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ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C2O-2012-011 University Neighborhood Overlay – Affordability

Description:
Amend the City Land Development Code pertaining to the University Neighborhood Ordinance (UNO) to:

1. Change fee in-lieu to $1.00 per square foot. Add: *and such fee will be adjusted annually in accordance with the Consumer Price Index all Urban Consumers, US City Average, All Items (1982-84 = 100), as published by the Bureau of Labor Statistics of the United States Department of Labor or other appropriate standard as determined by the director of Austin Neighborhood Housing and Community Development.*
2. Change dwelling unit to *dwelling unit or bedroom.*
3. Change 80% MFI to 60% MFI.
4. Change 65% MFI to 50% MFI.
5. Rents will be established annually by the director of the Austin Neighborhood Housing and Community Development Office as follows:
    a. Single occupancy 60% MFI rents may not exceed the Low HOME Rent Limit for one bedroom as established annually by the Texas Department of Housing and Community Affairs.
    b. Single occupancy 50% MFI rents may not exceed the 40% MFI HOME Rent Limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs.
6. On site affordability period change from 15 years to 40 years.

Emergency Rule
2012 Rents for UNO will be established by emergency rule concurrent with code amendment adoption as follows:

1. 60% MFI single-occupancy bedroom = $703
2. 50% MFI single-occupancy bedroom = $525
3. 60% MFI double-occupancy bedroom = $385
4. 50% MFI double-occupancy bedroom = $283

Staff Recommendation:
Staff recommends approval of this amendment. The draft ordinance is attached. The ordinance is a consensus between Staff and stake holders.

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Board and Commission Actions

Planning Commission Committee on Codes and Ordinances – April 17, 2012, The Planning Commission Codes and Ordinances, approved this item as amended on a motion by Commissioner Kirk, second by Commissioner Stevens and a vote of 5-0. The rate of payment per square foot of residential conditioned space was recommended to change from $0.50 to $1.00 on a motion by Commissioner Stevens, seconded by Commissioner Kirk and a vote of 4-1 (Commissioner Chimenti opposed.)

Planning Commission: Planning Commission is scheduled for public hearing and action on June 26, 2012

City Council Action

Ordinance Number:

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Division 9. University Neighborhood Overlay District Requirements.

§ 25-2-751 APPLICABILITY.

This division applies to property in the university neighborhood overlay (UNO) district if the property owner files a site plan and an election for the property to be governed by this division.

Source: Ord. 040902-58.

§ 25-2-752 CONFLICT OF LAW.

For property governed by this division, this division supersedes the other provisions of this title to the extent of conflict.

Source: Ord. 040902-58.

§ 25-2-753 DEFINITIONS; LOCAL USES DESCRIBED.

(A) In this division:

(1) OCCUPANT SPACE means space in a building used for a use other than a parking facility or a mechanical facility.

(2) STREET WALL AREA means the portion of an exterior wall of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level:

(a) to a maximum height of 65 feet; or

(b) for an accessory parking structure, to a maximum height of two stories.

(B) In this division, a local use is a use that serves the public by providing goods or services in a manner readily accessible by pedestrians or the occupants of the structure in which the uses are located. Local uses include:

(1) administrative and business offices;

(2) art and craft studio;

(3) art gallery;

(4) art workshop;

(5) business and trade school;

(6) consumer convenience services;

(7) consumer repair services;

(8) counseling services;

(9) custom manufacturing;

(10) day care services (commercial, general, or limited);

(11) financial services;

(12) food preparation, in conjunction with food sales, general restaurant or limited restaurant accessory use;

(13) food sales;

(14) general retail sales (convenience or general);

(15) guidance services;

(16) indoor sports and recreation;

(17) medical offices (under 5,000 square feet);

(18) personal improvement services;

(19) personal services;

(20) pet services;

(21) printing and publishing services;

(22) professional office;

(23) religious assembly;

(24) restaurant (general or limited);

(25) theater; and

(26) a conditional use in the base zoning district that is approved by the land use commission.

(C) A local use may not include a drive-through facility.

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Source: Ord. 040902-58; Ord. 20050519-Z001; Ord. 20080925-039.

§ 25-2-754 USE REGULATIONS.

