

ORDINANCE NO. 20120112-087

AN ORDINANCE AMENDING ORDINANCE NO. 20050818-064, REZONING AND CHANGING THE ZONING MAP FOR THE FOR THE PROPERTY WHOSE BOUNDARIES ARE 51ST STREET TO THE NORTH, 45TH STREET TO THE SOUTH, GUADALUPE STREET TO THE WEST AND RED RIVER STREET TO THE EAST IN THE NORTH HYDE PARK NCCD-NP AREA FROM NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT TO NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT, TO CHANGE A CONDITION OF ZONING.

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 neighborhood conservation-neighborhood plan (NCCD-NP) combining district to neighborhood conservation-neighborhood plan (NCCD-NP) combining district on the property (the "Property") whose boundaries are 51ST Street to the north, 45TH Street to the south, Guadalupe Street to the west and Red River Street to the east as described in Zoning Case No. C14-04-0196.03, on file at the Neighborhood Planning and Zoning Department and identified in the map attached as Exhibit "A".

PART 2. The North Hyde Park NCCD-NP was approved August 18, 2005 under Ordinance No. 20050818-064 (the "Original Ordinance") and amended under Ordinances No. 20050929-073, No. 20051006-Z018, No. 20070308-040 and No. 20080131-119.

PART 3. Except as otherwise provided in this ordinance the Property is subject to the Original Ordinance, as amended, and in all other respects, the terms and conditions of the Original Ordinance, as amended, remain in full force and effect.

PART 4. Part 6 (*General Provisions*) of the Original Ordinance is amended to change a condition of zoning for certain property in the North Hyde Park NCCD-NP area as shown in this ordinance. In addition, a new Section 13 is added to Part 6 and only applies to single family (SF-2 and SF-3) properties in the Residential District, as shown in this ordinance.

PART 6. General Provisions. Except as otherwise provided in this ordinance, the following provisions apply to all property within the NCCD-NP.

1. Pedestrian-oriented uses. If a parking facility is located on the ground floor of a building, a pedestrian-oriented use or habitable space shall be located at the front of a building on the ground floor.
2. Front of building and lot.
 - a. Except as otherwise provided, a building shall front on a north-south street. A building located on a lot that only has frontage on a numbered street or an east-west street may front on the numbered street or the east-west street.
 - b. A building shall front on the short side of the lot or where lots have been combined, on the side where the original short ends of the lots fronted.
 - c. The street on which a building fronts under this section is the front of the property on which the building is located for purposes of this ordinance.
 - d. The area east of Duval Street is exempt from the regulations in this section.
3. Street yard setbacks. The following provisions apply to all Districts except the Duval District and the Guadalupe District.
 - a. Front yard setback.
 - (i) The minimum front yard setback equals the average of the front yard setbacks of the principal single family buildings on the same side of the street of a block. The maximum setback may not exceed the average setback by more than five feet. If more than one principal building is located on a property, then the setback of the building closest to the prevailing setback line shall be used in this calculation.
 - (ii) A building setback more than 35 feet shall not be used in averaging a setback.
 - (iii) The area east of Duval Street is exempt from the regulations in this section.

- (iv) The front yard setback for multifamily residential development in the Avenue A District is established under Part 8, Section 1 of this ordinance.
 - b. Street side yard setbacks. Except as otherwise provided in this section, minimum street side yard setbacks are established by City Code.
 - (i) On a block face that does not include the fronts of lots, the street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots. In this section, a building across an alley is a building on an adjoining lot. The street side 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.
 - (ii) If there are no principal buildings on the same side of a street to establish an average setback, then the street yard setbacks are established by City Code.
 - (iii) Notwithstanding any other provision in this section or in Part 7, a street side yard setback may not be less than five feet in all Districts.
 - c. For purposes of this section, 45 ½ Street between Avenue G and Avenue H is considered to be an alley.
 - d. For purposes of this section, the 4500 blocks of Avenue G and Avenue H are each considered to be one block in length for setback averaging calculations.
 - e. In the area between Rowena Street and Avenue F, between East 51st street and East 47th Street, a building may be replaced at the same front setback line as a principal structure that existed on April 1, 2005.
4. Fences.
- a. A fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5. A solid natural stone wall not over 36 inches tall is permitted.

- b. This subsection applies to a fence located in a street side yard that abuts the front of an adjacent property and is greater than four feet in height. The portion of a fence that is greater than four feet shall have a ratio of open space to solid material of not less than 1 to 1.5.
 - c. A fence located along an alley shall have an inset to accommodate a trash receptacle. The inset shall be a minimum 18 square feet.
- 5. Driveway and parking access.

