

FINAL DRAFT FOR REVIEW MARCH 16, 2020

UPDATED AUGUST 17, 2020

# URBAN RENEWAL PLAN

FOR THE

**EAST 11TH AND 12TH STREETS URBAN RENEWAL PLAN AREA**



East & 12th Street Urban Renewal Boundary

EAST 11TH AND 12TH STREETS URBAN RENEWAL PLAN

Prepared by the City of Austin Neighborhood Housing & Community Development Department March 11, 2020

0 0.1 0.2 Miles

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### **Abbreviations commonly used in the document:**

URP – Urban Renewal Plan

URA-Urban Renewal Agency

ARA – Austin Revitalization Authority

Note: Some of the tables and figures from the original 1999 Urban Renewal Plan have been deleted or modified, as they were no longer accurate or relevant. The original plan is available at this website: <http://www.austintexas.gov/department/urban-renewal-plan>

## **EAST 11 TH & 12TH STREETS URBAN RENEWAL PLAN (URP)**

### **1. BOUNDARY DESCRIPTION**

The formal boundaries of the East 11<sup>th</sup> and 12<sup>th</sup> Streets Urban Renewal Area are set forth in the documents listed in Appendix A and the ordinance approving this URP. In general, the boundaries are:

*The East 11<sup>th</sup> Street Corridor, including properties within one-half block of the north frontage of East 11<sup>th</sup> Street and south frontage of Juniper Street, from Branch Street on the west to Navasota Street on the east; and properties within one-half block of the south frontage of East 11<sup>th</sup>, from San Marcos Street on the west to Navasota Street on the east.*

*The East 12<sup>th</sup> Street Corridor, including properties within one-half block of the north frontage of East 12<sup>th</sup> and between the IH-35 Northbound Frontage Road on the west to Poquito Street to the east; and properties within one-half block of the south frontage of East 12<sup>th</sup> Street, from Branch Street on the west to Poquito Street on the east.*

### **2. HISTORY**

This East 11<sup>th</sup> and 12th Streets Urban Renewal Plan ("URP" also referred to as the East 11th and 12th Streets Community Redevelopment Plan or "CRP"), is a comprehensive document defining the official public policy guidelines of the City of Austin (City) for driving public and private redevelopment actions within the East 11th and 12th Streets Urban Renewal Area in compliance with Texas Local Government Code, Chapter 374.

The URP's original conceptual approaches and strategies for the entire Central East Austin area were defined as part of the Central East Austin Master Plan ("Master Plan") prepared in January 1999, by representative members and organizations of the Central East Austin community with the professional and technical assistance of the Crane Urban Design Team and the Austin Revitalization Authority (ARA). The Master Plan provided a general framework for developing the Central East Austin Neighborhood Plan which was adopted by Austin City Council under Ordinance No. 011213-41. Two critical Subareas of the Master Plan are the East 11th and 12th Street Corridors, which were identified to be the location of much of the new commercial/office redevelopment called for in the Master Plan. In November 1997, the City of Austin (City) declared this area to be slum and blighted and designated these corridors as appropriate for an urban renewal project.

Under Chapter 374 of the Texas Local Government Code, the Urban Renewal Agency (URA) and the City are granted a series of redevelopment roles and responsibilities regarding urban renewal areas including approval of projects for compliance with an urban renewal plan and the use of eminent domain powers. As originally adopted in 1999, the URP was intended to identify and implement mechanisms to eliminate the negative forces of urban blight, distress and impaired development within the area and to pursue a

fresh, self-determined vision of Central East Austin as a self-sustaining, progressive community for the 21st century. The overall goals and action priorities of this URP reflected a broad consensus of residents, businesses, property owners, institutions, and community activists. This consensus was the result of substantial cumulative planning and revitalization efforts over a period of three years and has been reconsidered and reestablished through this updated URP.

This URP defines specific redevelopment projects and associated regulatory controls intended to assure quality, compatible, mixed-use development along these critical commercial arteries. The redevelopment process has been guided by the URA consistent with state law, the Master Plan, the URP, and a Development Agreement that was negotiated between the City, URA, and the Austin Revitalization Authority (ARA).

In order to carry out specific redevelopment projects identified in the URP, the City of Austin secured a \$9,035,000 Section 108 Loan Guarantee Assistance Program (Section 108) from the U.S. Department of Housing and Urban Development (HUD) in December 1999.

Also in 1999, the City, the URA and the ARA entered into an Acquisition, Development and Loan Agreement (commonly referred to as the “Tri-Party Agreement”) that identified the roles and responsibilities of the City, URA and the ARA as it related to the redevelopment activities of the URP area. This agreement expired in September 30, 2010. The City, in partnership with the URA, is now carrying out the redevelopment activities called for under the URP.

## 2.1. ACCOMPLISHMENTS

Since the adoption of the 1999 Plan, through efforts of the City of Austin, Urban Renewal Agency and Austin Revitalization Authority the following has been accomplished related to the Plan area:

### Historic Preservation

- Haehnal Building located at 1101 East 11th Street
- Arnold Bakery located at 1010 East 11th Street
- Chapman House located at 901 East 12th Street
- Connelly-Yerwood House, a.k.a. the Pink House located at 1115 East 12th Street
- Dedrick-Hamilton House located at 912 East 11<sup>th</sup> Street: This house along with the African American Cultural and Heritage Facility are the flagship buildings for the African American Cultural and Heritage District.
- Travis County Negro Agricultural Extension Office (a.k.a., Herman-Schieffer House and/or East Room) located at 1154 Lydia Street
- In 2016, the City of Austin through Hardy-Heck-Moore, Inc., completed the East Austin Historic Resources Survey with an objective to locate, identify and photograph potentially eligible structures and potential historic districts within the survey area of with included the East 11<sup>th</sup> and 12<sup>th</sup> Streets Urban Renewal Plan area. The complete historic resources survey may be found at this link: <http://www.austintexas.gov/page/east-austin-historic-survey>.

- On April 15, 2019, the Urban Renewal Board voted to express its strong preference that current, potential or recommended historic landmarks within the boundaries of the East 11<sup>th</sup> and 12<sup>th</sup> Street Urban Renewal Plan to be renovated in their current location and not be moved. Preserving historic buildings is crucial to retaining what is left of the East 11<sup>th</sup> and 12<sup>th</sup> Street's history and protects the area's cultural heritage renovation and rehabilitation of existing structures, especially in the case of properties identified as historic landmarks or contributing to historical character, as opposed to demolition or relocation is consist with the community's vision in the Urban Renewal Plan for East 12<sup>th</sup> Street. This also supports the mission of Six Square in preserving and celebrating the rich cultural legacy of Austin's African American community in Austin's African American Cultural District.
- Completion of East Austin Historic Resources Survey (by City of Austin through Hardy-Heck-Moore, Inc.) to identify potentially eligible structures and historic districts in areas including the URP area - copy available at this link: [insert link]
- Support of in-place renovation of historic landmarks in URP area through letter dated April 15, 2019; additional preservation efforts to IQ Hurdle House located at 1416 E 12<sup>th</sup> Street followed

**Commented [HS1]:** OCEAN's recommended edit.

**Commented [HS2]:** Commissioner Pierce comment: This read more like content that may be captured as part of the history versus an accomplishment

**Commented [HS3]:** Comments received from Chair Escobar on 7/20/2020.

#### **Infrastructure Improvements – East 11<sup>th</sup> Street**

- Streetscape improvements, i.e. sidewalks, furniture
- Upgraded the water and wastewater lines on East 11<sup>th</sup> and Juniper streets
- Converted utility and telecommunication lines from overhead to underground

#### **Transportation and Streetscape Improvements – East 11<sup>th</sup> Street**

- Completed streetscaping beautification project including widening of sidewalks, installing decorative light posts, the 11<sup>th</sup> Street Archway and the Dr. Charles Urby Plaza that includes a clock tower and a tile mosaic art wall.
- Completed construction of a 10-space community parking facility at 1205 E 11<sup>th</sup> Street
- Completed construction of a 20-space community parking facility at 1400 E 12<sup>th</sup> Street

#### **Residential Development – East 11<sup>th</sup> Street**

- Juniper Townhomes – Located on the south side of the 1000 Block of East 11<sup>th</sup> Street, between Curve Street and Olive Street. This project consists of 16 units, two of which are owned by the Austin Housing Finance Corporation and will be sold to households at or below 80% of the median family income (MFI) for the Austin-Round Rock area.

#### **Residential Development – East 12<sup>th</sup> Street**

- 1001-1105 East 12<sup>th</sup> Street – Through a competitive process, the City of Austin sold the lots to the Butler Family Partnership, Ltd. Ten townhomes were constructed. One of the units was sold to a household at or below 80% MFI for the Austin-Round Rock area.
- 1190 -1198 Navasota Street – Through a competitive process, the City of Austin sold the lots to the Butler Family Partnership, Ltd. Five townhomes were constructed. One of the units was sold to a household at or below 80% MFI for the Austin-Round Rock area.

#### **Commercial Development – East 11<sup>th</sup> Street**

- Street–Jones and Snell Building Construction– 57,000 SF Office and Retail space (Block 17 on East 11th Street)
  - Total of 50.5 low/mod new jobs
- East Village Lofts – Vertical Mixed-Use Project (Block 19 of East 11th Street)
  - Project is a mix of 20 residential lofts and 11 retail and office units.

#### **New Mixed-Use Development – East 12<sup>th</sup> Street**

- 1120 East 12<sup>th</sup> Street – Through a competitive process, the Urban Renewal Agency sold the lots to the Butler Equity Holdings, Ltd. to develop a mixed-use development in July 2015.
  - March 16, 2017 the property was transferred from Butler Equity Holdings, LLC to MSASSI, LLC.
  - March 16, 2017, the property was transferred from MSASSI, LLC to Badger Boulevard, LP. (Entity is now known as The Gilfillan Group.)
  - While there is no active development at this site, in public meetings the Gilfillan Group has represented to the URA that it is actively planning for the future development of this and other parcels it owns in and around the URP area.
- 1322-1336 East 12<sup>th</sup> Street – Through a competitive process, the Urban Renewal Agency sold the lots to the Butler Equity Holdings, Ltd. to develop a mixed-use development in July 2015. Ten percent of the residential units will be reserved to be sold to households at or below 80% of the median family income (MFI) for the Austin-Round Rock area.
  - The project is under construction with an estimated project completion time in Summer 2020.

#### **Façade Improvements**

- East 11th Street
  - 1115 East 11th Street (Blue Dahlia restaurant)
- East 12th Street
  - 901 East 12th Street (SNAP Management Group, Inc.)
  - 1818 East 12th Street (Mission Possible)
  - 1914 East 12th Street (Ideal Barber Shop and Galloway Sandwich Shop)

#### **Private Investment**

- Several private developments on both East 11<sup>th</sup> and 12<sup>th</sup> Street have been completed, including a boutique hotel, restaurants, a grocery/café, bars and mixed-use developments.

**NOTE:** It is important to acknowledge that the above accomplishments have been made in the URP area, but also to note the URP area has not yet fulfilled its potential as a mixed-use, urban community. East 11<sup>th</sup> Street has experienced improvements whereas, East 12<sup>th</sup> Street still has numerous vacant parcels and/or vacant buildings, and the East 11<sup>th</sup> and 12<sup>th</sup> Street corridors

remain underutilized and somewhat inconsistent with the community vision. In December 2018, and in support of the URP, the Austin City Council (Council) extended the Urban Renewal Plan's expiration date until 2028. In five years, 2024, the City Manager is to evaluate whether there is continued need for the URP and the URA. The evaluation and recommendation are to be provided to the URA and Council. The URA is also to provide Council with a recommendation. During the ten year extension, the City Manager is to work with the Urban Renewal Agency and other key community partners to carry out the strategies described in the Economic Opportunity and Affordability section in the City's strategic plan (Strategic Direction 2023) Council encouraged the City Manager to include the Office of Performance Management, Neighborhood Housing and Community Development, Planning and Zoning Department, Economic Development Department and the Office of Real Estate Service in carrying out these activities.