(A) In a nonresidential zoning base district, residential uses are permitted.

(B) In any base zoning district, a hotel-motel use, a multifamily use, or a group residential use is permitted.

(C) This subsection applies to a multifamily residential use.

(1) Each building must achieve at least a one star rating under the Austin Green Building program.

(2) All ground floor dwelling units must be:

(a) adaptable for use by a person with a disability; and

(b) accessible by a person with a disability from the on-site parking and common facility, if any.

(3) At least 10 percent of the dwelling units must be accessible for a person with a mobility impairment.

(4) At least two percent of the dwelling units must be accessible for a person with a hearing or visual disability.

(5) Each multistory building must be served by an elevator, unless:

(a) at least 25 percent of the site's dwelling units are located on the ground floor; or

(b) for a site with fewer than 20 dwelling units, at least five percent of the site's dwelling units are located on the ground floor.

(6) A parking space must be leased separately from a dwelling unit.

(D) Local uses are permitted in any base district, subject to the limitations of this subsection.

(1) In the outer west campus subdistrict, local uses are not permitted in a residential base district unless the property:

(a) has a permitted building height of 75 feet or greater; or

(b) is zoned historic and has a permitted building height of 60 feet or greater.

(2) Except as provided in Paragraph (3), up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross floor area of the local uses must be located at street level and accessible from a pedestrian path. In determining these percentages, a nonresidential use that is accessory to the principal residential use or located in a historic landmark is excluded from the gross floor area of the local uses.

(3) Up to 100 percent of the gross floor area of a structure may be used for local uses if the structure:

(a) is a historic landmark and is located entirely in a subdistrict having a permitted building height of 60 feet or greater; or

(b) was constructed before September 13, 2004, contains less than 10,000 square feet of gross floor area, is less than 60 feet in height, and is located in the inner west campus or Guadalupe subdistricts or on:

(i) Guadalupe Street between Martin Luther King, Jr. Blvd. and 29th Street;

(ii) Martin Luther King, Jr. Blvd. between Guadalupe Street and Rio Grande Street;

(iii) Rio Grande Street between 23rd Street and 24th Street;

(iv) 23rd Street between Guadalupe Street and Rio Grande Street; or

(v) 24th Street between Guadalupe Street and Rio Grande Street.

(E) This subsection applies to commercial off-street parking.

(1) Commercial off-street parking on a surface lot is prohibited.

(2) Commercial off-street parking in a structure is:

(a) permitted in any base zoning district in the Guadalupe, Dobie, or inner west campus subdistrict; and

(b) prohibited in the outer west campus subdistrict.

(3) The street level portion of a commercial off-street parking structure that is accessible from a pedestrian path must contain local uses for a depth of at least 18

feet. This requirement does not apply to a portion of the structure used for an entrance or exit.

(F) A cocktail lounge is a conditional use if it is accessory to a hotel-motel use with at least 50 rooms.

(G) On-site surface parking is prohibited, unless the director determines that:

(1) the only building on the site has 6,000 or fewer square feet of gross floor area, and the building was constructed before September 13, 2004; and

(2) the parking area is screened from the street by an six foot tall solid wall.

(H) This subsection prescribes requirements for the ground floor of a building, including a parking garage.

(1) The ground floor must include occupant space along not less than 75 percent of the net length of street frontage. Net length of street frontage is calculated by determining the cumulative length of the building at ground level adjacent to each street other than an alley, and then deducting the cumulative length of driveways, exit stairs, elevators, and utility equipment space.

(2) For a site with frontage on more than one street, driveways, exit stairs and elevators must be located on a street that runs north and south, unless the director of the Neighborhood Planning and Zoning Department determines that those features cannot reasonably be located along that street because of topographical conditions.

(3) The ground floor of a building may not be more than five feet higher or lower than an adjacent public street sidewalk. This does not apply to the ground floor adjacent to an alley.

(4) The minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 10 feet.

(5) The minimum depth of occupant space is 18 feet, measured from the outside face of the front exterior wall to the outside face of the rear interior wall.

(I) Off-site temporary construction staging is allowed within 500 feet of the construction site. The director may allow a staging area to be located more than 500 feet from the construction site if the director determines that a closer staging area is not reasonably available and that the location does not adversely affect public health or safety.

