

Late Backup

ORDINANCE NO. 20081016-61

#061

10-16-08

AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE TO
CREATE THE NORTH BURNET/GATEWAY (NBG) ZONING DISTRICT AND
PROVIDING FOR A REGULATING PLAN ESTABLISHING USE AND SITE
DEVELOPMENT REGULATIONS FOR THE NBG DISTRICT; TO ADOPT THE
REGULATING PLAN FOR THE NBG DISTRICT; AND TO APPROVE A
COLLECTOR PLAN UNDER SECTION 25-6-51 (*RESERVATION OF RIGHT-OF-
WAY*) OF THE CITY CODE FOR THE NORTH BURNET/GATEWAY
NEIGHBORHOOD PLAN AREA.

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

PART 1. Subsections (E) and (F) of Section 25-2-32 (*Zoning Districts and Map Codes*)
of the City Code are amended to read

(E) Special purpose base districts and map codes are as follows:

- | | | |
|-----|------------------------------|------------|
| (1) | development reserve | DR |
| (2) | aviation services | AV |
| (3) | agricultural | AG |
| (4) | planned unit development | PUD |
| (5) | public | P |
| (6) | traditional neighborhood | TN |
| (7) | transit oriented development | TOD |
| (8) | <u>North Burnet/Gateway</u> | <u>NBG</u> |

(F) Combining districts and map codes are as follows.

- | | | |
|-----|---------------------|----|
| (1) | historic landmark | H |
| (2) | historic area | HD |
| (3) | conditional overlay | CO |

- | | | | |
|----|-------|---|------------------|
| 1 | (4) | neighborhood conservation | NC |
| 2 | (5) | planned development area | PDA |
| 3 | (6) | waterfront overlay | WO |
| 4 | (7) | mixed use | MU |
| 5 | (8) | vertical mixed use | VMU |
| 6 | (9) | vertical mixed use building | V |
| 7 | (10) | Capitol view corridor | CVC |
| 8 | (11) | Capitol dominance | CD |
| 9 | (12) | Congress Avenue | CA |
| 10 | (13) | East Sixth / Pecan Street | PS |
| 11 | (14) | downtown parks | DP |
| 12 | (15) | downtown creeks | DC |
| 13 | (16) | convention center | CC |
| 14 | (17) | central urban redevelopment | CURE |
| 15 | (18) | East Austin | EA |
| 16 | (19) | neighborhood plan | NP |
| 17 | (20) | North Burnet/Gateway overlay | NB/GO |
| 18 | —(21) | university neighborhood overlay | UNO |

19 **PART 2.** Chapter 25-2, Subchapter A, Article 2, Division 5 (*Special Purpose Districts*)
20 of the City Code is amended to add a new section 25-2-148 to read:

21 **§25-2-148. NORTH BURNET/GATEWAY (NBG) DISTRICT.**

22 (A) North Burnet/Gateway (NBG) district is the designation for an identified area of
23 existing low density, auto-oriented commercial, warehouse, and industrial uses that is
24 the subject of an approved master plan for redevelopment of the area into a higher
25 density urban mixed-use neighborhood that is more pedestrian friendly and takes

1 advantage of the links to commuter rail transit and the area's key position in the
2 urban core

3 (B) An NBG designation may be applied only within the North Burnet/Gateway
4 neighborhood plan area

5 **PART 3.** Section 25-2-180 (*North Burnet/Gateway Overlay (NB/GO) District Purpose*
6 *and Boundaries*) of the City Code is repealed

7 **PART 4.** The title of Chapter 25-2, Subchapter C, Article 3, Division 11 (*North*
8 *Burnet/Gateway Overlay District Regulations*), Section 25-2-767 01 (*Applicability*), and
9 Section 25-2-767 02 (*Conflict of Law*) of the City Code are amended to read

10 **Division 11. North Burnet/Gateway ~~Overlay~~ District Regulations.**

11 **§25-2-767.01. APPLICABILITY.**

12 This division applies in the North Burnet/Gateway (NBG) district to property
13 ~~described in Section 25-2-180 (North Burnet/Gateway Overlay (NB/GO) District~~
14 ~~Purpose and Boundaries)~~

15 **§ 25-2-767.02 REGULATING PLAN CONFLICT OF LAW.**

16 (A) Council by ordinance shall adopt and may at any time amend a regulating plan for the
17 NBG district that:

18 (1) establishes the permitted and conditional uses,

19 (2) prescribes site development regulations, including maximum and minimum
20 development parameters,

21 (3) prescribes requirements for street, streetscape, and other public area
22 improvements, and

23 (4) establishes other appropriate regulations or modifies or waives a requirement of
24 this title

25 (B) For property governed by this division, this division and a regulating plan adopted
26 under this section supersedes the other provisions of this title to the extent of conflict

27 (C) A requirement of a regulating plan is a requirement of this chapter for purposes of
28 Section 25-2-472 (Board of Adjustment Variance Authority).