### 3. VISION, PURPOSE, AUTHORITY AND SCOPE

#### VISION

~~A vibrant, diverse, and sustainable revitalization of the East 11<sup>th</sup> and 12<sup>th</sup> Street corridors. Promote a historically respectful, diverse, and sustainable revitalization of the East 11th and 12th Street corridors.~~

~~Promote a historically respectful, diverse, and sustainable revitalization of the E 11<sup>th</sup> and 12<sup>th</sup> Street corridors that is compatible in scale and intensity of use with its surrounding context.~~

**Commented [HS4]:** OCEAN's recommended edit.

~~The achievement of a resident-informed revitalization of the East 11th and 12th Street corridors that is historically respectful, diverse and sustainable.~~

**Commented [HS5]:** Commissioner Motwani's recommended edit.

~~Promote revitalization to sustain and respect the history and diversity of the East 11<sup>th</sup> and 12<sup>th</sup> Street corridors.~~

**Commented [HS6]:** Commissioner Pierce recommended language.

#### PURPOSE

An Urban Renewal Plan's primary purpose is to eliminate slum and blighting influence within a designated area of the city. This plan will further that purpose by; ~~identifying and facilitating the development of mix use projects with affordable residential options for the 11<sup>th</sup> and 12<sup>th</sup> Street corridors that does not accelerate displacement, and enhances where people work, live and play (e.g. entertainment) around neighborhood oriented and pedestrian friendly retail, and office space. identifying and facilitating the development of mix use projects for the 11<sup>th</sup> and 12<sup>th</sup> Street corridors that enhance where people work, live and play (entertainment) around neighborhood oriented and pedestrian friendly residential, retail, and office space.~~

~~An Urban Renewal Plan's primary purpose is to eliminate slum and blighting influence within a designated area of the city. This plan will further that purpose by identifying and facilitating the development of mixed-use projects with affordable residential options for the 11<sup>th</sup> and 12<sup>th</sup> Street corridors that enhances where people work, live and play (e.g. entertainment) around neighborhood-oriented and pedestrian-friendly retail and office space while taking care to prevent displacement.~~

**Commented [HS7]:** Commissioner Pierce edit

**Commented [HS8]:** Commissioner Motwani's recommended edit.

## **AUTHORITY**

Under Texas Local Government Code, Chapter 374, Urban Renewal in Municipalities, upon the completion, adoption and recordation of the URP, the URA gains the authority to apply special urban renewal powers and tools to address existing "slum" and/or "blight" conditions which have been found to threaten the public safety, health, and welfare, and which act as impediments to sound private investment, stable property values, and viable conditions for rendering public services. The URA's Board of Commissioners' primary responsibility is to oversee the implementation and compliance of approved Urban Renewal Plans that are adopted by the Austin City Council.

## **SCOPE**

This URP and the public purposes it fulfills extend well beyond the levels of public intervention that can occur through normal City development regulations, housing and community development assistance, or capital improvement programs. Under Texas Local Government Code, Section 374.014(f), the adopted urban renewal plan controls the land use and building requirements applicable to properties within an urban renewal area. If the Urban Renewal Plan is silent to provisions found in other adopted codes, ordinances or regulations of the City of Austin, those development regulations shall control. Where there is conflict between the Urban Renewal Plan provisions found in other adopted codes, ordinances or regulations of the City of Austin, the Urban Renewal Plan shall control.

The following is a summary listing of typical local government tools and tactics that are widely employed in responsive, preservation-oriented redevelopment implementation strategies in many local jurisdictions throughout the United States:

- a. **Urban renewal plan/development controls:** These may include: designating areas within the redevelopment area that are set up as zoning districts; reducing land uses that are incompatible with the accepted development standards; restricting parking and access to properties; setting guidelines which restrict design within the development area; and establishing project review and approval procedures. Actions specifically undertaken by the URB in the past have included:
  - i. Reviewing periodically the plan and overlaying regulations, such as Neighborhood Conservation Combining Districts (NCCDs).
  - ii. Reviewing requests to modify the URP and making recommendations to Austin City Council relating to such modifications.
- b. **Public improvements and area redevelopment financing:** A varied range of tax-exempt public and private financing mechanisms can be devised to support infrastructure and public facility improvements, property acquisition, site preparation, and other temporary or permanent redevelopment costs. Examples include Section 108 loan funds; G.O. Bonds; and tax-exempt revenue bonds.



- c. **Special private development incentives:** These may include financing, tax, and regulatory incentives linked with economic development, affordable housing, historic preservation and other public contributions keyed to revitalization of a blighted area. As one example, an NCCD is a zoning overlay that modifies zoning requirements in a specific area.
- d. **Property acquisition for public and private re-use sites:** This tool includes options for public acquisition for fair market value (FMV) by negotiated or eminent domain procedures. Special provisions can be designed to encourage private land assembly and/or development project participation by existing property owners and other community-based interests.
- e. **Property disposition and long-term covenants:** Orderly processes of project construction and long-term use agreements can be tailored to circumstances of any project where public development assistance is provided.

The URA desires to continue the consideration of the use of all of these tools, and others, in achieving the vision of this URP in accordance with the general principles of the East 11<sup>th</sup> and 12<sup>th</sup> Street Development Strategy conducted in 2012.

The East 11<sup>th</sup> and 12<sup>th</sup> Street Development Strategy can be found at this link: [http://www.austintexas.gov/sites/default/files/files/Housing/Commercial\\_Revitalization/Final\\_11th\\_12th\\_Street\\_Technical\\_Report\\_-\\_March\\_5.pdf](http://www.austintexas.gov/sites/default/files/files/Housing/Commercial_Revitalization/Final_11th_12th_Street_Technical_Report_-_March_5.pdf)

## 4. REDEVELOPMENT STRATEGY

The previous version of the URP envisioned East 11<sup>th</sup> Street as a place for higher-intensity, mixed-use development, where new development can build on the historical strengths of the corridor for the creation of a dynamic entertainment/retail/housing area. This included potential hubs and mixed-use developments for restaurants, nightclubs, clothing stores, antique stores, bookstores, coffeehouses, live-work offices and studios, and other uses.

The East 11<sup>th</sup> Street corridor has been largely developed since the date of the previous version of the URP adoption, but this URP continues to view this corridor as being appropriate for such developments.

In contrast, East 12<sup>th</sup> Street was considered to be a more residentially compatible opportunity for neighborhood-based retail, small-scale offices, and housing. Consistency with existing housing was of primary importance, and desired uses and development included professional offices, a laundry, convenience stores, bed and breakfasts, duplexes, and townhomes. The expressed community desire included encouraging as much retail development as possible along East 12<sup>th</sup> Street.

The East 12<sup>th</sup> corridor has seen smaller developments since the date of the previous version of the URP adoption, but remains largely undeveloped.

Infrastructure along the East 11<sup>th</sup> Street corridor has benefited in recent years from City investment in streetscape improvements, utility line burial and water/wastewater line upgrades. The infrastructure along East 12<sup>th</sup> Street was identified in the 2012 East 11<sup>th</sup> and 12<sup>th</sup> Street Development Strategy, Appendix B, as an area in need of improvement for streetscaping, the undergrounding of utilities and upgrades to water/wastewater lines.–

## 5. APPLICABILITY OF NCCD CONTROLS

The previous version of the URP contained several distinct project areas that contained a near lot-by-lot description of development controls, including depictions referred to as “tear sheets” that among other things narrowly described the potential uses of a particular project area or lot. It has been determined that this lot-level of developmental control was far too limiting and confusing and did not encourage development of the URP area. In addition, at the time of the writing of this URP, overlapping developmental controls known as Neighborhood Combining Conservation Districts (NCCDs) are also being modified and updated in consultation with the URA and with local stakeholders. By streamlining the developmental controls under this URP to refer primarily to the NCCDs, the community vision and community input into development will be preserved, while greatly simplifying the process for interested parties to determine what uses and development are permissible throughout the URP area, and for any particular project area or lot.

NCCD’s are zoning overlays that modify uses and site development regulations of a base district located in the NCCD in accordance with a neighborhood plan. In addition, the East 11<sup>th</sup> and 12<sup>th</sup> Streets NCCD’s are zoning tools to implement the East 11<sup>th</sup> and 12<sup>th</sup> Street Urban Renewal Plan.

There are currently two NCCD’s that contain site development controls that pertain to the URP area the East 11<sup>th</sup> Street and East 12<sup>th</sup> Street NCCDs.

This URP adopts, as its site development controls, the site development controls in those NCCD’s as they exist on the date of the adoption of the URP. Pursuant to Texas Local Government Code Section 374.014(f), after a city approves an urban renewal plan, the provisions of the plan that relate to the future use of the affected property and the building requirements applicable to the property control with respect to that property, as such, future modifications to the NCCDs (or elimination of the NCCDs) shall not affect this URP unless such modifications are separately adopted as an amendment to the URP.

~~This URP adopts as its site development controls the site development controls in those NCCD’s as they exist on the date of the adoption of the URP. Future modifications to the NCCD’s shall not affect this URP unless such modifications are separately adopted as an amendment to the URP.–~~

Additional information regarding the NCCDs is in Appendix B, attached hereto.

## 6. LAND USE

**Commented [HS9]:** Language provided by URA’s Legal Counsel

**Commented [HS10]:** OCEAN recommended adding a map reflecting maximum permitted height chart by each NCCD Subdistrict within the URP.

**Commented [HS11]:** Commissioner Pierce’s comment: Perhaps we can link to a map?

Permitted, Conditional and Prohibited Uses

- A. In this section, unless provided for elsewhere, uses not listed in this table, or not listed in this table ~~not listed~~ as Permitted (P), Permitted with Conditions (PC), Conditional (C) or Prohibited ~~(-), are prohibited. with Save and Except are prohibited.~~
- B. Existing uses which are prohibited at the time of the adoption of this URP shall be considered existing non-conforming uses and shall be subject to the City's regulations regarding non-conforming uses. Those uses which are designated as a "save and except" exception in this section shall be considered existing legal conforming uses. The following are the "save and exceptionexcept "exceptions to the Permitted, Conditional, and Prohibited Uses described in the table in this section:
1. A Cocktail Lounge is a permitted use limited to the ground floor of a building located at 1133 E 11th Street, 1104 East 11th Street and 1808-1812 East 12<sup>th</sup> Street.  
Language from Draft E 11<sup>th</sup> Street NCCD cocktail lounge use is prohibited except as an accessory use to a hotel/motel use.
  2. A Funeral Service is an allowed use at 1300 E 12<sup>th</sup> Street and 1410 E 12<sup>th</sup> Street
  3. A Condominium Residential and/or Townhome is an allowed use at 1001, 1003, 1007, 1009, 1011, 1013, 1015, 1101, 1103 and 1105 East 12<sup>th</sup> Street.
  4. Single-Family Attached Residential, Single-Family Residential, Small Lot Single-Family Residential and Two-Family Residential is an allowed use at 1119 E 11<sup>th</sup> Street and 903, 905, 1201, 1205, 1209, 1215, 1301, 1309, 1315, 1319, 1511, 1517, 1521, 1601, 1603, 1611, 1615, 1713, 1803 (A&B) East 12<sup>th</sup> Street  
Add 904, 1203, 1205, 1219, 1310, 1416, 1501, 1514, 1518 East 12<sup>th</sup> Street; 1203, 1205 Olander Street, 1196 and 1198 San Bernard Street, 1194, 1196 and 1198 Navasota Street
  5. A Club or Lodge Use is an allowed use at 1017 East 11<sup>th</sup> Street and 1704 East 12<sup>th</sup> Street.
  6. Hotel/Motel with ground floor bedroom fronting East 12th Street is an allowed use at 810 and 900 East 12th Street.

