

ORDINANCE NO. 900830- 2

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 (LAND USE) OF THE AUSTIN CITY CODE OF 1981 TO ESTABLISH A HYDE PARK CIVIC NEIGHBORHOOD CONSERVATION COMBINING DISTRICT WITHIN THE BOUNDARIES DEFINED IN THIS ORDINANCE; MODIFYING CERTAIN BASE DISTRICT USE, SITE DEVELOPMENT, AND PROCEDURAL REGULATIONS FOR PROPERTY INCLUDED IN THE HYDE PARK CIVIC NCCD; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; WAIVING THE REQUIREMENT OF SEC. 2-2-3 OF THE AUSTIN CITY CODE OF 1981 THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

WHEREAS, an application has been submitted by the neighborhood organization and the owner of certain property located in the Hyde Park neighborhood to establish a neighborhood conservation combining district ("NCCD") in accordance with and pursuant to applicable provisions of the Land Development Code; and

WHEREAS, an appropriate Neighborhood Plan has been filed with the Director of the Planning and Development Department; and

WHEREAS, the neighborhood organization and the owner of the property described in this ordinance have acknowledged, and the City Council understands, that the neighborhood conservation combining district established by this ordinance is intended to be incorporated into and merged with an NCCD fully implementing the Neighborhood Plan when the larger NCCD is established in the future; and

WHEREAS, the City Council finds there are no designated historic landmarks in the area proposed for designation in this ordinance as an NCCD; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission to adopt the proposed NCCD, and finds that all required public hearings have been held, with notice given as required by law; and

WHEREAS, the City Council believes the creation of an NCCD in Hyde Park is in the public interest, and will benefit property owners and residents of the neighborhood and the City; Now, Therefore,

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

**PART 1.** The Hyde Park Civic Neighborhood Conservation Combining District (the "Hyde Park Civic NCCD") is established, with its boundaries as shown on the map attached and incorporated into this ordinance as Exhibit "A." The Zoning Map accompanying Chapter 13-2 (Land Use) of the Austin City Code of 1981 and made a part thereof is amended to establish the Hyde Park Civic NCCD in combination with the base zoning district previously established and existing for each property within the Hyde Park Civic NCCD.

**PART 2.** The use and development of property located within the Hyde Park Civic NCCD shall conform with the use and site development regulations established by the applicable base zoning district and all other applicable regulations established by the Land Development Code, as such regulations may be modified by the NCCD regulations set forth in PART 3 of this ordinance.

CITY OF AUSTIN, TEXAS

**PART 3.** (a) The applicable provisions of Title XIII (Land Development Code) of the Austin City Code of 1981 are modified in the Hyde Park Civic NCCD in accordance with the subparagraphs of this PART 3. Regulations applicable to specific tracts within the Hyde Park Civic NCCD refer to Tracts 1 through 8, as identified on Exhibit "A."

(b) The following uses are permitted uses on Tracts 1, 4, and 6; and all other uses are prohibited:

- (i) religious assembly, and uses incidental thereto including without limitation counseling,
- (ii) private primary educational facilities,
- (iii) private secondary educational facilities,
- (iv) day care services (commercial, general, or limited), and
- (v) community recreation as an accessory to religious assembly use.

(c) If the use of Tract 1 for private secondary educational facilities is abandoned, the abandoned use shall no longer be a permitted use on Tract 1 under subsection (a).

(d) In addition to other uses permitted under this ordinance, and notwithstanding any prohibition of other uses, Tracts 1, 2, 4, 6, and 7 may be used for off-street parking required for any permitted use in the Hyde Park Civic NCCD or for off-street parking that exceeds the amount required for a permitted use.

(e) Off-street parking spaces that exist in the Hyde Park Civic NCCD on the effective date of this ordinance shall be considered to satisfy (and may exceed) the parking requirements for existing uses, as those uses exist within the Hyde Park Civic NCCD on the effective date of this ordinance. If additional off-street parking spaces are required by the Land Development Code (calculated using the standards established by the Land Development Code on the effective date of this ordinance) for a use that is established or expanded after the effective date of this ordinance, additional off-street parking spaces shall be provided (or a "shared parking" arrangement for mixed-use development may be approved) in accordance with the Land Development Code.