(J) A hotel/motel use is treated as a local use under this division if it meets the following requirements:

(1) The hotel-motel use must be located on property that:

(a) has frontage on Martin Luther King, Jr. Blvd. and is located between Pearl Street and Guadalupe Street; or

(b) has frontage on Guadalupe Street and is located between 22nd Street and Martin Luther King, Jr. Blvd.

(2) The maximum height must be no greater than 85 feet, unless a greater height is allowed under Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, and Height Limits*) of this chapter.

(3) If a new hotel-motel use includes, shares, or incorporates adjacent existing property, then both the new hotel-motel use and the adjacent property must be:

(a) included in a single site plan; and

(b) compliant with the streetscape requirements in Section 25-2-760 (*Streetscape Improvements*).

(4) The hotel-motel use must comply with the affordability requirements for multi- family housing under Section 25-2-765 (*Affordable Housing*), with each square foot of net rentable floor area counted towards the fee provided for under Subsection (B) of that section.

(K) A hotel/motel use may associated condominium residential, multifamily residential, retirement housing (small site), or retirement housing (large site) uses.

Source: Ord. 040902-58; Ord. 20050519-Z001; Ord. 20080925-039.

§ 25-2-755 MINIMUM LOT AREA.

The minimum lot area is 2,500 square feet.

Source: Ord. 040902-58.

§ 25-2-756 HEIGHT.

(A) Except as provided in Subsection (B), maximum heights for structures are prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*).

(B) This subsection applies in the outer west campus subdistrict.

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(1) In this subsection, HISTORIC PROPERTY means property zoned historic or listed in the City's historic building survey on October 6, 2008.

(2) Except as provided in Paragraph (3), a structure with a multi-family residential use may exceed by 15 feet the maximum height prescribed by Appendix C *(University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits)* if:

(a) the structure is located in an area for which the maximum height is at least 50 feet; and

(b) the multi-family residential use, for a period of not less than ~~15~~40 years from the date a certificate of occupancy is issued, sets aside at least:

(i) 10 percent of the ~~dwelling units~~ dwelling units or bedrooms on the site to house persons whose household income ~~is less than 80~~ 60% percent or below~~of~~ the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office; and

(ii) 10 percent of the ~~dwelling units~~ dwelling units or bedrooms on the site to house persons whose household income ~~is less than~~ 50 percent ~~of~~for below the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office.

(3) A building on a lot that has a common side lot line with a historic property may not exceed by more than 20 feet the maximum building height of the base district in which the historic property is located.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-757 SETBACKS; COMPATIBILITY.

(A) There are no minimum front yard or street side yard setbacks, except the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street.

(B) The maximum front yard setback and the maximum street side yard setback are 10 feet, except:

(1) the maximum setbacks are 15 feet along 24th Street or along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street;

(2) the maximum setbacks are 45 feet for a public plaza or private common open space;

(3) there are no maximum setbacks for a pedestrian entry court or an outdoor café;

(4) the director of the Watershed Protection and Development Review Department may modify a maximum setback if the director determines that the modification is required to protect a historic structure or a tree designated as significant by the city arborist; and

(5) as otherwise provided in Subsection (E).

(C) There is no minimum or maximum interior side yard setback.

(D) There is no minimum or maximum rear yard setback.

(E) A building must be at least 12 feet from the front face of the curb of the adjacent street and at least 30 feet from the centerline of the adjacent street.

(F) This subsection applies to the portion of a site that is subject to compatibility standards, as described in Section 25-2-763(A)(1) (*Certain Regulations Inapplicable Or Superseded*) and Article 10 (*Compatibility Standards*). A building or a solid masonry wall that is at least six feet high is required between a public or common open space and the property that triggers the compatibility standards.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-758 BUILDING WALL HEIGHT, STEPBACKS, AND ENVELOPE.

(A) An exterior building wall that faces a street must be at least 24 feet high.