**Commented [HS12]:** Language provide by URA's Legal Counse

**Commented [HS13]:** OCEAN recommended including an appendix or back-up document that provides complete and specific information about how this language impacts ability to modify/rebuild and resume use after vacancy.

Notify all property owners within the Plan Area to consult this section to verify whether or not the proposed changes to permitte use will impact their property and point them to the appendix or back-up document that provides clarification.

**Commented [HS14]:** Current draft language in NCCD. Is this language wanted in URPlan also?

**Commented [HS15]:** OCEAN's recommended edit. In addition All addresses in 6.0 B3 as they were built Single Family.

**Commented [HS16]:** OCEAN's recommended edit.

Uses	Permitted Conditions and Exceptions
COMMERCIAL USES	

Uses		Permitted Conditions and Exceptions
Administrative and Business Offices	PC	Not allowed on the ground floor of a building fronting E 11th and 12 <sup>th</sup> Street
Art Gallery	P	
Art Workshop	P	
Cocktail Lounge	-	<del>Save and Except 1133 E 11<sup>th</sup> Street, 1104 E 11<sup>th</sup> Street, and 1808-1812 East 12<sup>th</sup> Street</del>
Food Sales	PC	Only allowed on the ground floor of a building fronting E 11th Street or E 12 <sup>th</sup> Street
<del>Funeral Services</del>	-	<del>Save and Except 1300 E 12<sup>th</sup> Street and 1410 E 12<sup>th</sup> Street</del>
General Retail Sales (Convenience)	PC	Only allowed on the ground floor of a building fronting E 11th Street or E 12 <sup>th</sup> Street
Hotel-Motel	PC	<del>Not permitted on bottom floor, bottom floor must contain an auxiliary use for E 11<sup>th</sup> and E 12<sup>th</sup> Street. Bedroom may not be located on the ground floor of a building fronting E 11<sup>th</sup> Street or E 12<sup>th</sup> Street.</del>
Indoor Entertainment	P	
Liquor Sales	C	Limited to 3,000 square feet of gross floor area
Medical Offices—not exceeding 5,000 sq./ft of gross floor space	PC	Not allowed on the ground floor of a building fronting E 11 <sup>th</sup> Street and E 12 <sup>th</sup> Street
Personal Improvement Services	P	
Personal Services	P	
Professional Offices	PC	<del>Not allowed on ground floor fronting E 11<sup>th</sup> in any buildings other than Historically Designated buildings. Allowed on E 11<sup>th</sup> Street on the ground floor of a building with a historic landmark designation and on all other floors in buildings that do not have a historic landmark designation.</del>
Restaurant (Limited)	PC	Only allowed on the ground floor of a building fronting E 11 <sup>th</sup> Street and E 12 <sup>th</sup> Street
Restaurant (General)	PC	Only allowed on the ground floor of a building fronting E 11 <sup>th</sup> Street and E 12 <sup>th</sup> Street
Special Use Historic	C	
Theater	PC	Not allowed on the ground floor of a building fronting E 11 <sup>th</sup> Street
<b>RESIDENTIAL USES</b>		
Condominium Residential	PC	Not allowed on the ground floor of a building fronting E 11 <sup>th</sup> Street or E 12 <sup>th</sup> Street.
Group Residential	C	

Uses		Permitted Conditions and Exceptions
Multi-Family Residential	PC	Not allowed on the ground floor of a building fronting E 11 <sup>th</sup> Street.
Retirement Housing (Small Site)	P	
<del>Single-Family Attached Residential</del>	<del>PC</del>	<del>Not fronting E 11<sup>th</sup> and E 12<sup>th</sup> Street Save and except all existing uses</del>
<del>Single-Family Residential</del>	<del>—</del>	<del>Save and except all existing uses</del>
<del>Small Lot Single-Family Residential</del>	<del>—</del>	<del>Save and except all existing uses</del>
Townhouse Residential	PC	Not allowed fronting E 11 <sup>th</sup> or E 12 <sup>th</sup> Street.
<del>Two-Family Residential</del>	<del>—</del>	<del>Save and except all existing uses</del>
Short-Term Rental (STR's)	PC	Type 2, Short-term rental is prohibited.
<b>CIVIC USES</b>		
<del>Club or Lodge</del>	<del>—</del>	<del>Save and except 1017 E 11<sup>th</sup> Street and 1704 E 12<sup>th</sup> Street</del>
College & University facilities	C	Only allowed on the second floor of a building.
Community Recreation (Private)	C	
Community Recreation (Public)	C	
Congregate Living	C	
Counseling Services	PC	Not allowed on the ground floor of a building on E 11 <sup>th</sup> Street or E 12 <sup>th</sup> Street.
Cultural Services	P	
Day Care Services (General)	C	
Day Care Services (Limited)	P	
Family Home	P	
Group Home Class I (General)	P	
Group Home Class I (Limited)	P	
Group Home Class II	P	
Guidance Services	PC	Not allowed on the ground floor of a building for E 11 <sup>th</sup> Street or E 12 <sup>th</sup> Street.
Local Utility Services	<del>CP</del>	
Private Primary Educational Services	C	
Private Secondary Educational Services	C	
Public Primary Educational Services	<del>CP</del>	

Uses		Permitted Conditions and Exceptions
Public Secondary Educational Services	EP	
Religious Assembly	P	
Safety Services	C	
Telecommunication Tower	PC	Prohibited unless located on a rooftop.

~~A. Save and Except — is a property or address titles as “save and except” is exempted from the prohibition of its use as that use was in existence at the time of the modification of the URP dated \_\_\_\_\_~~  
~~All properties within the URP area that are a prohibited uses and are not listed as a “save and except” will be considered nonconforming uses or noncomplying structures and shall be subject to Article 7, Nonconforming Uses and Article 8, Noncomplying Structures in the City of Austin’s Land Development Code Sections 25-2-941 through 25-2-964, as amended.~~

## 7. RELOCATION OF PERSONS, BUSINESSES (INCLUDING INDIVIDUALS AND FAMILIES), BUSINESS CONCERNS, AND OTHERS DISPLACED BY THE PROJECT

If the URA receives Federal funds for real estate acquisition and relocation, the URA shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970, as amended. The URA may also undertake relocation activities for those not entitled to benefit under federal law, as the URA may deem appropriate for which funds are available. Persons leasing property held for redevelopment (i.e., those tenants who commence tenancy after acquisition by the URA) shall not be eligible for relocation benefits. In the event the URA activities directly result in the displacement of families within the Area, the URA shall relocate such displaced families into decent, safe, and sanitary dwelling accommodations without undue hardship to such families as required by law. For any other activity, the URA will comply with the provisions of the Law regarding relocation. The URA reserves the right to extend benefits for relocation to those not otherwise entitled to relocation benefits as provided under the Act or the Law. All relocation activities of the URA will be conducted by the City of Austin.

## 8. DURATION AND MODIFICATION PROCEDURES OF URBAN RENEWAL PLAN (URP)

- A. Termination of URP. The URP and the controls described in Sections 5 and 6 for the URP area shall expire, and no longer be in force or effect, after September 30, 2028. In 2024, the URP will be evaluated to determine if there is a continued need for the URP and the Urban Renewal Agency.
- B. Amendments to the URP. The URP may be modified at any time in the following manner:
1. The amendment proposal shall be submitted to the designated City staff of the Planning Commission and the Urban Renewal Agency (URA).
  2. The URA shall submit a written recommendation to the City Council.
  3. Planning Commission shall submit a written recommendation to the City Council.
  4. Notice of Public Hearing at Planning Commission on the proposed URP amendment will be mailed to all property owners, renters and registered community organizations within 500 feet of the proposed amendment site.
  5. Upon receipt of a recommendation from the URA and the Planning Commission, the City Council shall hold a public hearing related to the proposed amendment.
  6. Notice of Public Hearing at Council on the proposed URP amendment shall be published in a newspaper of general circulation three times in advance of the public hearing, in accordance with Chapter 374, Local Government Code.
  7. After the public hearing, the City Council will consider the proposed amendment.

**Commented [EM17]:** Any site affected by the proposed amendment?

## **APPENDIX A**

### **AMENDMENTS TO THE URP SINCE ADOPTION**

Original Plan Adoption: Ordinance Number: 990114-G, Dec. 17, 1999, Prepared on behalf of the Austin Revitalization Authority by Crane Urban Design Group

Plan Modification #1: Ordinance Number, 010802-089, Aug. 3, 2001

Plan Modification #2: Ordinance Number, 030731-049, July 31, 2003

Plan Modification #3: Ordinance Number, 20050407-060, April 7, 2005

Plan Modification #4: Ordinance Number, 20080228-113, Feb. 28, 2008

Plan Modification #5: Ordinance Number, 20081120-104, Nov. 20, 2008

Plan Modification #6: Ordinance Number, 20120426-125, April 26, 2012

Plan Modification #7: Ordinance Number, 20130214-083, Feb. 14, 2013

Plan Modification #8: Ordinance Number, 20131003-098, Oct. 3, 2013

Plan Modification #9: Ordinance Number, 20131017-074, Oct. 17, 2013

Plan Modification #10: Ordinance Number, 20171109-095, Nov. 9, 2017

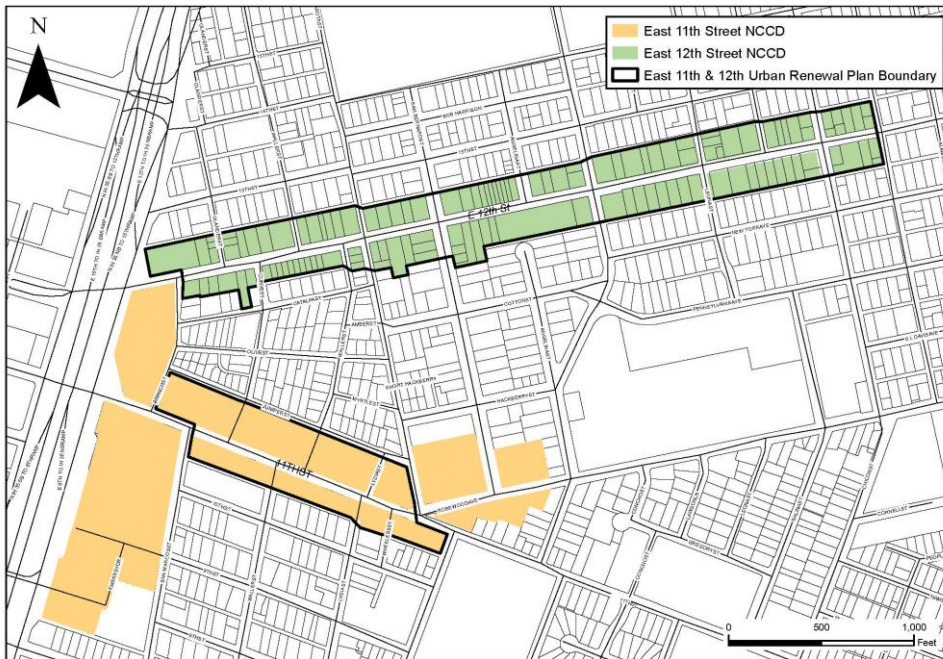
Plan Modification #11: Ordinance Number, 20181213-101, Dec. 13, 2018

Further information regarding the East 11<sup>th</sup> and 12<sup>th</sup> Street Urban Renewal Plan and Amendments, can be found at this link: <http://www.austintexas.gov/department/urban-renewal-plan>.



