

**ORDINANCE NO.**

**AN ORDINANCE AMENDING ORDINANCE NO. 971120-L TO MODIFY THE LAND USE PLAN FOR THE PROJECT KNOWN AS THE MARY VICE ESTATES PLANNED UNIT DEVELOPMENT LOCATED AT 6301 CIRCULO DE AMISTAD IN THE MONTOPOLIS NEIGHBORHOOD PLAN AREA AND CHANGING THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT.**

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

**PART 1.** The Mary Vice Estates PUD was approved by City Council on November 20, 1997, under Ordinance No. 971120-L (the “Original Ordinance”).

**PART 2.** The Mary Vice Estates Planned Unit Development (the “Mary Vice Estates PUD”) is comprised of approximately 7.06 acres of land located on Montopolis Drive and more particularly described by metes and bounds in the land use plan incorporated into the Original Ordinance. This ordinance affects a portion of the property identified in the Mary Vice Estates PUD as described in Part 3 below.

**PART 3.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from planned unit development-neighborhood plan (PUD-NP) combining district to planned unit development-neighborhood plan (PUD-NP) combining district on the property described in Zoning Case No. C814-97-0002.01, on file at the Housing and Planning Department, as follows:

Lot 27, Block A, MARY VICE ESTATES SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 101, Page 321, Plat Records of Travis County, Texas (the “Property”),

and locally known as 6301 Circulo de Amistad, and generally identified by the map in **Exhibit “A”** attached and incorporated into this ordinance.

**PART 4.** This ordinance and the attached Exhibits A and B are the zoning map and amended land use plan for the Mary Vice Estates PUD and amends the Original Ordinance for the Property. Development of and uses within the Property shall conform to the limitations and conditions set forth in this ordinance and in the amended land use plan attached as **Exhibit “B”** (the “Amended Land Use Plan”). If this ordinance and the attached exhibits conflict, this ordinance controls. Except as otherwise provided by this ordinance and the Amended Land Use Plan, all other rules, regulations and ordinances of the City apply to the Property.

1  
2 **PART 5.** The attached exhibits are incorporated into this ordinance in their entirety as  
3 though set forth fully in the text of this ordinance. The exhibits are as follows:  
4

5 Exhibit A: Zoning Map

6 Exhibit B: Amended Land Use Plan  
7

8 **PART 6.** Exhibit C of the Land Use Plan under the Original Ordinance is modified and  
9 amended as shown in this Part 6, as follow:  
10

- 11 (A) The maximum square footage for a building or structure on the Property is  
12 30,000 square feet.
- 13 (B) The building setbacks on the Property are:  
14  
15 1. 15 feet along Montopolis Drive and Circulo de Amistad.  
16  
17 2. 10 feet along the east and south property lines.  
18
- 19 (C) Condominium Residential, Duplex Residential, and Townhouse Residential,  
20 are additional permitted uses on the Property.  
21
- 22 (D) Section 25-2-492 (*Site Development Regulations*) and Section 25-8-392 (C)  
23 (3) (a) (*Suburban Watershed Requirements*) are modified to increase the  
24 maximum impervious cover on the Property to 70%.  
25
- 26 (E) The Property is subject to parkland dedication requirements in Section 25-1-  
27 601, as amended.  
28
- 29 (F) The Property is subject to the parking and loading requirements in Chapter  
30 25-6 (*Transportation*).  
31
- 32 (G) Vehicular access from the Property to Montopolis Drive is prohibited.  
33 Access from the Property to Montopolis Drive shall be from Circulo de  
34 Amistad right-of-way.  
35
- 36 (H) Sidewalks adjacent to the Property shall be designed and constructed in  
37 compliance with Chapter 25-2, Article 2, Subchapter E Design Standards  
38 and Mixed Use.  
39  
40  
41

