

ORDINANCE NO. Late Backup

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO  
2 ESTABLISH THE EAST 12<sup>TH</sup> STREET NEIGHBORHOOD CONSERVATION  
3 (NCCD) COMBINING DISTRICT FOR THE PROPERTY LOCATED  
4 GENERALLY ALONG EAST 12<sup>TH</sup> STREET FROM IH-35 AND BRANCH  
5 STREET TO POQUITO STREET IN THE CENTRAL EAST AUSTIN,  
6 ROSEWOOD, AND CHESTNUT NEIGHBORHOOD PLAN AREAS; AND TO  
7 MODIFY CERTAIN BASE DISTRICTS IN THE NCCD.

8  
9 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

10  
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
12 establish the East 12<sup>th</sup> Street neighborhood conservation (NCCD) combining district and to  
13 add a NCCD to each base zoning district within the property and to change the base zoning  
14 districts on 18 tracts of land on the property described in Zoning Case No. C14-06-0209,  
15 on file at the Neighborhood Planning and Zoning Department, as follows:

16  
17 Approximately 23 acres of land, more or less, consisting of three subdistricts, lying  
18 within the Central East Austin, Rosewood, and Chestnut neighborhood plan areas,  
19 more particularly described and identified in the attached Exhibit "A" incorporated  
20 into this ordinance, and as follows, (the "Property"),  
21

22 a. Subdistrict 1, also known as Tract One, being the area on the northside of  
23 East 12<sup>th</sup> Street from IH-35 to the northwest corner of Olander Street.

24  
25 b. Subdistrict 2, also known as Tracts 2-10, the east portion of Tract 15, and  
26 Tracts 16-18, being the areas along the northside of East 12<sup>th</sup> Street from the  
27 northeast corner of Olander Street to Poquito Street, the southwest and  
28 southeast corners of Comal Street and East 12<sup>th</sup> Street, and the southside of East  
29 12<sup>th</sup> Street between Comal Street and Poquito Street.  
30

31 c. Subdistrict 3, also known as Tracts 11-14, and the west portion of Tract 15,  
32 being the areas along the southside of East 12<sup>th</sup> Street between Branch Street  
33 and Comal Street, not including the southwest corner of Comal Street and East  
34 12<sup>th</sup> Street;  
35

36 generally known as the East 12<sup>th</sup> Street neighborhood conservation-neighborhood plan  
37 combining district, locally known as the area bounded by East 12<sup>th</sup> street from IH-35 and

Branch Street to Poquito Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The base zoning of the 18 tracts shown in the chart below are changed from family residence-neighborhood plan (SF-3-NP) combining district, multifamily residence medium density-neighborhood plan (MF-3-NP) combining district, multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district, multifamily residence moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district, neighborhood commercial-neighborhood plan (LR-NP) combining district, community commercial-neighborhood plan (GR-NP) combining district, community commercial-historic-neighborhood plan (GR-H-NP) combining district, community commercial-mixed use-historic-neighborhood plan (GR-MU-H-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district, general commercial services-historic-neighborhood plan (CS-H-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, general commercial services-mixed use-historic-neighborhood plan (CS-MU-H-NP) combining district, and commercial-liquor sales-neighborhood plan (CS-1-NP) combining district to family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district, multifamily residence medium density-neighborhood conservation combining district-neighborhood plan (MF-3-NCCD-NP) combining district, multifamily residence moderate high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district, neighborhood commercial-neighborhood conservation combining district-neighborhood plan (LR-NCCD-NP) combining district, community commercial-neighborhood conservation combining district-neighborhood plan (GR-NCCD-NP) combining district, community commercial-mixed use-neighborhood conservation combining district-neighborhood plan (GR-MU-NCCD-NP) combining district, community commercial-mixed use-historic-neighborhood conservation combining district-neighborhood plan (GR-MU-H-NCCD-NP) combining district, general commercial services-mixed use-neighborhood conservation combining district-neighborhood plan (CS-MU-NCCD-NP) combining district, general commercial services-historic-neighborhood conservation combining district-neighborhood plan (CS-H-NCCD-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-MU-CO-NCCD-NP) combining district, general commercial services-mixed use-historic-neighborhood conservation combining district-neighborhood plan (CS-MU-H-NCCD-NP) combining district, and commercial-liquor sales-mixed use-neighborhood conservation combining district-neighborhood plan (CS-1-MU-NCCD-NP) combining district, as more particularly described and identified in the chart below.

