NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Dawson Neighborhood Plan

CASE#: NPA-2011-0001.01

PC DATE: July 12, 2011 (postponed to August 9, 2011)
June 28, 2011 (hearing cancelled)

ADDRESS/ES: 141 West Oltorf Street

SITE AREA: 0.1472 acres

APPLICANT/OWNER: Kathleen Pixley

AGENT: Kathleen Pixley

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family **To:** Mixed Use or Mixed Use/Office

Base District Zoning Change

Related Zoning Case: C14-2011-0015
From: SF-3-NP **To:** GO-MU-CO-NP

NEIGHBORHOOD PLAN ADOPTION DATE: August 27, 1997

PLANNING COMMISSION RECOMMENDATION: Pending.

STAFF RECOMMENDATION: Not Recommended

BASIS FOR STAFF'S RECOMMENDATION: The plan amendment and zoning change request does not meet the following Goals, Objectives, and Action Items:

Neighborhood Character

1. **Preserve the character of the Dawson Neighborhood.**
   - Objective: Preserve the residential character of the interior of the neighborhood and the commercial character of South First Street and South Congress Avenue.
   - Objective: Preserve the quiet nature of the Dawson neighborhood.
   - Objective: Preserve the friendly, family-oriented atmosphere.

Action Items:

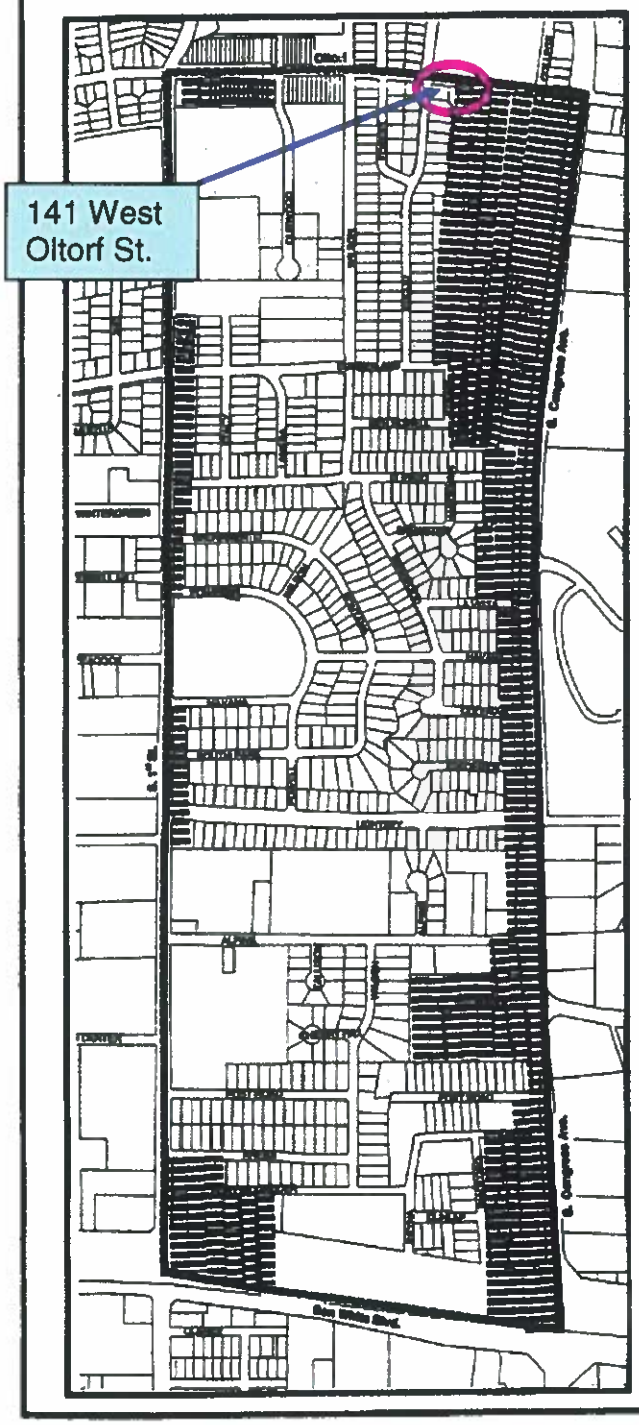
- The Planning Commission and City Council should uphold and preserve the residential zoning of the interior of the neighborhood. They should not allow lots outside the Congress and South First Street corridors to be zoned for commercial or more intensive uses.
- The Dawson Neighborhood Association will publicize through its newsletter the requirements and restrictions on home based businesses to support very small businesses while still maintaining the residential integrity of the interior of the neighborhood.
- The Development Review and Inspection Department should aid this effort by increasing the enforcement of existing ordinances regarding home-based businesses, with either additional staff, or a reallocation of existing staff.

Business and Commerce

4. **Encourage appropriate business development.**
   - Objective: Form a Dawson business coalition.
   - Objective: Encourage types of new businesses and building types that are compatible with the neighborhood and its other existing businesses.

- Objective: Improve aesthetics along the neighborhood perimeter.

5. **Increase awareness of the neighborhood's resources.**
   - Objective: Increase awareness of the businesses in the Dawson neighborhood.



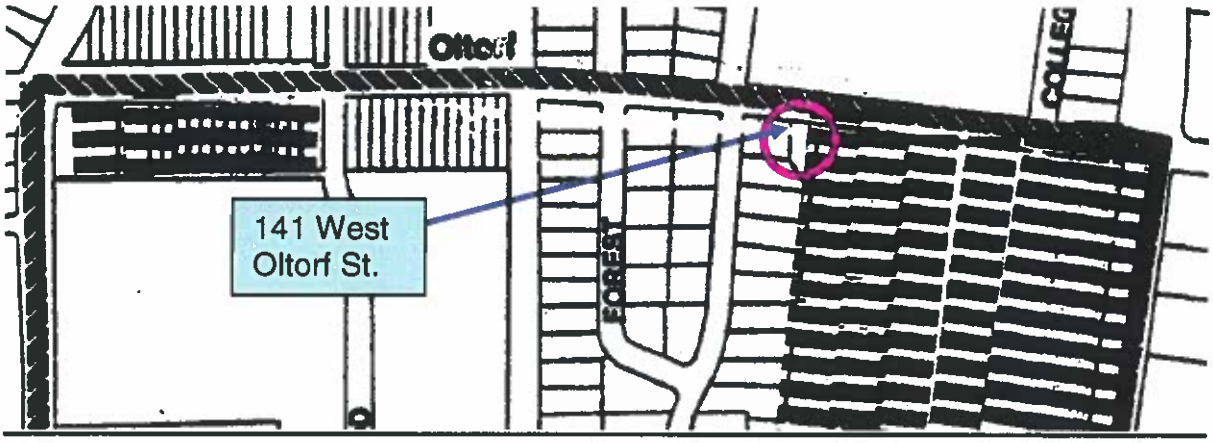
Dawson Neighborhood Plan

Figure 3: Dawson Neighborhood Commercial Corridors

The shaded areas represent the commercial corridors of the Dawson neighborhood, South First Street and South Congress Avenue. Located along major streets, and within easy walking distances of the neighborhood's houses and apartments, these corridors house a mix businesses serving the needs of the neighborhood and the City as a whole.

