

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 20020131-20, REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 310 AND 312 WEST 38<sup>TH</sup> STREET AND 3803, 3805, AND 3807 AVENUE B IN THE HYDE PARK NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN AND THE HYDE PARK NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (SF-3-NCCD-NP) COMBINING DISTRICT AND MULTIFAMILY RESIDENCE MODERATE-HIGH DENSITY-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (MF-4-NCCD-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MODERATE-HIGH DENSITY-NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (MF-4-NCCD-NP) COMBINING DISTRICT.

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 zone the property from family residence-neighborhood conservation-neighborhood plan (SF-3-NCCD-NP) combining district and multifamily residence moderate-high density-neighborhood conservation-neighborhood plan (MF-4-NCCD-NP) combining district to multifamily residence moderate-high density-neighborhood conservation-neighborhood plan (MF-4-NCCD-NP) combining district on the property described in Zoning Case No. C14-01-0046.03, on file at the Planning and Zoning Department, as follows:

0.878 acre (approximately 38,239 sq. ft.) out of Outlot 78, Division D, in the City of Austin, Travis County, Texas, and being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 310 and 312 West 38<sup>th</sup> Street and 3803, 3805, and 3807 Avenue B in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

**PART 2.** The Hyde Park NCCD-NP was approved on January 31, 2002, under Ordinance No. 20020131-20 (hereafter the "Original Ordinance") and amended under Ordinance Nos. 20080605-062, 20120112-086, 20140522-071 and 20180614-095.

**PART 3.** Part 6 (*Permitted and Conditional Uses*) of the Original Ordinance is amended to change Paragraph 1 to read as follows:

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        |
| 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        |

| USES:                                      | Column |    |    |    |    | Column |    |    | Column |
|--------------------------------------------|--------|----|----|----|----|--------|----|----|--------|
|                                            | A      |    |    |    |    | B      |    |    | C      |
|                                            | CS     | GR | GO | LO | NO | CS     | GR | LR | CS     |
| 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      |
| 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                 | --     | -- | -- | -- | -- | C      | C  | C  | --     |

| USES:                                                                                                          | Column A |    |    |    |    | Column B |    |    | Column C |
|----------------------------------------------------------------------------------------------------------------|----------|----|----|----|----|----------|----|----|----------|
|                                                                                                                | CS       | GR | GO | LO | NO | CS       | GR | LR | CS       |
| food)                                                                                                          |          |    |    |    |    |          |    |    |          |
| 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        |
| Day care uses prohibited for 511 W. 41 <sup>st</sup> Street                                                    |          |    |    |    |    |          |    |    |          |
| <u>*Congregate living permitted use for 310 and 312 West 38<sup>th</sup> Street and 3803 and 3805 Avenue B</u> |          |    |    |    |    |          |    |    |          |
|                                                                                                                |          |    |    |    |    |          |    |    |          |

**PART 4.** Part 7 (*General Provisions*) of the Original Ordinance is amended to change paragraphs 1, 5, 6, 10, 16, and 17 to read 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 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 property at 3807 Avenue B may front on West 38 ½ Street. The properties located at 310 and 312 West 38<sup>th</sup> Street and 3803, 3805 and 3807 Avenue B may front on east-west streets. 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.

5. Except as otherwise provided in this section, 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. The five-lot area consisting of 310 and 312 West 38<sup>th</sup> Street and 3803, 3805, and 3807 Avenue B may include a surrounding fence not to exceed a height of six feet and shall have a ratio of open space to solid material of not less than 1 to 0.25.

1 6. Except as otherwise provided in this section, [F]this section applies to a fence  
2 located in a street side yard that faces an avenue and is greater than four feet in height.  
3 The portion of a fence that is greater than four feet shall have a ratio of open space to  
4 solid material of not less than 1 to 1.5. The fence located on the five-lot area  
5 consisting of 310 and 312 West 38<sup>th</sup> Street and 3803, 3805 and 3807 Avenue B shall  
6 have a ratio of open space to solid material of not less than 1 to 0.25.  
7

8 10. Except as otherwise provided in this section, the entrance of a building in which  
9 a principal use is located shall be located on the front of a building. Buildings on 310  
10 and 312 West 38<sup>th</sup> Street and 3803, 3805 and 3807 Avenue B may have entrances that  
11 are not on the front of the building.  
12

13 16. Except as otherwise provided in this section, parking is permitted in a street  
14 yard on West 38 ½ Street. Parking may not be closer than ten feet to a property line.  
15 This section does not apply to the property at 3807 Avenue B, which may include  
16 parking closer than ten feet to the property line on West 38 ½ Street.  
17

18 17. Except as otherwise provided in this section, the following provisions apply in  
19 all Districts except the Guadalupe District.  
20

21 a. A circular driveway is not permitted.  
22

23 b. Except as otherwise provided in the section, access to a site is limited to one  
24 curb cut. Except in the Residential District, a site that has 100 feet of frontage or  
25 more may have two curb cuts. In the Residential District, a site may have two curb  
26 cuts if the site has 100 feet of frontage or more and has two dwelling units.  
27 Property located at 4300 Speedway may have 3 curb cuts. Property at 3807  
28 Avenue B may have more than one curb cut.  
29

30 c. The width of a driveway:  
31

32 1. for a residential use, may not exceed 12 feet from the driveway apron to  
33 the building setback line and 24 feet from the building setback line to a parking  
34 area;  
35

36 2. except as otherwise provided in this section, for a commercial, civic,  
37 multifamily residential, or condominium residential use, may not exceed 25  
38 feet. Property at 3807 Avenue B may include a driveway that exceeds 25 feet.  
39

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 No. 20120112-086 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

1  
2 b. for a multi-family use, is permitted if both spaces are assigned to the  
3 same unit.  
4

5 2. Two parking spaces per dwelling unit are required in the Residential District  
6 and the West 38<sup>th</sup> Street District.  
7

8 h. This subsection applies to property located at 4307 Speedway. Parking is  
9 permitted in a street yard for any use if an off-site accessory parking use exists on  
10 any part of the property.  
11

12 **PART 5.** The Original Ordinance is amended to add a new part to be known as Part 16.  
13 Except as otherwise specifically provided in Part 16, the property at 310 and 312 West 38<sup>th</sup>  
14 Street and 3803, 3805, and 3807 Avenue B is subject to the applicable terms and  
15 provisions of Ordinance No. 20020131-20. If Part 16 and Ordinance No. 20020131-20  
16 conflict, Part 16 applies.  
17

18 A. Section 25-6-472(H) (Parking Facility Standards) and Appendix A (Tables of Off-  
19 Street Park and Loading Requirements) of the City Code, are modified to permit  
20 parking on the Property to comply with the standards as set forth in this section.  
21

22 1. Head-in parking is permitted for the Property adjacent to West 38 ½ Street.  
23

24 2. The minimum number of off-street loading spaces shall be 0 for up to 11,000  
25 square feet of buildings used for Congregate Living on the Property.  
26

27 **PART 6.** Except as otherwise provided in this ordinance, the terms and conditions of  
28 Ordinance No. 20020131-20, as amended, remain in effect.  
29

30 **PART 7.** The Property is subject to Ordinance No. 20000413-063 that established zoning  
31 for the Hyde Park Neighborhood Plan.  
32  
33  
34

**PART 8.** This ordinance takes effect on \_\_\_\_\_, 2019.

**PASSED AND APPROVED**

\_\_\_\_\_, 2019      § \_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan      Jannette S. Goodall  
City Attorney      City Clerk