--	--	P	P	P	P
Hospital (limited) not to exceed 2500 s.f.	P	P	P	C	--	P	P	C	P
Indoor entertainment	C	C	--	--	--	C	C	--	--
Laundry services	--	--	--	--	--	C	--	--	--
Local utility services	--	--	--	--	--	C	C	C	--
Medical offices (not over 5000 s.f.)	P	P	P	P	--	P	P	P	P

USES:	Column A					Column B			Column C
	A					B			C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Medical offices (over 5000 s.f.)	--	--	--	--	--	--	--	--	P
Multifamily residential	--	--	--	--	--	--	--	--	P
Off-site accessory parking	C	C	C	--	--	C	C	C	C
Personal improvement services	P	P	--	--	--	P	P	--	P
Personal services	P	P	P	--	--	P	P	P	P
Private primary educational facilities	P	P	P	P	P	P	P	P	P
Private secondary educational facilities	P	P	P	P	P	P	P	P	P
Public primary educational facilities	P	P	P	P	P	P	P	P	P
Public secondary educational facilities	P	P	P	P	P	P	P	P	P
Professional office	P	P	P	P	P	P	P	P	P
Religious assembly	P	P	P	P	P	P	P	P	P
Restaurant (drive-in, fast food)	--	--	--	--	--	C	C	C	--
Restaurant (limited)	--	--	--	--	--	P	P	P	P
Restaurant (general)	--	--	--	--	--	P	P	P	P
Service Station	--	--	--	--	--	C	C	C	--
Single-family residential	P	P	P	P	P	P	P	P	P
Software development	C	C	C	C	C	P	P	P	P
Theater	C	C	--	--	--	P	P	--	C
Two-family residential	P	P	P	P	P	P	P	P	P
Veterinary services (not to exceed 2500 s.f.)	P	--	--	--	--	P	--	--	P

2. The section applies to the uses established in Section 1 of this part.

- a. The maximum size of a day care services (commercial) use permitted under Column A is 5000 square feet, under Column B is 2500 square feet, and under Column C is 5000 square feet.

- b. A financial service use or food sales use permitted under Column B and Column C may not include a drive-in service.
- c. A medical office (over 5000 square feet) permitted under Column C may not exceed 8000 square feet plus 50 percent of the gross floor area of a building over 8000 square feet.
- d. A multifamily residential use, condominium residential use, or any combination of multifamily and condominium residential uses permitted under Column C may not exceed 75 percent of the gross floor area of all buildings constructed on a site.
- e. The maximum size of a private primary educational facilities use permitted under Column A is 5000 square feet, under Column B is 2500, and under Column C is 2500 square feet.
- f. The maximum size of a private secondary educational facilities use permitted under Column A is 5000 square feet, under Column B is 2500 square feet, and under Column C is 5000 square feet.
- g. The maximum size of a restaurant (limited) and restaurant (general) use permitted under Column C is 3500 square feet.
- h. The maximum size of a theater use established under Column A and Column B is 5000 square feet.

3. On property located at 4307 Speedway, the permitted uses are those permitted in a multifamily residence medium density (MF-3) district and off-site accessory parking.

4. The following uses are permitted on property located in the Guadalupe District.

a. Permitted uses.

Administrative and business offices  
 Art and craft studio (general)  
 Automotive rentals  
 Business or trade school  
 Business support services  
 Communication service facilities

Agricultural sales and services  
 Art and craft studio (limited)  
 Automotive washing (of any type)  
 Veterinary services  
 College and university facilities  
 Communications services



Community recreation (public)	Community recreation (private)
Congregate living	Consumer convenience services
Consumer repair services	Counseling services
Cultural services	Custom manufacturing
Day care services (commercial)	Day care services (general)
Day care services (limited)	Electronic prototype assembly (not to exceed 7500 s.f.)
Exterminating services	Financial services
Family home	Funeral services
Food sales	General retail sales (general)
General retail sales (convenience)	Group home class I (limited)
Group home class I (general)	Guidance services
Group home class II	Hotel-motel
Hospital services (limited)	Indoor sports and recreation
Indoor entertainment	Medical offices
Local utility services	Multifamily residential
Monument retail sales	Pawn shop services
Outdoor sports and recreation	Personal services
Personal improvement services	Private primary educational facilities
Pet services	Public primary educational facilities
Private secondary educational facilities	Professional office
Public secondary educational facilities	Research services
Religious assembly	Restaurant (limited)
Residential treatment	Safety services
Restaurant (general)	Software development
Plant nursery	Single-family residential
Theater (not to exceed 5000 s.f. )	Two-family residential
Duplex residential	

- b. An automotive repair services use is a permitted use on property north of 4001 Guadalupe Street. The maximum lot size for the use is 9500 square feet.
- c. A limited warehousing and distribution use is a permitted use on property south of 40<sup>th</sup> Street. The use may not exceed 7500 square feet.
- d. A telecommunications tower use is a permitted or conditional use as determined by Section 25-2-839 of the City Code.
- e. A residential use may not be located in the front 70 percent of the ground floor of a building.