Compatibility is important to the continued success the existing businesses in the Dawson neighborhood. New businesses should not be of a type that will detract from established businesses, or the neighborhood as a whold. Compatibility will be especially important as the proposed light rail line along South Congress brings additional development pressures to the area.

N



Staff Analysis: When the Dawson Plan was adopted, the participants clearly intended to include this tract within the residential portion of the plan and to not add it to the commercial corridor. The lot was platted specifically as part of the residential development and the stakeholders do not want the property to transition to commercial losing the buffer that exists between the HEB parking lot to the east and the residential property immediately adjacent to the property to the west.

BACKGROUND: The plan amendment case was filed on February 28, 2011, which is within the open filing period for City Council-approved neighborhood plans located on the west side of I.H.-35.

The associated zoning case is C14-2011-0015. The zoning request is to change the zoning from SF-3-NP (Family Residence – Neighborhood Plan) to GO-MU-CO-NP (General Office-Mixed Use-Conditional Overly-Neighborhood Plan) to operate a hair salon. The conditional overly is for LR-Neighborhood Commercial uses and development standards but with one GO use for personal services, which a beauty salon is categorized as such.

The proposed future land use map change is from Single Family to either Mixed Use, which is consistent with the land use directly to the east (HEB tract) or to mixed use/office, which could serve as a lower-intensity buffer to the residential land use to the west.

The owner is currently operating a beauty salon out of her home under the Home Occupation Ordinance. A copy of the ordinance is located at the back of this report. She would like to rezone the property primarily so she can advertise her business, which she is not allowed to do under the Home Occupation Ordinance. Specifically, she would like to post a business sign in her front yard. The Home Occupation Ordinance allows signs to be posted but only if the property located on a Core Transit Corridor or a Future Core Transit Corridor. Oltorf Street is an Urban Roadway, but is not a Core Transit Corridor or a Future Core Transit Corridor.

The Dawson Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on August 27, 1997. The boundaries of the planning area are:

PUBLIC MEETINGS: The plan amendment meeting was held on April 20, 2011. One hundred forty meeting notices were mailed to property owners and utility account holders within 500 feet of the property, in addition to members of the Dawson Planning Contact Team and to environmental groups and neighborhood organizations registered on the City's Community Registry. Nine stakeholders attended the meeting, in addition to the applicant and one city staff member.

After Ms. Pixley's presentation, the following questions were asked:

Will your site have to comply with Commercial Design Standards?
Neither the applicant nor City staff were able to answer the question at the meeting; however, below is the response to the question from Amber Mitchell in the Development Assistance Center:

> Ms. Pixley may be able to qualify for a site plan exemption if the improvements are less than 1,000 sq ft of new impervious cover. If not and assuming this is subject to design standards she would likely have to have some type of alternative compliance since they are only adding parking, but I'm a little concerned about your applicant's ability to get 3 parking spaces in front of her house; it doesn't appear that she can meet our dimensional requirements. I found an old building permit that stated her building is *1,114 s.f. If that's the case she only needs three spaces: 1114/275 * .80 (the urban core reduction). It still amounts to four because she'll have to have an access aisle for the accessible space. She'll probably exceed 1,000 square feet with three spaces plus the access aisle and drive aisle behind the parking spaces, unless she already has a lot of existing paving on her property. If this is the case she'd submit a D site plan (construction, no land use) with the Land Use Review division and request Alternative Equivalent Compliance for Commercial Design Standards. My guess is that the sidewalks would be required at a minimum.
>
> *Note: TCAD has the building size at 888 square feet.

Will you have enough space on your property to provide the required parking?
Kathi Pixley said she spoke to a planner in the Development Assistance Center and was told, based on the size of her home of 888 square feet so she will need three parking spaces, plus one wheelchair accessible space. She believes she can fit the three spaces in her front yard, with the one accessible parking space near the rear of the home with a ramp leading to the back door.

Before you purchased the house, you knew it was residentially zoned and that the Dawson Planning Contact Team would not support any upzoning. Why did purchase the property anyway?

Kathi said she was fully aware of the situation because she spoke with members of the Dawson Planning Contact team prior to purchasing the home, but she said the home "talked to her" and she felt compelled to purchase it anyway.

If you were specifically looking for a commercial property for your beauty salon, why didn't you purchase a commercially-zoned property?
Kathi said the commercial properties were not within her price-range because it was at the peak of the house bubble.

After the discussion, members of the planning contact team and other attendees said it was not personal against Ms. Pixley, but they do not support her proposed changes. They are concerned about "commercial creep" into the established residential areas and have successfully fought against other single family homes along Oltorf from converting to commercial.

Letters in opposition from the Dawson Planning Contact with an informal petition against the case are on page 8. Other stakeholders' letters of opposition start on page 20.

On July 1, 2011, the applicant requested a 30-day postponement to the August 9, 2011 Planning Commission hearing date and the August 25, 2011 City Council hearing date. The postponement request letter is on page 8.

CITY COUNCIL DATE: July 28, 2011 **ACTION:** (pending)

CASE MANAGER: Maureen Meredith, Senior Planner **PHONE:** 974-2695

EMAIL: Maureen.meredith@ci.austin.tx.us

Applicant's First Postponement Request

From: kathleen pixley

Sent: Friday, July 01, 2011 2:17 PM
To: Meredith, Maureen
Subject: NPA-2011-0001.01--141 W.Oltorf

hey Maureen,

I need to ask for a 30 day postponement please. Sorry to do that to you. I need to postpone both the July 12, 2011 planning commission and the July 28th, 2011 city council meeting.

kathleen pixley

Letter from the Dawson Planning Contact Team – Does not Support

To: Planning Commission and City Council Members
Re: NPA-2011-0001.01
Date: 06/21/11

On June 13th, 2011 Dawson Neighborhood Planning Contact Team held a meeting in accordance with our bylaws to discuss the applicant's proposed future land use amendment from Single Family to Commercial for the property located at 141 Oltorf Street. Several members of the contact team attended the community meeting on April 20th, 2011 and relayed feedback from surrounding neighbors which was taken into consideration by the contact team. The contact team voted unanimously in opposition to the applicant's request for a Commercial land use designation. This vote was made with the following considerations:

- Page 14 of our Dawson Neighborhood Plan states, *"Objectives: Preserve the residential character of the interior of the neighborhood and the commercial character of South First Street and South Congress Avenue."* And, *"Action Items: The Planning Commission and City Council should uphold and preserve the residential zoning of the interior of the neighborhood. They should not allow lots outside the Congress and South First Street corridors to be zoned for commercial or more intensive uses."*
- Also, historically, similar proposed changes to properties on this section of Oltorf were opposed and not approved. Since that time these properties have been improved as single family homes.
- The change would set a precedent for more commercial applications and expansion, "commercial creep", along Oltorf.
- Residents who live within 500 feet of this property have indicated their opposition to the change. See Attached list.
- Page 27 of the adjacent Bouldin Neighborhood Plan states *"OBJECTIVE 3.2 A survey of homeowners on Oltorf determined that a majority did not support developing the street as a commercial corridor. However, the planning team recognizes that development pressure will continue to be a reality on Oltorf. The BCNPT recommends giving property owners the option to develop their properties as higher-density single-family uses such as townhouses and condominiums. Commercial development should only be accommodated at the major intersections with S. Congress, S. 1st, and S. 5th, and the Union Pacific Railroad Tracks. Additionally, new development on Oltorf should respect the recommendations in the adopted Dawson Neighborhood Plan."*

In addition, we do not support the GO-CO-MU-NP rezoning request. The contact team requests that the Planning Commission and City Council retain SF-3-NP because it is consistent with our Plan as referenced above.

Rebecca Sheller, Secretary
Dawson Neighborhood Planning Contact Team
(512) 496-9939
shellerr@southwestern.edu

Date: 06/21/11

Regarding Case Number: NPA-2011-0001.01

Address of Rezoning Request: 141 Oltorf Street, Austin, Texas 78704

To the Austin City Council,

We the undersigned owners of property within 500 feet of the requested zoning change described in the referenced case, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than the current zoning classification of SF3.

Reasons for filing this protest include :

- The change would violate the Dawson Neighborhood Plan.
- The change would violate adjacent Neighborhood Plans.
- The change would set a precedent for further applications (commercial creep) through lot by lot changes.
- Dawson FLUM has adopted VMU on the Core transit Corridors of South Congress and South First Streets. Oltorf is not a core transit corridor and is single family zoning for this section. This application would expand the VMU to a new street.
- This part of Oltorf is part of a continuous section of SF zoning from Ben White Boulevard to School for the Deaf.
- The property would never be able to provide adequate permanent parking .

	Signature	Printed name	Address	Additional Comment
1	J. M. Brady Jr.	J. M. BRADY, JR.	2403 EUCLID AVE	
2	Ave Boner	Ave Boner	2425 Forest Ave	I don't want a precedent to be
3	[illegible]	ALEX BESA	2419 Forest Ave	
4	Beth Brown	Beth Brown	2409 Euclid Ave	~~Do not want a Downtown~~ Our residential neighborhood
5	Carolyn Miller	CAROL MILLER	2406 EUCLID AVE	DO NOT change neighborhood plans

