

**ORDINANCE NO. 20080605-062**

**AN ORDINANCE AMENDING ORDINANCE NO. 020131-20, REZONING AND CHANGING THE ZONING MAP FOR PROPERTY GENERALLY KNOWN AS THE KOCUREK BUILDING LOCATED AT 511 WEST 41<sup>ST</sup> STREET IN THE HYDE PARK NCCD AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD CONSERVATION (SF-3-NCCD) COMBINING DISTRICT TO NEIGHBORHOOD OFFICE-HISTORIC LANDMARK-NEIGHBORHOOD CONSERVATION (NO-H-NCCD) COMBINING DISTRICT, AND TO CHANGE A CONDITION OF ZONING ON THE PROPERTY.**

**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 change the base district from family residence-neighborhood conservation (SF-3-NCCD) combining district to neighborhood office-historic landmark-neighborhood conservation (NO-H-NCCD) combining district on the property located in the Residential District in the Hyde Park neighborhood conservation-neighborhood plan combining district described in Zoning Case No. C14-2007-0210 and C14H-2007-0011, on file at the Neighborhood Planning and Zoning Department, as follows:

The west 80.27 feet of Lots 30-32, Block 8, Hyde Park Addition No.2, an addition in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 1, Page 75, of the Plat Records of Travis County, Texas, and in a deed of record in Document No. 2007090765, of the Official Public Records of Travis County, Texas (the "Property"),

generally known as the Kocurek Building, locally known as 511 West 41<sup>st</sup> Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** Except as amended by this ordinance, the Property is subject to Ordinance No. 020131-20 that established the Hyde Park neighborhood conservation combining district.

**PART 3.** Part 6 of Ordinance No. 020131-20 (*Permitted and Conditional Uses*) is amended as shown in this Part.

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
Duplex residential	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
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 food)	--	--	--	--	--	C	C	C	--
Restaurant (limited)	--	--	--	--	--	P	P	P	P

USES	Column A					Column B			Column C
	A					B			C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
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
<u>*Day care uses prohibited for 511 W.41<sup>st</sup> St.</u>									

2. The section applies to the uses established in Section 1 of this part.
- 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.
  - A financial service use or food sales use permitted under Column B and Column C may not include a drive-in service.
  - 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.
  - 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.
  - 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.
  - 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

Community recreation (public)

Congregate living

Consumer repair services

Cultural services

Day care services (commercial)

Day care services (limited)

Exterminating services

Family home

Food sales

General retail sales (convenience)

Group home class I (general)

Group home class II

Hospital services (limited)

Indoor entertainment

Local utility services

Monument retail sales

Outdoor sports and recreation

Personal improvement services

Pet services

Private secondary educational 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 (private)

Consumer convenience services

Counseling services

Custom manufacturing

Day care services (general)

Electronic prototype assembly  
(not to exceed 7500 s.f.)

Financial services

Funeral services

General retail sales (general)

Group home class I (limited)

Guidance services

Hotel-motel

Indoor sports and recreation

Medical offices

Multifamily residential

Pawn shop services

Personal services

Private primary educational facilities

Public primary educational facilities

Public secondary educational facilities  
Religious assembly  
Residential treatment  
Restaurant (general)  
Plant nursery  
Theater (not to exceed 5000 s.f. )  
Duplex residential

Professional office  
Research services  
Restaurant (limited)  
Safety services  
Software development  
Single-family residential  
Two-family 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.

6. The following applies to the property located at 511 West 41<sup>st</sup> Street in the Residential District:
- Day care services uses (limited, general, and commercial) are prohibited uses.
  - A site plan or building permit for the property may not be approved, released, or issued, if the completed development or uses of the property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

**PART 4.** Part 8 of Ordinance No. 020131-20 (*Residential District*) is amended as shown in this Part.

- 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.
18. The following applies to a two-family use located at 511 West 41<sup>st</sup> Street:
- a. The minimum lot area is 5,900 square feet.
  - b. A two-family residential use is permitted on a lot that is 5,900 square feet or larger.
  - c. The maximum building coverage is 55 percent.
  - d. For a two-family residential use, the maximum floor-to-area ratio (FAR) is 0.5 to 1.0.
  - e. The maximum impervious cover is 91 percent.
  - f. The minimum setbacks are as follows:
    - i) the front setback is 0 feet;
    - ii) the rear setback is five feet;
    - iii) the east interior side yard setback is 10 feet; and
    - iv) the west alley setback is 0 feet.
  - g. The second dwelling unit on the eastern portion of the property is limited to a maximum of 750 square feet and two bedrooms.
  - h. Part 8 10(b) does not apply to the second dwelling unit. Its front setback from 41<sup>st</sup> Street may equal that of the principal building.
  - i. The maximum number of parking spaces is five. For a residential use, two parking spaces per dwelling unit are allowed; for a commercial use, one space per 1200 sq. ft. is allowed.
  - j. The width of a driveway must be greater than 10 feet in width but less than 15 feet.

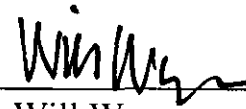
- k. The provisions under Subchapter F, Section 2.7 (*Sidewall Articulation*) and Section 3.1 (*Buildable Area*) do not apply along the west property line abutting the existing alley.
- l. Part 7.2.a and Part 7.17.b do not apply to the property at 511 West 41<sup>st</sup> Street.
- m. Par 7.4 is modified to allow an accessory building a maximum of 15 percent of site area.