(B) Except as provided in Subsection (C):

(1) if an exterior wall of a building is adjacent to a street other than an alley, at a height of 65 feet, the upper portion of the wall must be set back from the property line by a distance of at least 12 feet; and

(2) if the north side of a building is adjacent to a street other than an alley and is greater than 65 feet in height, the upper portion of the north side of the building must be set back within a building envelope that is formed by a plane that extends from a point on the property line 65 feet high toward the building at an angle of 62 degrees above horizontal.

(C) Subsection (B) does not apply to up to 15 percent of the length of a building frontage, if that portion of the building frontage is used for an elevator or stairway.

(D) A parapet may not extend more than five feet above the 65 foot stepback height described in Subsection (B) or more than five feet above the total building height.

(E) Instead of complying with Subsections (A) through (D), a hotel/motel use in the outer west campus subdistrict must comply with the requirements of this subsection.

(1) On property fronting Martin Luther King, Jr. Blvd., all buildings must fit within an envelope delineated by a 45 degree angle starting at a height of 60 feet above the grade of the property line adjacent to Martin Luther King, Jr. Blvd. and extending to a maximum height of 85 feet.

(2) If the property abuts a historic property as defined in Section 25-2-756(B)(1), the property must have open space measuring at least 50 feet deep for at least 50 feet along the street frontage beginning at the common boundary with the historic property. The open space shall contain no buildings, but may contain paving, parking, fountains, fences, patios, terraces, canopies, trellises, and landscaping.

(3) If parking is provided on the site, 75 percent of the spaces must be below grade.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-759 STREET WALL AREA OCCUPANT SPACE.

(A) At least 42 percent of the street wall area of a building must contain occupant space.

(B) If a building has street wall areas on more than one street, at least 70 percent of the required occupant space must be on a street that runs east and west.

(C) This section does not apply to a commercial off-street parking structure.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-760 STREETSCAPE IMPROVEMENTS.

(A) A site owner shall install a sidewalk not less than 12 feet wide along each street frontage adjacent to the site.

(B) Sidewalks must be level with the top of the curb of the adjacent street, except to the minimum degree necessary to provide for drainage.

(C) A site owner shall plant and maintain trees along an adjacent street right-of-way.

(1) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity.

(2) A tree must be in scale with the adjacent building.

(3) A tree planted in a sidewalk area must have a tree grating.

(D) A site owner shall provide pedestrian-scale lighting and street furnishings along an adjacent street right-of-way.

(E) The director of the Neighborhood Planning and Zoning Department shall adopt rules prescribing the requirements for tree planting and maintenance and the provision of pedestrian-scale lighting and street furnishings.

(F) The director of the Watershed Protection and Development Review Department may require fiscal security to ensure compliance with this section.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-761 PLACEMENT OF EQUIPMENT AND TRASH RECEPTACLES.

(A) Utility equipment, mechanical equipment, and large trash receptacles:

(1) are prohibited in the area between a building and a street; and

(2) must not be visible from a street.

(B) This subsection applies to a site with frontage on an alley 20 feet or more wide.

(1) A transformer room or utility vault must be adjacent to and accessible from the alley.

(2) A pump room, sprinkler room, or other utility or mechanical room must be adjacent to and accessible from the alley unless the Fire Chief determines that placing the room in another location is required because of a fire safety issue.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-762 SITE ACCESS.

(A) Vehicular access to a site from a public street that runs east and west is limited to one curb cut for each 140 feet of street frontage.

(B) Vehicular access to a site from a public street that runs north and south is limited to two curb cuts.

(C) Vehicular access to a corner lot must be from a public street or alley that runs north and south.

(D) A site with access to an alley must use the alley or a parking structure for service and delivery access.

(E) A site that does not have access to an alley must provide a service and delivery area that is at least 30 feet deep, measured from the front setback line or side setback line, as applicable.

(F) A driveway turn radius may not exceed 15 feet unless the Fire Chief determines that a larger radius is required because of a fire safety issue.

(G) The director of the Watershed Protection and Development Review Department may waive or modify a requirement of this section if the director determines that the waiver or modification is necessary for adequate traffic circulation or public safety.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-763 CERTAIN REGULATIONS INAPPLICABLE OR SUPERSEDED.