5. The following uses are conditional uses on property in the Guadalupe District.

a. Conditional uses.

Building maintenance services  
 Commercial off-street parking  
 Convenience storage  
 Equipment repair services  
 Laundry services  
 Hospital services (general)  
 Off-site accessory parking

Commercial blood plasma center  
 Construction sales and services  
 Drop-off recycling collection facility  
 Equipment sales  
 Service station  
 Club or lodge

b. Except as otherwise provided in this subsection, a restaurant (drive-in, fast food) use is a conditional use. A drive-in service is prohibited on property located between 40<sup>th</sup> and 43<sup>rd</sup> Streets.

**PART 7. GENERAL PROVISIONS.** Except as otherwise provided in Part 5 of this ordinance or in this part, the following provisions apply to all property within the NCCD.

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 a 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.

**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		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

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.

**PART 9. SPEEDWAY DISTRICT.** The following provisions apply in the Speedway District.

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

SPEEDWAY DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	SF-3 Zoning District	Multifamily & Commercial Zoning Districts
Minimum lot size	5750	8000
Minimum lot width	50	50
Maximum FAR	--	0.5 to 1
Maximum building coverage	40%	50%

Maximum impervious cover	50%	70% MF 80% commercial
Maximum height	30	30
Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

2. Except as otherwise provided in this part, on Speedway:
  - 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 Speedway. 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. The following site development regulations apply to property located at 4300 Speedway.
    - a. The maximum floor-to-area ratio is 0.75 to 1.
    - b. Except as otherwise provided in this subsection, the maximum height is 30 feet. A building may have a height of 36 feet if the building has a pitched roof, measured to the average height of the highest gable.
    - c. There is not a maximum street yard setback on Speedway. There is not a street yard setback on West 43<sup>rd</sup> Street. There is not an interior side yard or rear yard setback.
    - d. The maximum impervious cover is 80 percent.
    - e. The maximum building coverage is 55 percent.
    - f. Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*) of the City Code does not apply to the modification of the structure that exists at 4300 Speedway on the effective date of this ordinance if:
      1. 5000 square feet of gross floor area or less is added to the structure; and
      2. the modifications are permitted for noncomplying structures under Section 25-2-963 (*Modifications and Maintenance of Noncomplying Structures*) of the City Code.
  7. There is not a minimum or maximum street yard setback on Speedway for an off-site accessory parking use on property located at 4307 Speedway.
  8. A duplex or two-family residential use is permitted on a lot that is 6000 square feet or larger.
  9. Except as provided in Section 10 of this part, a porch may extend:
    - a. on Speedway, a maximum of ten feet in front of the street [~~front~~] yard setback; and

- b. on a street other than Speedway, a maximum of five feet in front of the street yard setback.
10. A porch must be at least five feet from a property line that faces a street.
  11. Except as otherwise provided in Sections 14 and 15 in this part, for an accessory building, the minimum setback from:
    - a. a property line facing Speedway is 60 feet;
    - b. a property line facing a street other than Speedway is 15 feet; and
    - c. an interior side property line is five feet.
  12. Except as otherwise provided in Section 13, 14, and 15 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.
  13. Section 12 of this part does not apply to a through lot.
  14. An attached or detached garage that has vehicular access on an alley or street must be set back at least 20 feet from the alley or street.
  15. 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.
  16. An attached garage shall be a minimum of 60 feet from a property line facing Speedway.
  17. 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.
  18. Driveway runners and gravel surfacing driveways are permitted. Design and construction must be approved by the Director of the Watershed Protection and Development Review Department.

19. This section applies to a restaurant use at 4300 Speedway that provides outdoor seating.
  - a. The outdoor seating area does not count against the allowable square footage for a restaurant (limited) and restaurant (general) use established in Part 6, Subsection 2.g. of this ordinance and is not used to determine the parking requirement if:
    1. the outdoor seating does not exceed 40 percent of the total seating; and
    2. not more than 10 tables are located outside.
  - b. The outdoor seating area that exceeds 40 percent of the total seating area is counted as part of the allowable square footage for a restaurant (limited) and restaurant (general) use and shall be used to determine the parking requirement.