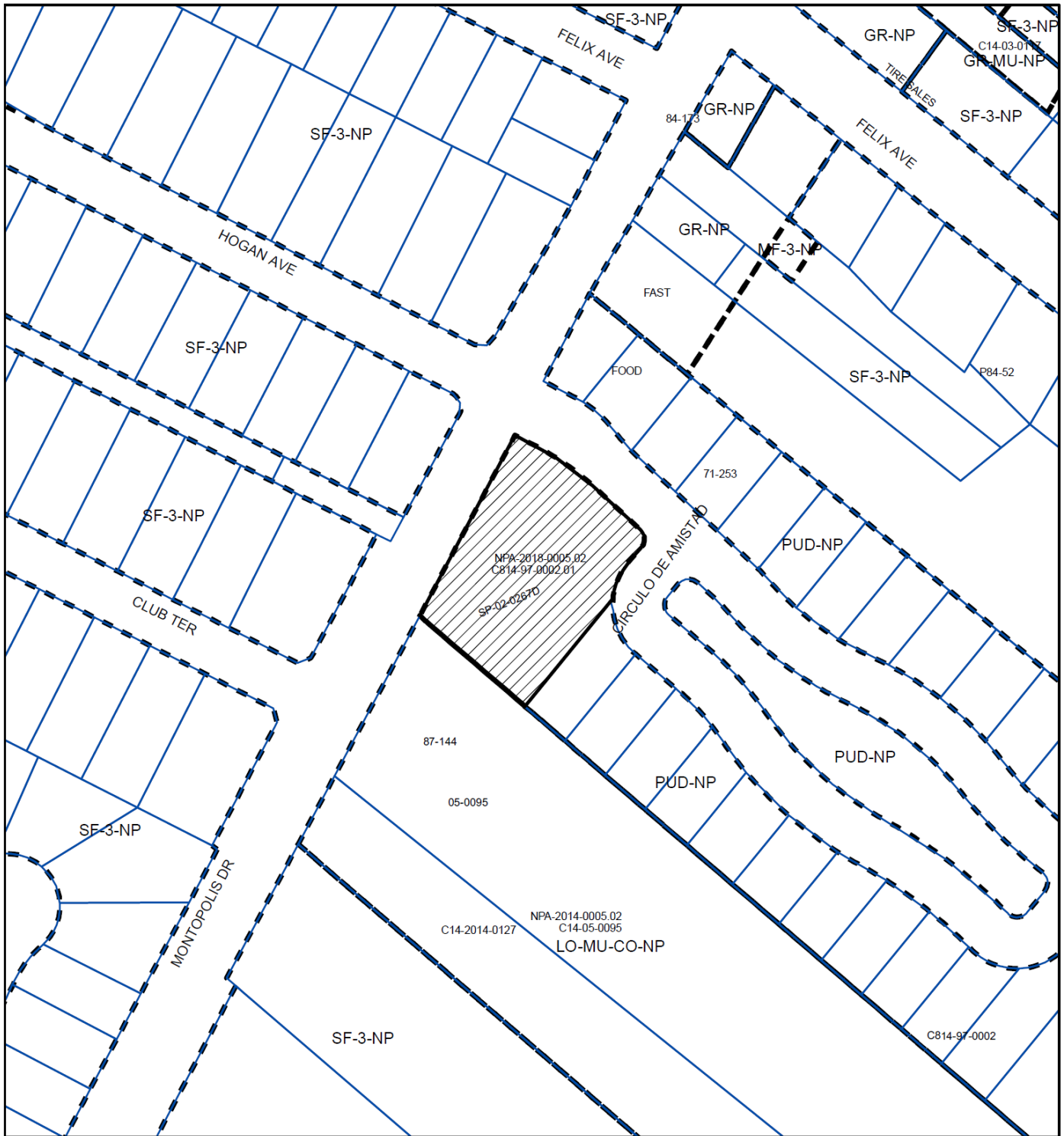
**PART 7.** If this ordinance and the Original Ordinance conflict, this ordinance controls.

**PART 8.** This ordinance takes effect on \_\_\_\_\_, 2022.

**PASSED AND APPROVED**

\_\_\_\_\_, 2022      § \_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan      Myrna Rios  
City Attorney      City Clerk



## Zoning



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

Zoning Case: C814-97-0002.01

## Exhibit A

1" = 125'

