

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

**Neighborhood Conservation Combining District Plan**

Established by Ordinance 20080228-087

Amended by Ordinance 20081120-101

Amended by Ordinance 20171109-094

**EXHIBIT C**  
**East 12th Street Neighborhood Conservation**  
**Combining District Plan**

**DRAFT**

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## I. Background

The East 12th Street ~~neighborhood conservation combining district~~Neighborhood Conservation Combining District (NCCD) is a zoning tool to implement the *East 11<sup>th</sup> and 12<sup>th</sup> Street Urban Renewal Plan* (URP). ~~An NCCD~~The East 12<sup>th</sup> Street NCCD was adopted by City Council on February 28, 2008 under Ordinance No. 20080228-087 and was amended by subsequent zoning ordinances. The NCCD for East 11<sup>th</sup> Street has already been adopted by the City Council ~~This on June 20, 1991 under Ordinance No. 910620-C and was amended by subsequent zoning ordinances. A NCCD will modify/modifies~~ provisions of the ~~City's~~City's land development code, and allows the customizing of 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~~Between 2019 and 2020, 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~~assistance of staff and a consultant worked to update and clarify the East 11<sup>th</sup> Street NCCD and the drive through accessory use. On these two items the East 11<sup>th</sup> and 12<sup>th</sup> Streets Urban Renewal Board took no position.~~

~~On July 24, 2007 Planning Commission approved the draft NCCD with an additional recommendation that~~Plan These efforts resulted in a revision to the URP and the East 11<sup>th</sup> Street NCCD and proposed revisions to the ~~rear yard set back for properties in subdistricts one and two be a vegetated setback.~~East 12<sup>th</sup> Street NCCD, primarily to Exhibit C, Neighborhood Conservation Combining District Plan.

~~On February 28, 2008, City Council approved the creation of the NCCD and adopted Ordinance NO 20080228-087.~~

## II. ~~H.~~The NCCD and Neighborhood Plans

The East 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 Neighborhood Plan and the Rosewood neighborhood plans~~Neighborhood Plans are in accord with the ~~Urban Renewal Plan~~URP and the ~~proposed~~NCCD for East 12<sup>th</sup> Street. 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 URP.

### III. ~~III~~-District Boundaries

#### A. ~~A~~-District boundaries

A. The boundaries of the East 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. ~~B~~-Subdistrict boundaries

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

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

### IV. ~~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 URP apply to the East 12<sup>th</sup>

~~Street NCCD. Where there is conflict between the East 11<sup>th</sup> and 12<sup>th</sup> Streets Urban Renewal Plan provisions found in other adopted codes, ordinances or regulations of the City of Austin, the Urban Renewal Plan shall control. In the event of a conflict, the more restrictive requirements applies.~~

~~**A. Permitted Uses**~~

~~Unless otherwise specified, There are several uses are permitted as allowed by, not listed in the base zoning district or as modified by the mixed-use combining district.~~

~~**B. Prohibited Uses**~~

~~The following uses are prohibited throughout 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:~~

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

~~1. A Cocktail Lounge is a permitted use limited to the ground floor of a building located at 1808-1812 East 12<sup>th</sup> Street.~~

~~1.\* Cocktail Lounge is a permitted use limited to the ground floor of a building 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.~~

~~1. Cocktail Lounge is a conditional use at 1808-1812 E.~~

~~2. A Funeral Service is a permitted use at 1300 East 12<sup>th</sup> Street and 1410 East 12<sup>th</sup> Street.~~

3. A Condominium Residential and/or Townhouse is a permitted 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 are permitted uses at 903, 904, 905, 1201, 1203, 1205, 1209, 1215, 1219, 1301, 1309, 1310, 1315, 1319, 1416, 1501, 1511, 1514, 1517, 1518, 1521, 1601, 1603, 1611, 1615, 1713, 1803 East 12<sup>th</sup> Street; 1203, 1205 Olander Street; 1196, 1196 ½, 1197, 1198 and 1199 San Bernard Street; 1194, 1195 ½, 1196 and 1198 Navasota Street.

4-5. A Club or Lodge is a permitted use at 1704 East 12<sup>th</sup> Street

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6. Hotel/Motel with ground floor bedroom fronting East 12th Street is a permitted use at 810 and 900 East 12<sup>th</sup> Street.

B. Permitted Uses, Uses Permitted with Specific Conditions, and Conditional Uses

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.

