

ORDINANCE NO. 020131-20

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE TO ESTABLISH THE HYDE PARK NEIGHBORHOOD CONSERVATION COMBINING DISTRICT (NCCD) FOR THE PROPERTY WHOSE BOUNDARIES ARE 45TH STREET TO THE NORTH, 38TH STREET TO THE SOUTH, GUADALUPE STREET TO THE WEST AND DUVAL STREET TO THE EAST, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND TO MODIFY CERTAIN BASE DISTRICTS IN THE NCCD; AND DECLARING AN EMERGENCY.

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 establish the Hyde Park neighborhood conservation combining district (NCCD) and to add a NCCD to each base zoning district within the property bounded by 45th Street to the north, 38th Street to the south, Guadalupe Street to the west, and Duval Street to the east, described in File C 14-01-0046 and as more particularly identified in the map attached as Exhibit “A,” SAVE AND EXCEPT Lots 5 through 16 of Block 12 of the Hyde Park Addition No. 1, and to change the base zoning districts on 13 tracts of land within the NCCD.

PART 2. The base zoning of the 13 tracts shown in the chart below are changed from family residence (SF-3) district, multifamily residence medium density (MF-3) district, multifamily residence moderate- high density (MF-4) district, multifamily residence moderate-high density-historic (MF-4-H) combining district, limited office-historic (LOH) combining district, and general commercial services (CS) district, to multifamily residence limited density neighborhood conservation (MF- I -NCCD) combining district, multifamily residence low density neighborhood conservation (MF-2-NCCD) combining district, family residence neighborhood conservation (SF-3-NCCD) combining district, family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district, limited office-historic-neighborhood conservation (LO-H-NCCD) combining district, neighborhood commercial neighborhood conservation (LR-NCCD) combining district, and multifamily residence medium density neighborhood conservation (MF-3-NCCD) combining district.

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
2	4309 Avenue D	MF-4	SF-3-NCCD
2	4307 Avenue D	MF-4	SF-3-NCCD
2	4311 Avenue D	MF-4	SF-3-NCCD
3	4416 Speedway	MF-3	SF-3-NCCD
3	4414 Speedway	MF-3	SF-3-NCCD
3	4412 Speedway	MF-3	SF-3-NCCD
3	4410 Speedway	MF-3	SF-3-NCCD
3	4408 Speedway	MF-3	SF-3-NCCD
3	4406 Speedway	MF-3	SF-3-NCCD
3	4404 Speedway	MF-3	SF-3-NCCD
3	4402 Speedway	MF-3	SF-3-NCCD
3	4400 Speedway	MF-3	SF-3-NCCD
4	4313 Speedway	MF-3	SF-3-NCCD
4	4311 Speedway	MF-3	SF-3-NCCD
4	4309 Speedway	MF-3	SF-3-NCCD
6	4408 Duval Street	MF-4	SF-3-NCCD
6	4406 Duval Street	MF-4	SF-3-NCCD
6	4404 Duval Street	MF-4	SF-3-NCCD
6	4402 Duval Street	MF-4	SF-3-NCCD
6	4400 Duval Street	MF-4	SF-3-NCCD
6	4316 Duval Street	MF-4	SF-3-NCCD
6	4314 Duval Street	MF-4	SF-3-NCCD
6	4308 Duval Street	MF-4	SF-3-NCCD
6	4306 Duval Street	MF-4	SF-3-NCCD
6	4302 Duval Street	MF-4	SF-3-NCCD
6	4204 Duval Street	MF-4	SF-3-NCCD
6	4202 Duval Street	MF-4	SF-3-NCCO
6	4106 Duval Street	MF-4	SF-3-NCCD
6	4104 Duval Street	MF-4	SF-3-NCCD
6	4100 Duval Street	MF-4	SF-3-NCCD
6	4016 Duval Street	MF-4	SF-3-NCCD
6	4012 Duval Street	MF-4	SF-3-NCCD
6	4014 Duval Street	MF-4	SF-3-NCCD
6	4008 Duval Street	MF-4	SF-3-NCCD
6	4006 Duval Street	MF-4	SF-3-NCCD
6	4004 Duval Street	MF-4	SF-3-NCCD
6	4200 Duval Street	MF-4	SF-3-NCCD