Regarding Case Number: NPA-2011-0001.01

	Signature	Print name	Address	Additional Comments
6		MEGAN CARLAN	2404 Euclid Ave	Like to remain residential.
7		CHESTER EITZE	2405 Euclid AVE	Keep current zoning
8		Sandra McMillan	2401 Euclid Ave	respect Dawson N'hood Plan, keep O/Port SF; incompatable w/SF neighbs
9		DANIEL R OPDYKE	2403 FOREST AVE	
10		PETER R DAVIS	2401 EUCLID AVE	
11		Jordan Voxler	2401 Forest Ave	
12		Jacob Daniel Apodaca	2421 Euclid Ave	Please keep the current zoning/We like it the way it is!
13		Julia Apodaca	2421 Euclid Ave	
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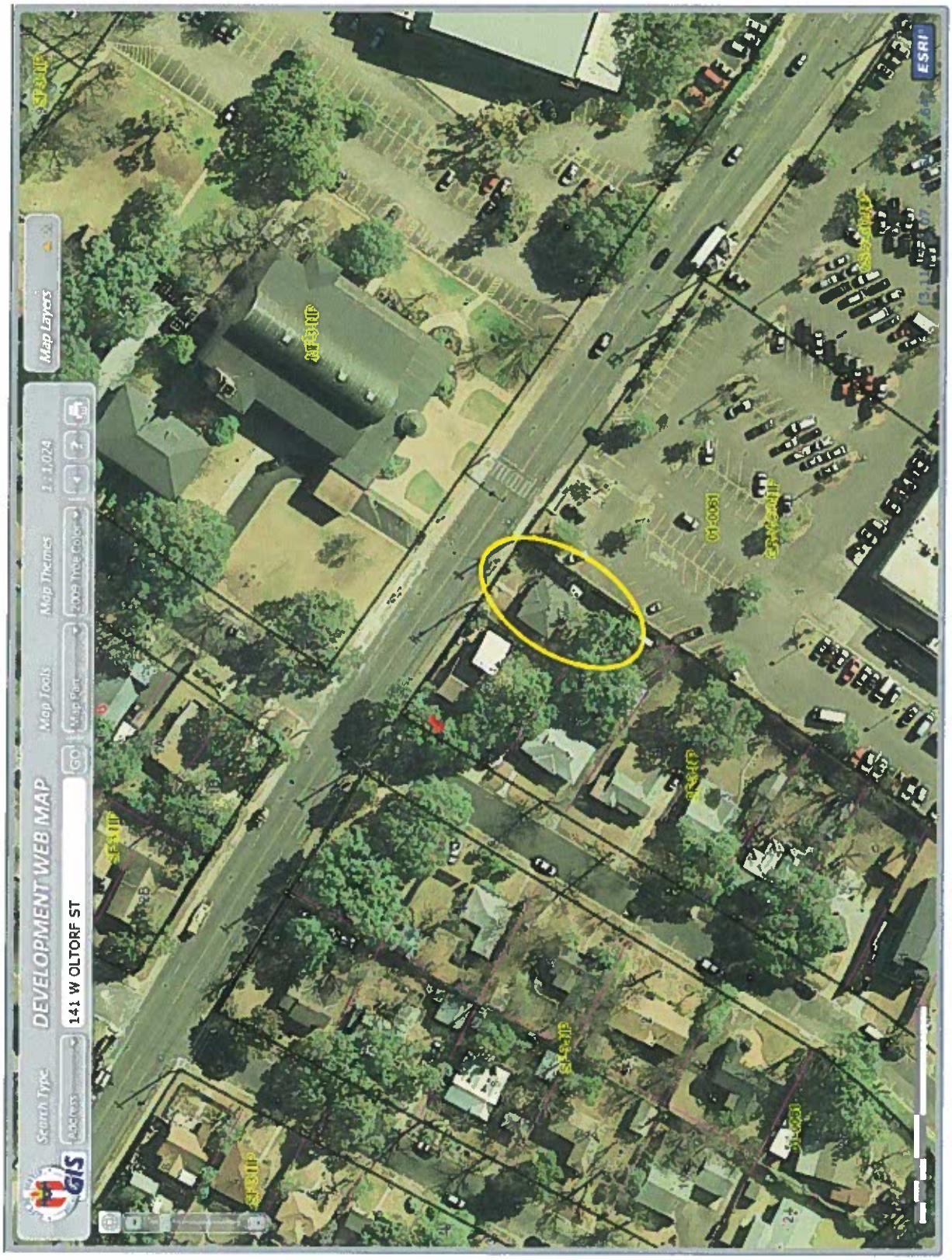
Regarding Case Number: NPA-2011-0001.01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141 W OLTORF ST
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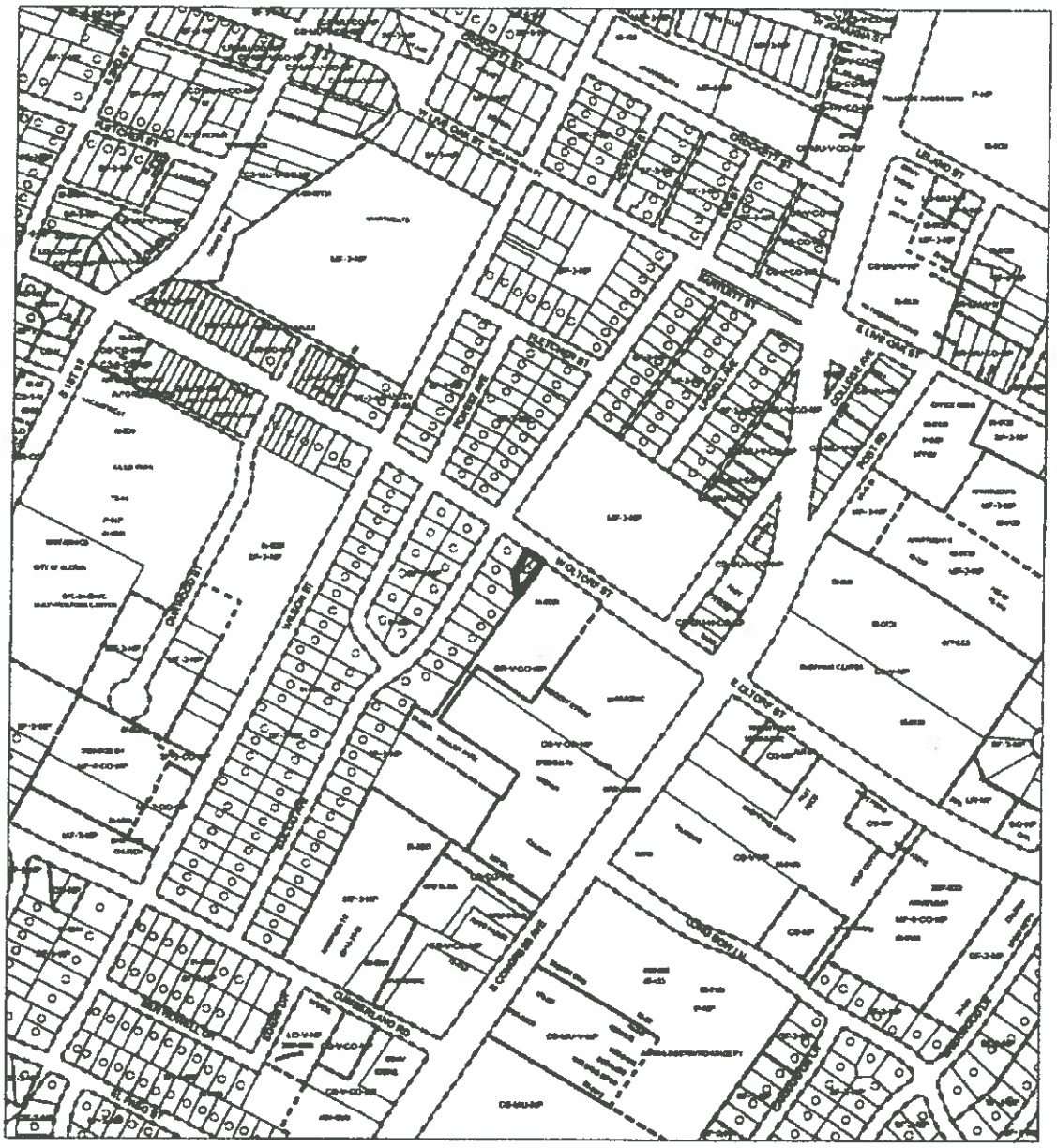

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SUBJECT TRACT

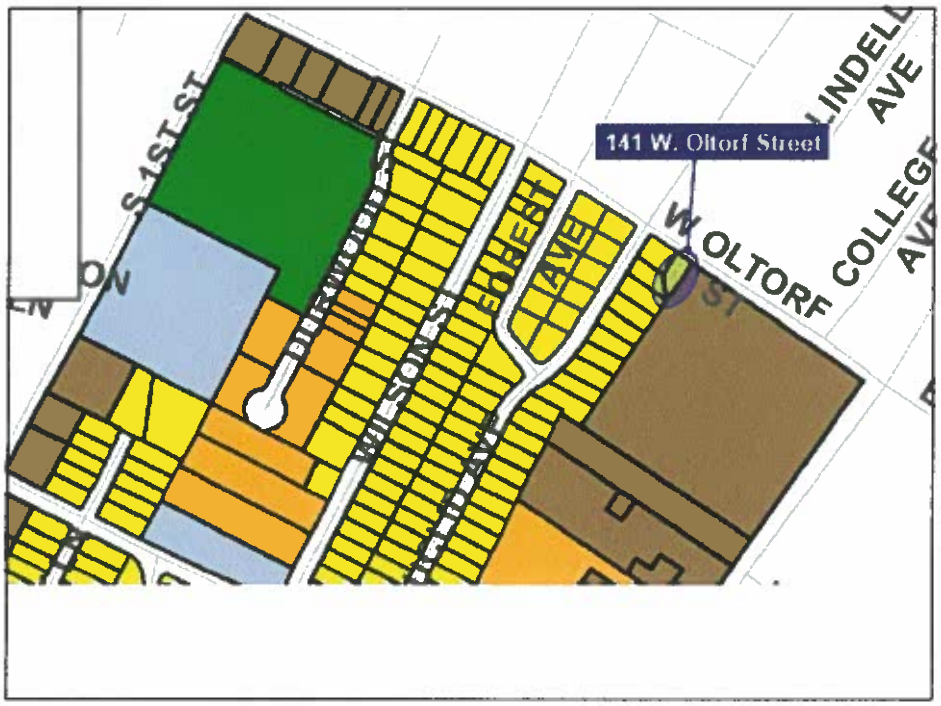
PENDING CASE

ZONING BOUNDARY

NEIGHBORHOOD PLAN AMENDMENT

NPA CASE#: NPA-2011-0001.01
LOCATION: 141 W OLTORF ST
SUBJECT AREA: 0 1472 ACRES
GRID: H20
MANAGER: MAUREEN MEREDITH

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.