1. Residential Uses

<u>Uses</u>	-	<u>Permitted Conditions and Exceptions</u>
<u>Condominium Residential</u>	<u>PC</u>	<u>Not allowed on the ground floor of a building fronting East 12<sup>th</sup> Street.</u>
<u>Group Residential</u>	<u>P</u>	-
<u>Multi-Family Residential</u>	<u>P</u>	-
<u>Townhouse Residential</u>	<u>PC</u>	<u>Not allowed fronting East 12<sup>th</sup> Street.</u>

2. Commercial Uses

<u>Uses</u>	-	<u>Permitted Conditions and Exceptions</u>
<u>Administrative and Business Offices</u>	<u>PC</u>	<u>Not allowed on the ground floor of a building fronting East 12<sup>th</sup> Street.</u>
<u>Art Gallery</u>	<u>P</u>	-
<u>Art Workshop</u>	<u>P</u>	-
<u>Food Sales</u>	<u>PC</u>	<u>Only allowed on the ground floor of a building fronting East 12<sup>th</sup> Street.</u>
<u>General Retail Sales (Convenience)</u>	<u>PC</u>	<u>Only allowed on the ground floor of a building fronting East 12<sup>th</sup> Street.</u>

<u>Hotel/Motel</u>	<u>PC</u>	<u>Bedroom may not be located on the ground floor of a building fronting East 12<sup>th</sup> Street.</u>
<u>Indoor Entertainment</u>	<u>P</u>	-
<u>Liquor Sales</u>	<u>C</u>	<u>Limited to 3,000 square feet of gross floor area.</u>
<u>Medical Offices—not exceeding 5,000 sq./ft of gross floor space</u>	<u>PC</u>	<u>Not allowed on the ground floor of a building fronting East 12<sup>th</sup> Street.</u>
<u>Personal Improvement Services</u>	<u>P</u>	-
<u>Personal Services</u>	<u>P</u>	-
<u>Professional Offices</u>	<u>P</u>	-
<u>Restaurant (Limited)</u>	<u>PC</u>	<u>Only allowed on the ground floor of a building fronting East 12<sup>th</sup> Street.</u>
<u>Restaurant (General)</u>	<u>PC</u>	<u>Only allowed on the ground floor of a building fronting East 12<sup>th</sup> Street.</u>
<u>Special Use Historic</u>	<u>C</u>	-
<u>Theater</u>	<u>P</u>	-

### 3. Civic Uses

<u>Uses</u>	-	<u>Permitted Conditions and Exceptions</u>
<u>College &amp; University Facilities</u>	<u>PC</u>	<u>Only allowed on the second floor of a building.</u>
<u>Community Recreation (Private)</u>	<u>C</u>	-
<u>Community Recreation (Public)</u>	<u>C</u>	-
<u>Congregate Living</u>	<u>C</u>	-
<u>Counseling Services</u>	<u>PC</u>	<u>Not allowed on the ground floor of a building on East 12<sup>th</sup> Street.</u>
<u>Cultural Services</u>	<u>P</u>	-
<u>Day Care Services (General)</u>	<u>C</u>	-
<u>Day Care Services (Limited)</u>	<u>P</u>	-
<u>Family Home</u>	<u>P</u>	-



<u>Group Home Class I (General)</u>	<u>P</u>	-
<u>Group Home Class I (Limited)</u>	<u>P</u>	-
<u>Group Home Class II</u>	<u>P</u>	-
<u>Guidance Services</u>	<u>PC</u>	<u>Not allowed on the ground floor of a building on East 12<sup>th</sup> Street.</u>
<u>Local Utility Services</u>	<u>P</u>	-
<u>Private Primary Educational Services</u>	<u>C</u>	-
<u>Private Secondary Educational Services</u>	<u>C</u>	-
<u>Public Primary Educational Services</u>	<u>P</u>	-
<u>Public Secondary Educational Services</u>	<u>P</u>	-
<u>Religious Assembly</u>	<u>P</u>	-
<u>Safety Services</u>	<u>C</u>	-
<u>Telecommunication Tower</u>	<u>PC</u>	<u>Prohibited unless located on a rooftop.</u>

C. 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 may 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 conditional use.
5. Drive through uses as an accessory use to a restaurant are prohibited.

**V. ~~V.~~ Building Site Development Regulations**

A. ~~A.~~ General Site Development Standards

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

B. ~~B.~~ Compatibility Standards

Article 10 (Compatibility Standards) of the City Land Development Code does not apply to properties in the East 12<sup>th</sup> 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. ~~C.~~ Setback Requirements

Setback requirements are determined by subdistrict:

1. Subdistricts 1, 2, and 2a:
  - a. Front setback ~~—~~ 0 feet
  - b. Side street yard setback ~~—~~ 0 feet
  - c. Interior side yard ~~—~~ 0 feet
  - d. Rear setback ~~—~~ 10 feet
2. Subdistrict 3:
  - a. Front setback ~~—~~ 15 feet
  - b. Side street yard setback ~~—~~ 10 feet
  - c. Interior side yard ~~—~~ 5 feet
  - d. Rear setback ~~—~~ 5 feet

D. ~~D.~~ Height

The maximum height of structures is determined by subdistrict:

1. Subdistrict 1 ~~—~~ 60 feet
2. Subdistrict 2 ~~—~~ 50 feet
3. Subdistrict 2a-35 feet
4. Subdistrict 3 ~~—~~ 35 feet

~~E.~~

E. Impervious Cover:

The allowable impervious cover is determined by subdistrict:

1. Subdistricts 1, 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.)
2. Subdistrict 3 ~~—~~ 80%

**~~VI.~~ VI. Other Site Development Regulations**

**~~A.~~ 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 or determined by a shared parking provision approved by the City of Austin.