**PART 10. DUVAL DISTRICT.** The following provisions apply in the Duval District.

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

DUVAL DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	SF-3 Zoning District	Multifamily & Commercial Zoning Districts
Minimum lot size	5750	8000
Minimum lot width	50	50
Maximum FAR		0.5 to 1
Maximum building coverage	40%	50%
Maximum impervious cover	50%	60% MF 80% commercial
Maximum height	30	30

Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

2. Except as otherwise provided in this part, on Duval Street and Avenue H:
  - 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. A duplex or two-family use is permitted on a lot that is 5900 square feet or larger.
7. Except as provided in Section 8 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.
8. A porch must be at least five feet from a property line that faces a street.
9. Except as otherwise provided in Sections 12 and 13 in this part, for an accessory building the minimum setback from:
  - a. a property line facing Duval Street or Avenue H is 60 feet;
  - b. a property line facing a street other than Duval Street and Avenue H is 15 feet; and
  - c. an interior side property line is five feet.
10. Except as otherwise provided in Section 11, 12, and 13 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.
11. Section 10 of this part does not apply to a through lot.
12. An attached or detached garage that opens on an alley or street must be set back at least 20 feet from the alley or street.
13. 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.
14. An attached garage:
  - a. shall be a minimum of 60 feet from a property line facing Duval Street or Avenue H; and
  - b. may not face Duval Street or Avenue H.

15. This section applies to a restaurant use that provides outdoor seating.
  - a. The outdoor seating area is not used to determine the parking requirement if:
    1. the outdoor seating does not exceed 40 percent of the total seating; and
    2. not more than 10 tables are located outside.
  - b. The outdoor seating area that exceeds 40 percent of the total seating area shall be used to determine the parking requirement.

**PART 11. WEST 38<sup>TH</sup> STREET DISTRICT.** The following provisions apply in the West 38<sup>th</sup> Street District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the West 38<sup>th</sup> Street District.

WEST 38 <sup>TH</sup> STREET DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	All Residential Zoning Districts	Commercial Zoning Districts
Minimum lot size	5750 SF residential 6000 two-family, duplex 8000 MF	5750
Minimum lot width	50	50
Maximum FAR	0.6 to 1 MF	0.6 to 1
Maximum building coverage	45% SF 55% MF	55%
Maximum impervious cover	50% SF 70% MF	70%
Maximum height	30	30



Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

2. On 38<sup>th</sup> Street, 38<sup>th</sup> ½ Street, and Avenue B, the minimum street yard setback is 25 feet.
3. On 38<sup>th</sup> Street and 38<sup>th</sup> ½ Street, the maximum street yard setback is 50 feet.
4. On Avenue B, the maximum street yard setback is 30 feet.
5. In a neighborhood office (NO) district:
  - a. floor-to-area ratio is 0.35 to 1;
  - b. maximum impervious cover is 60%; and
  - c. maximum building coverage is 45%.
6. In a general office (GO) district:
  - a. maximum impervious coverage is 80%; and
  - b. maximum building coverage is 60%.
7. A parking area may be located at ground level under a building if the parking area is screened from the street.
8. A building may be 40 feet in height if the following is provided:
  - a. a screened ground level parking area below the building, and
  - b. a minimum of one tree at least every 12 feet the width of the landscape yard.
9. An attached or detached garage that has vehicular access on an alley shall be set back at least 20 feet from the alley.

**PART 12. GUADALUPE DISTRICT.** The following provisions apply in the Guadalupe District.

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

GUADALUPE DISTRICT	
	SITE DEVELOPMENT STANDARDS ALL USES
Minimum lot size	4000
Minimum lot width	25
Maximum FAR	2 to 1
Maximum building coverage	95%
Maximum impervious cover	95%
Minimum interior side yard setback	0
Minimum rear setback	10

- 2. On Guadalupe Street:
  - a. the minimum street yard setback is 0 feet; and
  - b. the maximum street yard setback is 10 feet.
- 3. On a street other than Guadalupe Street, the minimum street yard setback is ten feet.