## APPENDIX B

Overlay of the Urban Renewal Plan area, Neighborhood Conservation Combining Districts (NCCDs)



[illegible]

Original NCCD Adoption: Ordinance Number, 910620-C, June 20, 1991

- Establish Interim Development Controls for Subdistrict 3, Bennett Tract
  - Ordinance Number 000323-20, March 23, 2000
- Extensions for Interim Development Controls, Subdistrict 3, Bennett Tract
  - Ordinance Number, 000518-90, May 18, 2000
  - Ordinance Number, 001012-11, October 12, 2000
  - Ordinance Number, 010118-10, January 18, 2001
  - Ordinance Number, 010322-47, March 22, 2001
  - Ordinance Number, 010503-28, May 3, 2001
  - Ordinance Number, 010524-69, May 24, 2001

Amendment No. 1: Ordinance Number, 010607-23, June 7, 2001  
Amendment No. 2: Ordinance Number, 20081211-080, December 11, 2008

**See attached Draft East 11<sup>th</sup> Street NCCD**

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 910620-C, REZONING AND CHANGING THE ZONING MAP TO AMEND THE EAST 11<sup>TH</sup> STREET NEIGHBORHOOD CONSERVATION COMBINING DISTRICT (NCCD) FOR THE PROPERTY LOCATED ALONG THE NORTHBOUND FRONTAGE ROAD OF IH-35 BETWEEN THE NORTHERN ALLEY OF THE 800-900 BLOCK OF EAST 7<sup>TH</sup> STREET AND EAST 12<sup>TH</sup> STREET; THE WEST SIDE OF THE 800-1000 BLOCKS OF SAN MARCOS STREET; EAST 11TH STREET FROM IH-35 TO NAVASOTA STREET; ALONG ROSEWOOD AVENUE FROM 11<sup>TH</sup> STREET TO APPROXIMATELY ANGELINA STREET; ALONG A SEGMENT OF THE 1200 BLOCK OF NAVASOTA STREET; AND ALONG THE EAST SIDE OF A SEGMENT OF THE 1500 AND 1600 BLOCK OF SAN BERNARD STREET IN THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN AREA, AND TO MODIFY CERTAIN BASE DISTRICTS IN THE NCCD.

**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 amend the East 11<sup>th</sup> Street neighborhood conservation combining district (NCCD), identified in the attached Exhibit "A" incorporated into this ordinance, and to add a NCCD to each base zoning district within the District on the property described in Zoning Case No. **C14-XX-XXXX**, on file at the Planning and Zoning Department, as follows:

Approximately **XX** acres of land consisting of four subdistricts, identified in the attached Exhibit "B" incorporated into this ordinance, lying within the Central East Austin Neighborhood Plan Area, more particularly described as follows,

- a. **Subdistrict 1**, sites located along and oriented to East 11<sup>th</sup> Street between Branch Street and San Marcos Street on the west, and extending to Navasota Street on the east;
- b. **Subdistrict 2**, sites oriented to Juniper Street between Branch Street and Lydia Street, and including parcels with frontages on Curve Street and Waller Street;
- c. **Subdistrict 3**, sites located along IH-35 and bounded by Embassy Drive, San Marcos Street, and Branch Street on the east, East 12<sup>th</sup> Street on the north, the Northbound Frontage Road of IH-35 on the west and the alley of the 800-900 block of East 7th street on the south; and
- d. **Subdistrict 4**, sites generally oriented toward the 1200 and 1300 blocks of Rosewood Avenue but excluding 1326 and 1319 Rosewood Avenue, the east side of the 1100 block of Navasota Street, the 1100-1200 blocks of San Bernard Street but excluding 1159, 1161, 1164, and 1165 San Bernard Street.

This area is generally known as the East 11<sup>th</sup> Street neighborhood conservation neighborhood plan combining district (East 11<sup>th</sup> Street NCCD), locally known as the area bounded by IH-35 between East 12<sup>th</sup> Street and the alley between East 8<sup>th</sup> Street and East 7<sup>th</sup> Street; the alley between East 8<sup>th</sup> Street and East 7<sup>th</sup> Street; Embassy Drive; San Marcos Street; the alley and rear property lines of properties fronting on East 11<sup>th</sup> Street extending from San Marcos Street to Navasota Street; the rear property lines of

properties along the south side of Rosewood Avenue from Navasota Street to Angelina Street, excluding 1319 Rosewood Avenue; the rear property lines of properties along the north side of Rosewood Avenue from Angelina Street to San Bernard Street, but excluding 1326 Rosewood Avenue; the rear property line of 1153 San Bernard Street and rear and northern property lines of 1157 San Bernard Street; the northern property line of 1160 San Bernard Street and northern and front property lines of 1159 Navasota Street; Juniper Street from Navasota Street to Branch Street; Branch Street to East 12<sup>th</sup> Street; and East 12<sup>th</sup> Street to IH-35, in the City of Austin, Travis County, Texas, and generally identified on the map attached as Exhibit "B".

**PART 2.** The zoning districts for addresses located in the subdistricts defined in Part 1 listed in the chart in this section are changed from single family residence -standard lot-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-2-H-NCCD-NP) combining district, family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district, family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district, multifamily residence-medium density-neighborhood conservation combining district-neighborhood plan (MF-3-NCCD-NP) combining district, limited office-neighborhood conservation combining district-neighborhood plan (LO-NCCD-NP) combining district, general office-conditional overlay-neighborhood conservation combining district-neighborhood plan (GO-CO-NCCD-NP) combining district, community commercial-neighborhood conservation combining district-neighborhood plan (GR-NCCD-NP) combining district, community commercial-mixed use-conditional overlay-neighborhood conservation combining district-neighborhood plan (GR-MU-CO-NCCD-NP) combining district, general commercial services-neighborhood conservation combining district-neighborhood plan (CS-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 landmark-neighborhood conservation combining district-neighborhood plan (CS-H-NCCD-NP) combining district, commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district, commercial-liquor sales-historic landmark-neighborhood conservation combining district-neighborhood plan (CS-1-H-NCCD-NP) combining district, to single family residence -standard lot-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-2-H-NCCD-NP) combining district, family residence-neighborhood conservation combining district-neighborhood plan, (SF-3- NCCD-NP) combining district, family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district, multifamily residence-medium density-neighborhood conservation combining district-neighborhood plan (MF-3-NCCD-NP) combining district, limited office-neighborhood conservation combining district-neighborhood plan (LO-NCCD-NP) combining district, general office-conditional overlay- neighborhood conservation combining district-neighborhood plan (GO-CO-NCCD-NP) combining district, community commercial-neighborhood conservation combining district-neighborhood plan (GR-NCCD-NP) combining district, community commercial-mixed use-conditional overlay-neighborhood conservation combining district-neighborhood plan (GR-MU-CO-NCCD-NP) combining district, general commercial services-neighborhood conservation combining district-neighborhood plan (CS-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 landmark-neighborhood conservation combining district-neighborhood plan (CS-H-NCCD-NP) combining district, commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district, commercial-liquor sales-

historic landmark-neighborhood conservation combining district-neighborhood plan (CS-1-H-NCCD-NP) combining district as more particularly described and identified in the chart in this section and generally identified on the map attached as Exhibit "B".

SUBDISTRICT 1		
ADDRESS	CURRENT ZONING	PROPOSED ZONING
900, 904 E 11 <sup>TH</sup> ST	CS-NCCD-NP	CS-NCCD-NP
908, 912 E 11 <sup>TH</sup> ST	CS-H-NCCD-NP	CS-H-NCCD-NP
916, 920, 924, 928 E 11 <sup>TH</sup> ST	CS-NCCD-NP	CS-NCCD-NP
913 JUNIPER (front half facing E 11th ST)	CS-NCCD-NP	CS-NCCD-NP
1007 E 11 <sup>TH</sup> ST, 1011 SAN MARCOS ST	CS-NCCD-NP	CS-NCCD-NP
1005 E 11 <sup>TH</sup> ST	CS-1-NCCD-NP	CS-1-NCCD-NP
1009, 1011, 1013, 1017, E 11 <sup>TH</sup> ST	CS-NCCD-NP	CS-NCCD-NP
1000, 1002 E 11 <sup>TH</sup> ST	CS-1-NCCD-NP	CS-1-NCCD-NP
1006, 1008 E 11 <sup>TH</sup> ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1010 E 11 <sup>TH</sup> ST	CS-1-H-NCCD-NP	CS-1-H-NCCD-NP
1012, 1014, 1050 E 11 <sup>TH</sup> ST	CS-1-NCCD-NP/ CS-NCCD-NP	CS-1-NCCD-NP/ CS-NCCD-NP
1101 E 11 <sup>TH</sup> ST	CS-1-H-NCCD-NP	CS-1-H-NCCD-NP
1107, 1115 E 11 <sup>TH</sup> ST	CS-1-NCCD-NP	CS-1-NCCD-NP
1119 E 11 <sup>TH</sup> ST	CS-1-H-NCCD-NP	CS-1-H-NCCD-NP
1123, 1129, 1131 E 11 <sup>TH</sup> ST	CS-1-NCCD-NP	CS-1-NCCD-NP
1100 E 11 <sup>TH</sup> ST	CS-1-NCCD-NP	CS-1-NCCD-NP
1102, 1104 E 11 <sup>TH</sup> ST	GO-H-CO-NCCD-NP	GO-H-CO-NCCD-NP
1106, 1108, 1110, 1112, 1114, 1124 E 11 <sup>TH</sup> ST	CS-1-NCCD-NP	CS-1-NCCD-NP
1008 WHEELLESS ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1200 E 11 <sup>TH</sup> ST	CS-1-NCCD-NP/ SF-3-NCCD-NP	CS-1-NCCD-NP/ SF-3-NCCD-NP

Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.