Tract	Address	Subdistrict	Current Zoning	Proposed Zoning
1	800 – 950 E 12th Street (even numbers)	1	CS-NP	CS-MU-NCCD-NP
2	1000-1028 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
3	1100-1150 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
4	1200-1250 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
5a	1300-1310 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
5b	1320-1350 E 12th Street (even numbers)	2	MF-4-CO-NP	CS-MU-NCCD-NP
6a	1400 E 12th Street	2	CS-MU-NP	CS-MU-NCCD-NP
6b	1406-1410 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
6c	1416 E 12th Street	2	CS-H-NP	CS-H-MU-NCCD-NP
6d	1204 & 1206 Comal (even numbers)	2	CS-NP	CS-MU-NCCD-NP
7	1500-1625 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
8a	1700-1702 & 1720 E 12th St	2	CS-NP	CS-MU-NCCD-NP
8b	1704-1706 E 12th Street (even numbers)	2	CS-H-NP	CS-H-NCCD-NP
9a	1800-1806 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
9b	1808-1812 E 12th Street (even numbers)	2	CS-1-NP	CS-1-MU-NCCD-NP
9c	1208 Chicon St	2	CS-NP	CS-MU-NCCD-NP
10	1900-1950 E 12th Street (even numbers)	2	CS-NP	CS-MU-NCCD-NP
11a	901 E 12th Street	3	GR-MU-H-NP	GR-MU-H-NCCD-NP
11b	903-905 E 12th Street	3	SF-3-NP	SF-3-NCCD-NP
11c	909 E 12th Street	3	CS-NP	CS-MU-NCCD-NP
11d	913 E 12th Street	3	GR-NP	GR-MU-NCCD-NP
12	1001-1105 E 12th Street (odd numbers)	3	CS-MU-NP	CS-MU-NCCD-NP
12	1107-1115 E 12th Street (odd numbers)	3	CS-MU-H-NP	CS-MU-H-NCCD-NP
13	1121 E 12th Street	3	CS-MU-CO-NP	CS-MU-CO-NCCD-NP
14a	1201-1251 E 12th Street (odd numbers)	3	SF-3-NP	SF-3-NCCD-NP
14b	1197 Navasota St	3	SF-3-NP	SF-3-NCCD-NP
14c	1196-1198 San Bernard St	3	SF-3-NP	SF-3-NCCD-NP
15	1301 E 12th Street	3	SF-3-NP	SF-3-NCCD-NP
15b	1197-1199 San Bernard	3	SF-3-NP	SF-3-NCCD-NP
15c	1309 E 12th Street	3	LR-NP	LR-MU-NCCD-NP
15d	1315 E 12th Street	3	SF-3-NP	SF-3-NCCD-NP

Tract	Address	Subdistrict	Current Zoning	Proposed Zoning
15e	1319 E 12th Street	3	SF-3-NP	SF-3-NCCD-NP
15f	1401-1423 E 12th Street (odd numbers)	3	MF-3-NP	MF-3-NCCD-NP
15g	1425 E 12th Street	2	GR-NP	GR-MU-NCCD-NP
16a	1195 Comal & 1501 E 12th Street	2	GR-H-NP	GR-MU-H-NCCD-NP
16b	1511 E 12th Street	2	MF-4-NP	MF-4-NCCD-NP
16c	1517 E 12th Street	2	MF-4-NP	MF-4-NCCD-NP
16d	1521-1651 E 12th Street (odd numbers)	2	MF-4-NP	MF-4-NCCD-NP
17	1701-1851 E 12th Street (odd numbers)	2	GR-NP	GR-MU-NCCD-NP
18	1901-1951 E 12th Street (odd numbers)	2	CS-NP	CS-MU-NCCD-NP

**PART 3.** Except as specifically provided in Parts 4 and 5 of this ordinance, the Property may be developed and used in accordance with the regulations established for the applicable base district, the mixed use (MU) combining district, and other applicable requirements of the City Code.

**PART 4.** The applicable provisions of the City Code are modified in the East 12<sup>th</sup> Street NCCD as shown in the East 12<sup>th</sup> Street NCCD Plan (*the "NCCD Plan"*) attached as Exhibit "C" and incorporated into this ordinance. In the event of conflict with the base zoning district regulations, the NCCD Plan modifications control.

**PART 5.** Tracts 1-9, and Tracts 11-17 lie within the Central East Austin neighborhood plan combining district, Tract 10 lies within the Chestnut neighborhood plan combining district, and Tract 18 lies within the Rosewood neighborhood plan combining district. If the text of this ordinance and the exhibits conflict with Ordinances No. 001207-47, Ordinance No. 011213-42, or Ordinance No. 020110-17, the more restrictive provision shall control.

