

# A P S I N C I T Y C O U N C I L

## AGENDA



Thursday, November 30, 2006

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### Public Hearings and Possible Actions RECOMMENDATION FOR COUNCIL ACTION

**ITEM No. 64**

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**Subject:** Conduct a public hearing and approve an ordinance amending Section 25-2-1051 of the City Code to clarify that compatibility standards apply to development unless otherwise provided by a specific provision of the City Code, amending Section 25-2-1052 to clarify the conditions that apply to the exception from compatibility standards related to construction of a residential use permitted in an urban family residence or more restrictive zoning district; and, declaring an emergency

**Additional Backup  
Material**

(click to open)

**Ordinance**

**For More Information:** Robert Heil, 974-2330, Greg Guernsey, 974-2387

**Prior Council Action:** 11/16/06 - Set public hearing.

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The proposed amendments clarify regulations relating to exceptions from the City's compatibility standards. Both amendments reflect existing City practice

Section 25-2-1051 is being modified to clarify that the compatibility standards apply to a development unless a specific provision in the City Code provides that the standards do not apply.

Section 25-2-1052 relates to the compatibility standards exception for construction of a residential use permitted in an urban family residence (SF5) or more restrictive zoning district. The proposed modification clarifies that the exception only applies if the development claiming the exception complies with the development regulations associated with the zoning district under which the exemption claim is made. If, for example, a development is claiming an exception because the development is allowed in an SF5 zoning district, the development must comply with the site development regulations associated with the SF5 zoning district.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 25-2-1051 AND 25-2-1052 OF THE CITY CODE RELATING TO THE APPLICABILITY OF AND EXCEPTIONS FROM COMPATIBILITY STANDARDS, AND DECLARING AN EMERGENCY.

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

PART 1. The Council finds:

- (A) This ordinance amends the City Code to restate existing City Code requirements regarding compatibility standards.
- (B) This ordinance is not a substantive change to the City Code, but a clarification.

PART 2. Section 25-2-1051(A) (*Applicability*) of the City Code is amended to read:

- (A) Except as provided in Section 25-2-1052 (*Exceptions*) or another specific provision of this title, this article applies to a use in a townhouse and condominium residence (SF-6) or less restrictive zoning district and to a civic use described in Subsection (B) that is located on property:

~~(1) across the street from or adjoining property:~~

~~(a) in an urban family residence (SF-5) or more restrictive zoning district;~~

~~(b) on which a use permitted in an SF-5 or more restrictive zoning district is located, other than a dwelling permitted by Section 25-2-894 (Accessory Uses For A Principal Commercial Use); or~~

~~(c) in a traditional neighborhood (TN) zoning district; or~~

(2) located 540 feet or less from property in:

(a) an SF-5 or more restrictive zoning district;

(b) a TN district; or

(c) a development reserve (DR) zoning district.

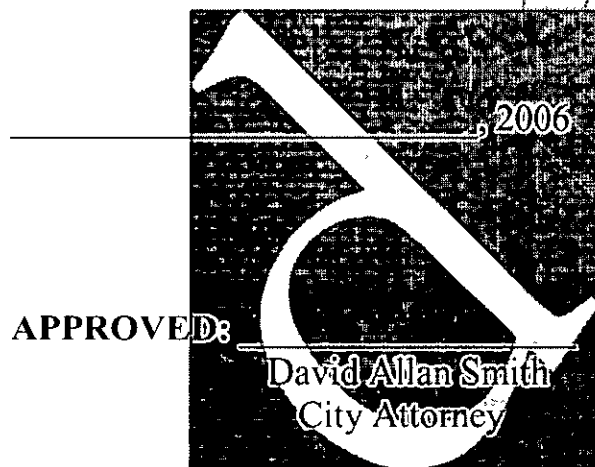
PART 3. Section 25-2-1052(A) (*Exceptions*) of the City Code is amended to read:

- (A) This article does not apply to:

- 1 (1) construction for a residential use that is permitted in an urban family  
2 residence (SF-5) or more restrictive zoning district and that complies  
3 with SF-5 or more restrictive zoning district site development  
4 regulations;
- 5 (2) property in a historic landmark (H) or historic area (HD) combining  
6 district;
- 7 (3) a structural alteration that does not increase the square footage, area, or  
8 height of a building; or
- 9 (4) a change of use that does not increase the amount of required off-street  
10 parking.

11 **PART 4.** The council finds that clarification of the applicability of compatibility  
12 standards is necessary for the protection of existing single-family neighborhoods and the  
13 orderly development of high intensity uses in the City. The council further finds that this  
14 constitutes an emergency. Because of this emergency this ordinance takes effect  
15 immediately on its passage for the immediate preservation of the public health, safety,  
16 and welfare.

17 **PASSED AND APPROVED**



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Will Wynn  
Mayor

ATTEST:

Shirley A. Gentry  
City Clerk