1208 E 11 <sup>TH</sup> ST	CS-1-NCCD-NP	CS-1-NCCD-NP
ADDRESS	CURRENT ZONING	PROPOSED ZONING
1009 WHEELLESS ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1205, 1207 E 11 <sup>TH</sup> ST	CS-1-NCCD-NP	CS-1-NCCD-NP
1209 E 11 <sup>TH</sup> ST	CS-1-H-NCCD-NP	CS-1-H-NCCD-NP
1211 E 11 <sup>TH</sup> ST	CS-1-NCCD-NP	CS-1-NCCD-NP
1209 ROSEWOOD AVE	CS-1-H-NCCD-NP	CS-1-H-NCCD-NP
1219 ROSEWOOD AVE	CS-1-NCCD-NP	CS-1-NCCD-NP
1309 ROSEWOOD AVE	GR-NCCD-NP	GR-NCCD-NP
1317 ROSEWOOD AVE	CS-NCCD-NP	CS-NCCD-NP
SUBDISTRICT 2		
ADDRESS	CURRENT ZONING	PROPOSED ZONING
901 JUNIPER ST	GR-MU-CO-NCCD-NP	GR-MU-CO-NCCD-NP
907 JUNIPER ST	MF-3-NCCD-NP	MF-3-NCCD-NP
905, 907, 909, 911, 913 JUNIPER ST (back half fronting Juniper St)	SF-3-NCCD-NP	SF-3-NCCD-NP
1055, 1157, 1159 CURVE ST/1005, 1007, 1009, 1011, 1013, 1015, 1017, 1019, 1021, 1023 JUNIPER ST/1154, 1156, 1158 WALLER ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1159 WALLER ST/1103 JUNIPER ST	GO-CO-NCCD-NP	GO-CO-NCCD-NP
1105, 1107, 1109 JUNIPER ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1154 LYDIA ST	CS-1-NCCD-NP	CS-1-NCCD-NP
SUBDISTRICT 3		
ADDRESS	CURRENT ZONING	PROPOSED ZONING
1109 N IH-35 SERVICE RD NB	CS-NCCD-NP	CS-NCCD-NP
1105, 1105 N IH-35 SERVICE RD NB	CS-1-NCCD-NP	CS-1-NCCD-NP
1101 N IH-35 SERVICE RD NB	CS-NCCD-NP	CS-NCCD-NP
900 E 10 <sup>TH</sup> ST	CS-MU-NCCD-NP	CS-MU-NCCD-NP
1004 SAN MARCOS	CS-MU-NCCD-NP	CS-MU-NCCD-NP
800 EMBASSY DR	CS-MU-NCCD-NP	CS-MU-NCCD-NP

Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.

807, 809, 809, 903 E 9 <sup>TH</sup> ST	CS-MU-NCCD-NP	CS-MU-NCCD-NP
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SUBDISTRICT 4		
ADDRESS	CURRENT ZONING	PROPOSED ZONING
1209 ROSEWOOD AVE	CS-1-H-NCCD-NP	CS-1-H-NCCD-NP
1210 ROSEWOOD AVE	LO-NCCD-NP	LO-NCCD-NP
1219 ROSEWOOD AVE	CS-1-NCCD-NP	CS-1-NCCD-NP
1223, 1231 ROSEWOOD AVE	CS-NCCD-NP	CS-NCCD-NP
1305, 1309, 1311, 1313 ROSEWOOD AVE	CS-NCCD-NP	CS-NCCD-NP
1317 ROSEWOOD AVE	GR-NCCD-NP	GR-NCCD-NP
1101 NAVASOTA ST	LR-NCCD	LR-NCCD
1105 NAVASOTA ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1157 NAVASOTA ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1159 NAVASOTA ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1150 SAN BERNARD ST	SF-H-2-NCCD-NP	SF-H-2-NCCD-NP
1152 SAN BERNARD ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1154 SAN BERNARD ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1158 SAN BERNARD ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1160 SAN BERNARD ST	SF-H-3-NCCD-NP	SF-H-3-NCCD-NP
1151 SAN BERNARD ST	LO-NCCD-NP	LO-NCCD-NP
1153 SAN BERNARD ST	SF-3-NCCD-NP	SF-3-NCCD-NP
1157 SAN BERNARD ST	SF-3-H-NCCD-NP	SF-3-H-NCCD-NP

**PART 3. Permitted, Conditional, and Prohibited Uses for Subdistrict 1 and Subdistrict 2.**

- A. Unless provided for in this section, all uses in this section's table not listed as Permitted (P), Permitted with Conditions (PC), or Conditional (C) are prohibited.
- B. The following are exceptions to the Permitted, Conditional, and Prohibited Uses described in the table in this section:

Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.



1. A Cocktail Lounge is a permitted use limited to the ground floor of a building located at 1133 E 11th Street and 1104 East 11th Street.
2. A Club or Lodge Use is an allowed use at 1017 East 11th Street.
3. Drive-in services are prohibited as an accessory use to a restaurant (general) and (limited).
4. A single-family residential use is allowed use at 1119 E 11th Street.

USES	SUBDISTRICT 1	SUBDISTRICT 2	CONDITIONS AND EXCEPTIONS
<b>COMMERCIAL USES</b>			
Administrative and Business Offices	PC	PC	Not allowed on a ground floor of a building fronting E 11 <sup>TH</sup> Street
Art Gallery	P	P	
Art Workshop	P	P	
Food Sales	PC	—	Only allowed on a ground floor of a building fronting E 11 <sup>TH</sup> Street
General Retail Sales (Convenience)	PC	—	Only allowed on a ground floor of a building fronting E 11 <sup>TH</sup> Street
Hotel-Motel	PC	—	Bedroom may not be located on a ground floor of a building fronting E 11 <sup>TH</sup> Street
Indoor Entertainment	P	—	
Liquor Sales	C	—	Limited to 3,000 square feet of gross floor area
Medical Offices—not exceeding 5,000 sq./ft of gross floor space	PC	<del>PCP</del>	Not allowed on a ground floor of a building fronting E 11 <sup>TH</sup> Street
Personal Improvement Services	P	—	
Personal Services	P	—	
Professional Offices	PC	—	Allowed on E 11 <sup>TH</sup> Street on the ground floor of a building with a historic landmark designation and on all other floors in buildings that do not have a historic landmark designation.
Restaurant (Limited)	PC	—	Only allowed on a ground floor of a building fronting E 11 <sup>TH</sup> Street
Restaurant (General)	PC	—	Only allowed on a ground floor of a building fronting E 11 <sup>TH</sup> Street
Special Use Historic	C	C	

Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.

Theater	PC	PC	Not allowed on a ground floor of a building fronting E 11 <sup>TH</sup> Street
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USES	SUBDISTRICT 1	SUBDISTRICT 2	CONDITIONS AND EXCEPTIONS
<b>RESIDENTIAL USES</b>			
Condominium Residential	PC	PC	Not allowed on a ground floor of a building fronting E 11 <sup>TH</sup> Street
Group Residential	C	C	
Multi-Family Residential	PC	PCP	Not allowed on a ground floor of a building on E 11 <sup>TH</sup> Street
Retirement Housing (Small Site)	P	P	
Single Family Attached Residential	—	—	
Single Family Residential	—	—	Not allowed on E 11th except at 1119 E 11 <sup>th</sup> St
Small Lot Single Family Residential	—	—	
Townhouse Residential	—	PCP	Not fronting E 11 <sup>th</sup> St
Two Family Residential	—	—	
Short-Term Rental	PC	PC	Type 2 Short-term rental is prohibited
Condominium Residential	PC	PC	Not allowed on a ground floor of a building fronting E 11 <sup>TH</sup> Street
Group Residential	C	C	
Multi-Family Residential	PC	PCP	Not allowed on a ground floor of a building on E 11 <sup>TH</sup> Street
Retirement Housing (Small Site)	P	P	
<b>CIVIC USES</b>			
College & University facilities	C	C	Only allowed on the second floor of a building
Community Recreation (Private)	C	C	
Community Recreation (Public)	C	C	
Congregate Living	C	C	
Counseling Services	PC	PC	Not allowed on a Ground floor of a building on E 11 <sup>TH</sup> Street.
Cultural Services	P	P	
Day Care Services (General)	C	C	

**Commented [HS1]:** For the prohibited uses with “save and except” all addresses have been listed at the beginning of the Use chart and the uses will be removed from the chart.

Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.

Day Care Services (Limited)	P	P	
Family Home	P	P	
Group Home Class I (General)	P	P	
Group Home Class I (Limited)	P	P	
Group Home Class II	P	P	
Guidance Services	PC	PC	Not allowed on a Ground floor of a building on E 11 <sup>TH</sup> Street
Local Utility Services	CP	CP	
Private Primary Educational Services	C	C	
Private Secondary Educational Services	C	C	
Public Primary Educational Services	CP	CP	
Public Secondary Educational Services	CP	CP	
Religious Assembly	P	P	
Safety Services	C	C	
Telecommunication Tower	PC	PC	Prohibited unless located on a rooftop

**PART 4. Permitted, Conditional, and Prohibited Uses for Subdistrict 3.**

A. The Subdistrict 3 tract map identified in the attached Exhibit "C" incorporated into this ordinance.

1. If a use is not listed in the table in this section, it is a prohibited use.
2. All residential uses are allowed in Subdistrict 3.

USES	TRACTS											
	1	2	3	4	5	6	7	8	9	10	11	12
CIVIC USES												
Club or Lodge	P	P	P	P	P	P	P	P	P	—	P	P
Cultural Services	P	P	P	P	P	P	P	P	P	—	P	P
College and University Facilities	C	C	C	C	C	C	C	C	C	—	C	C
Communications Services Facilities	C	C	C	C	C	C	C	C	C	—	C	C
Community Recreation (Private)	C	C	C	C	C	C	C	C	C	—	C	C
Community Recreation (Public)	C	C	C	C	P	C	C	C	C	—	C	C
Congregate Living	P	P	—	—	—	—	—	—	—	—	—	—
Counseling Services	P	P	—	—	—	—	—	—	—	—	—	—
Cultural Services	P	P	—	—	—	—	—	—	—	—	—	—

Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.

Day Care Services (Limited)	C	C	C	C	C	C	C	C	C	—	C	C
Day Care Services (General)	C	C	C	C	C	C	C	C	C	—	C	C

USES	TRACTS											
	1	2	3	4	5	6	7	8	9	10	11	12
Day Care Services (Commercial)	C	C	C	C	C	C	C	C	C	—	C	C
Family Home	P	P	P	P	P	P	P	P	P	P	P	P
Group Home Class I (General)	P	P	P	P	P	P	P	P	P	P	P	P
Group Home Class I (Limited)	P	P	P	P	P	P	P	P	P	P	P	P
Group Home Class II	P	P	P	P	P	P	P	P	P	P	P	P
Guidance Services	P	P	P	P	P	P	P	P	P	—	P	P
Hospital Services (Limited)	P	P	P	P	C	P	P	P	P	—	P	P
Hospital Services (General)	C	C	—	—	—	—	—	—	—	—	—	—
Local Utility Services	P	P	—	—	—	—	—	—	—	—	—	—
Maintenance and Service Facilities	P	P	—	—	—	—	—	—	—	—	—	—
Private Primary Educational Facilities	C	C	C	C	C	C	C	C	C	—	C	C
Private Secondary Educational Facilities	C	C	C	C	C	C	C	C	C	—	C	C
Public Primary Educational Facilities	P	P	P	P	P	P	P	P	P	P	P	P
Public Secondary Educational Facilities	P	P	P	P	P	P	P	P	P	P	P	P
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P
Residential Treatment	P	P	—	—	—	—	—	—	—	—	—	—
Safety Services	P	P	P	P	P	P	P	P	P	—	P	P
Telecommunication Tower***	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Transitional Housing	C	C	—	—	—	—	—	—	—	—	—	—
Transportation Terminal	P	P	P	P	P	—	—	—	—	—	—	—
COMMERCIAL USES												
Automotive Repair Services	P	P	—	—	—	—	—	—	—	—	—	—
Automotive Sales	P	P	C	—	—	—	—	—	—	—	—	—
Automotive Washing—of any type	P	P	C	—	—	—	—	—	—	—	—	—
Bail Bond Services	PC	PC	—	—	—	—	—	—	—	—	—	—
Building Maintenance Services	P	P	C	—	C	—	—	—	—	—	—	—
Business or Trade School	P	P	C	C	C	—	—	—	—	—	—	—

Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.