**~~A.B.~~ 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.

**~~B.C.~~ C. Street Facing Building Façade Design**

1. ~~The building façade~~ A Street facing façade may not extend horizontally in an unbroken line for more than 20 feet; ~~it.~~
2. A street facing façade must include windows, balconies, porches, stoops or similar architectural features; ~~and~~
3. A street facing façade must have awnings along at least 50% of the building frontage.

**~~D.~~ 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 fewer than 12 spaces.

**~~E.~~ 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.

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

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

1. ~~1.~~ Parking garages that front both East 12<sup>th</sup> Street and a side street must use the side street for access to the parking structure, unless determined otherwise by the City of Austin at the time of site plan approval.
2. ~~2.~~ For a parking structure or garage, shielding must be provided for headlights and interior lights on 100% of the rear of the structure and for the rearmost 50% of the sides of the structure.
3. ~~3.~~ Overnight parking is limited to residents and their overnight guests.

**B. B. Requirements for parking structures less than 30 feet in height**

1. For structures of ~~two (2)~~ stories but less than 30 feet in height, 75% of the ground floor of a buildings front ~~footage which fronts E-facade facing East 12<sup>th</sup> Street~~ must be a ~~pedestrian oriented use at 15'~~ defined in section IV(B) "Permitted Uses, Uses Permitted with Specific Conditions, and Conditional Uses" to a minimum of 15 feet in depth.
2. If parking garage access is from East 12<sup>th</sup> Street, and 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 ~~in VII(B)(1) for pedestrian oriented uses, as defined in section VII.D below-IV(B) "Permitted Uses, Uses Permitted with Specific Conditions, and Conditional Uses"~~. Structural pillars are not included in the calculation of available frontage.

Example: A 25-foot-tall parking structure at the corner of Waller Street and East 12<sup>th</sup> Street with 100 feet of frontage on East 12<sup>th</sup> Street would be required to provide 75 feet of frontage for ~~pedestrian oriented the uses-~~ in IV(B). If access is taken from East 12<sup>th</sup> Street with a width of 30 feet, an additional 5'5 feet of frontage on Waller street could be used to meet the minimum requirements.

**C. C. Requirements for parking ~~structures 30' or higher,~~ structures 30 feet or taller.**

1. For structures of ~~two (2)~~ stories or more, ~~or 30' or and greater in height than 30 feet tall,~~ 100% of the ground floor front ~~footage which fronts E-facade facing East 12<sup>th</sup> Street~~ must be ~~for a pedestrian oriented use at 15'~~ defined in section and IV(B).

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~~“Permitted Uses, Uses Permitted with Specific Conditions, and Conditional Uses” to a minimum depth of 15 feet.~~

~~2. If parking garage access is taken from East 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 to accommodate the uses, as defined in section VII-D below-IV(B) “Permitted Uses, Uses Permitted with Specific Conditions, and Conditional Uses.” Structural pillars are not included in the calculation of available frontage.~~

~~Example: -A 30-foot-tall parking structure at the corner of Waller and East 12<sup>th</sup> Street with 100' foot of frontage on East 12<sup>th</sup> Street would be required to provide 100 feet of frontage for pedestrian-oriented uses- defined in IV(B). If access is taken from East 12<sup>th</sup> Street with a width of 30 feet, an additional 30 feet 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,~~
- ~~2. Art workshop,~~
- ~~3. Business support services,~~
- ~~4. Cocktail Lounge (where permitted),~~
- ~~5. Consumer convenience services,~~
- ~~6. Consumer repair services,~~
- ~~7. Cultural services,~~
- ~~8. Day Care Services (limited, general, or commercial),~~
- ~~9. Financial services without drive through service,~~
- ~~10. Food preparation,~~
- ~~11. Food sales,~~
- ~~12. General retail sales (convenience or general),~~
- ~~13. Park and recreation services,~~
- ~~14. Pet services,~~
- ~~15. Personal improvement services,~~
- ~~16. Personal services, and~~
- ~~17. Restaurant (limited or general) without a drive through service,~~

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