(f) The use of Tract 2 for a multi-story off-street parking facility, surface off-street parking, or single-family residential use is permitted, and all other uses are prohibited. A multi-story off-street parking facility may be constructed on all or a portion of the western half of Tract 2 (the "Proposed Garage") and may equal but not exceed the height of the parking facility that currently is located on the eastern half of Tract 2 (the "Existing Parking Facility"), with the following building setback lines:

- (i) from West 40th Street, a distance equal to the building setback of the Existing Parking Facility from West 40th Street;;
- (ii) from West 39th Street, a distance equal to the building setback of the Existing Parking Facility from West 39th Street; and
- (iii) from Avenue D, no setback from the public right-of-way is required unless the alley separating the Proposed Garage from the Existing Parking Facility is vacated. If that alley is vacated, the building setback line shall be 10 feet from the Avenue D property line.

Notwithstanding the preceding sentence, if the Proposed Garage abuts a lot used for a single-family residential use, there shall be a building setback line established 25 feet from the common property line with the abutting lot; and the height of the Proposed Garage shall not exceed 30 feet at any point closer than 50 feet from the common property line with the abutting lot. Portions of a structure constructed below existing grade may be built with no subterranean setback from public right-of-way and a minimum side yard subterranean setback of five feet, if the subterranean portion

of the structure is not visible and the surface is grass and/or landscaped. Development of surface parking on a portion of Tract 2 shall be subject to the approval by the Director of the Planning and Development Department of a site plan that conforms with the NCCD plan attached and incorporated into this ordinance as Exhibit "B." Site development standards otherwise established by the Land Development Code are hereby modified to the extent necessary to authorize surface parking development conforming to the NCCD plan attached as Exhibit "B."

(g) The use of lots within the area identified as Tract 3 is restricted to single-family residential use and uses incidental to single-family residential use. All other uses are prohibited.

(h) Development of Tract 4 for a surface off-street parking shall conform to the site development regulations in the MF-4 base zoning district established by the Land Development Code on the effective date of this ordinance modified as follows:

- (i) impervious cover shall not exceed 90% of the site,
- (ii) no minimum rear yard setback is required, and
- (iii) the minimum front yard setback is five feet.

(i) The use of lots within the area identified as Tract 5 is restricted to single-family residential use and uses incidental to single-family residential use; provided, however, that the use of the existing parking lot for off-street surface parking is permitted until the total number of off-street parking spaces established within the Hyde Park Civic NCCD equals or exceeds 976 spaces. When the total number of off-street parking spaces equals or exceeds 976 spaces, the use of a lot within Tract 5 for any use other than single-family residential use or as a landscaped area incidental to single-family residential use shall be unlawful. All other uses are prohibited.

(j) Development of all or any portion of Tract 6 shall be subject to the approval by the Director of the Planning and Development Department of a site plan that conforms with either of the NCCD plans attached and incorporated into this ordinance as Exhibit "C" or Exhibit "C-1;" provided, however, that the existing structure at the rear of 3805 Speedway Avenue may be retained in connection with development in accordance with Exhibit "C" if the structure is restricted to residential use on the second story and storage use on the first floor. Site development standards otherwise established by the Land Development Code are hereby modified to the extent necessary to authorize development in accordance with either of the NCCD plans attached as Exhibit "C" or Exhibit "C-1." Portions of a structure constructed below existing grade may be built with no subterranean setback from public right-of-way and a minimum subterranean setback of five feet from the rear property line of lots fronting on Speedway Avenue, if the subterranean portion of the structure is not visible and the surface is grass and/or landscaped.

(k) Development of all or any portion of Tract 7 shall be subject to the approval by the Director of the Planning and Development Department of a site plan that conforms with the NCCD plan attached and incorporated into this ordinance as Exhibit "D." Site development standards otherwise established by the Land Development Code are hereby modified to the extent necessary to authorize development conforming to the NCCD plan attached as Exhibit "D." The following uses are permitted uses on that portion of Tract 7 zoned as "LO" Limited Office base district immediately before the effective date of this ordinance; and all other uses are prohibited:

- (i) religious assembly, and uses incidental thereto,
- (ii) private primary educational facilities,
- (iii) private secondary educational facilities,

- (iv) day care services (commercial, general, or limited), and
- (v) community recreation as an accessory to religious assembly use.