Business Support Services	P	P	P	P	P	P	P	P	P	—	P	P
Campground	P	P	P	—	—	—	—	—	—	—	—	—
Cocktail Lounge	<del>P</del>	<del>P</del>	<del>P</del>	*	*	*	*	*	*	—	*	*
Commercial Blood Plasma Center	P	P	—	—	—	—	—	—	—	—	—	—
USES	TRACTS											
	1	2	3	4	5	6	7	8	9	10	11	12
Commercial Off-Street Parking	P	P	—	**	**	**	**	**	**	—	—	—
Commercial Parking Facilities	P	P	P	P	P	P	P	P	P	—	P	P
Communications Services	P	P	P	P	P	P	P	P	P	—	P	P
Construction Sales and Services	P	P	—	—	—	—	—	—	—	—	—	—
Consumer Convenience Services	P	P	P	P	P	P	P	P	P	—	P	P
Consumer Repair Services	P	P	P	P	P	P	P	P	P	—	P	P
Convenience Storage	P	P	—	—	—	—	—	—	—	—	—	—
Drop-Off Recycling Collection Facilities	P	P	—	—	—	—	—	—	—	—	—	—
Electronic Prototype Assembly	P	P	—	—	—	—	—	—	—	—	—	—
Electronic Testing	P	P	—	—	—	—	—	—	—	—	—	—
Employee Recreation	P	P	—	—	—	—	—	—	—	—	—	—
Equipment Repair Services	P	P	—	—	—	—	—	—	—	—	—	—
Equipment Sales	P	P	—	—	—	—	—	—	—	—	—	—
Exterminating Services	P	P	—	—	—	—	—	—	—	—	—	—
Food Preparation	P	P	—	—	—	—	—	—	—	—	—	—
Food Sales	P	P	P	P	P	P	P	P	P	—	P	P
Funeral Services	P	P	P	P	P	P	P	P	P	—	P	P
Financial Services	P	P	P	P	P	P	P	P	P	—	P	P
General Retail Sales—Convenience	P	P	P	P	P	P	P	P	P	—	P	P
General Retail Sales—General	P	P	P	P	P	P	P	P	P	—	P	P
Hotel/Motel	P	P	P	P	P	P	P	P	P	—	P	P
Indoor Entertainment	P	P	P	P	P	P	P	P	P	—	P	P
Indoor Sports and Recreation	P	P	P	P	P	P	P	P	P	—	P	P
Kennels	P	P	—	—	—	—	—	—	—	—	—	—
Laundry Services	P	P	P	P	P	P	P	P	P	—	P	P
Liquor Sales	P	P	P	P	P	P	P	P	P	P	P	P
Medical Offices—not exceeding 5,000 sq/ft of gross floor space	P	P	P	P	P	P	P	P	P	—	P	P

Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.

Medical Offices— exceeding 5,000 sq/ft of gross floor space	P	P	—	—	—	—	—	—	—	—	—	—
Monument Retail Sales	P	P	—	—	—	—	—	—	—	—	—	—
Outdoor Entertainment	C	C	—	—	—	—	—	—	—	—	—	—
Outdoor Sports and Recreation	P	P	P	P	P	P	P	P	P	—	P	P
USES	TRACTS											
	1	2	3	4	5	6	7	8	9	10	11	12
Pawn Shop Services	P	P	—	P	—	—	—	—	—	—	—	—
Personal Improvement Services	P	P	P	P	P	—	—	—	—	—	—	—
Personal Services	P	P	P	P	P	P	P	P	P	—	P	P
Pet Services	P	P	P	P	P	P	P	P	P	P	P	P
Plant Nursery	P	P	—	—	—	—	—	—	—	—	—	—
Printing and Publishing Services	P	P	—	—	—	—	—	—	—	—	—	—
Professional Office	P	P	P	P	P	P	P	P	P	—	P	P
Research Services	P	P	P	P	P	P	P	P	P	—	P	P
Restaurant—Limited	P	P	P	P	P	P	P	P	P	—	P	P
Restaurant—General	P	P	P	P	P	P	P	P	P	—	P	P
Service Station	P	P	—	—	—	—	—	—	—	—	—	—
Software Development	P	P	—	—	—	—	—	—	—	—	—	—
Theater	P	P	—	—	—	—	—	—	—	—	—	—
Vehicle Storage	P	P	—	—	—	—	—	—	—	—	—	—
Veterinary Services	P	P	—	—	—	—	—	—	—	—	—	—
<b>INDUSTRIAL USES</b>												
Custom Manufacturing	P	P	—	—	—	—	—	—	—	—	—	—
Limited Warehousing and Distribution	P	P	—	—	—	—	—	—	—	—	—	—
<b>AGRICULTURAL USES</b>												
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P
Indoor Crop Production	P	P	P	P	P	P	P	P	P	P	P	P
Urban Farm	P	P	P	P	P	P	P	P	P	P	P	P
*An automotive rental use and a cocktail lounge use are prohibited except as an accessory use to a hotel/motel use.												
**A commercial off-street parking USE is prohibited except in a structured parking facility whose main purpose is accessory onsite parking for a principal use.												
***Subject to LDC 25-2-839 (13-2-235 & 13-2-273).												
(PC) Permitted in the district, but under some circumstances may be conditional.												

**PART 5. Site Development Standards, Permitted Use, Conditional Uses, and Prohibited Uses for Subdistrict 4.**

- A. The base zoning district will establish site development standards and uses for all properties located in Subdistrict 4.

Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.

**PART 6.** Building Development Standards for Subdistricts 1, 2, 3.

STANDARDS	SUBDISTRICT 1	SUBDISTRICT 2	SUBDISTRICT 3
MINIMUM LOT SIZE	None	None	50' sq./ft.
MINIMUM LOT WIDTH	25'	25'	50'
MAXIMUM BUILDING HEIGHT	Pending Discussion	40'	Tracts 2, 3: 100' Tract 4: 200' Tract 5: 60' Tract 6: 50' Tract 7: 160' Tracts 8, 9, 11, 12: 40' Tract 10: 70'
FRONT YARD SETBACK (MINIMUM)	None	15'	None
STREET SIDE YARD SETBACK	None	10 feet	None
INTERIOR SIDE YARD SETBACK	None	5 feet	None
REAR YARD SETBACK	None	5 feet	None
MAXIMUM IMPERVIOUS COVER	100%	80%	Tracts 1, 2, 3, 4, 7, 12 (100%) Tracts 5, 6, 8, 9, 10, 11 (95%)
MAXIMUM BUILDING COVERAGE	95%	60%	Tracts 1, 2, 3, 4, 7, 12 (100%) Tracts 5, 6, 8, 9, 10, 11 (95%)
MAXIMUM FLOOR AREA RATIO (FAR)	2:01	1:01	Tracts 4, 5, 6, 7, 8, 9, 10 (3.6:1) Tracts 11, 12 (2:1) Tracts 1, 2, 3 (3.75:1)

**Part 7. Additional Regulations for Subdistrict 1.**

**A. Compatibility Requirements.** Properties are not subject to Article 10. Compatibility Standards except for:

1. off-street accessory parking;
2. the placement of mechanical equipment;
3. exterior lighting;

Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.

4. refuse collection; and
  5. noise levels at the property line.
- B. Transportation.** Vehicular ingress and egress for buildings along East 11<sup>th</sup> Street may be taken from:
1. an alley;
  2. a side street;
  3. a right-in turn in and right-out out driveway configuration; or
  4. as otherwise approved by the Director of the Austin Transportation Department.
- C. Building Design Regulations.**
1. Parking structure facades may not be exposed toward the East 11th Street frontage.
  2. Building facades fronting East 11<sup>th</sup> Street are subject to Subchapter E - Design Standards and Mixed-Use Core Transit Corridor Roadway standards for:
    - a. windows;
    - b. building entries; and
    - c. walls.
  3. At least 80% of the ground floor of a building fronting East 11th Street must contain occupied space.
- D. Building facades** are subject to the glazing requirements in LDC 25-2-733(E)(1) for a minimum of 50% of the area between two feet (2'-0") above the finished floor of the building and 10 feet (10'-0") to be glazed.

## **Part 8. Additional Regulations for Subdistrict 3.**

### **A. Building Heights.**

1. On Tract 4, within 30 feet of East 11th Street right-of way the maximum building height is 60 feet.
2. On Tract 7, within 50 feet of East 9th Street right-of way the maximum building height is 50 feet.
3. On Tract 9, within 30 feet of East 9th Street right-of way the maximum building height is 50 feet.

### **B. Building Design and Site Orientation.**

1. The following applies to buildings on Tracts 4 and 7 that exceed a height of 120 feet:
  - a. A building must be oriented so that its dimension is within 30 degrees of a parallel of the north property line.



- b. The combined width of all the buildings on Tracts 4 and 7 may not exceed 206 feet. The width of a building is determined by measuring the building face closest to the west property line at its widest point above 120 feet.
2. On Tracts 4, 7, and 9, the distance between buildings that are greater than 60 feet in height must be at least 60 feet.
3. A 30-foot pedestrian way must be located on Tract 4 or Tract 7 between the north property line of Tract 9 and a line that is 130 feet away from and parallel to the north of property line of Tract 4.
4. Motorized vehicular ingress and egress is prohibited from Tracts 5, 6, and 8 to San Marcos Street, except to access a residential use.
5. Surface parking is prohibited within 30 feet of the east property lines of Tracts 6 and 8 and within 30 feet the south property lines of Tracts 8 and 9.

**C. Open Space.**

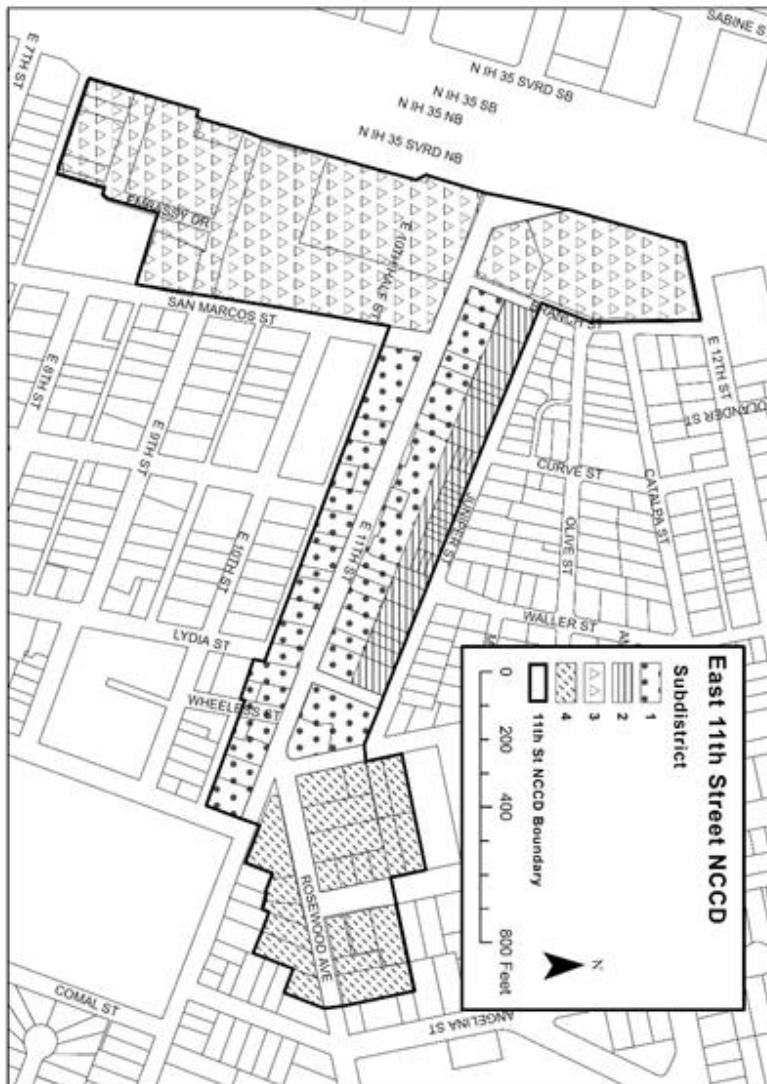
1. Ten percent open space shall be provided on Tracts 4, 5, 6, 7, 8, and 9, cumulatively.