4. The maximum height:
  - a. on property north of 40<sup>th</sup> Street is 40 feet; and
  - b. on property south of 40<sup>th</sup> Street is 60 feet.
5. This section applies to property north of 40<sup>th</sup> Street. A building that is 30 feet or less from the rear property line may not exceed 30 feet in height. A parapet wall may exceed the height established in this part by 10 percent.
6. A sidewalk sign is permitted. Section 25-10-153 (*Sidewalk Sign in Downtown Sign District*) applies to a sidewalk sign. A projecting sign is permitted. Section 25-10-129 (*Downtown Sign District Regulations*) applies to a projecting sign.
7. This section applies to a restaurant use that provides outdoor seating.
  - a. The outdoor seating area is not used to determine the parking requirement if:
    1. the outdoor seating does not exceed 40 percent of the total seating; and
    2. not more than 10 tables are located outside.
  - b. The outdoor seating area that exceeds 40 percent of the total seating area shall be used to determine the parking requirement.
8. Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*) of the City Code does not apply to the rear yard setback established in Section 1 of this part. Parking is permitted in the rear setback.

**PART 13.** The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

**PART 14.** The Council finds that the ambiguity concerning the appropriate development regulations to be applied to the Hyde Park neighborhood combining district should finally be resolved in an expeditious manner because the issue has been debated too long, which constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on the passage for the immediate preservation of the public peace, health and safety.

**PASSED AND APPROVED**

\_\_\_\_\_, January 31, 2002

§  
§  
§  
\_\_\_\_\_  
*Gustavo L. Garcia*  
Gustavo L. Garcia  
Mayor

**APPROVED:** \_\_\_\_\_  
*Sedora Jefferson*  
Sedora Jefferson  
City Attorney

**ATTEST:** \_\_\_\_\_  
*Shirley A. Brown*  
Shirley A. Brown  
City Clerk




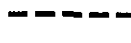


AUSTIN STATE HOSPITAL  
UNZ

AUSTIN STATE HOSPITAL  
UNZ

GR-CO  
197-0108

HANDBOOK GOLF COURSE & RECREATION CENTER  
SF-3


 SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: C.WILLIAMS

CASE #: C14-01-0046  
 ADDRESS: HYDE PARK NCCD  
 SUBJECT AREA (acres): N/A

ZONING EXHIBIT A  
 pg 1 of 2  
 DATE: 02-02  
 INTLS: TRC

CITY GRID  
 REFERENCE  
 NUMBER  
 J25,26 K25,2  
 6



EXHIBIT A - pg. 2 of 2

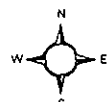
Proposed Hyde Park Neighborhood Conservation Combining District  
Proposed Base District Zoning Changes



PG. 50  
Printed April 2011

See attached chart for zoning recommendations.

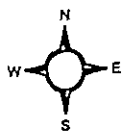
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Hyde Park Neighborhood Plan  
 Proposed Hyde Park Neighborhood Conservation Combining District  
 Proposed Subdistricts of the Hyde Park NCCD