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
7	4112 Duval Street	MF-4	MF-2-NCCD
8	4214 Speedway	MF-4	SF-3-NCCD
8	4210 Speedway	MF-4	SF-3-NCCD
8	4213 Speedway	MF-4	SF-3-NCCD
8	4203 Speedway	MF-4	SF-3-NCCD
8	4112 Speedway	MF-4-H	SF-3-H-NCCD
8	4201 Speedway	MF-4	SF-3-NCCD
8	4110 Speedway	MF-4-H	SF-3-H-NCCD
8	4115 Speedway	MF-4	SF-3-NCCD
8	4113 Speedway	MF-4	SF-3-NCCD
8	4108 Speedway	MF-4-H	SF-3-H-NCCD
8	4104 Speedway	MF-4	SF-3-NCCD
8	4109 Speedway	MF-4	SF-3-NCCD
8	4107 Speedway	MF-4	SF-3-NCCD
8	4100 Speedway	MF-4	SF-3-NCCD
8	4101 Speedway	MF-4	SF-3-NCCD
9	4006 Speedway	LO-H	LO-H-NCCD
10	4007 Speedway	MF-4	SF-3-NCCD
10	4009 Speedway	MF-4	SF-3-NCCD
11	3913 Avenue C (2 parcels)	MF-4-H	SF-3-H-NCCD
12	3900 Avenue C (2 parcels)	MF-4-H	SF-3-H-NCCD
13	4002 Avenue B	CS	SF-3-NCCD
14	408 W. 40th Street	CS	LR-MU-NCCD
14	406 W. 40th Street	CS	LR-MU-NCCD
14	4000 Avenue B	CS	LR-MU-NCCD
15	3815 Guadalupe Street	CS	CS-NCCD for first 120' from the r.o.w: MF-3-NCCD for remainder

PART 3. DEFINITIONS. In this ordinance:

ACCESSORY BUILDING means a building in which an accessory use is located that is detached from and located on the same site as a building in which a principal use is located.

AVENUE means a street running in a north-south direction and designated as an avenue.

CIRCULAR DRIVEWAYS means a cul-de-sac type driveway with one access point or a half-circular driveway with two access points.

COMMERCIAL DISTRICT means the districts within the hierarchy of zoning districts from neighborhood office (NO) district through commercial-liquor sales (CS-i) district. DISTRICT means the Residential District, Speedway District, West 38th District, Guadalupe District, Duval District, or the Hyde Park Civic District.

DRIVEWAY RUNNERS means a pair of pavement strips acting as a driveway.

FULL BATHROOM means a bathroom with a toilet, sink, and a bathtub or shower or shower/bathtub combination.

REDEVELOPMENT means development in which the value of the improvements is 50 percent of the value of all existing improvements on the site or development that requires a site plan.

TANDEM PARKING means one car behind another so that one car must be moved before the other can be accessed.

PART 4. The Hyde Park NCCD is divided into the following districts which are more particularly identified on the map attached as Exhibit B.

1. The Residential District – includes all property not included in another district from 38th Street to 45th Street.
2. The Speedway District – generally located one-half block on each side of Speedway Street.
3. The Duval District – generally located one-half block west of Duval Street from 40th Street to 45th Street.
4. The West 38th Street District – generally located one block between West 38th Street and West 38th _ Street from one lot back from Speedway to one lot back from Guadalupe Street.

5. The Guadalupe District – generally located from Guadalupe Street to one-half block east of Guadalupe Street from 38th Street to 45th Street.
6. The Hyde Park Civic District – generally located in the area of Speedway and 40th Street.

PART 5. Development in the Hyde Park Civic District is subject to Ordinance No. 900830-Q. The regulations in Part 6 (Permitted and Conditional Uses), Part 7 (General Provisions), Part 8 (Residential District) and Part 9 (Speedway District) of this ordinance apply to development in the Hyde Park Civic District if they do not conflict with Ordinance No. 900830-Q, as amended. If a use regulation or site development standard is not addressed by Ordinance No. 900830-Q or this ordinance, then the base zoning district regulations as they existed on August 30, 1990 apply.

PART 6. Permitted and Conditional Uses.

1. The following table establishes the permitted and conditional uses for property in commercial zoning districts in the Hyde Park NCCD. Use regulations in this section may be modified in Section 2 of this part.