**PART 6.** This ordinance takes effect on \_\_\_\_\_, 2008.

**PASSED AND APPROVED**

§  
§  
§

, 2008


Will Wynn  
Mayor


1  
2  
3  
4  
5


**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith Shirley A. Gentry  
City Attorney City Clerk



## Neighborhood Conservation District (NCCD) Sub-Districts and Tracts for East 12th Street

 NCCD Tracts  
1 Tract Number

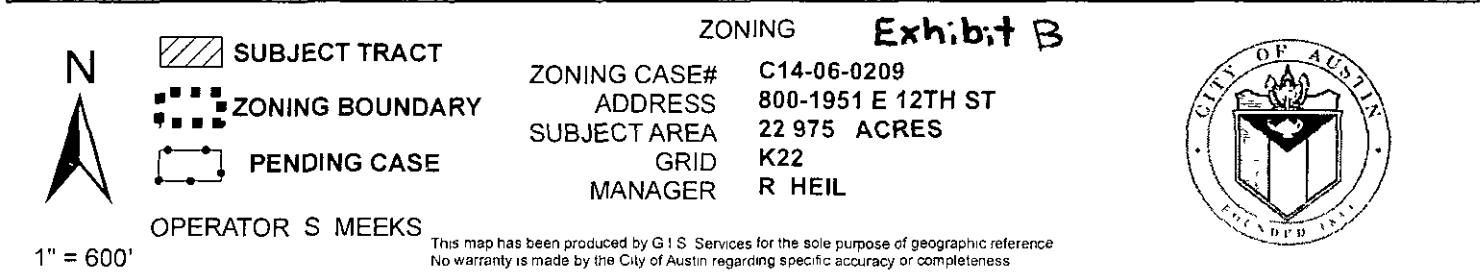
 Sub-District 1  
- 60' Heights  
- Set Backs 10' rear setback with all other set backs provisions waived  
- Impervious Cover - 90% (95% in instances where community detention not available and developer provides on-site detention)

 Sub-District 2  
- 50' Heights  
- Set Backs 10' rear setback with all other set backs provisions waived  
- Impervious Cover - 90% (95% in instances where community detention not available and developer provides on-site detention)

Sub-District 3  
- 35' Heights  
- Set Backs 15' (front), 10' (street yard), 5' (interior side yard), 5' (rear)  
- Impervious Cover - 80%



Prepared by the City of Austin  
Neighborhood Housing and  
Community Development Office  
02-28-08



# EXHIBIT C

## East 12<sup>th</sup> Street

### Neighborhood Conservation Combining District Plan

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## **I. Background**

The East 12<sup>th</sup> Street neighborhood conservation combining district (NCCD) is a zoning tool to implement East 11<sup>th</sup> and 12<sup>th</sup> Street Urban Renewal Plan (URP). An NCCD for East 11<sup>th</sup> Street has already been adopted by the City Council. This NCCD will modify provisions of the City's land development code, customizing development standards to meet the needs of East 12<sup>th</sup> Street

Approvals. The 4<sup>th</sup> proposed amendment to the URP and associated NCCD were approved by the board of the Austin Revitalization Authority. The Urban Renewal Board also approved the amendment and draft NCCD, with the exception of sections IV C and IV D below related to conditional uses and the drive through accessory use. On these two items the Urban Renewal Board took no position.

On July 24, 2007 Planning Commission approved the draft NCCD with an additional recommendation that the rear yard set back for properties in subdistricts one and two be a vegetated setback.

On January 17, 2008 City Council postponed action on Tracts 9 and on 1425 E. 12<sup>th</sup> Street, but held a public hearing and approved draft NCCD on first reading for the remainder of the area. At that time the City Council did not approve the additional recommendation from the Planning Commission that the rear yard set back for properties in subdistricts one and two be a vegetated setback.

## **II. The NCCD and Neighborhood Plans**

The E. 12<sup>th</sup> Street NCCD falls primarily in the Central East Austin Neighborhood Plan. One block, Tract 10, is within the Chestnut Neighborhood Plan and one block, Tract 18, is within the Rosewood Neighborhood Plan. The Chestnut and Rosewood neighborhood plans are in accord with the Urban Renewal Plan and the proposed NCCD for E. 12<sup>th</sup> St. Where there is disagreement with the Central East Austin neighborhood plan, the neighborhood plan's future land use map will be updated to reflect the land uses called for in the Urban Renewal Plan.

