

6-10-04
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ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 25 OF THE CITY CODE TO ADD A NEW UNIVERSITY NEIGHBORHOOD OVERLAY ZONING DISTRICT.

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

PART 1. Section 25-2-32(F) of the City Code is amended to read:

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

- | | | |
|----------------------------------|------|-----|
| (1) historic landmark | H | |
| (2) conditional overlay | CO | |
| (3) neighborhood conservation | NC | |
| (4) planned development area | PDA | |
| (5) waterfront overlay | WO | |
| (6) mixed use | | MU |
| (7) Capitol view corridor | CVC | |
| (8) Capitol dominance | CD | |
| (9) Congress Avenue | CA | |
| (10) East Sixth / Pecan Street | PS | |
| (11) downtown parks | | DP |
| (12) downtown creeks | | DC |
| (13) convention center | | CC |
| (14) central urban redevelopment | CURE | |
| (15) East Austin | | E A |
| (16) neighborhood plan | | NP |

PART 2. Chapter 25-2 of the City Code is amended to add a new Section 25-2-178 to read:

§ 25-2-178 UNIVERSITY NEIGHBORHOOD OVERLAY (UNO) DISTRICT PURPOSE AND BOUNDARIES.

(A) The purpose of the university neighborhood overlay (UNO) district is to promote high density redevelopment in the area generally west of the University of Texas campus, provide a mechanism for the creation of a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the district.

(B) The UNO district consists of the following subdistricts:

(1) inner west campus subdistrict;

(2) outer west campus subdistrict;

(3) Guadalupe subdistrict; and

(4) Dobie subdistrict.

(C) The boundaries of the UNO district and each subdistrict are identified in Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*) of this chapter.

PART 3. Chapter 25-2, Subchapter C, Article 3 of the City Code is amended to add a new Division 9 to read:

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.

§ 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.

1 **§ 25-2-753 LOCAL USES DESCRIBED.**

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

- 5 (1) administrative and business offices;
- 6 (2) art and craft studio (general or limited);
- 7 (3) consumer repair services;
- 8 (4) counseling services;
- 9 (5) day care services (commercial, general, or limited);
- 10 (6) food sales;
- 11 (7) general retail sales (convenience or general);
- 12 (8) guidance services;
- 13 (9) medical offices (under 5,000 square feet);
- 14 (10) personal improvement services;
- 15 (11) personal services;
- 16 (12) pet services;
- 17 (13) professional office;
- 18 (14) religious assembly;
- 19 (15) restaurant (general or limited);
- 20 (16) theater; and
- 21 (17) a conditional use in the base zoning district that is approved by the land
22 use commission.

23 **§ 25-2-754 USE REGULATIONS.**

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

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

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

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

4 (2) All ground floor dwelling units must be:

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

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

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

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

12 (5) Each multistory building must be served by an elevator, unless at least
13 25 percent of the site's dwelling units are located on the ground floor.

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

15 (D) This subsection governs local uses in a residential base district.

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

23 (2) Up to 100 percent of the gross floor area of a structure may be used for
24 local uses if the structure is a historic landmark or the structure contains
25 less than 10,000 square feet of gross floor area and is the only structure
26 on the site.

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

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

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

30 (a) permitted in any base zoning district in the Guadalupe, Dobie, or
31 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 18-1/2 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.

§ 25-2-755 HEIGHT.

Maximum heights for structures are prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*).

§ 25-2-756 SETBACKS.

(A) The minimum front yard setback and the minimum side yard setback are 3-1/2 feet, except:

(1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street; and

(2) there are no minimum setbacks:

(a) along Guadalupe Street between Martin Luther King, Jr. Blvd. and 28th Street; and

(b) along 24th Street between Guadalupe Street and Rio Grande 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 cafe; and

(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.

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

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

§ 25-2-757 BUILDING STEPBACKS AND BUILDING ENVELOPE RESTRICTION.

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

- (1) if an exterior wall of a building is adjacent to a street other than an alley, at a height of 57 feet, the upper portion of the wall must be set back from the lower portion of the wall 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 57 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 the top of the lower portion of the north side exterior wall toward the building at an angle of 62 degrees above horizontal.

