

ORDINANCE NO. 20240118-072

AN ORDINANCE AMENDING ORDINANCE NO. 20020131-20, REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4209, 4213, 4215, AND 4221 AVENUE H IN THE HYDE PARK NEIGHBORHOOD PLAN AREA FROM MULTIFAMILY RESIDENCE MEDIUM DENSITY-HISTORIC AREA-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (MF-3-HD-NCCD-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-HISTORIC AREA-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (GR-HD-NCCD-NP) COMBINING DISTRICT AND FROM COMMUNITY COMMERCIAL-HISTORIC AREA-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (GR-HD-NCCD-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-HISTORIC AREA-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (GR-HD-NCCD-NP) COMBINING DISTRICT TO CHANGE CONDITIONS OF ZONING.

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

PART 1. The Hyde Park NCCD-NP was approved on January 31, 2002, under Ordinance No. 20020131-20 (the “Original Ordinance”) and amended under Ordinance Nos. 20080605-062, 20120112-086, 20140522-071, 20180614-095, and 20190131-050.

PART 2. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from multifamily residence medium density-historic area-neighborhood conservation-neighborhood plan (MF-3-HD-NCCD-NP) combining district to community commercial-historic area-neighborhood conservation-neighborhood plan (GR-HD-NCCD-NP) combining district and from and community commercial-historic area-neighborhood conservation-neighborhood plan (GR-HD-NCCD-NP) to community commercial-historic area-neighborhood conservation-neighborhood plan (GR-HD-NCCD-NP) on the property described in Zoning Case No. C14-2023-0072, on file at the Planning Department, specifically:

LOTS 1, 2, 3, 4, 5, 6, and 7, BLOCK 19, HYDE PARK ADDITION, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 1, Page 67, of the Plat Records of Travis County, Texas (the “Property”),

locally known as 4209, 4213, 4215, and 4221 Avenue H in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit “A”**.

PART 3. Part 6 (*Permitted and Conditional Uses*), Section 1, of the Original Ordinance is amended to add the following in reference to Column (B):

Column (B) applies to property at the following locations: 408 E. 43rd Street; the Duval Shopping Center which includes 411, 413, 417, and 419 E. 43rd Street and 4220, 4222, 4224 and 4230 Duval Street; ~~and~~ 4206 Duval Street; and 4209, 4213, 4215, and 4221 Avenue H.

PART 4. Part 6 (*Permitted and Conditional Uses*), Section 2, of the Original Ordinance is amended to add the following subsections (i), (j), and (k):

- i. Commercial off-street parking and off-site accessory parking are permitted uses at 4209, 4213, 4215, and 4221 Avenue H.
- j. A Restaurant (Limited) or Restaurant (General) use is permitted and limited to a single restaurant and limited to 1,500 square feet at 4209, 4213, 4215, and 4221 Avenue H.
- k. Food preparation use is permitted at 4209, 4213, 4215, and 4221 Avenue H.

PART 5. Part 7 (*General Provisions*), Section 1 and Section 12, of the Original Ordinance is amended as follows:

- 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 38th Street or West 39th Street shall front on West 38th Street 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. A commercial use located at 4209, 4213, 4215, and 4221 Avenue H shall front on East 43rd Street and no primary entrance for a commercial use is allowed to front on Avenue H unless otherwise required.
- 12. Except for a single-family, duplex, or two-family residential use, and 4209, 4213, 4215, and 4221 Avenue H 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.

PART 6. Part 10 (*Duval District*) of the Original Ordinance is amended to add a Section 16 as follows:

16. This section applies to 4209, 4213, 4215, and 4221 Avenue H.

- a. Development of the Property may not exceed a floor to area ratio (FAR) of 0.75 to 1.
- b. The maximum building coverage is 55 percent.
- c. The minimum setbacks for the existing commercial kitchen are:
 - 1. 4 feet for south side
 - 2. 1.3 feet for alley
- d. Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*) shall not apply to 4209, 4213, 4215, and 4221 Avenue H in relation to the duplex located at 4207 Avenue H.
- e. The maximum square footage of a building or buildings shall not exceed 12,500 square feet total, not including the existing commercial kitchen.

PART 7. Exhibit “B” of the Original Ordinance is amended to include the Property in the Duval District as shown on the map attached as **Exhibit “B”**.

PART 8. Except as specifically modified by this ordinance, the Property is subject to the Original Ordinance, as amended.

PART 9. Except as specifically modified by this ordinance, the Property is subject to Ordinance No. 000413-063 that established zoning for the Hyde Park Neighborhood Plan.

PART 10. This ordinance takes effect on January 29, 2024.