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

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





GENERAL NOTES

1. The owner shall bear full responsibility for all costs and provisions of improvements to the City of Austin Water and Wastewater systems required as a result of this development.
2. Tree survey information shall be provided as required at the time of site plan and site development permitting.
3. Any required easements shall be provided at the time of site development permitting and will be dedicated by separate instrument.
4. Prior to construction, drainage plans will be submitted to the City of Austin for review.
5. Prior to construction, site plan approval by the City of Austin staff is required.
6. Water and wastewater systems will connect to the City of Austin systems.
7. Cut and fill information will be provided at the time of site development permitting.
8. ~~Off-street parking and loading requirements will be provided in accordance with Sections 13-5-95 through 13-5-107 of the Land Development Code. Residential Lots (Area 2) shall conform to 13-5-107, Part 1 for Single Family Residential and require "2 spaces per dwelling unit" minimum off-street parking, and "None" for off-street loading requirements.~~
9. The responsibility for maintenance of storm water drainage facilities lies with the owner, or successor in title, of the land.
10. Fire hydrants will be installed in accordance with guidance and standards furnished by the Austin Fire Department at the time of site development permitting.
11. All signs will comply with the Sign Ordinance of the City of Austin Land Development Code Chapter 13-2 Article VII. Area 1 will comply with the ordinance based on the Neighborhood Commercial Sign District, Area 2 will comply with the ordinance as defined for Low Density Residential Sign District.
12. The home owners association shall be responsible for all maintenance and taxes relating to common areas, including Area 3.
13. ~~The required parkland dedication for the proposed P.U.D. is a maximum of .336 acres based on the following calculation:~~  
**SINGLE FAMILY**  
Proposed max. 24 units X 2.8 X 5/1000 = .336 acres (actual dedicated parkland of P.U.D. approx. 1.0 acre)
14. ~~Prior to final plot approval, a parkland dedication fee equivalent to the required parkland acreage or actual dedication of the required land will occur. Any land within this P.U.D. dedicated to the City of Austin may continue to be counted as gross and net site area for site development purposes.~~
15. ~~The proposed landscape on the P.U.D. will meet or exceed the landscape ordinance of the City of Austin.~~
16. ~~No Critical Environmental Features such as point recharge features, canyon rimrock, caves, springs, sinkholes or bluffs are on or within 150 feet from the project. A certification that no CEF's are present will be submitted at the time of site development permitting.~~
17. ~~No wetlands are on or within 150 feet from the project. A certification that no wetlands are present will be submitted at the time of site development permitting.~~
18. ~~Access to Montopolis Drive will be limited to the public loop road and as required for access to the commercial lot.~~
19. ~~The design concept for the Single Family Residential Housing will be a modification of the Austin Land Development Code Chapter 13-2 Article IV Subdivision Regulations. The criteria for minimum lot area, minimum lot widths and frontage, minimum setbacks, minimum street width, and other standards are varied from the subdivision regulations and are in keeping with the design standards of the Traditional Neighborhood Development (TND) Code.~~
20. ~~A pedestrian and bicycle path connection is intended from the P.U.D. to Vargas Street should the owner obtain and purchase the adjoining lot. Only emergency vehicular access will be allowed from Vargas Street to the P.U.D.~~
21. ~~Compatibility Standards shall be amended from the City of Austin Land Development Code 13-2-734 (Area 1 to Area 2):~~  
A.) No structure shall be erected within 25 feet of a property used or zoned for SF-5 or more restrictive (Single Family Residential, Area 2).  
B.) No structure shall exceed 40 feet in height within 25 feet of a property used or zoned SF-5 or more restrictive (Single Family Residential, Area 2).
22. ~~Area 1, the "Commercial Site" will be included for water quality and detention calculations for the entire site assuming topographical surveys allow.~~
23. ~~Pedestrian sidewalks will comply with A.D.A. requirements and will be constructed in accordance with the City of Austin standard specifications. Curb ramps will be provided wherever an accessible route crosses a curb. Minimum width of the accessible route is 36 in. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalks may result in withholding of Certificates of Occupancy or utility connections by the governing body or utility company.~~
24. ~~Water quality pond and detention must be contained within a water quality easement. Operation and maintenance of the ponds shall be conducted by the owner of the commercial lot. Until the commercial lot is purchased by another owner, Habitat for Humanity will take responsibility for and maintain all ponds.~~
25. ~~If public sidewalks on Montopolis Drive enter the P.U.D., city easements will be required at the time of site plan and site development permitting.~~
26. ~~Construction is limited to Areas 1, 2, and 3 with the exception of water control features.~~
27. ~~In the event that lot No. 8, Chynowsky Subdivision No. 15, Book 1, Page 41 is obtained by the owner, an emergency access/ pedestrian path shall be provided to connect with Vargas Street.~~
28. ~~A declaration of covenants, easements, and restrictions will be recorded to address site development restrictions and provide for maintenance and use easements required by the P.U.D. land use plan for the residential properties.~~
29. ~~Sections 25-2-492 (Site Development Regulations) and 25-8-392(C)(3)(a) (Suburban Watershed Requirements) of the LDC are amended to increase the maximum impervious cover in Area 1 to 70%.~~