141 W. Oltorf Street
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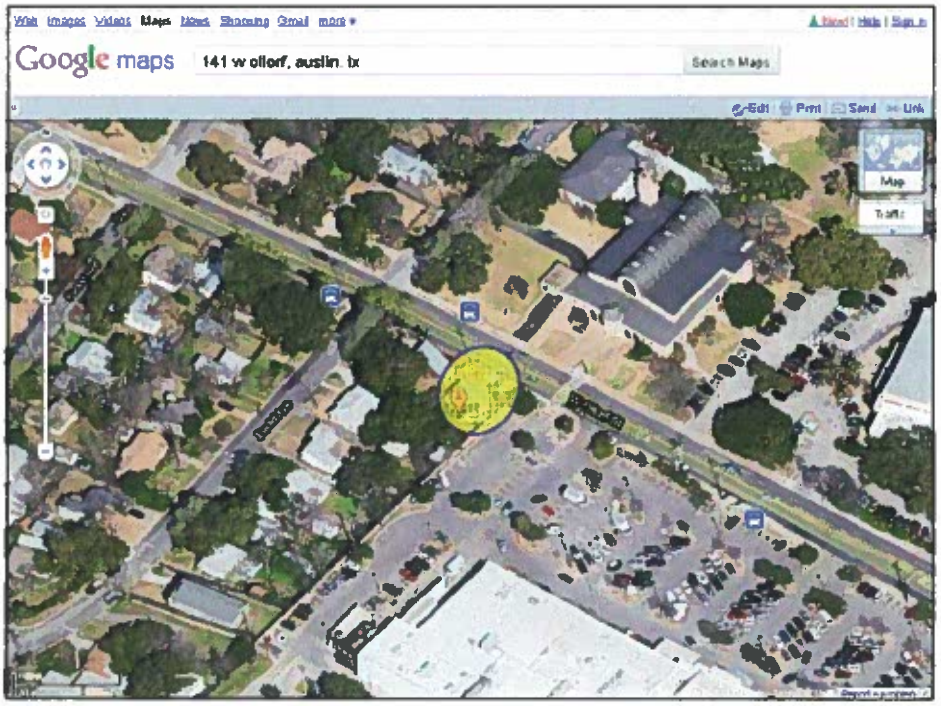
WILSON ST
W OLTORF
COLLEGE
AVE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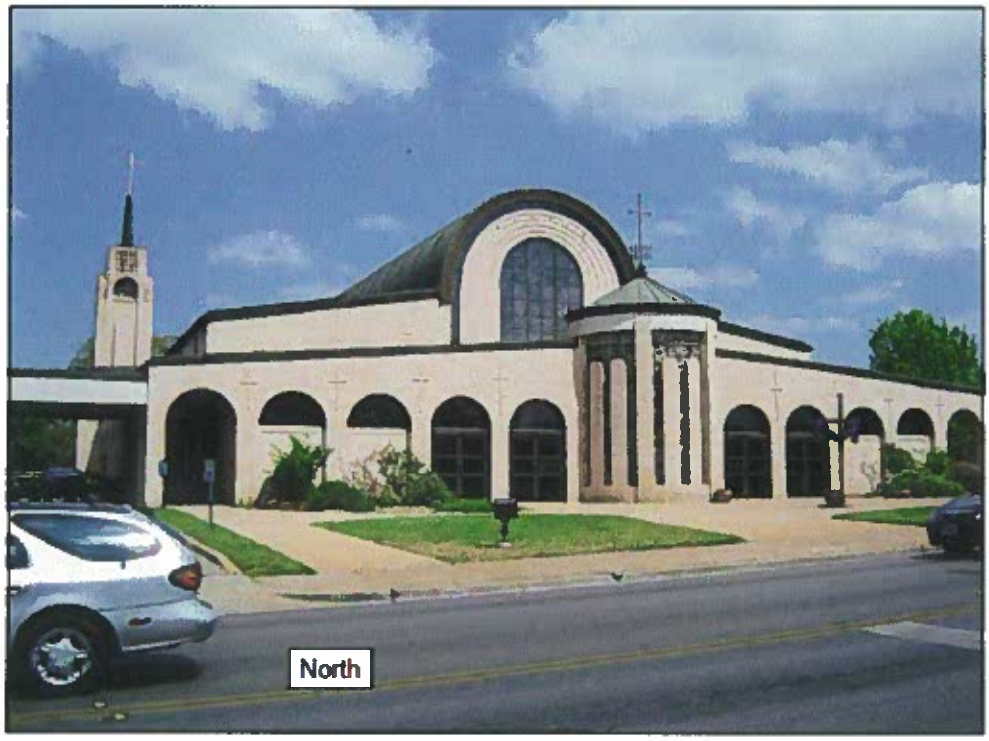
Traffic

