

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTIONS 25-2-753 AND 25-2-754 OF THE CITY CODE RELATING TO LOCAL USES IN THE UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT.**

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

**PART 1. Section 25-2-753(A) of the City Code is amended to read:**

(A) 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.

**PART 2. Section 25-2-754(D) of the City Code is amended to read:**

**(D) Local uses are permitted in any base district, subject to the limitations of this subsection. [This subsection governs local uses in a residential base district.]**

**(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) [(4)] Except as provided in Paragraph (3) [(2)], 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) [(2)] Up to 100 percent of the gross floor area of a structure may be used**

for local uses if the structure [is]:

- (a) is a historic landmark and is located entirely in a subdistrict having a permitted building height of 60 feet or greater; or [the structure]
- (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: [and is the only structure on the site; or
- (b) ~~less than 60 feet in height and located 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; ~~[or]~~
  - (iii) Rio Grande Street between 23<sup>rd</sup> Street and 24<sup>th</sup> Street;
  - (iv) 23<sup>rd</sup> Street between Guadalupe Street and Rio Grande Street; or
  - (v) ~~[(iii)]~~ 24th Street between Guadalupe Street and Rio Grande Street.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005      §  
   §  
   § \_\_\_\_\_  
   Will Wynn  
   Mayor

**APPROVED:** \_\_\_\_\_  
                         David Allan Smith  
                         City Attorney

**ATTEST:** \_\_\_\_\_  
                         Shirley A. Brown  
                         City Clerk