MARY VICE ESTATES SITE DEVELOPMENT REGULATIONS

COMMERCIAL SITE

AREA 1	Gross Site Area	Net Site Area	Max. Sq. Ft. Bldg.	Min. Setback	Max. Height
	0.81 AC.	0.61 AC.	30,000 SF 8,000 SF	15 FT. ALONG MONTOPOLIS DRIVE 25 FT. AND CIRCULO DE AMISTAD 10 FT. ALONG REAR AND SIDE PROPERTY LINES	40 FT.

TYPES OF USES:

RESIDENTIAL USES:

8. Off-street parking and loading requirements will be in accordance with Section 13-5-95 through Section 13-5-107 of the Land Development Code in effect on the date the original application for PUD was submitted (9/3/1997), except that development of Area 1 of the PUD shall comply with the parking and loading requirements set forth in Chapter 25-6 of the Land Development Code.

13. Area 1 is subject to parkland dedication requirements, Land Development Code Section 25-1-601, as amended.

CIVIC USES:

INDUSTRIAL USES:

AGRICULTURAL:

COMMERCIAL USES:

ART AND CRAFT STUDIO (GENERAL)

ART AND CRAFT STUDIO (LIMITED)

BUSINESS SUPPORT SERVICES

COMMUNICATIONS SERVICES

FINANCIAL SERVICES

MEDICAL OFFICES

PERSONAL SERVICES

PROFESSIONAL OFFICE

SOFTWARE DEVELOPMENT

ADMINISTRATIVE SERVICES

CLUB OR LODGE

DAY CARE SERVICES (COMMERCIAL)

DAY CARE SERVICES (GENERAL)

DAY CARE SERVICES (LIMITED)

NONE

NONE

SINGLE FAMILY RESIDENTIAL

AREA 2

Gross Site Area

Net Site Area

Number of Units

Density

Min. Setback

Max. Height

4.37 AC.

4.37 AC.

24 units

5.5 U/AC.

Front 10 FT.

Side 5 FT.

Rear 5 FT.

35 FT.

TYPES OF USES:

RESIDENTIAL USES:

SINGLE FAMILY RESIDENTIAL

COMMON AREA

AREA 3

Gross Site Area

Net Site Area

.77 AC.

.77 AC.

TYPES OF USES:

COMMUNITY RECREATION (PUBLIC)

COMMUNITY RECREATION (PRIVATE)

WATER QUALITY AND DETENTION

AREA 4

Gross Site Area

Net Site Area

1.26 AC.

1.26 AC.

TYPES OF USES:

WATER QUALITY CONTROL FEATURES

IMPERVIOUS COVER

AREA 1:

AREAS 2, 3, 4:

70%

80%

55%

ADDITIONAL SITE REGULATIONS

1. The minimum area for single family residential lots shall be 5000 SQ. FT.
2. The minimum width for single family lots shall be 50 FT. fronting dimension, and the minimum depth shall be 85 FT. The small lot single family use is permitted under standards which maintain single family neighborhood characteristics.
3. The minimum front yard setback for any single family residential lot shall be 10 FT. from property line.
4. The minimum side yard setback for single family residential lots shall be 5 FT.
5. The minimum distance between dwellings on adjoining lots shall not be less than 10 FT.
6. No single family residential lot shall have more than one dwelling unit.
7. The maximum height of any residential building shall be 35 FT.
8. ~~Two off-street parking spaces will be required for each dwelling unit.~~
9. Public utility easements may be established along the rear, front, or side lot lines, and underground utility service to all lots is required.
10. The minimum street width for all two-way vehicular streets is 26 FT., including one parallel parking lane 8 FT. in width, in keeping with the Traditional Neighborhood Development (TND) Code.
11. The maintenance of all common areas and access easements shall be the responsibility of the abutting property owners or homeowners association, as such responsibility is established in the declaration of covenants, easements, and restrictions.