Column (A) applies to property with commercial zoning in the Residential, Speedway, Duval, West 38th, and Hyde Park Civic Districts that are not included in Column (B) or Column (C).

Column (B) applies to property at the following locations: 408 E. 43rd Street; the Duval Shopping Center which includes 411, 413, 417, and 419 E.43rd Street and 4220, 4222, 4224 and 4230 Duval Street; and 4206 Duval Street.

Column (C) applies to property located at 4300 Speedway.

USES:	Column A					Column B			Column C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Administrative and business offices	P	P	P	P	P	P	P	P	P
Art and craft studio (limited)	P	P	P	P	--	P	P	P	P

USES:	Column A					Column B			Column C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Art and craft studio (general)	P	--	--	--	--	P	--	--	P
Commercial off-street parking	C	C	--	--	--	C	C	--	C
Condominium Residential	--	--	--	--	--	--	--	--	P
Congregate living	C	C	C	C	C	C	C	C	C
Consumer convenience services	C	C	--	--	--	P	P	P	P
Consumer repair services	C	C	--	--	--	P	P	P	P
Cultural services	P	P	P	P	--	P	P	P	P
Custom manufacturing	--	--	--	--	--	C	--	--	--
Club or lodge	C	C	C	C	--	C	C	C	C
Day care services (limited)	P	P	P	P	P	P	P	P	P
Day care services (general)	P	P	P	P	P	P	P	P	P
Day care services (commercial)	P	P	P	P	P	P	P	P	P
Duplex residential	P	P	P	P	P	P	P	P	P
Family home	P	P	P	P	P	P	P	P	P
Financial services	C	C	--	--	--	P	P	P	P
Food sales	C	C	--	--	--	P	P	P	P
General retail sales (convenience)	C	C	--	--	--	P	P	--	--
General retail sales (general)	C	C	--	--	--	P	P	P	P
Group home class I (limited)	P	P	P	P	P	P	P	P	P
Group home class I (general)	P	P	P	P	P	P	P	P	P
Group home class II	P	P	P	C	C	P	P	P	P
Guidance services	P	P	P	--	--	P	P	P	P
Hospital (limited) not to exceed 2500 s.f.	P	P	P	C	--	P	P	C	P
Indoor entertainment	C	C	--	--	--	C	C	--	--
Laundry services	--	--	--	--	--	C	--	--	--
Local utility services	--	--	--	--	--	C	C	C	--
Medical offices (not over 2500 s.f.)	P	P	P	P	--	P	P	P	P

USES:	Column A					Column B			Column C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Medical offices (over 5000 s.f.)	--	--	--	--	--	--	--	--	P
Multifamily residential	--	--	--	--	--	--	--	--	P
Off-site accessory parking	C	C	C	--	--	C	C	C	C
Personal improvement services	P	P	--	--	--	P	P	--	P
Private primary educational facilities	P	P	P	P	P	P	P	P	P
Private secondary educational facilities	P	P	P	P	P	P	P	P	P
Public primary educational facilities	P	P	P	P	P	P	P	P	P
Public secondary educational facilities	P	P	P	P	P	P	P	P	P
Professional office	P	P	P	P	P	P	P	P	P
Religious assembly	P	P	P	P	P	P	P	P	P
Restaurant (drive-in, fast food)	--	--	--	--	--	C	C	C	--
Restaurant (limited)	--	--	--	--	--	P	P	P	P
Restaurant (general)	--	--	--	--	--	P	P	P	P
Service Station	--	--	--	--	--	C	C	C	--
Single-family residential	P	P	P	P	P	P	P	P	P
Software development	C	C	C	C	C	P	P	P	P
Theater	C	C	--	--	--	P	P	--	C
Two-family residential	P	P	P	P	P	P	P	P	P
Veterinary services (not to exceed 2500 s.f.)	P	--	--	--	--	P	--	--	P

2. The section applies to the uses established in Section 1 of this part.

- a. The maximum size of a day care services (commercial) use permitted under Column A is 5000 square feet, under Column B is 2500 square feet, and under Column C is 5000 square feet.

