ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-2, 25-5, 25-6 AND 25-8 RELATING TO SITE DEVELOPMENT REGULATIONS FOR PUBLIC PRIMARY AND SECONDARY EDUCATIONAL FACILITIES.

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

PART 1. City Code Section 25-2-6 (*Civic Uses Described*) is amended to amend definitions of "Public Primary Educational Facilities" and "Public Secondary Educational Facilities" to read as follows and to renumber the remaining definitions accordingly:

(37) PUBLIC PRIMARY EDUCATIONAL FACILITIES use is the use of a site for a public school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state. <u>The term includes an open enrollment charter school as defined under the Texas Education Code.</u>

(38) PUBLIC SECONDARY EDUCATIONAL FACILITIES use is the use of a site for a public school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state. <u>The term includes an open enrollment charter school as defined under the Texas Education Code.</u>

PART 2. City Code Chapter 25-2, Article 4 (*Additional Requirements for Certain Uses*) is amended to repeal Sections 25-2-834 (*Public Facility School Waiver*) and 25-2-833 (*Public School Facility Standards*) and to add a new Section 25-2-833 to read as follows:

§ 25-2-833 EDUCATIONAL FACILITY DEVELOPMENT STANDARDS.

(A) Except as provided in Section 25-2-835 (*School District Development Agreements*), this section applies to development of a public primary or secondary educational facility.

(B) This subsection specifies the minimum setback required from a public primary or secondary educational facility and an adjoining residential, intensive recreational, or activity center use.

(1) Within the boundaries of the Austin Independent School District, a public primary or secondary educational facility must be constructed within the setbacks required under the applicable regulations of this chapter.

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(2) Outside the boundaries of the Austin Independent School District, a public primary or secondary educational facility may not be constructed closer than 25 feet from an adjoining residential use.

(C) This subsection specifies maximum height of a public primary or secondary educational facility.

(1) Within the boundaries of the Austin Independent School District, the height of a public primary or secondary educational facility may not exceed the lesser of:

(a) 60 feet;

(b) 30 feet, if the facility is located within 50 feet of a single-family residential base district or a single-family use; or

(c) 40 feet, if the facility is located within 100 feet of a single-family residential district or a single-family use.

(2) Outside the boundaries of the Austin Independent School District, the height of a public primary or secondary educational facility may not exceed the lesser of:

(a) two stories or 30 feet, if the facility is located within 50 feet of a single-family residential base district or single-family use; or

(b) three stories or 40 feet, if the facility is located within 100 feet of a single family residential base district or single family use.

(D) A public primary or secondary educational facility:

(1) is subject to Chapter 25-2, Subchapter C, Article 10 (*Compatibility*) within the boundaries of the Austin Independent School District, except for requirements relating to fencing, screening, and lighting; and

(2) is exempt from Chapter 25-2, Subchapter C, Article 10 (*Compatibility*) outside the boundaries of the Austin Independent School District, but must comply the standards specified under this subsection.

(a) An intensive recreational use associated with a public primary or secondary educational facility, excluding a multi-use trail and including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property:

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

(ii) on which a use permitted in an SF-5 or more restrictive zoning district is located.

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(b) Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property:

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

(ii) on which a use permitted in an SF-5 or more restrictive zoning district is located.

PART 3. Subsection (B) of Section 25-2-1051 (*Applicability*) is amended to read as follows:

(B) In Subsection (A), a civic use is a:

(1) college and university facilities use;

(2) community recreation (private) use;

(3) community recreation (public) use;

(4) day care services (commercial) use;

(5) park and recreation services (special) use;

(6) private primary educational facilities use;

(7) a private secondary educational facilities use; <u>or</u>

[~~(8) a public primary educational facilities use;~~

(9) [~~a public secondary educational facilities use; or~~]

[~~(10)~~] a religious assembly use.

PART 4. City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read as follows:

A. General Exemptions. Except as otherwise provided in this Subchapter, the following types of development are exempt from the requirements of this Subchapter:

1. Development that does not require a site plan under Chapter 25-5, except that Section 2.5 (*Exterior Lighting*) shall apply;

2. Development in the following zoning districts:

a. Agricultural (AG) district;

b. Aviation (AV) district; and

c. Traditional neighborhood (TN) district;

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3. Development built pursuant to the overlay district provisions of the University Neighborhood Overlay (UNO) district;

4. Development of a public primary or secondary educational facility;

5. Development built pursuant to the Robert Mueller Municipal Airport Redevelopment Plan;

6.[~~5.~~] Development of an industrial use or unmanned communication services, construction sales and service, drop-off recycling collection facility, equipment repair or scrap and salvage services use that is not located on a Core Transit Corridor;

7.[~~6.~~] Interior remodeling of a building.

8.[~~7.~~] Development for which public access is prohibited due to health, safety and welfare reasons;

9.[~~8.~~] Development of a warehouse if less than 25% of the gross floor area is used for a non-industrial use;

10.[~~9.~~]Sidewalk, shared use and urban trail projects managed by the City of Austin and processed under the City's General Permit program which are undertaken for the purpose of bringing existing facilities into compliance with the Americans With Disabilities Act; and

11.[~~10.~~] Development built pursuant to any of the following adopted regulating plans:

a. Transit-Oriented District Station Area Plan;

b. North Burnet/Gateway (NBG) District;

c. East Riverside Corridor;

d. Waller Creek District;

e. Downtown Austin Plan; or

f. Airport Boulevard Corridor Plan.

PART 5. City Code Section 25-5-2 (*Exemptions*) is amended to repeal Subsections (F) and (G) and to renumber the remaining subsections accordingly.

PART 6. City Code Chapter 25-8, Article 7 (*Requirements in All Watersheds*) is amended to add a new Section 25-8-366 to read as follows:

§ 25-8-366 IMPERVIOUS COVER RESTRICTIONS FOR EDUCATIONAL FACILITIES.

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(A) This section establishes maximum impervious cover restrictions for development of a public primary or secondary educational facility.

(B) The maximum impervious cover for development of a public primary or secondary educational facility is the lesser of the following:

(1) in an urban watershed, 65 percent gross site area;

(2) in a suburban watershed, 50 percent gross site area;

(3) in a water supply watershed, outside of an urban watershed and the Barton Springs Zone, 50 percent net site area;

(4) in the Barton Springs Zone, the impervious cover allowed under Article 13 (*Save Our Springs*); or

(5) the impervious cover allowed under Section 25-2-492 (*Site Development Regulations*) for the base zoning district in which the educational facility is located.

PART 7. Subsection (A) of Section 25-6-114 (*Neighborhood Traffic Analysis Required*) would be amended to read as follows:

(A) The director shall conduct a neighborhood traffic analysis for a project proposed in a site development permit application or a zoning or rezoning application if:

(1) the project has access to a residential local or collector street as described in Subsection (C); and

(2) <u>one of the following applies:</u>

<u>(a)</u> the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 vehicle trips per day<u>; or</u>

<u>(b) the application is for a public primary or secondary educational facility</u>.

PART 8. This ordinance takes effect on _____, 2016.

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PASSED AND APPROVED

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§
_____, 2016 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan
City Attorney

Jannette S. Goodall
City Clerk

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