8. Off-street parking and loading requirements will be in accordance with Section 13-5-95 through Section 13-5-107 of the Land Development Code in effect on the date the original application for PUD was submitted (9/3/1997), except that development of Area 1 of the PUD shall comply with the parking and loading requirements set forth in Chapter 25-6 of the Land Development Code.

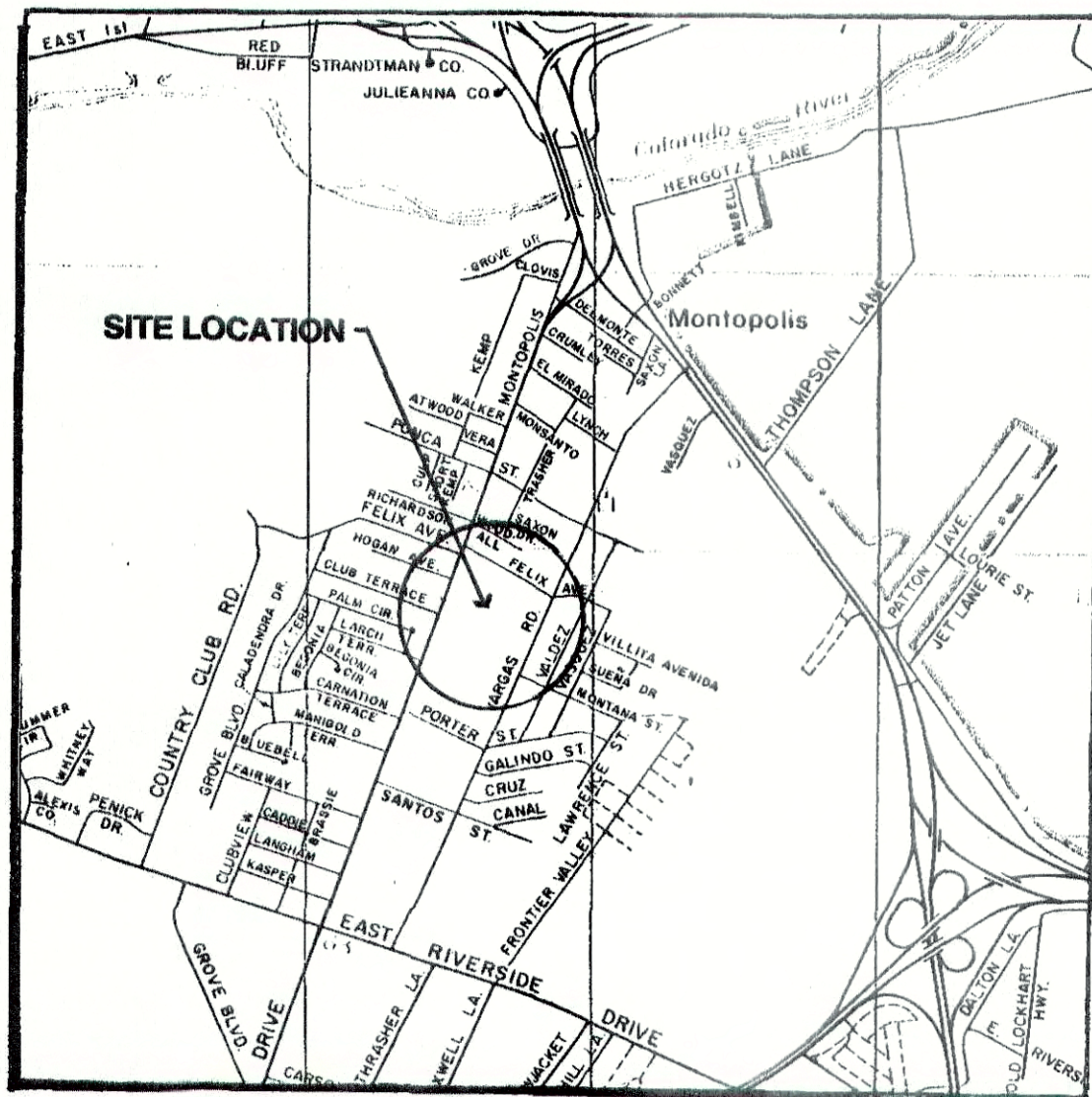
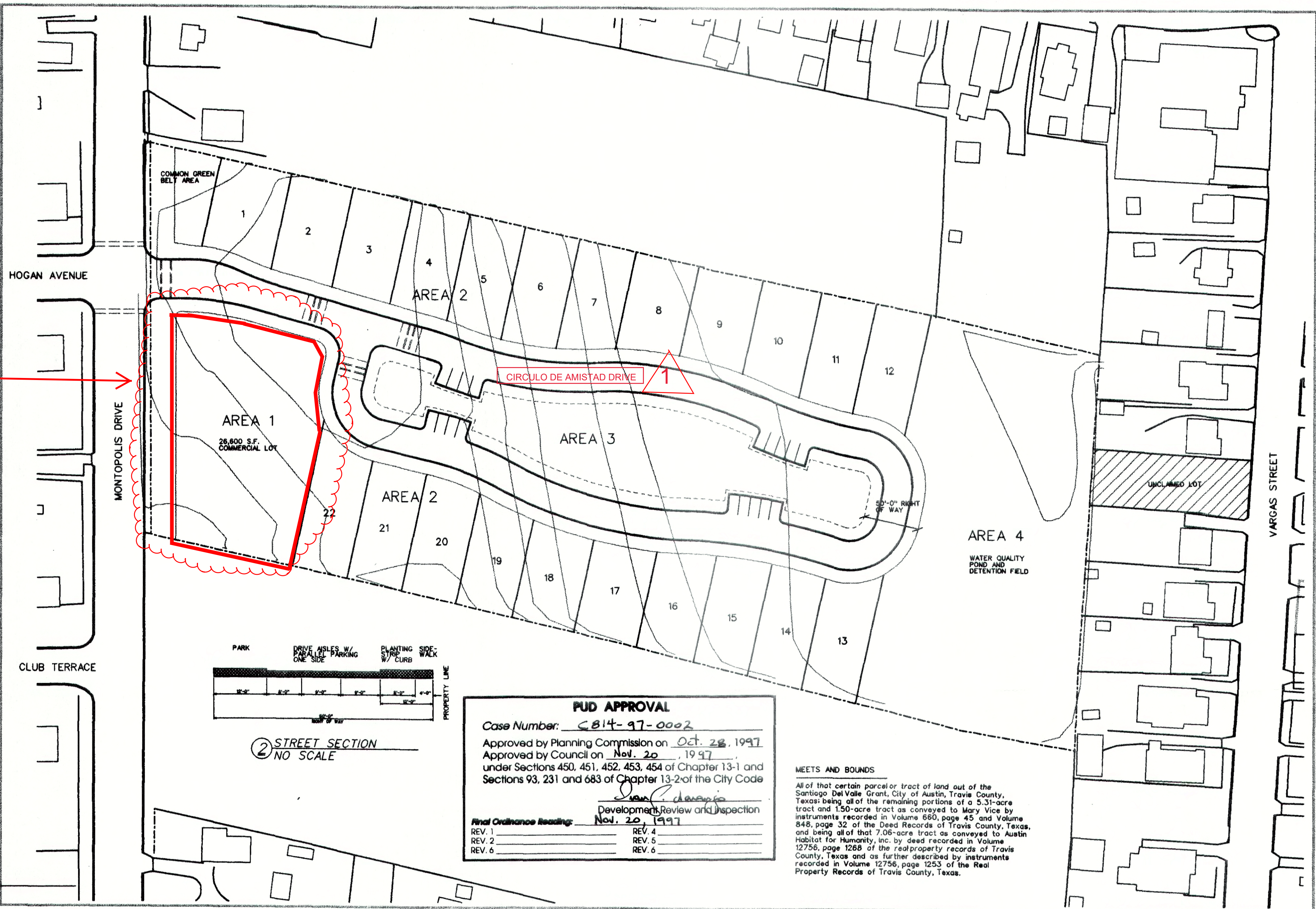


EXHIBIT B

MARY VICE ESTATES  
AUSTIN HABITAT FOR HUMANITY  
P.U.D. LAND USE PLAN

23 NOVEMBER, 1997

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