A driveway that provides access to four or fewer required parking spaces may be designed with gravel surfacing or using driveway runners. The Director of the Watershed Protection and Development Review Department must approve design and construction. A driveway apron shall comply with City of Austin specifications.
- 6. Except as otherwise provided in this section, the entrance of a building in which a principal use is located shall be located on the front of a building.
 - a. For a multifamily use, this applies to the portion of the building that abuts the street.
 - b. For a duplex use this applies to one dwelling unit.
 - c. If a lot only has frontage on an alley, the entrance of a building may face the alley.
- 7. Except for a single-family, duplex, or two-family residential use, excess parking is prohibited.
- 8. This section applies to a multifamily use.
 - a. A maximum of one sign is permitted on a building.
 - b. The size of a sign may not exceed one foot in height and eight feet in length.
 - c. Internal lighting of a sign is prohibited except for the internal lighting of individual letters.

- d. Free-standing signs are prohibited.
9. Alley access is permitted if the access complies with applicable City regulations for maneuverability. At least 25 feet maneuverability space perpendicular to a parking area is required and may include the alley width.
10. This section applies to construction of a single family, duplex, or two-family residential use on property that is located in a townhouse and condominium residence (SF-6) district or less restrictive zoning district. Except as otherwise provided in this section, construction must comply with the regulations for the family residence (SF-3) district. Construction may comply with the regulations of the district in which the use is located if construction complies with the compatibility standards of the Code.
11. The following provisions apply in all Districts except the Guadalupe District.
- a. A one-lane circular driveway is permitted on lots over 100 feet wide.
 - b. Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has a total of 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has a total of 100 feet of frontage or more and has two dwelling units or is a through lot. ~~[For a duplex use or single family attached use, a lot that is at least 50 feet wide may have two one-lane driveways that are a maximum of 10 feet wide if they are separated by the house.]~~
 - c. Driveways.
 - (i) A driveway located in a front yard for a residential use, may not exceed a width of 12 feet from the driveway apron to the building setback line and 24 feet from the building setback line to a parking area.
 - (ii) A driveway may not exceed a width of 18 feet on a side street.
 - (iii) The width of a driveway is not limited on an alley.
 - (iv) The width of a driveway may not exceed 25 feet for a commercial, civic, multifamily residential, or condominium residential use.

- (v) For a residence that had a double driveway or garage at the front of a building that existed on February 1, 2005, the double driveway and garage may continue to serve the existing residence even if additional square footage is added to the residence.
- d. Parking. This section applies to a single family, duplex, or two-family residential use.
 - (i) Current parking regulations are required:
 - (a) if 300 square feet or more are added to the air conditioned gross building floor area of a structure. This includes conversion of accessory space to habitable space; or,
 - (b) if the principal use changes; or
 - (c) if a full bathroom is added to a dwelling unit that has three or more bathrooms.
 - (ii) A person may not reduce existing parking spaces to a number less than the number of spaces prescribed in the City Code for the present use nor may a person reallocate existing parking spaces to a new use unless the prior use is terminated or reduced in size.
 - (iii) A required or excess parking space may not be located in a street yard except that 25 percent of the width of a front yard or a maximum of 20 feet, may be used for not more than two required parking spaces.
 - (iv) Tandem parking is permitted for a single family, two family or duplex residential use and for a multifamily use if both spaces are assigned to the same dwelling unit.
 - (v) Two parking spaces per dwelling unit are required for a single family use in the Residential District.
 - (vi) For a multifamily use, at least one parking space is required for each bedroom.

12. The height limits shown on the attached Exhibit "D" apply to 4505 Duval (Part A and Part B).
- Within 50 feet of the north and east property lines of 4505 Duval (Part B) adjacent to a single family use or a single family zoning district, the maximum height is 30 feet and 2.5 stories.
 - Except as otherwise provided in this section, the maximum height is 35 feet as to all portions of the Property that lie within 125 feet from (i) a single family use or a single family zoning district that is across from the north, south, or west property lines, or the northeast corner of the Property, or (ii) within 125 feet from the west side of Duval Street or the south side of East 45th Street.
 - For the part of 4505 Duval (Part A) that is at least 100 feet from both Duval Street and East 45th Street, the maximum height is 45 feet.
 - The maximum height of the area not included in the height limits shown in subsections a, b, and c, is 40 feet.
13. The maximum floor to-area-ratio (FAR) for property subject to The City of Austin Land Development Code, Subchapter F, Article 2, (Development Standards) Section 2.1 (Maximum Development Permitted), is 0.4 to 1.0, and specifically applies to single family (SF-2 and SF-3) properties in the Residential District and is reflected in the Site Development Table in Part 7 of this ordinance.

