

**ORDINANCE NO. 20100819-059**

**AN ORDINANCE AMENDING ORDINANCE NO. 040826-58, REZONING AND CHANGING THE ZONING MAP FOR PROPERTY LOCATED AT 3500 SPEEDWAY IN THE NORTH UNIVERSITY NCCD-NP AREA FROM MULTIFAMILY RESIDENCE LIMITED DENSITY-HISTORIC LANDMARK-NEIGHBORHOOD CONSERVATION COMBINING DISTRICT-NEIGHBORHOOD PLAN (MF-1-H-NCCD-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE LIMITED DENSITY-HISTORIC LANDMARK-NEIGHBORHOOD CONSERVATION COMBINING DISTRICT-NEIGHBORHOOD PLAN (MF-1-H-NCCD-NP) COMBINING DISTRICT, TO MODIFY SITE DEVELOPMENT STANDARDS ON THE PROPERTY.**

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

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from multifamily residence limited density-historic landmark-neighborhood conservation combining district-neighborhood plan (MF-1-H-NCCD-NP) combining district to multifamily residence limited density-historic landmark-neighborhood conservation combining district-neighborhood plan (MF-1-H-NCCD-NP) combining district on the property located in the Speedway District at 3500 Speedway in the North University neighborhood conservation combining district-neighborhood plan combining district ("North University NCCD-NP") described in Zoning Case No. C14-2010-0079, on file at the Planning and Development Review Department, locally known as the area bounded by 38<sup>th</sup> Street to the north, San Jacinto Boulevard and 27<sup>th</sup> Street to the south, Guadalupe Street to the west, and Duval Street to the east, in the City of Austin, Travis County, Texas.

**PART 2.** The North University NCCD-NP was approved August 26, 2004 under Ordinance No. 040826-058, amended by Ordinance No. 20070111-077 in Zoning Case No. C14-06-0186, and by Ordinance No. 20081120-026 in Zoning Case C14-04-0022.

**PART 3.** Part 8 (SPEEDWAY DISTRICT) of Ordinance No. 040826-058 is amended to change a condition of zoning for the property at 3500 Speedway (Tract SD-870A) and generally identified in the map attached as Exhibit "A" incorporated into this ordinance (the "Property"), as shown in this Part 3.

1. Site development standards table. Except as otherwise modified in this part, the following site development regulations apply.

SPEEDWAY DISTRICT	SITE DEVELOPMENT STANDARDS								
	SF-3	MF-1	MF-2	MF-3	MF-4	NO	LO/GO	LR	CS
Min. Lot Size	5750*	8000*	8000*	8000*	8000*	5750*	5750*	5750*	5750*
Min. Lot Width	50*	50*	50*	50*	50*	50*	50*	50*	50*
Max. FAR	duplex 0.4 :1	0.5 : 1	0.5 : 1	0.75 : 1	0.75 : 1	0.5:1	0.7:1	0.5:1	2.0:1
Max. Building Coverage	40%	45%	50%	55%	60%	40%	50%	50%	95%
Max. Impervious Cover	45%	55%	60%	65%	70%	60%	70%	80%	95%
Max. Height	(see Height Map - Exhibit D)								
Min. Front Setback	(See Part 6. General Provisions)								
Max. Front Setback	(See Part 6. General Provisions)								
Min. Street Side Yard Setback	(See Part 6. General Provisions)								
Min. Interior Side Yard Setback	5'**	5'**	5'**	5'**	5'**	5'**	5'**	5'**	5'**
Min. Rear Setback	10'***	10'***	10'***	10'***	10'***	10'***	10'***	10'***	10'***
* See Part 6. Subsections 5 & 6 (General Provisions)									
** A new principal structure must be at least 10' from a principal structure on an adjacent lot.									
*** For a through lot the rear setback is 15'.									

2. Porch setback.

- a. A porch may extend a maximum of eight feet in front of the front yard setback if a principal building has a setback of at least 25 feet.

b. On a corner lot, a porch may extend a maximum of five feet in front of the street side yard setback.

c. A porch must set back at least five feet from a property line.

3. Accessory building setbacks.

a. Street yard setback - for an accessory building the minimum setback from:

1) The front property line of a residential use is 60 feet.