(B) If a building facade abuts street frontage for a distance of at least 280 feet, Subsection (A) does not apply to:

- (1) 15 percent of the length of a building facade that faces east, south, or west; or
- (2) 20 percent of the length of a building facade that faces north.

§ 25-2-758 STREET WALL AREAS ADJACENT TO OCCUPANT SPACE.

(A) In this section:

- (1) OCCUPANT SPACE means space in a building used for a use other than a parking 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 57 feet; or
 - (b) for an accessory parking structure, to a maximum height of two stories.

1 (B) At least 42 percent of the street wall area of a building must be adjacent to
2 occupant space.

3 (C) If a building has street wall areas on more than one street, at least 29 percent of
4 the total street wall area must be adjacent to occupant space on a street that
5 runs east and west.

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

7 **§ 25-2-759 STREETScape IMPROVEMENTS.**

8 (A) A site owner shall install a sidewalk not less than five feet wide along each
9 street frontage adjacent to the site. The director of the Transportation,
10 Planning, and Sustainability Department may require that the sidewalk be up
11 to 12 feet wide. The director shall determine an appropriate sidewalk width
12 after considering right-of-way width and other factors affecting the site.

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

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

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

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

19 (C) A site owner shall install and maintain pedestrian-scale lighting along an
20 adjacent street right-of-way.

21 (1) Lighting may be provided either on-site or in the street right-of-way.

22 (2) A light may not be more than 13 feet above finished grade, and the light
23 must be on a building-mounted fixture or a pole.

24 (3) A light must provide illumination of at least one-half lumen on the
25 surface of the pedestrian path.

26 (4) A light must be shielded to prevent it from shining upward.

27 (D) The director of the Transportation, Planning, and Sustainability Department
28 shall adopt rules prescribing the requirements for tree planting and
29 maintenance and the installation and maintenance of pedestrian-scale lighting.

30 (E) The director of the Transportation, Planning, and Sustainability Department
31 may require fiscal security to ensure compliance with this section.

1 **§ 25-2-760 PLACEMENT OF EQUIPMENT AND TRASH RECEPTACLES.**

2 Utility equipment, mechanical equipment, and large trash receptacles:

- 3 (1) are prohibited in the area between a building and a street; and
4 (2) must not be visible from a street.

5 **§ 25-2-761 SITE ACCESS.**

- 6 (A) Vehicular access from a site to a public street is limited to two curb cuts.
7 (B) Vehicular access to a site from 21st Street, 22nd Street, 25th Street, or 26th Street
8 between Guadalupe Street and Pearl Street is prohibited if the site has frontage
9 on another street or alley.
10 (C) A site with access to an alley must use the alley or a parking structure for
11 service and delivery access.
12 (D) A site that does not have access to an alley must provide a service and delivery
13 area that is at least 30 feet deep, measured from the front setback line or side
14 setback line, as applicable.
15 (E) The director of the Watershed Protection and Development Review
16 Department may waive or modify a requirement of this section if the director
17 determines that the waiver or modification is necessary for adequate traffic
18 circulation or public safety.

19 **§ 25-2-762 CERTAIN REGULATIONS INAPPLICABLE OR SUPERSEDED.**

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

- 21 (1) maximum floor-to-area ratios;
22 (2) maximum building coverage percentages;
23 (3) Article 9 (*Landscaping*); and
24 (4) Article 10 (*Compatibility Standards*), if the property is at least 75 feet
25 from the boundary of the university neighborhood overlay district.

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

- 28 (1) 100 percent in the inner west campus and Guadalupe subdistricts;
29 (2) 90 percent in the outer west campus subdistrict; and

1 (3) 85 percent in the Dobie subdistrict.

2 (C) For a multi-family residential use:

3 (1) minimum site area requirements of this subchapter for each dwelling
4 unit do not apply; and

5 (2) the minimum open space for each dwelling unit is 100 square feet.

6 **§ 25-2-763 DESIGN GUIDELINES.**

7 (A) A site plan must substantially comply with the design guidelines prescribed by
8 administrative rule. An applicant shall file with the site plan a building
9 elevation drawing that demonstrates substantial compliance with the design
10 guidelines.