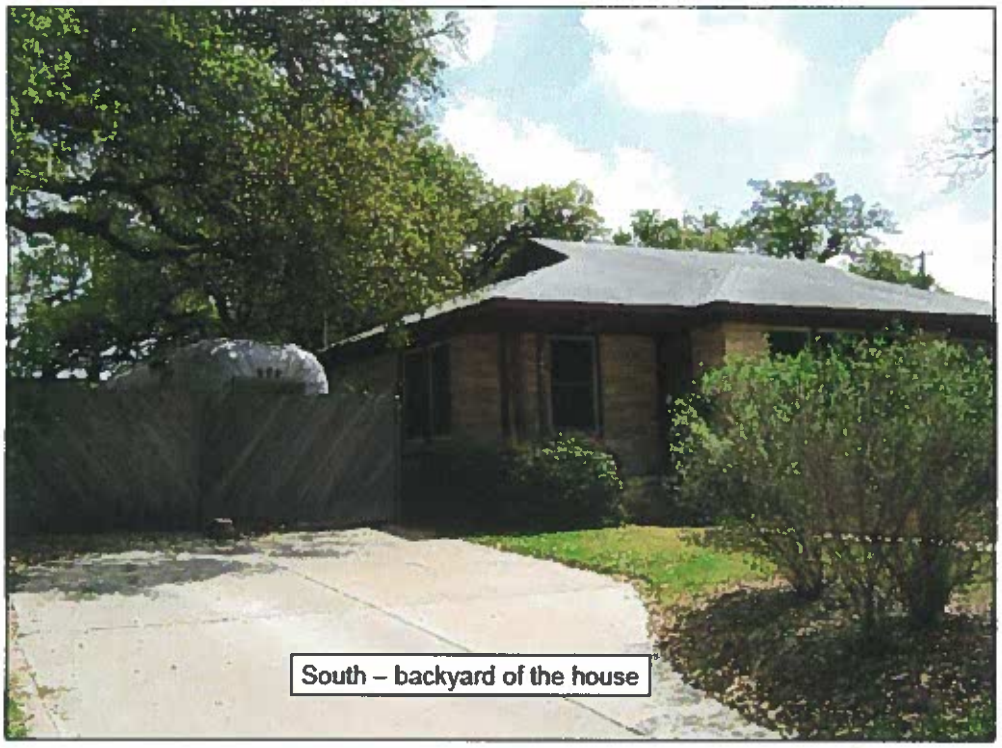
Site – 141 W. Oltorf Street

Site – 141 W. Oltorf Street

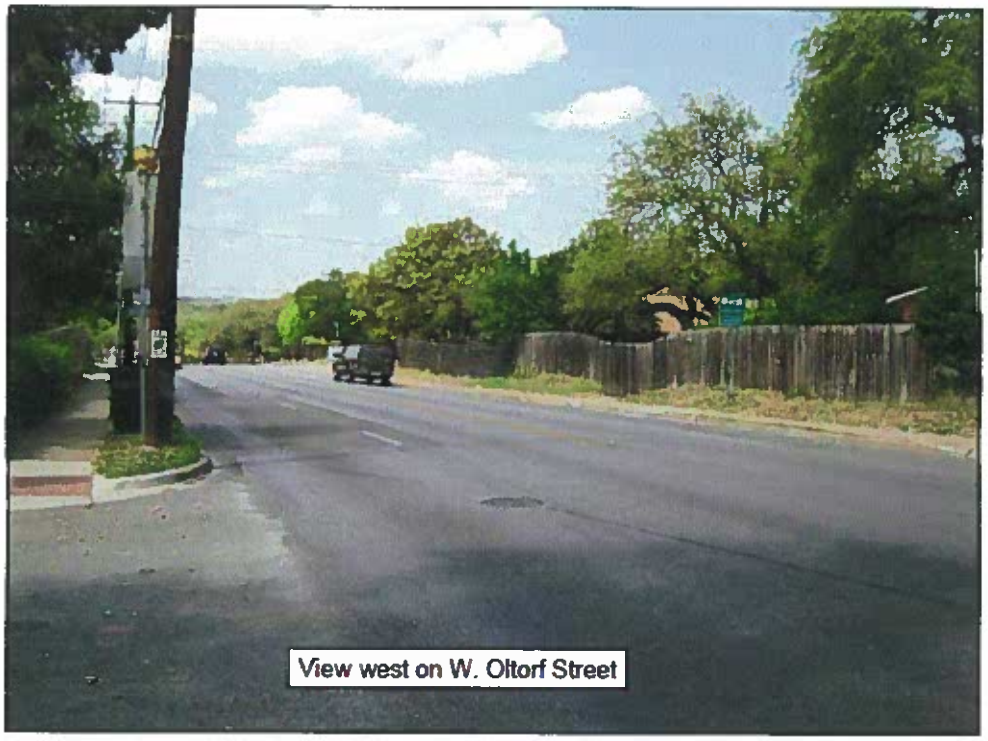
Site – 141 W. Oltorf Street

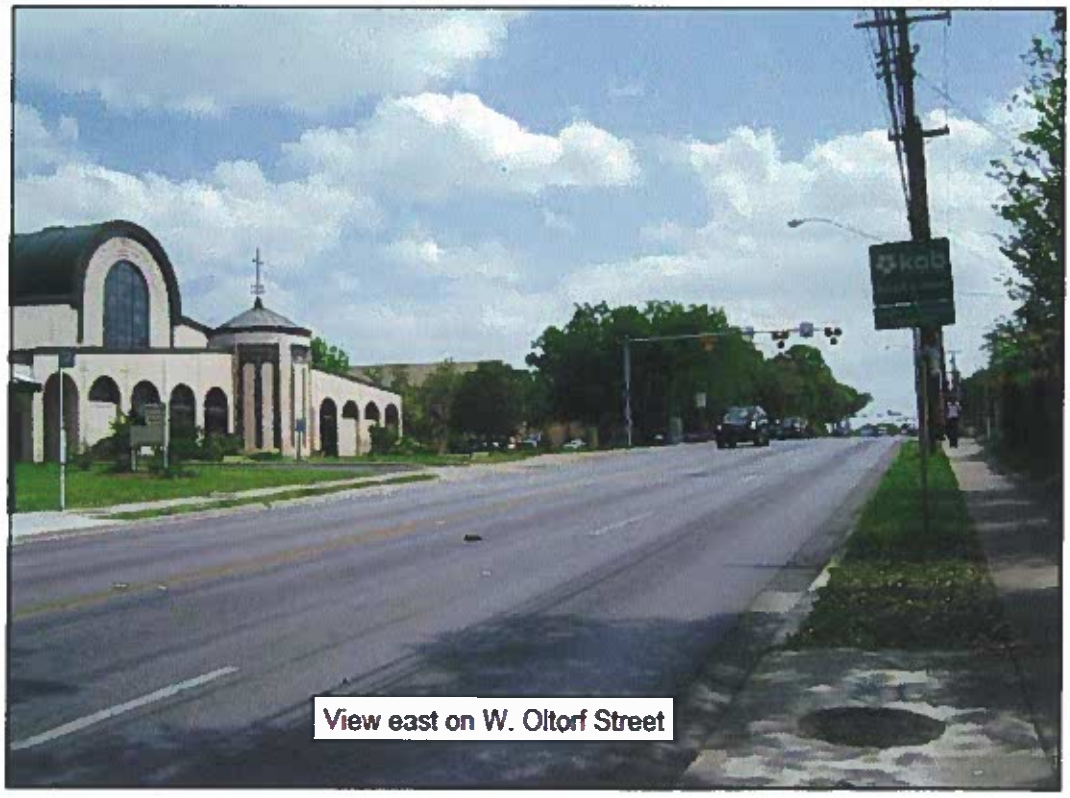

North

East


South – backyard of the house

West


View west on W. Oltorf Street


View east on W. Oltorf Street

Letters in Opposition

From: Sheila Fox
Sent: Tuesday, May 10, 2011 8:21 AM
To: Meredith, Maureen
Subject:

Dear Maureen,
I am a homeowner in the Dawson neighborhood and a member and officer of the Dawson Neighborhood Association. I am also a member of the Dawson Neighborhood Plan Team. I would like here to state my disapproval of plans related to Kathi Pixley's wanting to get a zoning and FLUM change so she can grow her home-based salon business, those changes would go against our neighborhood plan, which has been in place for something like 14 or more years. The Dawson neighborhood plan is readily available, and I know that when Ms. Pixley was first looking at the property and considering buying it, she was informed that properties on Oltorf in the Dawson neighborhood are zoned residential and that a change to commercial zoning would violate the provisions of the neighborhood plan. Many of us in the neighborhood worked long and hard in coordination with the City to develop our neighborhood plan, and we now expect City staff to uphold that Plan. In my opinion, invoking the Dawson Neighborhood Plan should end this discussion.