## **III. Boundaries**

### **A. District boundaries**

The boundaries of the E. 12<sup>th</sup> Street NCCD are generally described as those lots facing East 12<sup>th</sup> Street from IH-35 and Branch Street to Poquito Street. See attached map.

### **B. Subdistrict boundaries**

The East 12<sup>th</sup> Street NCCD is divided into three subdistricts.

#### **1. Subdistrict 1**

- North side of East 12th Street from IH-35 to the northwest corner of Olander
- Tract 1.

- 2 Subdistrict 2
  - North side of East 12th Street from northeast corner of Olander to Poquito,
  - Southwest and Southeast corners of Comal and East 12th Street
  - South side of East 12th Street between Comal and Poquito
  - Tracts 2-10, a portion of Tract 15 and tracts 16-18.
3. Subdistrict 3
  - South side of East 12th Street between Branch and Comal (excepting the southwest corner of Comal and East 12th Street).
  - Tracts 11-14 and a portion of Tract 15

#### **IV. Land Use Regulations**

Except as specifically provided by this plan, the land use regulations of the City Code apply to the East 12<sup>th</sup> Street NCCD. If applicable, the requirements of the East 11<sup>th</sup> and 12<sup>th</sup> Street Urban Renewal Plan apply to the East 12<sup>th</sup> Street NCCD. In the event of a conflict the more restrictive requirement applies.

##### **A. Permitted Uses**

Unless otherwise specified, uses are permitted as allowed by the base zoning district or as modified by the mixed-use combining district.

##### **B. Prohibited Uses**

The following uses are prohibited in the East 12th Street NCCD. Those uses currently existing are allowed to continue as a legal non-conforming use as per the Land Development Code, section 25-2-941.

- |                                  |                                 |
|----------------------------------|---------------------------------|
| 1 Adult-Oriented Businesses      | 14 Drive Through Services as an |
| 2 Automotive Rental              | accessory use to a restaurant   |
| 3 Automotive Repair              | 15 Equipment Repair Services    |
| 4 Automotive Sales               | 16 Equipment Sales              |
| 5 Automotive Washing             | 17 Exterminating Services       |
| 6 Bail Bond Services             | 18 Kennels                      |
| 7. Campground                    | 19 Liquor Sales                 |
| 8 Carriage Stable                | 20. Pawn Shop Services          |
| 9. Cocktail Lounge               | 21 Outdoor Entertainment        |
| 10. Laundry Service              | 22 Outdoor Recreation           |
| 11 Commercial Plasma Center      | 23 Service Stations             |
| 12 Convenience Storage           | 24. Telecommunication Tower (if |
| 13 Drop-off recycling Collection | sited on ground)                |
| Facility                         | 25. Vehicle Storage             |
|                                  | 26. Veterinary Services         |

##### **C. Conditional Uses**

The following uses are conditional uses throughout the East 12th Street NCCD, and require a conditional use permit.

1. Telecommunication Tower, if located on the roof of an otherwise permitted structure. (Maximum height requirements still apply)

2. Drive-through services with the hours of operation between midnight and 6.00 AM, if used for an automated teller machine

#### **D. Drive Through Uses**

Drive through uses are permitted as an accessory use to a permitted primary use with the following conditions

- 1 The primary use must provide service for pedestrians that does not require the pedestrian to stand or walk in the drive-through lane
- 2 The maximum curb cut for a drive through accessory use must not exceed 30 feet.
- 3 Drive through uses are permitted to operate between the hours of 6 00 AM and 12:00 midnight
- 4 A drive through automatic Teller Machine (ATM) operating between the hours of 12 midnight and 6:00 AM is a conditionally permitted use
5. Drive through uses as an accessory use to a restaurant are prohibited

### **V. Building Site Development Regulations**

#### **A. General Site Development Standards**

General Site development standards in the NCCD conform to the base district zoning, except where otherwise noted.