The following uses are permitted uses on the balance of Tract 7; and all other uses are prohibited; provided, however, that no structures are allowed other than the existing structure identified on Exhibit "D" as the "Relocated Tannehill House:"

- (i) off-street and off-site parking for religious assembly, in accordance with subsection (e);
- (ii) single-family residential use,
- (iii) community recreation as an accessory to religious assembly use or recreation incidental to a day care service or private primary or secondary educational facilities use, and
- (iv) the structure identified on Exhibit "D" as the "Relocated Tannehill House" may be used for religious assembly (and uses incidental thereto) and club or lodge.

(l) The structure identified on Exhibit "D" as the "Relocated Tannehill House" may be relocated from its present location on Tract 7 in accordance with the NCCD plan. The Director of the Planning and Development Department is authorized and directed to waive any fee, ordinance or code requirement, rule, or regulation otherwise applicable to the relocation and the restoration of the Tannehill House that is not required, in his or her sole discretion, to protect the safety of the public or of users of the Tannehill House.

(m) Except as otherwise provided in this subsection, the use of lots within the area identified as Tract 8 shall be restricted to single-family residential use and uses incidental to single-family residential use. The existing structures on the lot at the southeast corner of the intersection of Avenue F and 41st Streets may be used for a duplex use with an additional dwelling unit in the garage. The existing use of the parking lot on the northwest corner of the intersection of Avenue G and 40th Streets for surface off-street parking is a permitted use. The existing use of the playground at the northeast corner of the intersection of Avenue F and 40th Streets for community recreation as an accessory to religious assembly use and recreation incidental to a day care service or private primary educational facilities use is a permitted use. Improvements to the parking lot at the northwest corner of the intersection of Avenue G and 40th Streets are authorized pursuant to the NCCD plan attached and incorporated into this ordinance as Exhibit "E."

(n) The decision of the Director of the Planning and Development Department to approve or deny a site plan submitted to develop all or any portion of Tract 2, 6, 7, or 8 in accordance with an NCCD plan attached as an exhibit to this ordinance, if appealed, shall be appealed directly to the City Council. An appeal must be filed by an interested party no later than ten days after the date the Director acts to approve or deny the site plan. The City Manager is authorized and directed to schedule a public hearing on the appeal for the first meeting of the City Council for which notice of the public hearing required by the Land Development Code can be given; and the Director shall provide notice of the public hearing in accordance with the requirements established by the Land Development Code on the effective date of this ordinance.

**PART 4.** If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person, property, or set of circumstances is for any reason held to be unconstitutional, void, or otherwise invalid, the validity of the remaining portions of this ordinance shall not be affected by such invalidity, it being the intent of the City Council in adopting this ordinance that no portion or provision of this ordinance shall become inoperative or fail by reason of the invalidity of any other portion or provision of this ordinance; and all provisions of this ordinance are declared to be severable for that purpose.

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PART 5. The requirement of Sec. 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days is waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 6. This ordinance shall be effective ten days after the date of its final passage.

PASSED AND APPROVED:

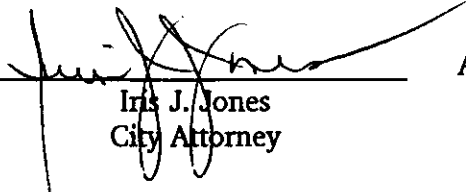
August 30, 1990

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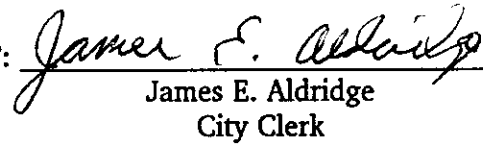
  
Lee Cooke

Mayor


APPROVED:

  
Iris J. Jones  
City Attorney

ATTEST:

  
James E. Aldridge  
City Clerk

afm

NORTH 	PENDING CASE .....	SUBJECT TRACT.....	GRID J25
	ZONING LINE - - - - -	SUBJECT ACREAGE 9.78	
	CYCLE <u>8/22</u> INTLS <u>PL</u>	CASE NO: <u>C14-90-0039</u> TRACTS #1 thru #8	



# EXHIBIT B

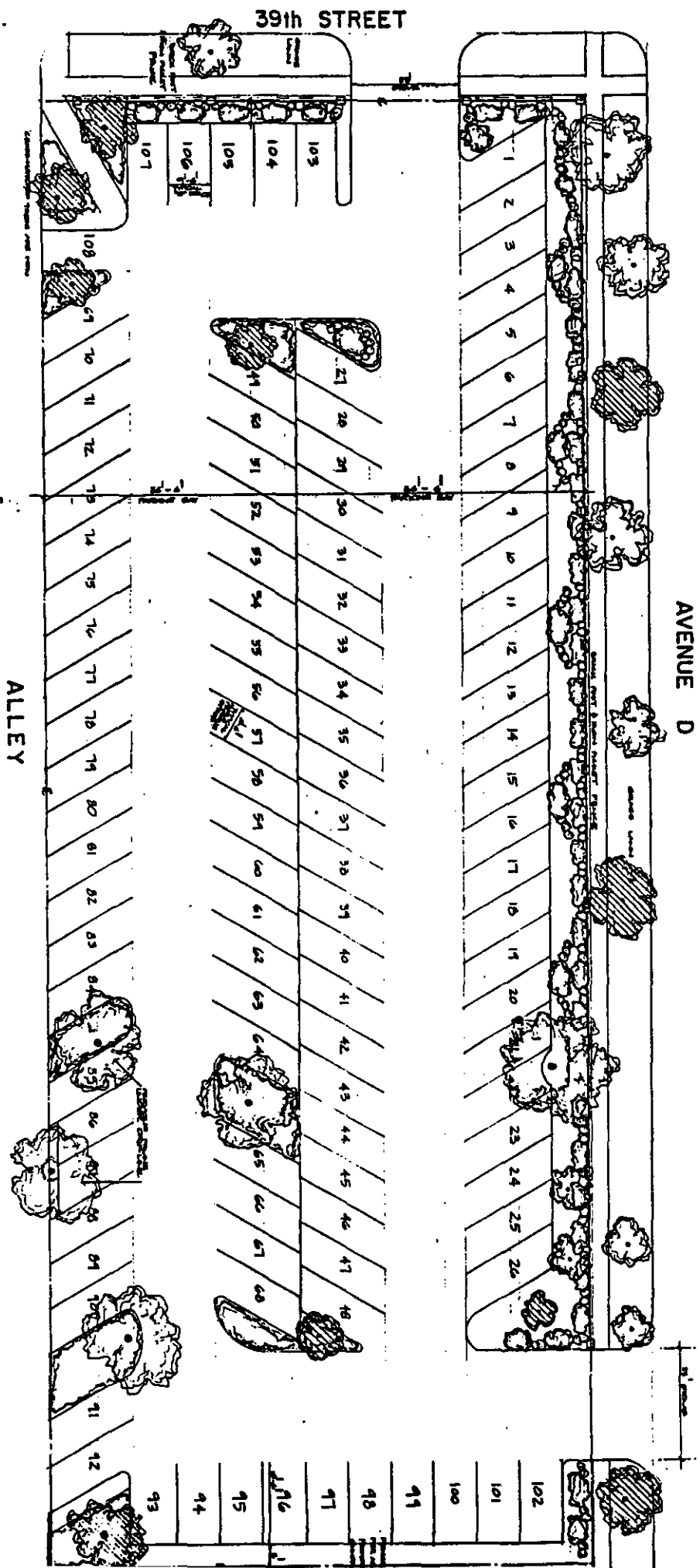
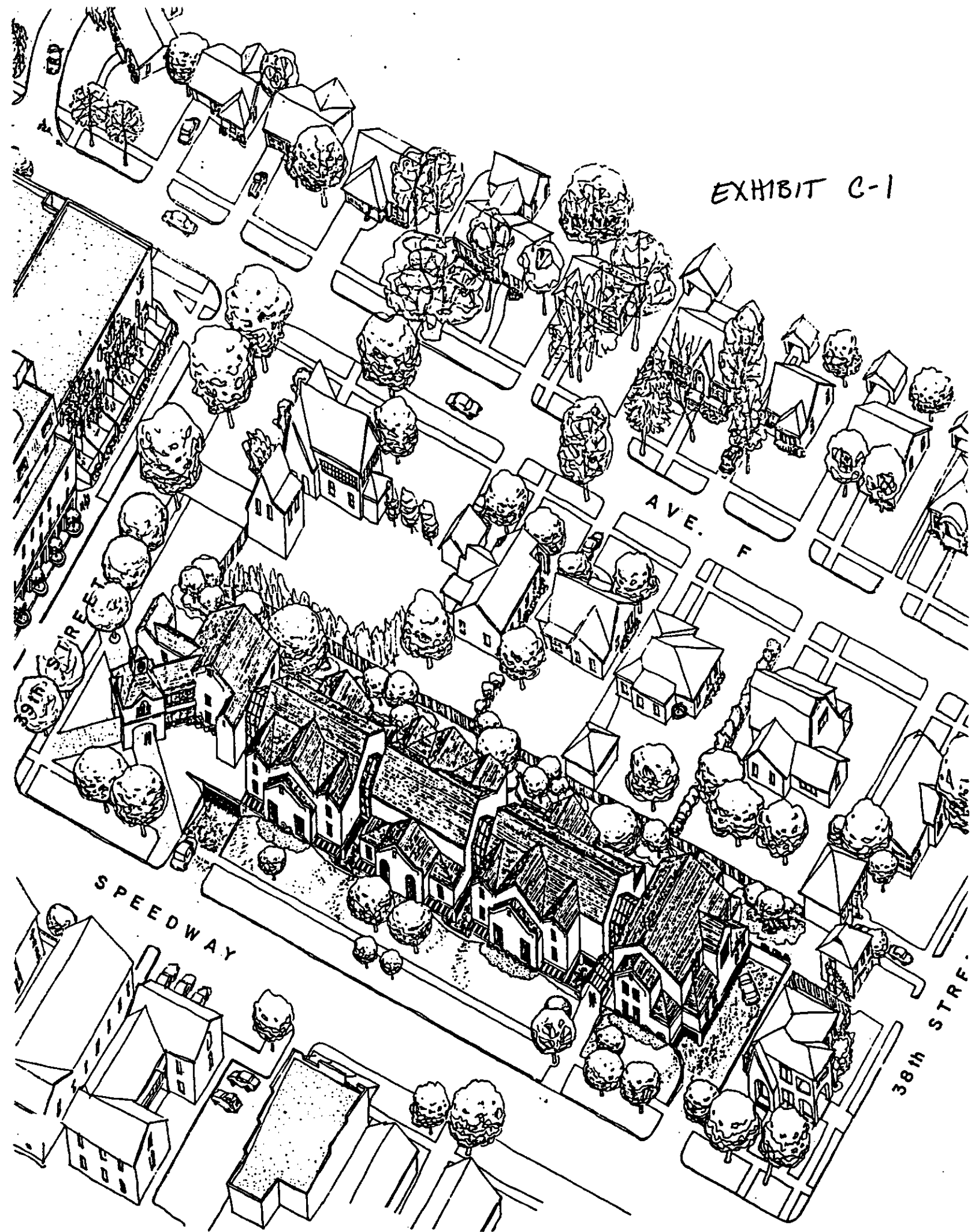
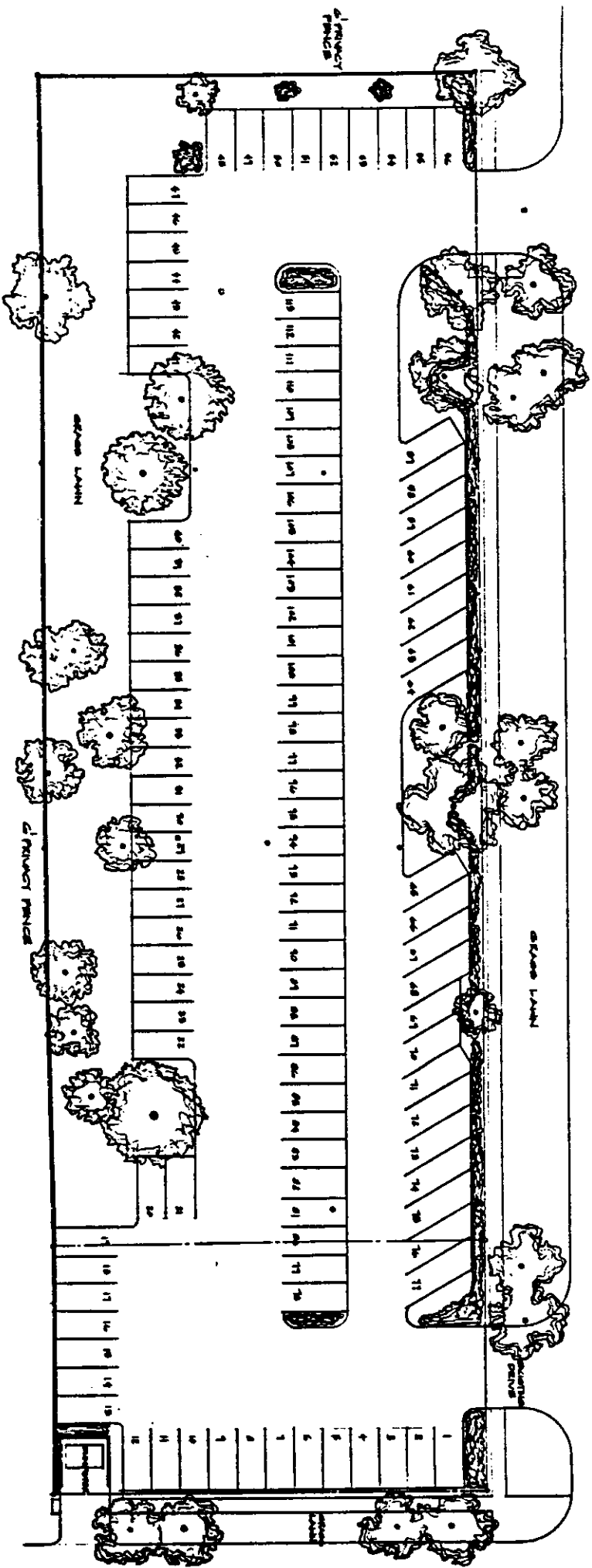