Sincerely,

Sheila Fox
115 Havana
Austin, Tx 78704

From: Merubia, Sonia M
Sent: Monday, May 09, 2011
To: Meredith, Maureen
Cc: Sandy McMillan
Subject: 141 W.Oltorf NPA an

Dear Ms. Meredith:

Re: NPA-2011-0001.01 & C14-2

I am against the zoning change
14.

Thank you,

Sonia Merubia

From: Julie Woods
Sent: Tuesday, May 10, 2011 12:07 PM
To: Meredith, Maureen; Rye, Stephen; Sandy McMillan
Subject: NPA-2011-0001.01 & C14-2011-0015: 141 W. Oltorf z

Dear Ms Meredith and Mr. Rye,
I would like to join with my neighbors who have expressed
zoning and neighborhood plan changes for 141 W. Oltorf.
neighborhood has consistently opposed efforts to bring co
that have been residential. We have been concerned that re
be subjected to the annoyances that go with businesses ope
including increased noise and traffic.

It is my understanding that when Ms. Pixley purchased the
the restrictions placed on her use of the property and, while
earn a living on her property, I do not believe that the neces
the best interests of the neighborhood.

Thanks for your work on this issue.

Julia Woods
2704 Wilson Street
Austin, TX 78704

From: Julia Apodaca
Sent: Wednesday, April 13, 2011 4:01 PM
To: Meredith, Maureen
Cc: Dani Apodaca
Subject: Plan Amendment and Zoning Case

Dear Ms. Meredith:

Yesterday, we received a notice from the City of Austin regarding the proposed:

Plan Amendment Case Number: NPA-2011-0001.01
Zoning Case Number: C14-2011-0015

due to the proximity of our home to the proposed applications.

We will not be able to attend the community meeting about this case on April 20 because we will be out of the country. However, we would like to register our strong opposition to the proposed changes. We believe it would negatively impact the peaceful, quiet, residential nature of our beloved neighborhood. More importantly, we believe it will set a very bad precedent that would open the door for ever-increasing commercial encroachment into cherished residential neighborhoods in Dawson and nearby areas. It would also set a dangerous precedent for allowing people to turn their homes into businesses and then quickly sell them and leave without concern for how those changes affect those of us who choose to stay and live in our neighborhoods.

We respectfully request that you consider our concerns and that you register our opposition to this proposed plan amendment and zoning change request.

Sincerely,
Julia and Dani Apodaca

-----Original Message-----
From: David Haun
Sent: Tuesday, May 10, 2011 8:24 AM
To: Meredith, Maureen; Rye, Stephen
Subject: 141 W. Oltorf NPA and zoning change

Please put it on record that I am against the zoning change for 141 W. Oltorf. I am one of the founding officers for the Dawson Neighborhood Association and we have worked too hard to keep our neighborhood together.

Thank you,

David Haun
2700 La Mesa Dr.
Austin, TX 78704
512-448-3771

-----Original Message-----
From: cmedlin@
Sent: Monday, May 09, 2011 11:17 PM
To: Meredith, Maureen; Rye, Stephen
Cc: smandpd
Subject: 141 W. Oltorf, Dawson NP

Ms. Meredith and Mr. Rye: I was the original chair of the Dawson Neighborhood Plan Team in 1997 and served two terms as Dawson Neighborhood Association President and again as Chair of the Dawson NP/CT in recent years. I also served on the Planning Commission from 2000 to 2004. With my prior experience on the issue of the Dawson Plan let me add to what Sandy McMillan and Peter Davis have already sent you.

The issue of possibly rezoning of the properties that face onto Oltorf between HEB and Durwood has come up many time since our plan passed in 1998. The Dawson Plan and Contact Teams have never supported changes in zoning because of a legitimate concern of "commercial creep" which then cuts off the narrow residential heart of both our Dawson neighborhood and the contiguous Bouldin Creek residential center. Neither side of Oltorf support such rezonings. Some years ago our neighborhood church St Ignatius wanted to put an office in that same house. We likewise declined their request. Unlike Ms. Pixley they found another more suitable location. Which brings me to the point that Ms. Pixley could have leased or purchased one of the numerous small homes on South First St. that had already been rezoned and set her business up there. She instead bought a property she knew was zoned SF3 and defied her neighbors by operating a business that exceeded the home office stipulations. She has been told on numerous occasions that the Dawson Neighborhood Plan/Contact team does NOT support rezoning of this property. So might I add have we informed the members of the Planning Commission and the City Council when these issues have come up previously.

Finally, this house is in no way suitable for an office. A home office with very limited traffic maybe, but NO, GO, MU, absolutely not. In addition, the COA should not consider this a "grandfather situation" because Ms. Pixley did knowingly open a business at this location that she knew was not supported. I stand with my neighbors against this change. The COA has on too many occasions reinforced inappropriate "rezonings" based on the misguided notion that it should a) support any small business no matter what; and 2) that if you can sneak it in before code enforcement pops you it's "home safe". The COA should not continue to reward and thereby encourage this type of behavior. -- Cynthia Medlin, 2501 Wilson St., Austin, TX 78704

From: Ave Bonar
Sent: Monday, May 16, 2011 2:29 PM
To: Meredith, Maureen
Subject: 141 W. Oltorf

Dear Ms. Meredith,

I am a homeowner in the neighborhood in which the property at 141 W. Oltorf is being considered for rezoning. I have been here since 1995 and at times have been involved with the Dawson Neighborhood Association. I was involved when the Dawson Neighborhood Plan Team worked with the city to draw up our neighborhood plan. The city gave us the opportunity to create a plan because they cared what we think.

Regarding the property at 141 W. Oltorf, it is my understanding that Kathi Pixley bought the property knowing that it was zoned residential and that there was a neighborhood plan in place that would preclude her changing the zoning to commercial. Regardless of whether she knew all of that or not, if the city allows the property to be rezoned commercial, it would set a precedent for any other residential property owner along that strip to do the same.