#### **B. Compatibility Standards**

Article 10 (Compatibility Standards) of the City Code does not apply to properties in the East 12th Street NCCD. The properties must comply with the setback and height requirements specific to their subdistricts as set forth Section V C and Section V. D of this plan

#### **C. Setback Requirements**

Setback requirements are determined by subdistrict:

- Subdistricts 1 and 2
  - Front setback – 0 feet
  - Side street yard setback – 0 feet
  - Interior side yard – 0 feet
  - Rear setback – 10 feet
- Subdistrict 3
  - Front setback – 15 feet
  - Side street yard setback – 10 feet
  - Interior side yard – 5 feet
  - Rear setback – 5 feet

#### **D. Height**

The maximum height of structures is determined by subdistrict

- Subdistrict 1 – 60 feet
- Subdistrict 2 – 50 feet
- Subdistrict 3 – 35 feet

### **E. Impervious Cover:**

The allowable impervious cover is determined by subdistrict

- Subdistricts 1 and 2 – 90% (95% in instances where participation in the Regional Stormwater Detention Program is not available and the developer provides on-site detention )
- Subdistrict 3 – 80%

## **VI. Other Site Development Regulations**

### **A. Parking Requirements**

On all tracts in the NCCD, parking requirements are based on the lesser of 80% of that required by the appropriate schedule of the Land Development Code (LDC) or determined by a shared parking provision approved by the City of Austin

### **B. Exterior Lighting**

All exterior lighting must be hooded and shielded so that the light source is not directly visible across the source property line. At the property line the lighting may not exceed 0.4-foot candles

### **C. Building Façade Design**

The façade of a building may not extend horizontally in an unbroken line for more than 20 feet, it must include windows, balconies, porches, stoops or similar architectural features, and must have awnings along at least 50 percent

### **D. Landscaping**

Landscaping is required unless the street yard is less than 1,000 square feet in area. Landscaped islands, peninsulas or medians are not required for parking lots with less than 12 spaces.

### **E. Fencing**

Fences up to 8 feet in height are allowed along the back and sides of properties which face East 12<sup>th</sup> Street, or are adjacent to properties which face East 12<sup>th</sup> Street

## **VII. Additional Site Development Requirements for Parking Garages**

### **A. Requirements for all parking garages**

1. Parking garages that front both E. 12th Street and a side street must use the side street for access to the parking structure, unless determined by the City of Austin at the time of site plan approval, to be infeasible.
2. For a parking structure (or garage) shielding must be provided for headlights and interior lights on the 100% of the rear of the structure and for at least 50% of the sides of the structure. ~~The shielding on the sides of the structure should be placed as much toward the rear of the structure as is possible~~
3. Overnight parking is limited to residents and their overnight guests

at least most 50% of the sides of structure

- B Requirements for parking structures less than 30' in height For structures of two (2) stories but less than 30' in height, 75% of the ground floor front footage which fronts E 12th Street must be a pedestrian oriented use at 15' in depth. If parking garage access is from E 12th Street, and it requires more than 25% of the available frontage, the side of the building may be used to meet the additional space required to meet the minimum requirement for pedestrian oriented uses, as defined in section VII. D below. Structural pillars are not included in the calculation of available frontage.

*Example.* A 25 foot tall parking structure at the corner of Waller and E 12th Street with 100' of frontage on E 12th Street would be required to provide 75 feet of frontage for pedestrian oriented uses. If access is taken from E 12th Street with a width of 30', an additional 5' of frontage on Waller street could be used to meet the minimum requirements.

- C Requirements for parking structures 30' or higher For structures of two (2) stories or more, or 30' or greater in height, 100% of the ground floor front footage which fronts E 12th Street must be a pedestrian oriented use at 15' in depth. If parking garage access is taken from E 12th Street, the side of the building may be used to meet the additional space required to meet the minimum requirement for pedestrian oriented uses, as defined in section VII. D below. Structural pillars are not included in the calculation of available frontage.

*Example* A 30 foot tall parking structure at the corner of Waller and E 12th Street with 100' of frontage on E 12th Street would be required to provide 100 feet of frontage for pedestrian oriented uses. If access is taken from E 12th Street with a width of 30', an additional 30' of frontage on Waller street could be used to meet the minimum requirements.

- D. Pedestrian Oriented Uses For the purposes of the East 12th Street NCCD, pedestrian-oriented businesses are defined as a use that serves the public by providing goods or services and includes the following uses.

- |   |  |
|---|--|
| 1. Art gallery,   | 9. Food preparation,   |
| 2. Art workshop,  | 10. Food sales,  |
| 3. Business support services,                           | 11. General retail sales (convenience or general),                   |
| 4. Consumer convenience services,                       | 12. Park and recreation services,                                    |
| 5. Consumer repair services,                            | 13. Pet services,  |
| 6. Cultural services,                                   | 14. Personal improvement services,                                   |
| 7. Day Care Services (limited, general, or commercial), | 15. Personal services, and   |
| 8. Financial services without drive through service,    | 16. Restaurant (limited or general) without a drive-through service. |