EXHIBIT B



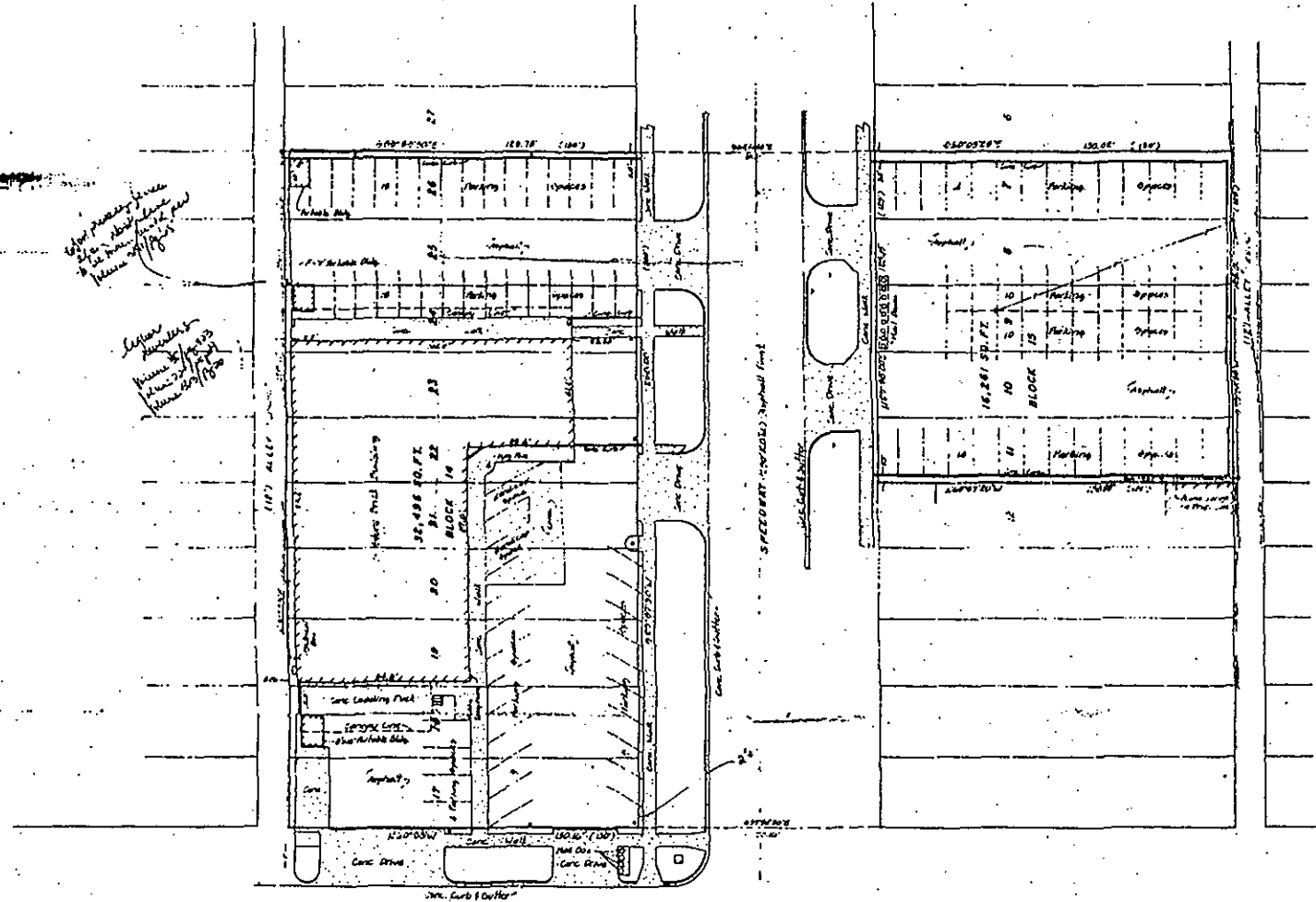
PEC30  
 Revised: April 2001

Proposed Hyde Park NCCD

- Residential District
- Guadalupe District
- Hyde Park Civic NCCD  
(Hyde Park Baptist Church - Civic District)
- Speedway District
- Duval District
- W. 38th District

This map has been produced by the City of Austin as working map and is not intended for any other use. No warranty is made by the City of Austin regarding the accuracy or completeness. Reproductions are not permitted without prior written permission from Planning, Environmental & Conservation Services Dept., City of Austin.

SURVEY PLAT OF LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, BLOCK 14 AND LOTS 7, 8, 9, 10, 11, BLOCK 15, HYDE PARK ADDITION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AS RECORDED IN PLAT BOOK 1, PAGE 67 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



SCALE 1" = 20'

LEGEND

- 1/2" Iron Round Iron Nail General
- Utility Pole
- Overhead Power Line
- High Light Pole
- Wood Guard Fence
- Chain Link Fence
- Iron Pipe
- Overhead Telephone Line
- ( ) Record Plat Data

RESTRICTIONS NOTES:  
The subject properties shown herein are subject to the restrictive covenants recorded in the following instruments: Volume 117, Page 218; Volume 133, Page 255; Volume 135, Page 323 and Volume 135, Page 311, all having been recorded by instruments recorded in Volume 133, Page 25; Volume 135, Page 323 and Volume 135, Page 311 and those recorded in Volume 117, Page 218, all of the said records of Travis County, Texas.

To: Citicorp Mortgage, Inc.,  
Cherry Jan Brown, Public Trustee,  
Title Agency of Austin, Ltd., and  
Fidelity National Title Insurance Company.

The undersigned do hereby certify that this survey was this day made on the ground of the property legally described herein and is correct and that there are no visible discrepancies, dead line encroachments, overlapping of improvements, visible utility easements or encroachments, except as shown herein and that said property has frontage on a public roadway, except as shown herein.

To: the lien holders and/or the owners of the premises hereon.  
The property described herein is not within the boundaries of the 100 Year Flood Plain as identified by the National Flood Insurance Program Flood Insurance Rate Map for the City of Austin, Travis County, Texas dated September 2, 1981, Panel No. 0013-0.

SURVEYED BY  
ROY D. SMITH SURVEYORS  
Cynthiana, MO



*Roy D. Smith*  
ROY D. SMITH  
Registered Professional Surveyor No. 2045  
1214 West 6th Street  
Austin, Texas 78703  
PL 1262 24-382

*What property lines  
are shown here  
to be from  
March 1/1885*

*Section  
measured by  
Harris & Smith  
March 2/1885  
March 24/1885*

EXHIBIT C

WEST 43RD STREET (60' Wide) Asphalt Surf.