

# Proposed Changes for the University Neighborhood Overlay

8-5-04  
#47

Item	Section Number	Not Planning Committee Review Not Commissioned Subject to Approval by Council	Proposed Changes	Not Commissioned Review Not Planning Committee Review	Comments
1	25-2-753 Local Uses Described	Not included at first reading.	Add the following uses: <ul style="list-style-type: none"> <li>• Art Gallery</li> <li>• Art Workshop</li> <li>• Business and Trade School</li> <li>• Consumer Convenience Services</li> <li>• Financial Services</li> <li>• Food Preparation</li> <li>• Indoor Sports and Recreation</li> <li>• Printing and Publishing Services</li> </ul>	Add the following uses: <ul style="list-style-type: none"> <li>• Art Gallery</li> <li>• Art Workshop</li> <li>• Business and Trade School</li> <li>• Consumer Convenience Services</li> <li>• Financial Services</li> <li>• Food Preparation</li> <li>• Indoor Sports and Recreation</li> <li>• Printing and Publishing Services</li> </ul>	These uses were added in light of the discussions stemming from the House of Tutors zoning case.
2	25-2-754 Use Regulations	(6) A parking space must be leased separately from a dwelling unit.	Remove this provision	(6) A parking space must be leased separately from a dwelling unit.	Matter is a private contractual agreement between landlord and tenant.
3	New Section	Not included at first reading.	The minimum lot area is 2,500 square feet.	The minimum lot area is 2,500 square feet.	Included based on discussions with stakeholders after Council first reading.

Item	Section with Change	Staff Recommendation/Approval of First Reading	Staff Proposed Comments	Board Staff Recommendation/Approval of First Reading	Staff Comments
4	25-2-756 (A) Setbacks  (Section revised-see Comments)	<p>A) The minimum front yard setback and the minimum and the minimum side yard setback are 3-1/2 feet, except:</p> <p>(1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street; and</p> <p>(2) there are no minimum setbacks:</p> <p>(a) along Guadalupe Street between Martin Luther King, Jr. Blvd. And 28th Street; and</p> <p>(b) along 24<sup>th</sup> Street between Guadalupe Street and Rio Grande Street.</p> <p>Not included at first reading.</p>	<p>(A) There are no minimum front yard or street side yard setbacks, except:</p> <p>(1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street; and</p> <p>(2) the minimum front yard setback is two feet along Graham Place, West 24 1/2 Street, San Pedro Street, West 21<sup>st</sup> Street, and Hume Place.</p> <p>(E) A building must be at least 12 feet from the front face of the curb of the adjacent street, except:</p> <p>(1) along Guadalupe Street between Martin Luther King, Jr. Blvd. And 28th Street; and</p> <p>(2) along 24<sup>th</sup> Street between Guadalupe Street and Rio Grande Street.</p>	<p>(A) There are no minimum front yard or street side yard setbacks except:</p> <p>(1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street; and</p> <p>(2) the minimum front yard setback is two feet along Graham Place, West 24 1/2 Street, San Pedro Street, West 21<sup>st</sup> Street, and Hume Place.</p> <p>(E) A building must be at least 12 feet from the front face of the curb of the adjacent street, except:</p> <p>(1) along Guadalupe Street between Martin Luther King, Jr. Blvd. And 28th Street; and</p> <p>(2) along 24<sup>th</sup> Street between Guadalupe Street and Rio Grande Street.</p>	<p>This change is based on ongoing discussions with the stakeholder group and staff following Council first reading of the ordinance</p>
5	25-2-757 Building Setbacks and Building Envelope Restriction	First building setbacks should begin at 57 feet	First building setbacks should begin at 60 feet	First building setbacks should begin at 60 feet	This change reflects would changes made in the design guidelines included in the Central Austin Combined Neighborhood Plan.

Item	Staff with Comments	Planning Commission Recommended Amendments (Second Reading)	Planning Commission Recommended Amendments (Third Reading)	City Council and Mayor Recommended Amendments	Comments
6	25-2-758 (A)(2)(a) Street Wall Areas Adjacent to Occupant Space	Street wall area extends to a height of 57 feet	Street wall area extends to a height of 60 feet	Street wall area extends to a height of 60 feet	This change reflects changes made in the design guidelines.
7	25-2-759 Streetscape Improvements	(A) A site owner shall install a sidewalk not less than five feet wide along each street frontage adjacent to the site. The director of the Transportation, Planning, and Sustainability Department may require that the sidewalk be up to 12 feet wide. The director shall determine an appropriate sidewalk width after considering right-of-way width and other factors affecting the site.	<p>A site owner shall install a sidewalk not less than 12 feet wide along each street frontage adjacent to the site.</p> <p>A site owner shall install a sidewalk not less than five feet wide along West 24<sup>1</sup>/<sub>2</sub> Street, San Pedro Street, West 21<sup>st</sup> Street, or Hume Place.</p> <p>A site owner shall plant and maintain trees along an adjacent street right-of-way.</p> <p>(1) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity.</p> <p>(2) A tree must be in scale with the adjacent building.</p> <p>(3) A tree planted in a sidewalk area must have a tree grating</p>	<p>A site owner shall install a sidewalk not less than 12 feet wide along each street frontage adjacent to the site.</p> <p>A site owner shall install a sidewalk not less than five feet wide along West 24<sup>1</sup>/<sub>2</sub> Street, San Pedro Street, West 21<sup>st</sup> Street, or Hume Place.</p> <p>A site owner shall plant and maintain trees along an adjacent street right-of-way.</p> <p>(1) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity.</p> <p>(2) A tree must be in scale with the adjacent building.</p> <p>(3) A tree planted in a sidewalk area must have a tree grating</p>	
8	25-2-759 (C)(4) Streetscape Improvements	A light must be shielded to prevent it from shining upward	Remove this provision	Remove this provision	Will be included in the rules to implement the ordinance and not in the ordinance itself.