PART 7. RESIDENTIAL DISTRICT. The following site development regulations apply in the Residential District.

1. Site Development Standard Table. Except as otherwise modified in this part, the following site development regulations apply in the Residential District.

RESIDENTIAL DISTRICT				
Site development standards				
	SF-2	SF-3	MF-3	MF-4
Minimum lot size (see a.)	5750	5750	8000	8000

Minimum lot width	50	50	50	50
Maximum FAR	0.4 to 1	0.4 to 1	0.5 to 1	0.5 to 1
Maximum building coverage	40%	40%	50%	50%
Maximum impervious cover	45%	45%	60%	60%
Maximum height (see b.)	30'and2.5 stories	30'and2.5 stories	30'and 2.5 stories	30'and2.5 stories
Minimum interior side yard setback	5	5	5	5
Minimum rear yard setback	10	10	10	10

- a. The minimum lot size for a single-family attached use is 11,500 square feet with a minimum of 5,750 square feet for each dwelling unit.
 - b. The maximum height for an accessory structure or secondary dwelling unit is 25 feet from ground level.
2. Except as otherwise provided in Part 6 (General Provisions), on an avenue, Duval Street, Fairfield Lane, and the east-west streets east of Duval 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. A two-family residential or duplex use is permitted on a lot that is 7000 square feet or larger.
5. A porch may extend:
 - a. where a setback is at least 25 feet, a maximum of eight feet in front of the street yard setback; and
 - b. where a setback is at least 15 feet, a maximum of five feet in front of a street yard setback.

6. A porch must be at least five feet from a property line that faces a street.
7. Except as otherwise provided in Section 11a in this part, for an accessory building the minimum setback from:
 - a. a front property line is 60 feet; and
 - b. a side street is 15 feet; and
 - c. an interior side property line is five feet.
8. Except as otherwise provided in this part, the minimum setback from an alley for an accessory building or the rear dwelling unit of a two-family residential use that is not more than 20 feet in height, is five feet.
9. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear yard, interior side yard, and street side yard property lines.
10. Except as otherwise provided in Section 11a, on properties located west of Duval Street, an attached garage shall be a minimum of 60 feet from a front property line.
11. For a lot that is less than 90 feet deep:
 - a. the front setback line of an accessory building or garage must be at least 15 feet behind the front building setback line; and
 - b. a new principal structure may be constructed on the non-complying front setback line of a building that has been removed not more than one year prior to the new construction.
12. On properties located east of Duval Street, an attached or detached garage or carport with a vehicular access facing a front yard must be located on a line with the front façade of the house, or behind the front façade of a house. The width of the parking structure may not exceed 50 percent of the width of the front façade of the house.
13. 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

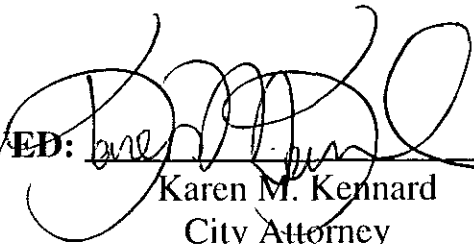
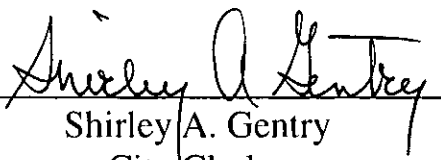
parking space is required for each new full bathroom constructed on the property.