11 (B) The director of the Transportation, Planning, and Sustainability Department
12 shall determine whether a site plan substantially complies with the design
13 guidelines.

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

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

21 (1) a determination by the director of the Transportation, Planning, and
22 Sustainability Department that a site plan substantially complies with the
23 design guidelines; or

24 (2) a decision by the director of the Transportation, Planning, and
25 Sustainability Department granting or denying a waiver under
26 Subsection (C).

27 **PART 4.** Section 25-6-478(B) of the City Code is amended to read:

28 (B) This section does not apply:

29 (1) to property in a central business (CDB) district or downtown mixed use
30 (DMU) district;

31 (2) to commercial, industrial, or civic use in a traditional neighborhood (TN)
32 district;

(3) to a corner store special use; neighborhood mixed use building special use; commercial, industrial, or civic use portion of a neighborhood urban center special use; or commercial or civic use portion of a residential infill special use;

(4) to property in the university neighborhood overlay (UNO) district; or

(5) [(4)] if the off-street parking requirement has been modified under Section 25-6-473 (*Modification Of Parking Requirement*) or Section 25-6-476 (*Parking For Mixed-Use Developments*).

PART 5. Chapter 25-6, Article 7 of the City Code is amended to add a new Division 6 to read:

Division 6. Special Provisions For The University Neighborhood Overlay District.

§ 25-6-601 PARKING REQUIREMENTS FOR UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT.

(A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is 60 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

(B) Off-street parking is not required for a commercial use if the use occupies less than:

(1) 6,000 square feet of gross floor area, and the use is located in the inner west campus, Guadalupe, or Dobie subdistrict; or

(2) 3,500 square feet of gross floor area, and the use is located in the outer west campus subdistrict.

(C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) if the multi-family residential use participates in a car sharing program that complies with the program requirements prescribed by administrative rule, as determined by the director of the Transportation, Planning, and Sustainability Department.

PART 6. Chapter 25-2 of the City Code is amended to add a new Appendix C to read:

APPENDIX C

UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT BOUNDARIES, SUBDISTRICT BOUNDARIES, AND HEIGHT LIMITS

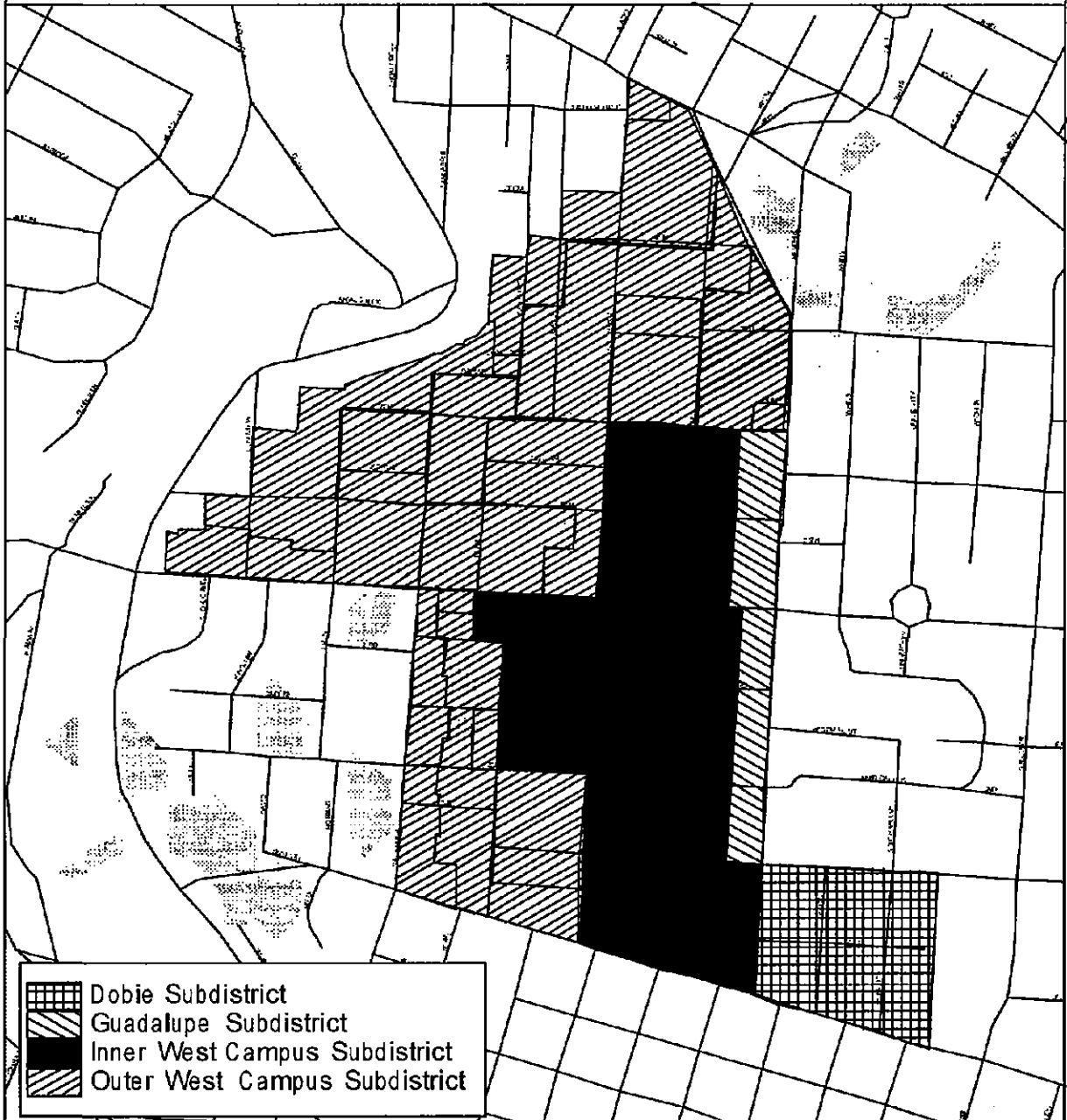
University Neighborhood Overlay District Boundaries

The university neighborhood overlay district is indicated on the subdistrict boundaries map and includes the area bounded:

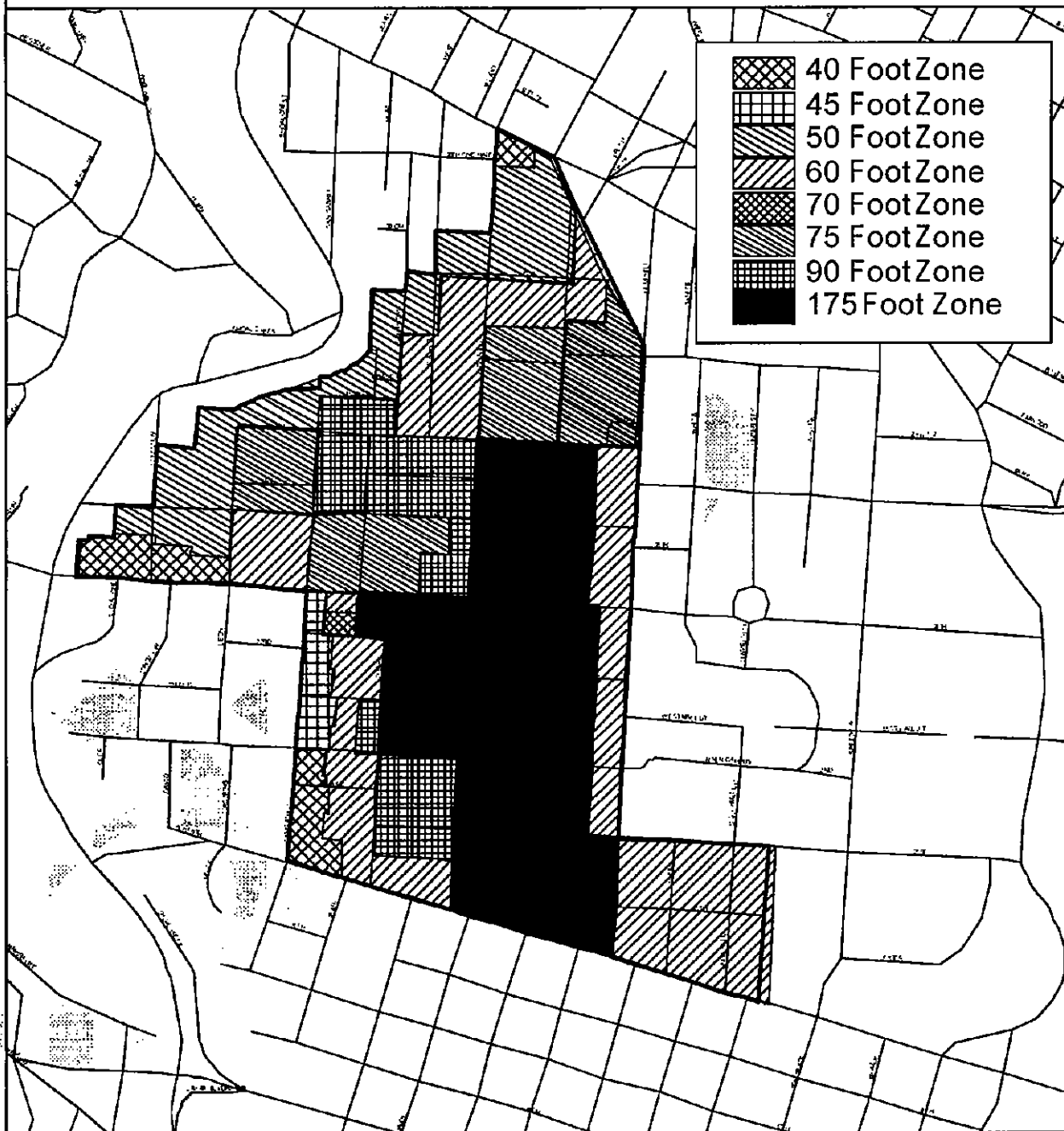
- (1) on the north by a line along West 29th Street from Rio Grande Street to Guadalupe Street;
- (2) on the east by a line along Guadalupe Street from West 29th Street to West 21st Street; West 21st Street from Guadalupe Street to the eastern ally of University Avenue; the eastern alley of University Avenue from West 21st Street to West MLK Jr. Boulevard;
- (3) on the south by a line along West MLK Jr. Boulevard from the eastern alley of University Avenue to San Gabriel Street; and
- (4) on the west by a line along San Gabriel Street to West 24th Street; west along West 24th Street to the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three; north along the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three to the alley between Lamar Boulevard and Longview Street; north along the alley to West 25th Street; east along West 25th Street to Longview Street; north along Longview Street to the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the alley between Longview Street and Leon Street; north along the ally to the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision; along the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision to San Gabriel Street; north along San Gabriel Street to the northern lot line of the Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four,

1 and the North Half of Fifty-Two; along the northern lot line of the
2 Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the
3 North Half of Fifty-Two to a point 160' east of San Pedro Street of the
4 southern lot line of lot One of the Gortons Addition; from this point
5 north to a point 160' east of San Pedro Street on the northern lot line of
6 lot Four of the Gortons Addition; east along the northern lot line of lot
7 Four of the Gortons Addition to San Pedro Street; north along San Pedro
8 Street to West 28th Street; west along 28th Street to Salado Street; north
9 along Salado Street to an alley on the northern lot line of Outlot 67,
10 Division D of the Graham Subdivision; east along the alley to Rio
11 Grande Street; north along Rio Grande Street to West 29th Street.

University Neighborhood Overlay Subdistrict Boundaries



University Neighborhood Overlay Height Limits



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1 PART 7. This ordinance takes effect on _____, 2004.

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3 PASSED AND APPROVED

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7 _____, 2004

§
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§

8 Will
9 ayor

Wynn

10
11
12 APPROVED:

13 David Allan Smith
14 City Attorney

ATTEST:

Shirley A. Brown
City Clerk