- b. A financial service use or food sales use permitted under Column B and Column C may not include a drive-in service.
 - c. A medical office (over 5000 square feet) permitted under Column C may not exceed 8000 square feet plus 50 percent of the gross floor area of a building over 8000 square feet.
 - d. A multifamily residential use, condominium residential use, or any combination of multifamily and condominium residential uses permitted under Column C may not exceed 75 percent of the gross floor area of all buildings constructed on a site.
 - e. The maximum size of a private primary educational facilities use permitted under Column A is 5000 square feet, under Column B is 2500, and under Column C is 2500 square feet.
 - f. The maximum size of a private secondary educational facilities use permitted under Column A is 5000 square feet, under Column B is 2500 square feet, and under Column C is 5000 square feet.
 - g. The maximum size of a restaurant (limited) and restaurant (general) use permitted under Column C is 3500 square feet.
 - h. The maximum size of a theater use established under Column A and Column B is 5000 square feet.
3. On property located at 4307 Speedway, the permitted uses are those permitted in a multifamily residence medium density (MF-3) district and off-site accessory parking.
4. The following uses are permitted on property located in the Guadalupe District.
- a. Permitted uses.

<ul style="list-style-type: none"> Administrative and business offices Art and craft studio (general) Automotive rentals Business or trade school Business support services Communication service facilities 	<ul style="list-style-type: none"> Agricultural sales and services Art and craft studio (limited) Automotive washing (of any type) Veterinary services College and university facilities Communications services
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Community recreation (public)	Community recreation (private)
Congregate living	Consumer convenience services
Consumer repair services	Counseling services
Cultural services	Custom manufacturing
Day care services (commercial)	Day care services (general)
Day care services (limited)	Electronic prototype assembly (not to exceed 7500 s.f.)
Exterminating services	Financial services
Family home	Funeral services
Food sales	General retail sales (general)
General retail sales (convenience)	Group home class I (limited)
Group home class I (general)	Guidance services
Group home class II	Hotel-motel
Hospital services (limited)	Indoor sports and recreation
Indoor entertainment	Medical offices
Local utility services	Multifamily residential
Monument retail sales	Pawn shop services
Outdoor sports and recreation	Personal services
Personal improvement services	Private primary educational facilities
Pet services	Public primary educational facilities
Private secondary educational facilities	Professional office
Public secondary educational facilities	Research services
Religious assembly	Restaurant (limited)
Residential treatment	Safety services
Restaurant (general)	Software development
Plant nursery	Single-family residential
Theater (not to exceed 5000 s.f.)	Two-family residential
Duplex residential	

- b. An automotive repair services use is a permitted use on property north of 4001 Guadalupe Street. The maximum lot size for the use is 9500 square feet.
- c. A limited warehousing and distribution use is a permitted use on property south of 40th Street. The use may not exceed 7500 square feet.
- d. A telecommunications tower use is a permitted or conditional use as determined by Section 25-2-839 of the City Code.
- e. A residential use may not be located in the front 70 percent of the ground floor of a building.

5. The following uses are conditional uses on property in the Guadalupe District.

a. Conditional uses.

Building maintenance services
Commercial off-street parking
Convenience storage
Equipment repair services
Laundry services
Hospital services (general)
Off-site accessory parking

Commercial blood plasma center
Construction sales and services
Drop-off recycling collection facility
Equipment sales
Service station
Club or lodge

b. Except as otherwise provided in this subsection, a restaurant (drive-in, fast food) use is a conditional use. A drive-in service is prohibited on property located between 40th and 43rd Streets.

PART 7. GENERAL PROVISIONS. Except as otherwise provided in Part 5 of this ordinance or in this part, the following provisions apply to all property within the NCCD.

1. Except as otherwise provided, a building shall front on a north-south street. A building located on a lot that only has frontage on a numbered street may front on the numbered street. A building on a through lot located west of Speedway on West 38th Street or West 39th Street shall front on West 38th Street or West 39th Street. The street on which a building fronts under this section is the front of the property on which the building is located for purposes of this ordinance.
2. This section applies to a property that is redeveloped for multifamily, commercial or civic use.
 - a. A site for a dumpster shall be provided on the property. The dumpster shall be screened from the view of adjacent property.
 - b. Except as otherwise provided in this subsection, each parking space shall be independently accessible. For a multifamily use, tandem parking is permitted if the spaces are assigned to one dwelling unit.
3. Except as otherwise provided in this section, the maximum gross floor area of the rear dwelling unit of a two-family residential use is 850 square feet. On a corner lot, the rear dwelling unit may exceed 850 square feet if the following conditions and other applicable site development regulations are satisfied:

- a. living space is provided on the ground floor;
 - b. one unit has frontage on an north-south street; and
 - c. one unit has frontage on a numbered street.
4. Accessory buildings may not exceed 10 percent of the site area.
5. A fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5.
6. This section applies to a fence located in a street side yard that faces an avenue and is greater than four feet in height. The portion of a fence that is greater than four feet shall have a ratio of open space to solid material of not less than 1 to 1.5.
7. A fence located along an alley shall have an inset to accommodate a trash receptacle. The inset shall be a minimum 18 square feet.
8. A driveway that provides four or fewer required parking spaces may be designed with gravel surfacing or using driveway runners. Design and construction must be approved by the Director of the Watershed Protection and Development Review Department. A driveway apron shall comply with City of Austin specifications.
9. A required or excess parking space may not be located in a street yard. This provision does not apply to property in the West 38th Street District or to property located at 4300 or 4307 Speedway if provisions for those areas permit parking in the street yard.
10. Except as otherwise provided in this section, the entrance of a building in which a principal use is located shall be located on the front of a building.
11. If a parking facility is located on the ground floor of a building, pedestrian-oriented uses must be located at the front of the building.
12. Except for a single-family, duplex, or two-family residential use, excess parking is prohibited. This section does not apply to property located at 4300 or 4307 Speedway if excess parking is permitted by the provisions applicable to the property.

13. This section applies to a multifamily use.
 - a. A maximum of one sign is permitted on a building.
 - b. The size of a sign may not exceed one foot in height and eight feet in length.
 - c. Internal lighting of a sign is prohibited except for the internal lighting of individual letters.
 - d. Free-standing signs are prohibited.
14. Alley access is permitted if the access complies with applicable City regulations.
15. Except in the Guadalupe District, this section applies to construction of a single family, duplex or two-family residential use on property that is located in a townhouse and condominium residence (SF-6) district or less restrictive zoning district. Except as otherwise provided in this section, construction must comply with the regulations for the family residence (SF-3) district. Construction may comply with the regulations of the district in which the use is located if construction complies with the compatibility standards of the City Code.
16. Except as otherwise provided in this section, parking is permitted in a street yard on West 38th _ Street. Parking may not be closer than ten feet to a property line.
17. Except as otherwise provided in this section, the following provisions apply in all Districts except the Guadalupe District.
 - a. A circular driveway is not permitted.
 - b. Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has 100 feet of frontage or more and has two dwelling units. Property located at 4300 Speedway may have 3 curb cuts.
 - c. The width of a driveway:

1. for a residential use, may not exceed 12 feet from the driveway apron to the building setback line and 24 feet from the building setback line to a parking area;
 2. for a commercial, civic, multifamily residential, or condominium residential use, may not exceed 25 feet.
- d. For an existing single-family, duplex, or two-family residential use:
1. compliance with current City parking regulations is required if:
 - a. 200 square feet or more are added to a building floor area;
 - b. the principal use changes; or
 - c. a full bathroom is added to a dwelling unit that has three or more bathrooms; and
 2. a person may not reduce the parking spaces to a number less than the number of spaces prescribed in the City Code.
- e. For property located at 4300 Speedway:
1. the minimum parking requirement is 70 percent of the minimum requirement established by the City Code;
 2. the maximum parking allowed is 100 percent of the minimum requirement established by the City Code;
 3. parking in excess of the maximum allowed is not permitted, provided that excess parking that exists on the effective date of this ordinance may continue as long as not more than 5000 square feet of gross floor area is added to the property; and
 4. off-site parking at 4307 Speedway does not count against the maximum parking allowed at 4300 Speedway.
- f. The design and location of parking facilities located at 4300 and 4307 Speedway is permitted as shown on the survey of the property conducted by Roy D. Smith Surveyors and dated August 26, 1993, attached to this ordinance as Exhibit "C" and on file with the Director of Neighborhood Planning and Zoning Department in File C14-01-0046.