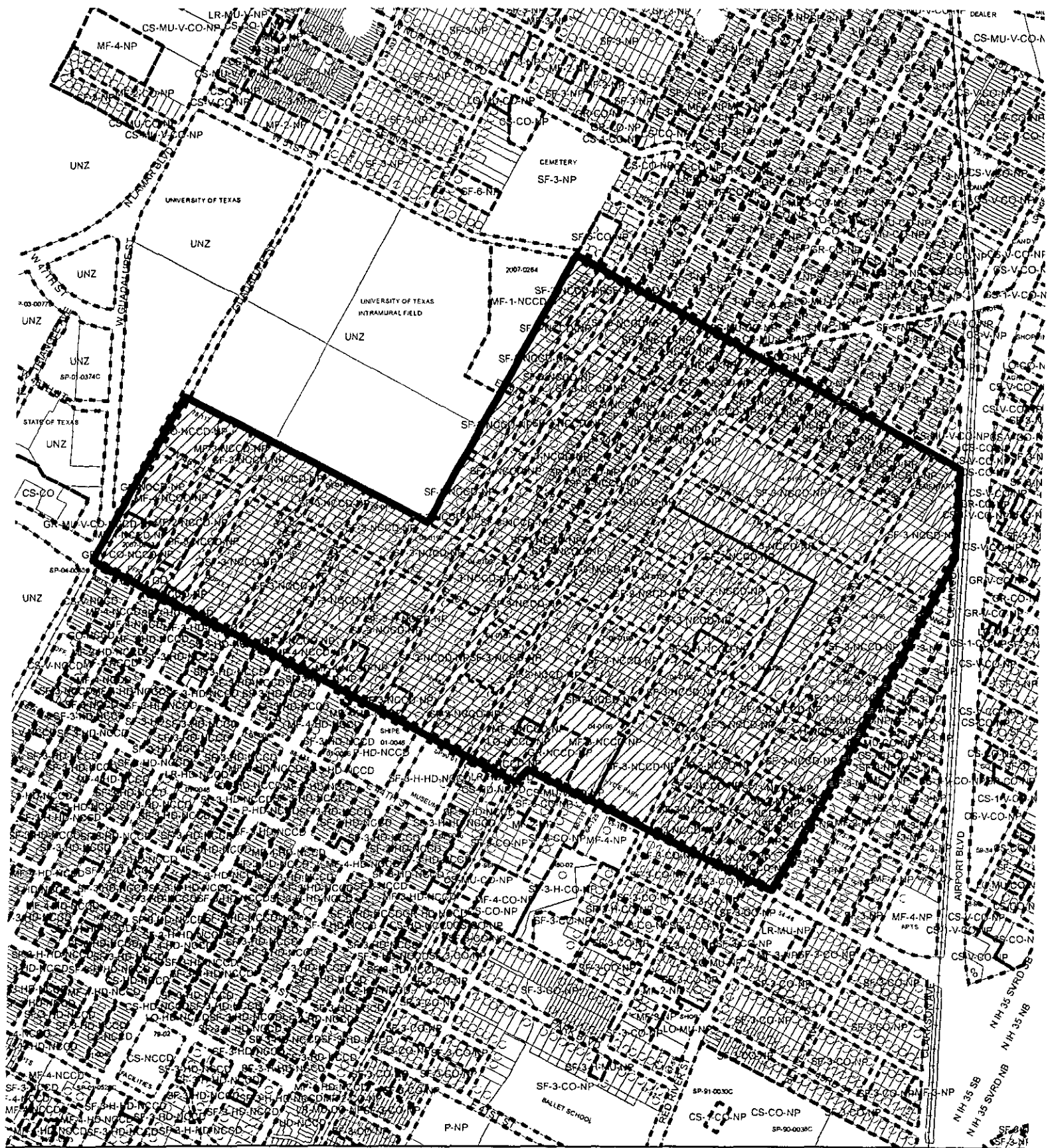
14. Except as otherwise provided in this section, the maximum gross floor area of the second floor of a rear dwelling unit of a two-family residential use is 550 square feet. On a corner lot that is at least 8000 square feet, a rear dwelling unit may exceed 850 total square feet and 550 square feet on a second floor, if:
 - a. the ground floor of the rear unit is enclosed; and
 - b. one unit has frontage on a north-south street; and
 - c. one unit has frontage on an east-west street.
15. The following site development standards apply to 4505 Duval (Part B):
 - a. The maximum building coverage is 55 percent; and
 - b. The maximum impervious cover is 65 percent; and
 - c. The floor to area ratio (FAR) may not exceed a ratio of 0.75 to 1.0.
16. The portion of a parking garage above the second floor of a structure at 4505 Duval (Part B) may not have an open side or transparent or translucent materials that face and are visible from the north or west property lines of the Property.

PART 5. This ordinance takes effect on January 23, 2012.

PASSED AND APPROVED

January 12, 2012 §
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§
Lee Jeffingwell
Mayor

APPROVED:  **ATTEST:** 
Karen M. Kennard Shirley A. Gentry
City Attorney City Clerk






ZONING

ZONING CASE#: C14-04-0196.03



" = 800'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Exhibit A