## Exhibit A: Boundary Map



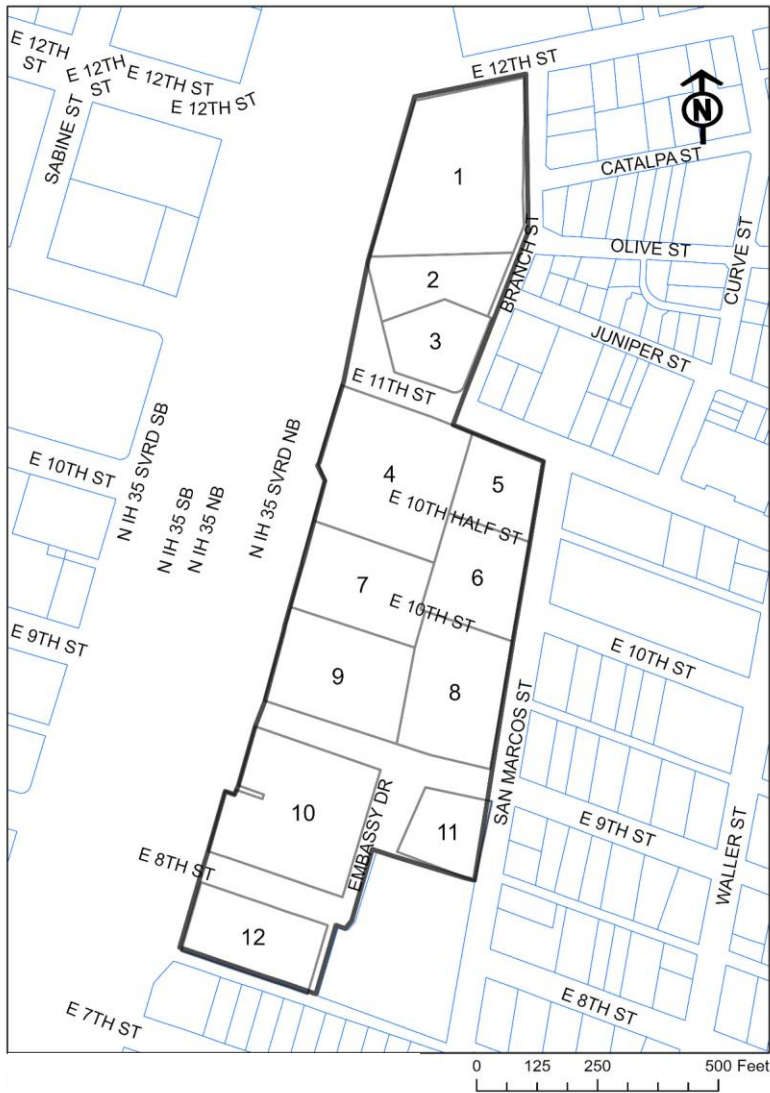
Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.

**Exhibit B: Subdistrict Map**



Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.

**Exhibit C: Subdistrict 3 Tract Map**



Yellow highlighted sections indicate minor changes from previous versions and reflect edits based on staff review.

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

Original NCCD Adoption: Ordinance Number, 20080228-087, February 28, 2008

Amendment No. 1: Ordinance Number, 20171109-094, November 9, 2017

Neighborhood Conservation Combining Districts-Selected Cased and Ordinance Information can be found at this link:

[http://www.austintexas.gov/sites/default/files/files/Planning/nccd\\_ordinance\\_chart.pdf](http://www.austintexas.gov/sites/default/files/files/Planning/nccd_ordinance_chart.pdf)

**See attached East 12<sup>th</sup> Street NCCD**

**Commented [HS18]:** OCEAN's comment: Amend the Appendix to include all of the language of the East 12<sup>th</sup> Street NCCD and its 2017 amendment.

The link provided leads to a site that does not include the 2107 Kealing amendment.

An URP should spell out its controls within its text rather than rely upon links to outside sources that are not regularly updated and maintained, and may or may not be available, should the City amend the land development code to eliminate NCCD's.

**Commented [HS19]:** Commissioner Pierce comment: The Owner's of the respective sources are not maintain their content, then our plan will be constantly outdated. We should link to content we do not control.

**ORDINANCE NO. 20171109-094**

**AN ORDINANCE AMENDING ORDINANCE NO. 20080228-087, REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED ON THE SOUTH SIDE OF EAST 12<sup>TH</sup> STREET, BOUNDED BY THE ALLEY ON THE SOUTH, COMAL STREET ON THE WEST, AND CHICON STREET ON THE EAST, IN THE EAST 12<sup>TH</sup> STREET NEIGHBORHOOD CONSERVATION COMBINING DISTRICT.**

**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 community commercial-mixed use-historic landmark-neighborhood conservation combining district-neighborhood plan (GR-MU-H-NCCD-NP) combining district, multifamily residence moderate-high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district, and community commercial-mixed use-neighborhood conservation combining district neighborhood plan (GR-MU-NCCD-NP) combining district to commercial-mixed use-historic landmark-neighborhood conservation combining district-neighborhood plan (GR-MU-H-NCCD-NP) combining district, multifamily residence moderate-high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district, and community commercial-mixed use-neighborhood conservation combining district neighborhood plan (GR-MU-NCCD-NP) combining district on the property described in Zoning Case No. C14-2017-0092, on file at the Planning and Zoning Department, in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit "A"**.

**PART 2.** Ordinance No. 20080228-087 is amended to remove the following 18 addresses from Subdistrict 2 and to place them in a new Subdistrict 2a.

	<u>Address</u>	<u>Zoning</u>	<u>Subdistrict</u>
	1501 E 12th Street	GR-MU-H-NCCD-NP	2a
	1511 E 12th Street	MF-4-NCCD-NP	2a
	1517 E 12th Street	MF-4-NCCD-NP	2a
	1521 E 12th Street	MF-4-NCCD-NP	2a
	1601 E 12th Street	MF-4-NCCD-NP	2a
	1603 E 12th Street	MF-4-NCCD-NP	2a
	1611 E 12th Street	MF-4-NCCD-NP	2a

	1615 E 12th Street	MF-4-NCCD-NP	2a
	1701 E 12th Street	GR-MU-NCCD-NP	2a
	1709 E 12th Street	GR-MU-NCCD-NP	2a
	1717 E 12th Street	GR-MU-NCCD-NP	2a
	1721 E 12th Street	GR-MU-NCCD-NP	2a
	1713 E 12th Street	GR-MU-NCCD-NP	2a
	1803 E 12th Street	GR-MU-NCCD-NP	2a
	1805 E 12th Street	GR-MU-NCCD-NP	2a
	1809 E 12th Street	GR-MU-NCCD-NP	2a
	1817 E 12th Street	GR-MU-NCCD-NP	2a
	0 Chicon Street; 50x 100 ft BLK 13-14 OLT Division B	GR-MU-NCCD-NP	2a

**PART 3.** Exhibit C of Ordinance 20080228-087 is amended as follows:

(1.) Section III. B. (*Subdistrict Boundaries*) is amended to read:

**B. Subdistrict boundaries**

The East 12<sup>th</sup> Street NCCD is divided into ~~{three}~~four subdistricts:

1. Subdistrict 1
  - North side of East 12<sup>th</sup> Street from IH-35 to the northwest corner of Olander
  - Tract 1
2. Subdistrict 2
  - North side of East 12<sup>th</sup> Street from northeast corner of Olander to Poquito
  - Southwest and Southeast corners of Comal and East 12<sup>th</sup> Street
  - South side of East 12 Street between ~~{Comal}~~ Chicon and Poquito
  - Tracts 2-10, a portion of Tract 15 and tracts 16-18
3. Subdistrict 2a
  - South side of East 12<sup>th</sup> street from Comal Street to Chicon Street.
4. Subdistrict 3
  - South side of East 12<sup>th</sup> Street between Branch and Comal (excepting the southwest corner of Comal and East 12<sup>th</sup> Street)
  - Tracts 11-14 and a portion of Tract 15

(2.) Section V. C. (*Setback Requirements*) is amended to read:

**C. Setback Requirements**

Setback requirements are determined by subdistrict:

- Subdistricts 1 ~~[and]~~ 2, and 2a

- 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

(3.) Section V. D. (*Height*) is amended to read:

**D. Height**

The maximum height of structures is determined by subdistrict:

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

(4.) Section V. E. (*Impervious Cover*) is amended to read:

**E. Impervious Cover:**

The allowable impervious cover is determined by subdistrict

- Subdistricts 1 [~~and~~] 2, and 2a – 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%

**PART 4.** Except as amended by this ordinance, the terms and provisions set forth in Ordinance No. 20080228-087 remain in effect.