- g. The following provision applies to parking required under Subsection d.
1. Tandem parking:
 - a. for a single-family or duplex residential use, is permitted; and
 - b. for a multi-family use, is permitted if both spaces are assigned to the same unit.
 2. Two parking spaces per dwelling unit are required in the Residential District and the West 38th Street District.
- h. This subsection applies to property located at 4307 Speedway. Parking is permitted in a street yard for any use if an off-site accessory parking use exists on any part of the property.

PART 8. RESIDENTIAL DISTRICT. The following site development regulations apply in the Residential District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Residential District.

RESIDENTIAL DISTRICT			
	Site Development Standards		
	Single-family Zoning Districts	Multi-family Zoning Districts	Commercial Zoning Districts
Minimum lot size	5750	8000	5750
Minimum lot width	50	50	50
Maximum FAR		0.5 to 1	0.5 to 1
Maximum building coverage	40%	50%	50%
Maximum impervious cover	45%	60%	70%
Maximum height	30	30	30
Minimum interior side yard setback	5	5	5
Minimum rear setback	10	10	10

2. Except as otherwise provided in this part, on an avenue, Duval Street, and the south side of

West 39th Street:

- a. the minimum street yard setback is 25 feet; and
 - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than a street identified in Section 2 of this part. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
 4. This section applies to the minimum street yard setback established in Subsection 2.a. of this part.
 - a. The minimum street yard setback may equal the average of the street yard setbacks of the principal buildings on the same side of the block that are 25 feet or less from the street property line. If more than one principal building is located on a property, then the setback of the building closest to the street property line is used in the calculation.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
 5. This subsection applies to the street yard setback established in Section 3 of this part.
 - a. The street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots if the setbacks are 15 feet or less. In this section, a building across an alley is a building on an adjoining lot. The street yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
 6. For a building facade that is longer than 50 feet, the facade may not extend horizontally in an unbroken line for more than 30 feet.
 7. A two-family residential use is permitted in the Residential District on a lot that is 7000 square feet or larger.
 8. Except as provided in Section 9 of this part, a porch may extend:
 - a. on an avenue, a maximum of eight feet in front of the street yard setback; and
 - b. on a street other than an avenue, a maximum of five feet in front of a street yard setback.
 9. A porch must be at least five feet from a property line that faces a street.
 10. Except as otherwise provided in Sections 13 and 14 in this part, for an accessory building the minimum setback from:

- a. a property line facing an avenue, Duval Street, or the south side of West 39th Street is 60 feet;
 - b. a property line facing a street other than a street identified in Subsection a. of this section is 15 feet; and
 - c. an interior side property line is five feet.
11. Except as otherwise provided in Section 12, 13, and 14 of this part, the minimum setback from a rear property line for an accessory building that is not more than 30 feet in height, is five feet.
 12. Section 11 of this part does not apply to a through lot.
 13. An attached or detached garage that has vehicular access on an alley or street shall be set back at least 20 feet from the alley or street.
 14. 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 and street side property lines.
 15. An attached garage shall be a minimum of 60 feet from the property line facing an avenue, Duval Street, or the south side of West 39th Street.
 16. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
 17. Driveway runners or gravel driveways are permitted. The design and construction must be approved by the Director of the Watershed Protection and Development Review Department.

PART 9. SPEEDWAY DISTRICT. The following provisions apply in the Speedway District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Speedway District.

SPEEDWAY DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	SF-3 Zoning District	Multifamily & Commercial Zoning Districts
Minimum lot size	5750	8000
Minimum lot width	50	50

Maximum FAR	--	0.5 to 1
Maximum building coverage	40%	50%
Maximum impervious cover	50%	70% MF 80% commercial
Maximum height	30	30
Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

2. Except as otherwise provided in this part, on Speedway:
 - a. the minimum street yard setback is 25 feet; and
 - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than Speedway. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. This section applies to the minimum street yard setback established in Subsection 2.a; of this part.
 - a. The minimum street yard setback may equal the average of the street yard setbacks of the principal buildings on the same side of the block that are 25 feet or less from the street property line. If more than one principal building is located on a property, then the setback of the building closest to the Street property line is used in the calculation.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
5. This subsection applies to the street yard setback established in Section 3 of this part.
 - a. The street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots if the setbacks are 15 feet or less. In this section, a building across an alley is a building on an adjoining lot. The street yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
6. The following site development regulations apply to property located at 4300 Speedway.
 - a. The maximum floor-to-area ratio is 0.75 to 1.