1 (D) Amendments to the regulation plan are subject to the requirements for amendments
2 to this title in Section 25-1-502 (Amendment, Review)

3 **PART 5.** Sections 25-2-767 03 (*Application of Commercial Design Standards*), Section
4 25-2-767 04 (*Application of Core Transit Corridor Standards*), and Section 25-2-767.05
5 (*Application of Urban Roadway Design Standards*) of the City Code are repealed

6 **PART 6.** Chapter 25-2, Subchapter E, Section 1 2 3 A (*Exemptions*), is amended to read:

7 **1.2.3. Exemptions.**

8 A **General Exemptions.** The following types of development are exempt from
9 the requirements of this Subchapter.

- 10 1 Development that does not require a site plan under Chapter 25-5,
- 11 2 Development in the following zoning districts:
 - 12 a Agricultural (AG) district,
 - 13 b Aviation (AV) district, and
 - 14 c Traditional neighborhood (TN) district;
- 15 3 Development built pursuant to the overlay district provisions of the university
16 neighborhood overlay (UNO) district,
- 17 4 Development built pursuant to an adopted transit station area plan,
- 18 5. Development built pursuant to the Robert Mueller Municipal Airport
19 Redevelopment Plan,
- 20 6 Development built pursuant to an adopted downtown plan,
- 21 7 Development of an industrial use or data center, and
- 22 8 Interior remodeling of a building, and
- 23 9 Development built pursuant to the regulating plan for the North
24 Burnet/Gateway (NBG) district

25 **PART 7.** Chapter 25-2, Subchapter E, Section 1 2 4.B (*Conflicting Provisions*) of the
26 City Code is amended to read

B The following provisions supersede the requirements of this Subchapter to the extent of conflict.

1 The following provisions of Chapter 25-2

a Subchapter C, Article 3 (*Additional Requirements for Certain Districts*);

b Subchapter C, Article 4 (*Additional Requirements for Certain Uses*);

c Subchapter C, Article 10 (*Compatibility Standards*),

d Provisions applicable to the Hill Country Roadways; and

2 Regulations applicable to a

a Barton Springs Zone overlay district,

b. Conditional overlay (CO) combining district,

c Central urban redevelopment (CURE) combining district,

d Neighborhood conservation (NC) combining district,

e Neighborhood plan (NP) combining district,

f Planned development area (PDA) combining district,

g Planned unit development (PUD) district, or

h. Waterfront overlay (WO) district (except that the redevelopment provisions of this Subchapter in Sections 231, *Internal Circulation Systems for Large Sites*, and 43, *Vertical Mixed Use Buildings*, shall apply to the WO district), ~~or~~

~~1. North Burnet/Gateway overlay (NB/GO) district~~

PART 8. Chapter 25-2, (*Zoning*), Appendix E, of the City Code is repealed

PART 9. Chapter 25-6, Article 7, Division 8 (*Special Provisions for the North Burnet Gateway Overlay District*) of the City Code is repealed

PART 10. Council adopts "The Regulating Plan for the North Burnet/Gateway Zoning District, Austin, Texas" attached to this ordinance as Exhibit A, as the regulating plan for the NBG district

1 **PART 11.** Council approves Figure 3-12 of "The Regulating Plan for the North
2 Burnet/Gateway Zoning District, Austin, Texas" as a collector plan for purposes of
3 Section 25-6-51 (*Reservation of Right-of-Way*) of the City Code Alignments shown in
4 the collector plan are approximate and may be adjusted for purposes of determining
5 alignments under Section 25-6-51 (*Alignment*) of the City Code

6 **PART 12.** This ordinance takes effect on _____, 2008

7 **PASSED AND APPROVED**

8
9 §
10 §
11 _____, 2008 § _____
12 Will Wynn
13 Mayor
14

15
16 **APPROVED:** _____
17 David Allan Smith
18 City Attorney
19

20 **ATTEST:** _____
21 Shirley A. Gentry
City Clerk