EXHIBIT C-1





SPEEDWAY



INTERIM SITE PLAN  
SCALE: 1" = 20'  
DATE: AUGUST 3, 1980

EXHIBIT C

Sheet 2

F 39TH ST

40th STREET

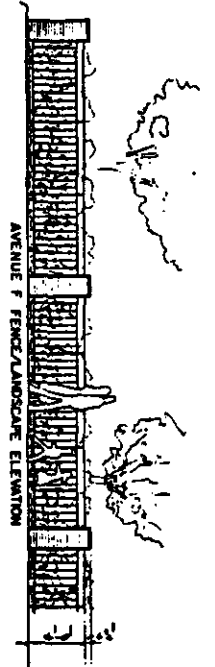
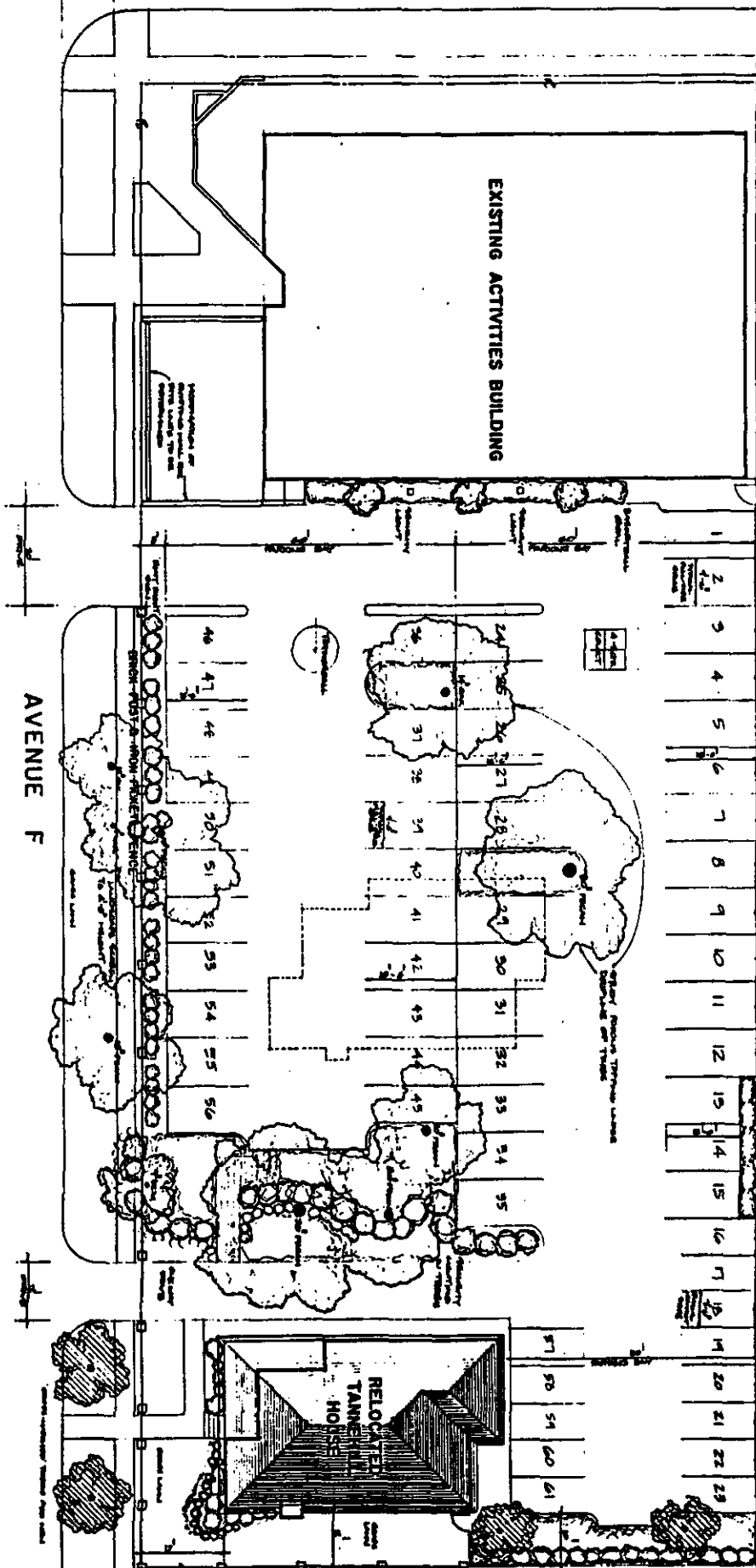