- b. Except as otherwise provided in this subsection, the maximum height is 30 feet. A building may have a height of 36 feet if the building has a pitched roof, measured to the average height of the highest gable.
- c. There is not a maximum street yard setback on Speedway. There is not a street yard setback on West 43rd Street. There is not an interior side yard or rear yard setback.
- d. The maximum impervious cover is 80 percent.
- e. The maximum building coverage is 55 percent.
- f. Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*) of the City Code does not apply to the modification of the structure that exists at 4300 Speedway on the effective date of this ordinance if:
 1. 5000 square feet of gross floor area or less is added to the structure; and
 2. the modifications are permitted for noncomplying structures under Section 25-2-963 (*Modifications and Maintenance of Noncomplying Structures*) of the City Code.
7. There is not a minimum or maximum street yard setback on Speedway for an off-site accessory parking use on property located at 4307 Speedway.
8. A duplex or two-family residential use is permitted on a lot that is 6000 square feet or larger.
9. Except as provided in Section 10 of this part, a porch may extend:
 - a. on Speedway, a maximum of ten feet in front of the street [front] yard setback; and
 - b. on a street other than Speedway, a maximum of five feet in front of the street yard setback.
10. A porch must be at least five feet from a property line that faces a street.
11. Except as otherwise provided in Sections 14 and 15 in this part, for an accessory building, the minimum setback from:
 - a. a property line facing Speedway is 60 feet;
 - b. a property line facing a street other than Speedway is 15 feet; and
 - c. an interior side property line is five feet.
12. Except as otherwise provided in Section 13, 14, and 15 of this part, the minimum setback

from a rear property line for an accessory building that is not more than 30 feet in height is five feet.

13. Section 12 of this part does not apply to a through lot.
14. An attached or detached garage that has vehicular access on an alley or street must be set back at least 20 feet from the alley or street.
15. 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 and street side property lines.
16. An attached garage shall be a minimum of 60 feet from a property line facing Speedway.
17. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
18. Driveway runners and gravel surfacing driveways are permitted. Design and construction must be approved by the Director of the Watershed Protection and Development Review Department.
19. This section applies to a restaurant use at 4300 Speedway that provides outdoor seating.
 - a. The outdoor seating area does not count against the allowable square footage for a restaurant (limited) and restaurant (general) use established in Part 6, Subsection 2.g. of this ordinance 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.
 - b. 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 shall be used to determine the parking requirement.

PART 10. DUVAL DISTRICT. The following provisions apply in the Duval District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Duval District.

DUVAL DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	SF-3 Zoning District	Multifamily & Commercial Zoning Districts
Minimum lot size	5750	8000
Minimum lot width	50	50
Maximum FAR	--	0.5 to 1
Maximum building coverage	40%	50%
Maximum impervious cover	50%	60% MF 80% commercial
Maximum height	30	30
Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

2. Except as otherwise provided in this part, on Duval Street and Avenue H:
 - a. the minimum street yard setback is 25 feet; and
 - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than a Street identified in Section 2 of this part. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. This section applies to the minimum street yard setback established in Subsection 2.a. of this part.
 - a. The minimum street yard setback may equal the average of the street yard setbacks of the principal buildings on the same side of the block that are 25 feet or less from the street property line. If more than one principal building is located on a property, then the setback of the building closest to the street property line is used in the calculation.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
5. This subsection applies to the street yard setback established in Section 3 of this part.
 - a. The street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots if the setbacks are 15 feet or less. In this

section, a building across an alley is a building on an adjoining lot. The street yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.

