

**ORDINANCE NO. 20220915-065**

**AN ORDINANCE ADOPTING THE TWELFTH PLAN MODIFICATION TO THE EAST 11<sup>TH</sup> AND 12<sup>TH</sup> STREETS URBAN RENEWAL PLAN.**

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

**PART 1.** The council finds the following:

- (1) The council adopted the East 11<sup>th</sup> and 12<sup>th</sup> Streets Urban Renewal Plan (Plan) in Ordinance No. 990114-G and subsequently modified the Plan in Ordinance Nos. 010802-089; 030731-049; 20050407-060; 20080228-113; 20081120-104; 20120426-125; 20130214-083; 20131003-098; 20131017-074; 20171109-095; and
- (2) A twelfth modification to the Plan is set forth in Exhibit A, attached to and made a part of this ordinance (Twelfth Plan Modification); and
- (3) In accordance with Section 374.014 of the Local Government Code:
  - (a) On February 8, 2021, the Urban Renewal Agency of the City of Austin reviewed and adopted written recommendations relating to the Twelfth Plan Modification; and
  - (b) On June 22, 2021, the Planning Commission reviewed and adopted written recommendations relating to the Twelfth Plan Modification; and
  - (c) On April 21, 2022, council held a public hearing on the Twelfth Plan Modification; and
  - (d) Based on the hearing and recommendations, council finds that
    - (i) a feasible method exists for the relocation, in decent safe, affordable, and sanitary accommodations of families or individuals who will be displaced from the urban renewal area, without undue hardship to those persons; and
    - (ii) the Twelfth Plan Modification conforms to the general plan for municipal development; and
    - (iii) the Twelfth Plan Modification offers the maximum opportunity consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

**PART 2.** In accordance with Section 374.014 of the Local Government Code, the council adopts the Twelfth Plan Modification to the Plan.

**PART 3.** The city clerk shall:

- (1) attach a copy of the Twelfth Plan Modification to the minutes of the council meeting in which the modification is adopted; and
- (2) file a certified copy of the Twelfth Plan Modification in the real property records of Travis County, Texas.

**PART 4.** This ordinance takes effect on September 26, 2022.

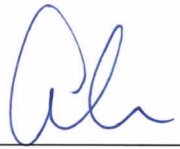
**PASSED AND APPROVED**

\_\_\_\_\_, September 15, 2022

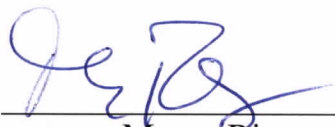
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\_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:**

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

**ATTEST:**

  
\_\_\_\_\_  
Myrna Rios  
City Clerk

# EXHIBIT A

## 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



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### **Appendices:**

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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
- 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: <https://www.austintexas.gov/page/historic-survey>
- 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

### **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 Urdy 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

Champion sustainable revitalization reflecting diversity, achieving equity, and preserving East Austin's cultural history.

#### PURPOSE

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 11th and 12th 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.

#### 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 use and 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 NCCDs 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. The URP adopts the boundaries of Subdistrict 1, 2, and 3 of the East 11<sup>th</sup> Street NCCD and Subdistrict 1, 2, 2a, and 3 of the East 12<sup>th</sup> Street NCCD as they exist on the date of the adoption of the URP for the purpose of applying land use controls outlined in Part 6.

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

## 6. LAND USE

The URP controls in the event of a conflict between the URP and the applicable NCCD.

### A. Permitted, Conditional and Prohibited Uses: East 12<sup>th</sup> Street NCCD, all Subdistricts:

1. A property within the East 12<sup>th</sup> Street NCCD may be developed and used in accordance with the regulations established for the applicable base zoning district and other applicable requirements of City Code except when those requirements conflict with URP or the East 12<sup>th</sup> Street NCCD.
2. CONFORMING USE means a use that conformed to the regulations in effect at the time the use was established and existed on the date the ordinance adopting this URP takes effect. A conforming use is permitted on a property located within the East 12<sup>th</sup> Street NCCD.
3. A use that is not listed in the table set out in Part 6, A.5. (the "East 12<sup>th</sup> Street NCCD Use Table") is prohibited. In the East 12<sup>th</sup> Street NCCD Use Table,
  - a. a use that is designated (P) is permitted;
  - b. a use that is designated (PC) is permitted with conditions and must comply with the conditions in the Use Table; and
  - c. a use that is designated (C) is conditional.
4. The East 12<sup>th</sup> Street NCCD Use Table does not apply to a property zoned SF-3. The uses allowed on a property zoned SF-3 is governed by City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*).
5. East 12<sup>th</sup> Street NCCD Use Table.
  - a. Residential Uses

Uses		Permitted Conditions and Exceptions
Bed & Breakfast (Group 1)	P	
Bed & Breakfast (Group 2)	P	
Condominium Residential	P	
Duplex	P	
Group Residential	P	
Multi-Family Residential	P	
Retirement Housing (Small Site)	P	
Retirement Housing (Large Site)	C	
Single-Family Residential	P	
Single-Family Attached Residential	P	
Small lot Single-Family Residential	P	
Townhouse Residential	P	
Two-Family Residential	P	
Short-Term Rental (Type 1 and 3)	P	

b. Commercial Uses

Uses		Permitted Conditions and Exceptions
Administrative and Business Offices	P	
Agricultural Sales and Services	P	
Alternative Financial Services	P	
Art Gallery	P	
Art Workshop	P	