That part of Oltorf should not be allowed to go commercial for a number of reasons, not the least of which is that it would destroy the character of the neighborhood, which is what our neighborhood plan is intent on preserving.

That is my two cents.

Thank you,

Evelyn Bonar

Communication Recieved
from citizens

RECEIVED
4/8/2011

March 20, 2011

Mr. Stephen Rye
One Texas Center, 5th Floor
505 Barton Springs Road
Austin, Texas

Re: Case No. C14-2011-0015
Case No. NPA-2011-0001.01

Dear Sir:

Please be advised that I am Opposed to the applications for change in zoning and for amendment of the neighborhood Plan for the property in the above referenced cases. I own the property at 2403 Euclid Avenue which adjoins the west property line of applicant's property for 81.05 feet. The requested changes could materially alter the use and enjoyment of my property which I purchased in July, 2008 for my home. My wife and I will soon be 86 years of age and although she is presently in a nursing home I hope that she can be at home with me soon.

I would appreciate being informed by you of any hearing set in these cases as I would like to be heard regarding these matters.

Sincerely yours,

J. John Brady, Jr.

J. John Brady, Jr.

cc Dawson Neighborhood Assn.

Private Restrictive Covenant Prohibits Commercial Uses

and

WHEREAS, said subdi[illegible]rs wish and desire to restrict the wh[illegible] of said Addition at this time as follows:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: that we, MAY LAPRELLE PRICE, a widow, of Travis County, Texas, and MARTHA LAPRELLE EDENS, a widow, of New York City, New York, do make and publish the following restrictions to apply to all of said lots in Extension of LaPrelle Place, as recorded in Plat Book 4, page 247, of Travis County Plat Records, viz:

1. All lots in said Extension of LaPrelle Place shall be known and described as residential lots, and no structure shall be erected on any of said lots other than one detached single family dwelling, having at least 800 square feet of ground floor space, exclusive of garage if said garage is a part of the residence proper.

2. No tent, shack, trailer or garage shall be occupied as living quarters for any purpose whatsoever on said premises, prior to or after completion of a permanent dwelling, except servants' quarters may be provided.

3. No part of the Extension of LaPrelle Place shall ever be owned by, held for, or rented to Mexicans or any person other than those of the Caucasian race; provided, however, that this clause shall not prevent the employment of such persons as domestic servants and providing customary accommodations for them on said premises.

4. All houses erected in said Extension of LaPrelle Place shall face either on Euclid Avenue or Forest Avenue, except Lot No. 7, in Block No. 1, which shall face on Oltorf Street.

5. Any violation or attempted violation of the covenants or restrictions herein by any person owning a lot or lots in this Addition shall cause the title, to the lot or lots on which there is a violation or attempted violation, to revert to May LaPrelle Price and Martha LaPrelle Edens, or to their heirs and assigns, subject, however, to any valid existing liens.

6. Invalidation of any one of these covenants shall in no wise affect any of the other provisions which shall remain in full force and effect.

WITNESS OUR HANDS, this 4th day of June, A.D., 1946.

MAY LaPRELLA PRICE

MARTHA LaPRELLA EDENS

THE STATE OF TEXAS, :

COUNTY OF TRAVIS. :

BEFORE ME, the undersigned authority, on this day personally appeared MAY LAPRELLE PRICE, a widow, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 5th day of June, A.D., 1946.

JANE SUMNER

(Notary Seal) Notary Public, Travis County, Texas.

THE STATE OF NEW YORK, :

COUNTY OF N.Y. :

BEFORE ME, the undersigned authority, on this day personally appeared MARTHA LAPRELLE EDENS, a widow, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

§ 25-2-900 HOME OCCUPATIONS.

(A) A home occupation is a commercial use that is accessory to a residential use. A home occupation must comply with the requirements of this section.

(B) A home occupation must be conducted entirely within the dwelling unit or one accessory garage.

(C) Participation in a home occupation is limited to occupants of the dwelling unit, except that one person who is not an occupant may participate in a medical, professional, administrative, or business office if off-street parking is provided for that person.

(D) The residential character of the lot and dwelling must be maintained. A home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited. This prohibition does not apply to modifications to comply with accessibility requirements.

(E) A home occupation may not generate more than three vehicle trips each day of customer-related vehicular traffic.

(F) The sale of merchandise directly to a customer on the premises is prohibited.

(G) Equipment or materials associated with the home occupation must not be visible from locations off the premises.

(H) A home occupation may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside the dwelling unit or garage.

(I) Parking a commercial vehicle on the premises or on a street adjacent to residentially zoned property is prohibited.

(J) Advertising a home occupation by a sign onthe premises is prohibited, except as provided under Section 25-10-156 (*Home Occupation Signs*). Advertising the street address of a home occupation through signs,billboards, television, radio, or newspapers is prohibited.

(K) The following are prohibited as home occupations:

(1) animal hospitals, animal breeding;

(2) clinics, hospitals;

(3) hospital services;

(4) contractors yards;

(5) dance studios;

(6) scrap and salvage services;

(7) massage parlors other than those employing massage therapists licensed by the state;

(8) restaurants;

(9) cocktail lounges;

(10) rental outlets;

(11) equipment sales;

(12) adult oriented businesses;

(13) recycling centers;

(14) drop-off recycling collection facilities;

(15) an activity requiring an H-occupancy under Chapter 25-12, Article 1 *(Uniform Building Code)*;

(16) automotive repair services; and

(17) businesses involving the repair of any type of internal combustion engine, including equipment repair services.

Source: Section 13-2-260; Ord. 990225-70; Ord. 990520-38; Ord. 031211-11; Ord. 20090827-032.

§ 25-10-156 HOME OCCUPATION SIGNS.

(A) A home occupation that is allowed under Section 25-2-900 (*Home Occupations*) may display one on-premise sign bearing the name of the home occupation if the following requirements are met:

(1) The home occupation sign and the principal structure associated with the home occupation must both directly front a Core Transit Corridor or Future Core Transit Corridor.

(2) The home occupation sign may not exceed:

(a) for a sign that is placed on or attached directly to the ground, six square feet in area and three feet in height, as measured from the lower of natural or finished grade adjacent to the principal structure; or

(b) for a sign attached to a monopole of four feet in height and up to 12 inches in diameter, three square feet in area and four feet in height, with the height of both the pole and the sign measured from the lower of natural or finished grade adjacent to the principal structure.

(3) If an electric home occupation sign is used, the sign must be:

(a) non-illuminated or externally illuminated;

(b) energy efficient, as determined by Austin Energy; and

(c) compliant with International Dark Sky standards for pollution reduction.

(B) A home occupation sign permitted under this section must be removed if the home occupation ceases to be used or fails to comply with the requirements of this section or Section 25-2-900 (*Home Occupations*).

Source: 20090827-032.