(A) The following provisions of this subchapter do not apply:

(1) maximum floor-to-area ratios;

(2) maximum building coverage percentages;

(3) Article 9 (*Landscaping*); and

(4) Article 10 (*Compatibility Standards*), if the property is at least 75 feet from the boundary of the university neighborhood overlay district.

(B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is:

(1) 100 percent in the inner west campus and Guadalupe subdistricts;

(2) the greater of 90 percent or the percentage permitted in the base zoning district in the outer west campus subdistrict; and

(3) the greater of 85 percent or the percentage permitted in the base zoning district in the Dobie subdistrict.

(C) For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply.

(D) Special regulations governing signs in university neighborhood overlay district are in Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*).

Source: Ord. 040902-58; Ord. 20070726-132.

§ 25-2-764 DESIGN GUIDELINES.

(A) A site plan must comply with the design guidelines prescribed by administrative rule. An applicant shall file with the site plan drawings of all building elevations and streetscapes that demonstrates substantial compliance with the design guidelines.

(B) The director of the Neighborhood Planning and Zoning Department shall determine whether a site plan substantially complies with the design guidelines.

(C) The director of the Neighborhood Planning and Zoning Department may waive a provision of the design guidelines if the director determines that the provision is unreasonable or impractical as applied to the site plan and that, with the waiver, the site plan will still substantially comply with the design guidelines. A waiver under this subsection must be the minimum departure from the provision necessary to avoid an unreasonable or impractical result.

(D) An interested party may appeal to the land use commission:

(1) a determination by the director of the Neighborhood Planning and Zoning Department that a site plan substantially complies with the design guidelines; or

(2) a decision by the director of the Neighborhood Planning and Zoning Department granting or denying a waiver under Subsection (C).

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-765 AFFORDABLE HOUSING.

(A) A multi-family residential use established after ~~September 2, 2004~~ the effective date of this ordinance as amended must, for a period of not less than ~~15~~40 years from the date a certificate of occupancy is issued, set aside at least:

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(1) 10 percent of the ~~dwelling units~~ dwelling units or bedrooms on the site to house persons whose household income ~~is less than 80~~ 60% percent ~~of~~or below the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office; and

(2) except as provided in Subsection (B), an additional 10 percent of the ~~dwelling units~~dwelling units or bedrooms on the site to house persons whose household income is ~~less than 65~~ 50 percent ~~of~~or below the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office.

(B) The University Neighborhood District Housing Trust Fund is established. Instead of complying with Paragraph (A)(2), a person may pay into the fund a fee of $1.00~~0.50~~ for each square foot of net rentable floor area in the multi-family residential use development and such fee will be adjusted annually in accordance with the Consumer Price Index all Urban Consumers, US City Average, All Items (1982-84 = 100), as published by the Bureau of Labor Statistics of the United States Department of Labor or other applicable standard as defined by the director of Austin Neighborhood Housing and Community Development Office.

(C) The director of the Austin Neighborhood Housing and Community Development Office may allocate money from the University Neighborhood District Housing Trust Fund for housing development in the university neighborhood overlay district that provides at least ~~10~~40 percent of its ~~dwelling units~~dwelling units or bedrooms to persons whose household income ~~is less than~~ is 50 percent or below~~of~~ the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, for a period of not less than ~~15~~40 years from the date a certificate of occupancy is issued.

(D) Rents will be established annually by the director of the Austin Neighborhood Housing and Community Development Office as follows:

(1) Rents for single occupancy 60% median family income households may not exceed the Low HOME Rent Limit for a one bedroom as established annually by the Texas Department of Housing and Community Affairs.

(2) Rents for single occupancy 50% median family income households may not exceed the 40% Median Family Income HOME Rent Limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs.

(~~D~~E) For a hotel/motel use that has an associated condominium residential use, multifamily residential use, retirement housing (small site) use, or retirement housing (large site) use, instead of complying with Subsection (A) a person may pay into the

University Neighborhood Housing Trust Fund a fee of $2.00 for each square foot of the combined net square footage of the residential units and the hotel/motel units, if:

(1) the number of residential units associated with a hotel/motel use does not exceed 40% of the number of hotel/motel units; and

(2) the net square footage of the residential units does not exceed 45% of the net square footage of hotel/motel units.

Source: Ord. 040902-58; Ord. 20080925-039.