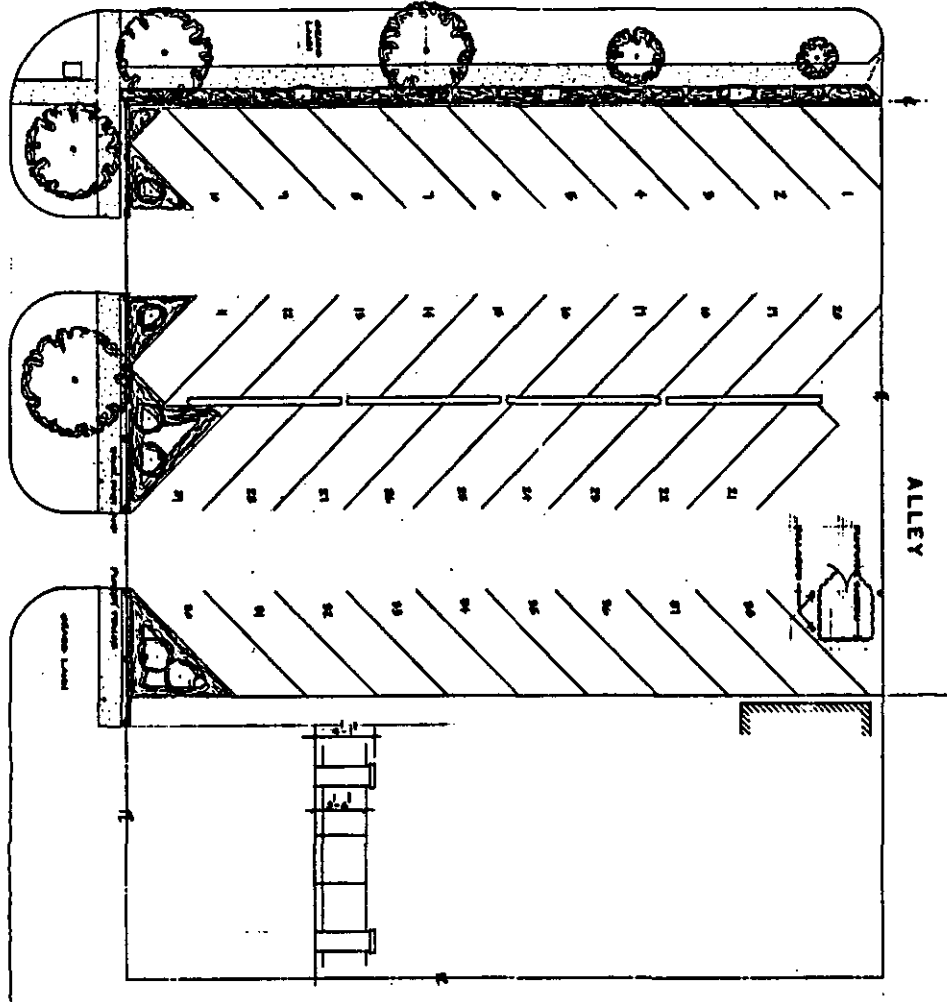


EXHIBIT D

 SITE PLAN

SCALE: 1" = 10' DRAWN: JUNE 1, 1990 REVISED: JUNE 22, 1990

EAST 40TH STREET



SITE PLAN

SCALE: 1"=10'  
DATE: AUGUST 9, 1990 REVISED: MAY 22, 2000

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EXHIBIT E

City of

# Austin American-Statesman

City Clerk

## AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Lillie Petty

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

October 26th, 1990

and that the attached is a true copy of said advertisement.

Lillie Petty

SWORN AND SUBSCRIBED TO BEFORE ME, this the 26th

Day of October A.D. 199 0.

ORDINANCE NO. 900830-G  
AN ORDINANCE ORDERING A REZONING MAP AND CHANGING THE ZONING MAP ACCORDING TO CHAPTER 43-2 (LAND USE) OF THE AUSTIN CITY CODE OF 1961 TO ESTABLISH A HYDE PARK CIVIC NEIGHBORHOOD CONSERVATION CORRIDOR DISTRICT WITHIN THE BOUNDARIES DERIVED IN THIS ORDINANCE MODIFYING CERTAIN BASE DISTRICTS (USE, SITE DEVELOPMENT, AND A PROCEEDURAL REGULATIONS) FOR PROPERTY INCLUDED IN THE HYDE PARK CIVIC NEIGHBORHOOD CONSERVATION CORRIDOR DISTRICT. CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT, PROVIDING FOR SEVERABILITY, AND THE RECUSING OF CERTAIN ORDINANCES OF THE AUSTIN CITY CODE OF 1961 THAT ORDINANCES BE READ ON THREE SEPARATE DAYS AND DEBATING AN EMERGENCY MOTION TO COMPEL AUSTIN, TEXAS

Jill Wallace

(Type or Print Name of Notary)

Jill Wallace

Notary Public in and for  
TRAVIS COUNTY, TEXAS

9/26/94

(My Commission Expires:)