- b. Notwithstanding any provision in this section, a setback may not be less than five feet.
6. A duplex or two-family use is permitted on a lot that is 5900 square feet or larger.
7. Except as provided in Section 8 of this part, a porch may extend:
 - a. on an avenue, a maximum of eight feet in front of the street yard setback; and
 - b. on a street other than an avenue, a maximum of five feet in front of a street yard setback.
8. A porch must be at least five feet from a property line that faces a street.
9. Except as otherwise provided in Sections 12 and 13 in this part, for an accessory building the minimum setback from:
 - a. a property line facing Duval Street or Avenue H is 60 feet;
 - b. a property line facing a street other than Duval Street and Avenue H is 15 feet; and
 - c. an interior side property line is five feet.
10. Except as otherwise provided in Section 11, 12, and 13 of this part, the minimum setback from a rear property line for an accessory building that is not more than 30 feet in height is five feet.
11. Section 10 of this part does not apply to a through lot.
12. An attached or detached garage that opens on an alley or street must be set back at least 20 feet from the alley or street.
13. 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 and street side property lines.
14. An attached garage:
 - a. shall be a minimum of 60 feet from a property line facing Duval Street or Avenue H; and
 - b. may not face Duval Street or Avenue H.
15. This section applies to a restaurant use that provides outdoor seating.

- a. The outdoor seating area 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.
- b. The outdoor seating area that exceeds 40 percent of the total seating area shall be used to determine the parking requirement.

PART 11. WEST 38th STREET DISTRICT. The following provisions apply in the West 38th Street District.

- 1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the West 38th Street District.

WEST 38 TH STREET DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	All Residential Zoning Districts	Commercial Zoning Districts
Minimum lot size	5750 SF residential 6000 two-family, duplex 8000 MF	5750
Minimum lot width	50	50
Maximum FAR	--	0.5 to 1
Maximum building coverage	40%	50%
Maximum impervious cover	50%	60% MF 80% commercial
Maximum height	30	30
Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

- 2. On 38th Street, 38th _ Street, and Avenue B, the minimum street yard setback is 25 feet.
- 3. On 38th Street and 38th _ Street, the maximum street yard setback is 50 feet.
- 4. On Avenue B, the maximum street yard setback is 30 feet.

5. In a neighborhood office (NO) district:
 - a. floor-to-area ratio is 0.35 to 1;
 - b. maximum impervious cover is 60%; and
 - c. maximum building coverage is 45%.
6. In a general office (GO) district:
 - a. maximum impervious coverage is 80%; and
 - b. maximum building coverage is 60%.
7. A parking area may be located at ground level under a building if the parking area is screened from the street.
8. A building may be 40 feet in height if the following is provided:
 - a. a screened ground level parking area below the building, and
 - b. a minimum of one tree at least every 12 feet the width of the landscape yard.
9. An attached or detached garage that has vehicular access on an alley shall be set back at least 20 feet from the alley.

PART 12. GUADALUPE DISTRICT. The following provisions apply in the Guadalupe District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Guadalupe District.

GUADALUPE DISTRICT	
SITE DEVELOPMENT STANDARDS ALL USES	
Minimum lot size	4000
Minimum lot width	25
Maximum FAR	2 to 1
Maximum building coverage	95%
Maximum impervious cover	95%
Minimum interior side yard setback	0

Minimum rear setback	10
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2. On Guadalupe Street:
 - a. the minimum street yard setback is 0 feet; and
 - b. the maximum street yard setback is 10 feet.
3. On a street other than Guadalupe Street, the minimum street yard setback is ten feet.
4. The maximum height:
 - a. on property north of 40th Street is 40 feet; and
 - b. on property south of 40th Street is 60 feet.
5. This section applies to property north of 40th Street. A building that is 30 feet or less from the rear property line may not exceed 30 feet in height. A parapet wall may exceed the height established in this part by 10 percent.
6. A sidewalk sign is permitted. Section 25-10-153 (*Sidewalk Sign in Downtown Sign District*) applies to a sidewalk sign. A projecting sign is permitted. Section 25-10-129 (*Downtown Sign District Regulations*) applies to a projecting sign.
7. This section applies to a restaurant use that provides outdoor seating.
 - a. The outdoor seating area 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.
 - b. The outdoor seating area that exceeds 40 percent of the total seating area shall be used to determine the parking requirement.
8. Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*) of the City Code does not apply to the rear yard setback established in Section 1 of this part. Parking is permitted in the rear setback.

PART 13. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 14. The Council finds that the ambiguity concerning the appropriate development regulations to be applied to the Hyde Park neighborhood combining district should finally be

resolved in an expeditious manner because the issue has been debated too long, which constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on the passage for the immediate preservation of the public peace, health and safety.