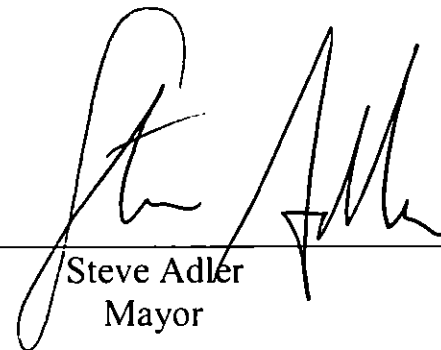


**PART 5.** This ordinance takes effect on November 20, 2017.


**PASSED AND APPROVED**

\_\_\_\_\_, November 9, 2017

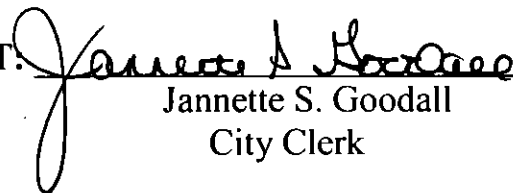
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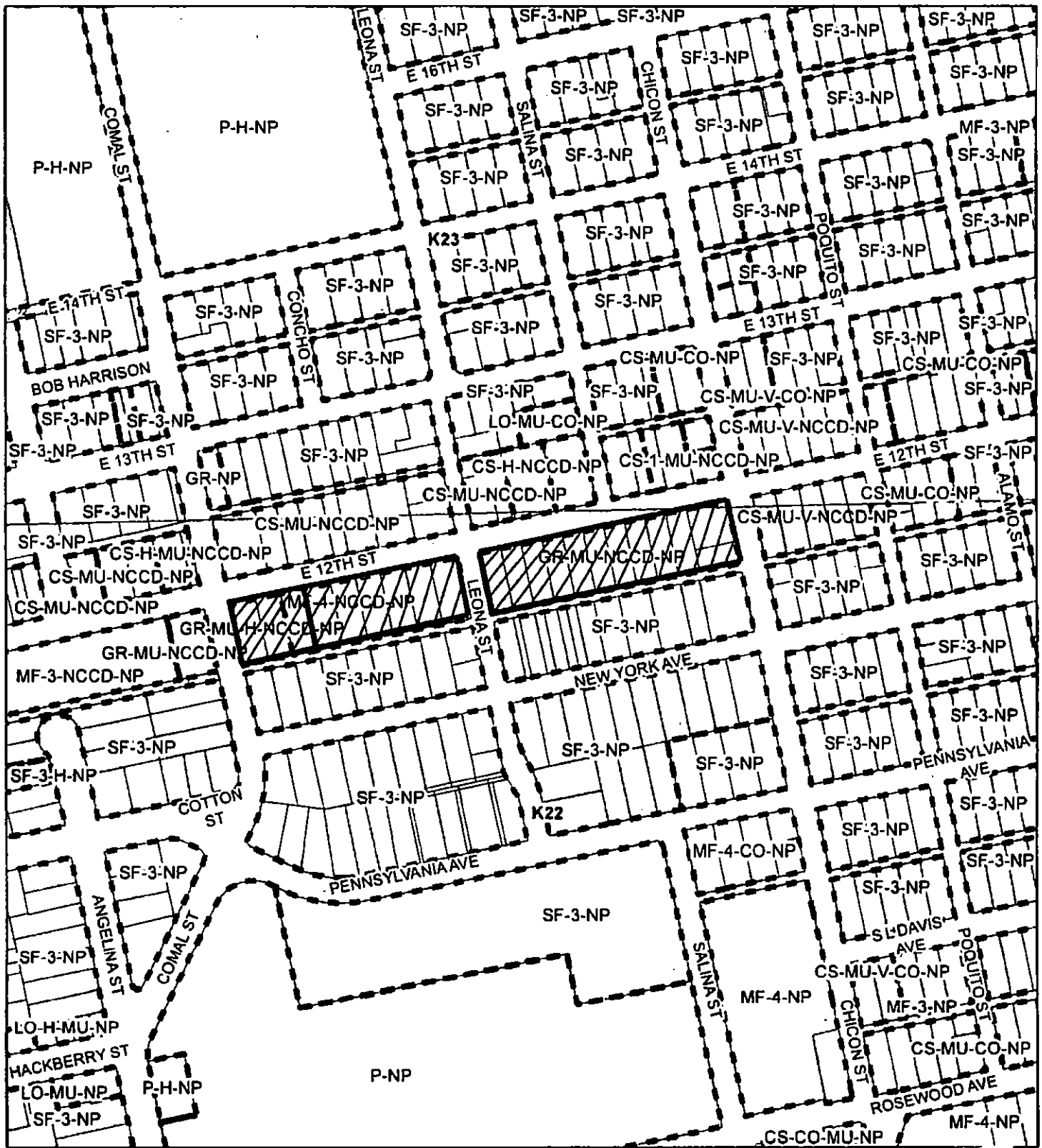
  
\_\_\_\_\_  
Steve Adler  
Mayor




**APPROVED:**

  
\_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:**

  
\_\_\_\_\_  
Jannette S. Goodall  
City Clerk



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**EAST 12TH STREET NCCD PARTIAL REZONING**  
 ZONING CASE#: C14-2017-0092  
 LOCATION: EAST 12TH STREET  
 GRID: K22  
 MANAGER: HEATHER CHAFFIN

**EXHIBIT A**



1" = 300'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**ORDINANCE NO. 20080228-087**

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

**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 East 12<sup>th</sup> Street neighborhood conservation (NCCD) combining district and to add a NCCD to each base zoning district within the property and to change the base zoning districts on 18 tracts of land on the property described in Zoning Case No. C14-06-0209, on file at the Neighborhood Planning and Zoning Department, as follows:

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

- a. Subdistrict 1, also known as Tract One, being the area on the northside of East 12<sup>th</sup> Street from IH-35 to the northwest corner of Olander Street.
- b. Subdistrict 2, also known as Tracts 2-10, the east portion of Tract 15, and Tracts 16-18, being the areas along the northside of East 12<sup>th</sup> Street from the northeast corner of Olander Street to Poquito Street, the southwest and southeast corners of Comal Street and East 12<sup>th</sup> Street, and the southside of East 12<sup>th</sup> Street between Comal Street and Poquito Street.
- c. Subdistrict 3, also known as Tracts 11-14, and the west portion of Tract 15, being the areas along the southside of East 12<sup>th</sup> Street between Branch Street and Comal Street, not including the southwest corner of Comal Street and East 12<sup>th</sup> Street;

generally known as the East 12<sup>th</sup> Street neighborhood conservation-neighborhood plan 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

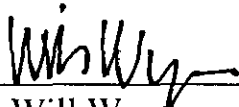
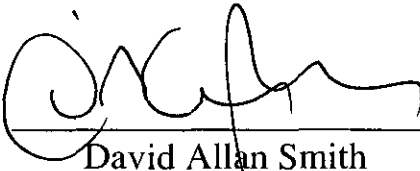
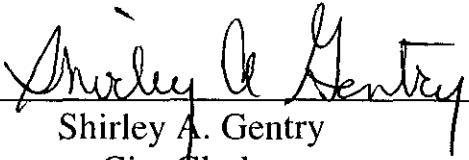
**PART 3.** Except as specifically provided in Parts 4 and 5 of this ordinance, the Property may be developed and used in accordance with the regulations established for the applicable base district, the mixed use (MU) combining district, and other applicable requirements of the City Code.

**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.

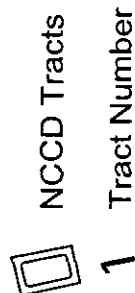
**PART 6.** This ordinance takes effect on March 10, 2008.

**PASSED AND APPROVED**

		§	
		§	
		§	
<u>February 28</u> , 2008			<u></u>
			Will Wynn
			Mayor
<b>APPROVED:</b>	<u></u>	<b>ATTEST:</b>	<u></u>
	David Allan Smith		Shirley A. Gentry
	City Attorney		City Clerk



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



### Sub-District 1

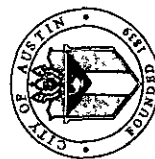
- 60' Heights
- Set Backs 10' rear setback with all other set backs provisions waived
- Impervious Cover - 90% (95% in instances where community detention not available and developer provides on-site detention)

### 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)

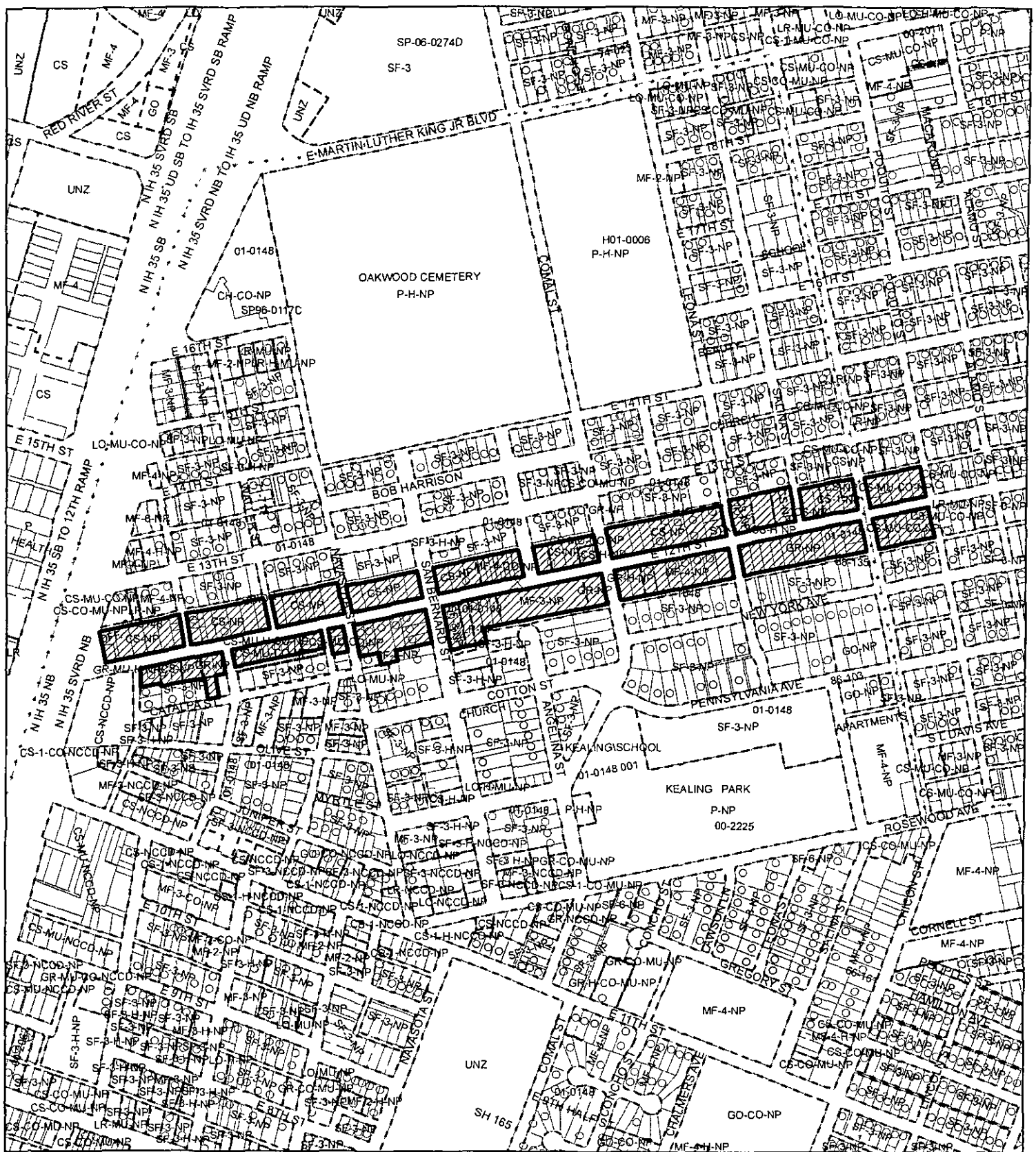
### Sub-District 3

- 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





# ZONING

## Exhibit B

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

• OPERATOR S MEEKS

ZONING CASE#  
ADDRESS  
SUBJECT AREA  
GRID  
MANAGER

C14-06-0209  
800-1951 E 12TH ST  
22.975 ACRES  
K22  
R. HEIL



1" = 600'

This map has been produced by G I S Services for the sole purpose of geographic reference  
No warranty is made by the City of Austin regarding specific accuracy or completeness

**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 February 28, 2008 City Council approved the creation of the NCCD and adopted ordinance 20080228-087.

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

\* Cocktail Lounge is a conditional use 1808-1812 E 12<sup>th</sup> Street.

##### **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
3. Cocktail Lounge is a conditional use at 1808-1812 E. 12<sup>th</sup> Street.

#### **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 the rearmost 50% of the sides of the structure.
3. Overnight parking is limited to residents and their overnight guests.

- 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. 12<sup>th</sup> 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. 12<sup>th</sup> 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. 12<sup>th</sup> 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. 12<sup>th</sup> 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 12<sup>th</sup> 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,   | 10. Food preparation,   |
| 2. Art workshop,  | 11. Food sales,   |
| 3. Business support services,                           | 12. General retail sales (convenience or general),                  |
| 4. Cocktail Lounge (where permitted)                    | 13. Park and recreation services,                                   |
| 5. Consumer convenience services,                       | 14. Pet services,   |
| 6. Consumer repair services,                            | 15. Personal improvement services,                                  |
| 7. Cultural services,                                   | 16. Personal services, and  |
| 8. Day Care Services (limited, general, or commercial), | 17. Restaurant (limited or general) without a drive-through service |
| 9. Financial services without drive through service,    |   |