Item	Of the Ordinance Changes	Existing Ordinance Community Development Code, Article 25-2-762	Proposed Ordinance	City Council Approval	Comments
9	25-2-762 (B)(2)(3) Certain Regulations Inapplicable or Superseded	(B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is:  (2) 90 percent in the outer west campus subdistrict; and  (3) 85 percent in the Dobie subdistrict	(B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is:  (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.	(B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is:  (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	Gives greater flexibility to property owners
10	25-2-762 (C)(2)(3) Certain Regulations Inapplicable or Superseded	(C) For a multi-family residential use:  (2) minimum site area requirements of this subchapter for each dwelling unit do not apply; and  (3) the minimum open space for each dwelling unit is 100 square feet	(C) For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply.	(C) For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply.	This section was revised based on ongoing discussions with stakeholder group and staff following Council first reading of the ordinance.

Item	Section with Changes	Recommendations Adopted at First Reading	Proposed Changes	Recommendations Adopted at Second Reading	Comments
11	Affordable Housing	Not included at first reading.	<p>(A) A multi-family residential use established after [effective date of ordinance] must, for a period of not less than 15 years from the date a certificate of occupancy is issued, set aside at least:</p> <ul style="list-style-type: none"> <li>(1) 10 percent of the dwelling units on the site to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department; and</li> <li>(2) 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department.</li> </ul> <p>(B) The University Neighborhood District Housing Trust Fund is established. A person may pay a fee into the University Neighborhood District Housing Trust Fund instead of complying with Subsection (A)</p> <ul style="list-style-type: none"> <li>(1) A person who does not comply with Paragraphs (A)(1) and (A)(2) shall pay a fee of \$0.30 for each square foot of gross air conditioned floor area in the multi-family residential use development.</li> <li>(2) A person who complies only with Paragraph (A)(1) shall pay a fee of \$0.15 for each square foot of gross air conditioned floor area in the multi-family residential use development.</li> </ul>	<p>(A) A multi-family residential use established after [effective date of ordinance] must, for a period of not less than 15 years from the date a certificate of occupancy is issued, set aside at least:</p> <ul style="list-style-type: none"> <li>(1) 10 percent of the dwelling units on the site to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department; and</li> <li>(2) 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department.</li> </ul> <p>(B) The University Neighborhood District Housing Trust Fund is established. A person may pay a fee into the University Neighborhood District Housing Trust Fund instead of complying with Subsection (A)(2)</p> <ul style="list-style-type: none"> <li>(1) A person who complies only with Paragraph (A)(1) shall pay a fee of \$0.20 for each square foot of gross air conditioned floor area in the multi-family residential use development.</li> </ul>	<p>This section was revised based on ongoing discussions with stakeholder group and staff following Council first reading of the ordinance.</p> <p>These recommendations also reflect the request by the Planning Commission to develop recommendations to increase the amount of affordable housing in the University Neighborhood Overlay district.</p>

Item	Section and Changes	Planning Committee and Community Development Approval for First Reading	Proposed Changes	Planning Committee and Community Development Approval for Second Reading	Comments
11 continued	Affordable Housing continued	Not included at first reading	(C) The director of the Austin Neighborhood Housing and Community Development Department 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 percent of its dwelling units to persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department, for a period of not less than 15 years from the date a certificate of occupancy is issued.	(C) The director of the Austin Neighborhood Housing and Community Development Department 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 percent of its dwelling units to persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department, for a period of not less than 15 years from the date a certificate of occupancy is issued.	
12	25-6-601(A) 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 ( <i>Tables Of Off-Street Parking And Loading Requirements</i> ).	The minimum off-street parking requirement is 80 percent of that prescribed by Appendix A ( <i>Tables Of Off-Street Parking And Loading Requirements</i> ).	(A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is 80 percent of that prescribed by Appendix A ( <i>Tables Of Off-Street Parking And Loading Requirements</i> ).	This section was revised based on ongoing discussions with stakeholder group and staff following Council first reading of the ordinance.  After presenting to the University of Texas Student Government, staff became aware of student body concerns that required parking not be reduced above and beyond what is currently allowed.

Item	Section With Comments	Planning Committee Recommendation/Staff Recommendation	Staff Recommendation	Staff Recommendation	Staff Recommendation
13	25-6-601(C) Parking Requirements for University Neighborhood Overlay District	(C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A ( <i>Tables Of Off-Street Parking And Loading Requirements</i> ) 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.	Staff does not support this provision. Remove this provision.	(C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A ( <i>Tables Of Off-Street Parking And Loading Requirements</i> ) 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.	Staff objection to this recommendation centered on: <ul style="list-style-type: none"> <li>How would such a program be monitored/administered?</li> <li>Penalization if a development went into non-compliance with this provision?</li> <li>Remediation of non-compliance?</li> </ul> Zoning is the inappropriate mechanism to implement this program.
14	25-6-601 (B)(2) Parking Requirements for University Neighborhood Overlay District	(2) 3,500 square feet of gross floor area, and the use is located in the outer west campus subdistrict off-street parking is not required.	For a commercial use: <ol style="list-style-type: none"> <li>(1) the minimum off-street parking requirement is 60-80 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading Requirements</i>); or</li> <li>(2) if the use occupies less than 6,000 square feet of gross floor area, off-street parking is not required.</li> </ol>	For a commercial use: <ol style="list-style-type: none"> <li>(1) the minimum off-street parking requirement is 60 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading Requirements</i>); or</li> <li>(2) if the use occupies less than 6,000 square feet of gross floor area, off-street parking is not required.</li> </ol>	These standards reflect existing standards in the Central Business District.