2) The setback map determines any other street yard setback.

b. Interior side yard setback: The minimum setback from an interior side property line is five feet.

c. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior side property lines.

d. Attached Garage - An attached garage shall set back a minimum of 60 feet from the front property line.

4. Front of building.

All buildings shall front onto Speedway unless they have no Speedway lot frontage.

5. Parking for a restaurant use with outdoor seating.

a. This section applies to a restaurant use located at:

3706 Speedway (Tract SD 868)

3705 Speedway (Tract SD 871)

100 E. 31<sup>st</sup> Street. (Tract SD 881)

100 E. 31<sup>st</sup> Street (Tract SD 883)

3000 University (Tract SD 883A)

b. The outdoor seating area does not count against the allowable square footage for a restaurant (limited) and restaurant (general) use established in Part 5 and is not used to determine the parking requirement if:

- 1) The outdoor seating does not exceed 40 percent of the total seating; and
  - 2) Not more than 10 tables are located outside.
- c. The outdoor seating area that exceeds 40 percent of the total seating area is counted as part of the allowable square footage for a restaurant (limited) and restaurant (general) use and is used to determine the parking requirement.
6. Development located at 3410 and 3412 Speedway (Tract SD 874) does not trigger height or setback compatibility regulations at 3414 Speedway (Tract SD 874) and 3408 Speedway (Tract 875) if the development is more than 30 feet in height.
7. The following apply to Lots 8-14, Block 6, Fruth Addition (Tracts SD 883, SD, 882A, SD 883, and SD 883A).
- a. The total gross floor area may not exceed 58,652 square feet.
  - b. The maximum number of multifamily units is 50 units and 114 bedrooms.
  - c. The parking requirement for a multifamily residential use is one space per bedroom for resident parking plus a number equal to ten percent of the resident parking for visitor parking.
  - d. The maximum number of parking spaces allowed on the site is 139.
  - e. Only pedestrian-oriented uses and residential living space are permitted along University Street.
  - f. One driveway is permitted from the property to University Street. Except as otherwise provided, the maximum width of a driveway is the minimum width established by the City Code. If the minimum width established by the Code is less than 20 feet, then the maximum width is 20 feet.
  - g. The minimum building setbacks are as follows:
    - 1) W. 31<sup>st</sup> – 14 feet
    - 2) University –15 feet
    - 3) Alley – 0 feet

h. Building height.

- 1) Except as otherwise provided, the maximum height is 45 feet.
- 2) Within 30 feet of property line on West 31<sup>st</sup> Street, the maximum eave height is three stories and 30 feet.
- 3) Beyond 30 feet of the property line on West 31<sup>st</sup> Street, the maximum eave height is 40 feet.
- 4) Within 20 feet of the property line on West 30<sup>th</sup> Street the maximum eave height is two stories and 20 feet.
- 5) Beyond 20 feet of the property line on West 30<sup>th</sup> Street, the maximum eave height is 40 feet.
- 6) The maximum eave height is 40 feet on University Street.

i. Lighting on the street side of a building shall be shielded.

j. Parking is prohibited in a street yard on University Street.

k. A pole sign and freestanding sign are prohibited.

l. The maximum setback from University Street for a commercial use is 15 feet.

8. The following applies to Tract 880A.

a. The minimum front setback is five feet.

b. The minimum side yard setback is 0 feet.

c. The maximum impervious cover is 95 percent.

9. The following applies to a two-family use on Lot 1, Block 2, Paul O. Simms Resubdivision of the east half of Block 2, Buddington Subdivision of Outlot 77, Division D (Tract SD-870A) located at 3500 Speedway.

a. The minimum lot size is 5600 square feet.

- b. The minimum street yard setback is 17 feet.
- c. The minimum rear setback is five feet.
- d. The parking requirement is two spaces.
- e. A street side yard driveway for a two-family use is permitted.
- f. An attic space is exempt from calculation of gross floor area if 35 percent or more of the area has a ceiling height of seven feet or less.

**PART 4.** Except as otherwise specifically provided in this ordinance, the Property is subject to Ordinance No. 040826-58, as amended, that established the North University neighborhood conservation-neighborhood plan combining district. In all other respects, the terms of conditions of Ordinance No. 040826-058, as amended, remain in effect.

**PART 5.** This ordinance takes effect on August 30, 2010.

**PASSED AND APPROVED**

\_\_\_\_\_, August 19, 2010

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Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
Acting City Attorney

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

