

ORDINANCE NO.

**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 ARTICLE 2 (*RESERVATION AND
DEDICATION 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	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
(4)	neighborhood conservation	NC

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

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

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

(A) North Burnet/Gateway (NBG) district is the designation for an identified area of existing low density, auto-oriented commercial, warehouse, and industrial uses that is the subject of an approved master plan for redevelopment of the area into a higher density urban mixed-use neighborhood that is more pedestrian friendly and takes advantage of the links to commuter rail transit and the area's key position in the urban core.

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

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 Section 25-2-180 (*North Burnet/Gateway Overlay (NB/GO) District Purpose and Boundaries*) of the City Code is repealed.

PART 4. The title of Chapter 25-2, Subchapter C, Article 3, Division 11 (*North Burnet/Gateway Overlay District Regulations*), Section 25-2-767.01 (*Applicability*), and Section 25-2-767.02 (*Conflict of Law*) of the City Code are amended to read:

Division 11. North Burnet/Gateway Overlay District Regulations.

§25-2-767.01. APPLICABILITY.

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

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

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

(1) establishes the permitted and conditional uses;

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

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

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

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

(C) The site development standards in Section 4.2 (*General Development Standards*) of the Regulating Plan are the only parts of the regulating plan that are requirements of Chapter 25-2 (*Zoning*) of the City Code for purposes of Section 25-2-472 (*Board of Adjustment Variance Authority*) of the City Code.

1 (D) Amendments to the regulating plan are subject to the requirements of Section 25-1-
2 502 (Amendment; Review) for amendments to Title 25 and not the requirements for
3 notice of rezoning under Section 25-2-261 (Notice of Application Filing).

4 **PART 5.** Sections 25-2-767.03 (*Application of Commercial Design Standards*), Section
5 25-2-767.04 (*Application of Core Transit Corridor Standards*), and Section 25-2-767.05
6 (*Application of Urban Roadway Design Standards*) of the City Code are repealed.

7 **PART 6.** Chapter 25-2, Subchapter E, Section 1.2.3.A (*Exemptions*), is amended to read:

8 **1.2.3. Exemptions.**

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

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

26 **PART 7.** Chapter 25-2, Subchapter E, Section 1.2.4B (*Conflicting Provisions*) of the
27 City Code is amended to read:

B. The following provisions superseded 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 2.3.1, *Internal Circulation Systems for Large Sites*, and 4.3, *Vertical Mixed Use Buildings*, shall apply to the WO district); ~~or~~
- i. ~~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.

PART 11. Council approves Figure 3-12 of “The Regulating Plan for the North Burnet/Gateway Zoning District, Austin, Texas” as a collector plan for purposes of Section 25-6 Article 2 (*Reservation and Dedication of Right-of-Way*) of the City Code. Alignments shown in the collector plan are approximate and may be adjusted for purposes of determining alignments under Section 25-6-54 (*Alignment*) of the City Code.

PART 12. This ordinance takes effect on _____, 2009.

PASSED AND APPROVED

_____, 2009

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Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Gentry
City Attorney City Clerk