**PART 5.** This ordinance takes effect on June 16, 2008.

**PASSED AND APPROVED**

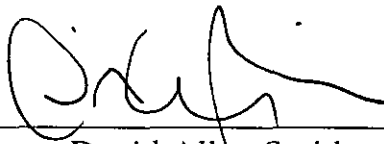
June 5, 2008

§  
§  
§



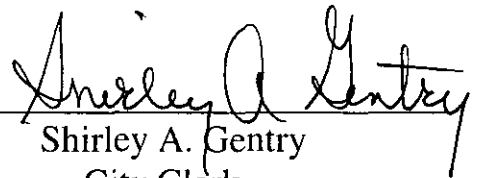
Will Wynn  
Mayor

**APPROVED:**

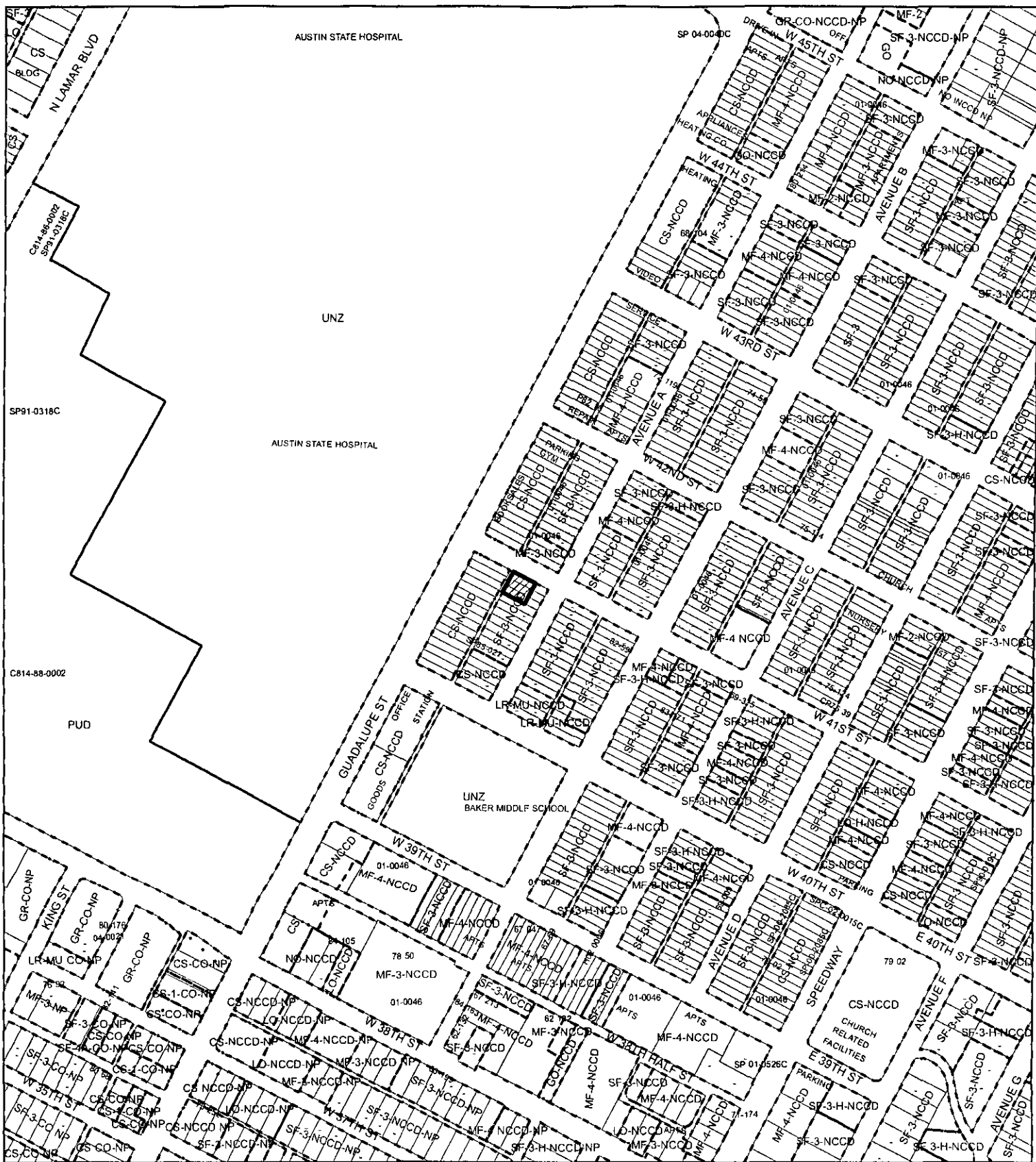


David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Gentry  
City Clerk

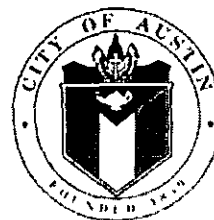


# ZONING EXHIBIT A



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

ZONING CASE# C14-2007-0210 & C14H-2007-0011  
 ADDRESS 511 W 41ST ST  
 SUBJECT AREA 0.137 ACRES  
 GRID J25  
 MANAGER J. ROUSSELIN



OPERATOR S. MECKS

1" = 400'

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