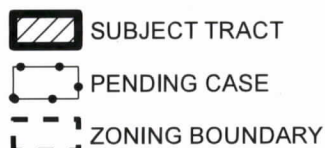
PASSED AND APPROVED

_____, January 18_____, 2024

§
§
§ Kirk Watson
Kirk Watson
Mayor

APPROVED: Anne L. Morgan
Anne L. Morgan
City Attorney

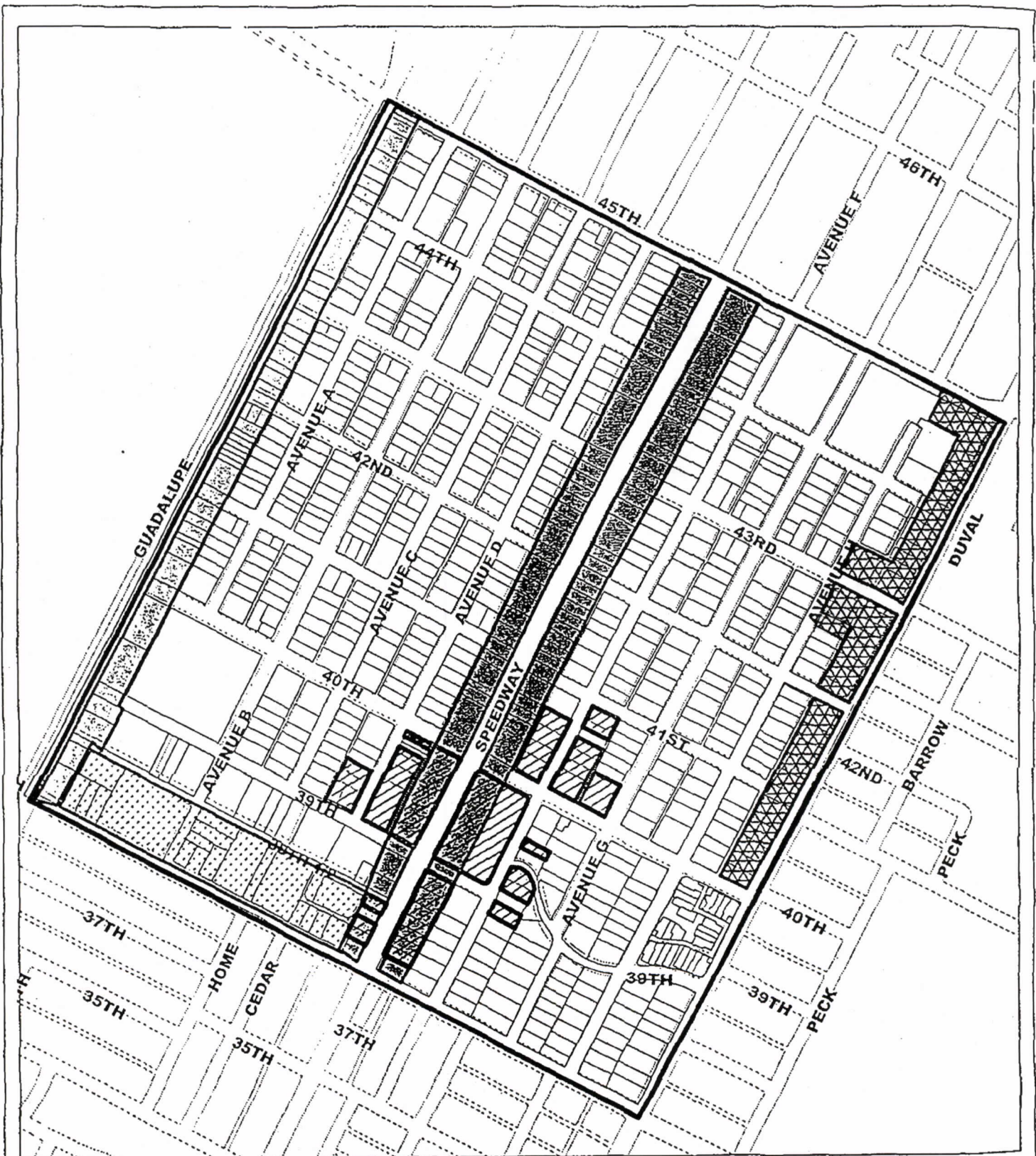
ATTEST: Myrna Rios
Myrna Rios
City Clerk



ZONING CASE#: C14-2023-0072

Created: 6/2/2023

EXHIBIT "B"

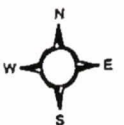


Hyde Park Neighborhood Plan Proposed Hyde Park Neighborhood Conservation Combining District Proposed Subdistricts of the Hyde Park NCCD

PECSO
Plan: April 2001

Proposed Hyde Park NCCD

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



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