Building Maintenance Services	P	
Business or Trade School	P	
Business Support Services	P	
Cocktail Lounge	C	Allowed on East 12 <sup>th</sup> Street if the cocktail lounge: (1) does not exceed 3,500 square feet; and (2) is not located on a lot that is within 200 feet of a lot on which another cocktail lounge use is located unless the cocktail lounge is a conforming use.
Commercial Off-Street Parking	P	
Communications Services	P	
Construction Sales and Services	P	
Consumer Convenience Services	P	
Consumer Repair Services	P	
Electronic Prototype Assembly	P	
Financial Services	P	
Food Preparation	P	
Food Sales	P	
Funeral Services	P	
General Retail Sales (Convenience)	P	
General Retail Sales (General)	P	
Hotel/Motel	P	
Indoor Entertainment	P	
Indoor Sports and Recreation	P	

Medical Offices—not exceeding 5,000 sq./ft of gross floor space	P	
Medical Offices – exceeding 5,000 sq. ft. gross floor area	P	
Monument Retail Sales	P	
Off-Site Accessory Parking	P	
Pedicab Storage and Dispatch	P	
Personal Improvement Services	P	
Personal Services	P	
Pet Services	P	
Plant Nursery	P	
Printing and Publishing	P	
Professional Offices	P	
Research Services	P	
Restaurant (Limited)	P	
Restaurant (General)	P	
Software Development	P	
Special Use Historic	C	
Theater	P	

c. Civic Uses

Uses		Permitted Conditions and Exceptions
Club or Lodge	C	
College & University Facilities	P	
Communication Service Facilities	P	
Community Recreation (Private)	P	

Community Recreation (Public)	P	
Congregate Living	P	
Convalescent Services	C	
Counseling Services	P	
Cultural Services	P	
Day Care Services (Commercial)	P	
Day Care Services (General)	P	
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	P	
Hospital Services (General)	C	
Hospital Services (Limited)	P	
Local Utility Services	P	
Maintenance and Services Facilities	P	
Private Primary Educational Services	P	
Private Secondary Educational Services	P	
Public Primary Educational Services	P	
Public Secondary Educational Services	P	
Religious Assembly	P	



Residential Treatment	P	
Safety Services	P	
Telecommunication Tower	PC	Prohibited unless located on a rooftop.
Transitional Housing	C	
Transportation Terminal	C	

d. Industrial Uses

Uses		Permitted Conditions and Exceptions
Custom Manufacturing	P	
Limited Warehousing and Distribution	P	

e. Agricultural Uses

Uses		Permitted Conditions and Exceptions
Community Garden	P	
Indoor Crop Production	P	
Urban Farm	P	

6. Drive Through Uses

- a. Except as provided in 6.b. and 6.c., a drive through use is permitted as an accessory use to a permitted primary use under the following conditions:
  - i. The primary use must provide service for pedestrians that does not require the pedestrian to stand or walk in the drive-through lane.
  - ii. The maximum curb cut for a drive through use may not exceed 30 feet.
  - iii. A drive through use may only operate between the hours of 6:00 AM and 12:00 midnight.
- b. A drive through automatic Teller Machine (ATM) that operates between the hours of 12 midnight and 6:00 AM is a conditional use.

- c. A restaurant may not include a drive through use as an accessory use.
7. If the URP and an applicable neighborhood plan combining district (NP) zoning ordinances conflict, the more restrictive provision controls.

**B. Permitted, Conditional, and Prohibited Uses: East 11<sup>th</sup> Street NCCD, Subdistricts 1 and 2.**

1. A property within the East 11<sup>th</sup> Street NCCD may be developed and used in accordance with the City’s land use and site development regulations except when those regulations conflict with the URP.
2. CONFORMING USE means a use that conformed to the regulations in effect at the time the use was established and existed on the date the ordinance adopting this URP takes effect. A conforming use is a use permitted on a property located within Subdistrict 1 and Subdistrict 2.
3. A use that is not listed in the table set out in Part 6, B.4. (the “East 11<sup>th</sup> Street NCCD Use Table for Subdistrict 1 and Subdistrict 2”) is prohibited. In the East 11<sup>th</sup> Street NCCD Use Table for Subdistrict 1 and Subdistrict 2,
  - a. a use that is designated (P) is permitted;
  - b. a use that is designated (PC) is permitted with conditions and must comply with the conditions in the Use Table for Subdistrict 1 and Subdistrict 2; and
  - c. a use that is designated (C) is conditional.
4. East 11<sup>th</sup> Street NCCD Use Table for Subdistrict 1 and Subdistrict 2:

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 East 11 <sup>th</sup> Street.
Art Gallery	P	P	
Art Workshop	P	P	
Business or Trade Services	C	—	
Business Support Services	P	—	
Cocktail Lounges	C	—	Allowed on property located on the 900 and 1100 Blocks of East 11 <sup>th</sup> Street (Blocks 16 and 18).
Commercial Off-Street Parking	P	—	
Communication Services	P	—	

Consumer Convenience Services	P	—	
Financial Services	P	—	
Food Sales	P	—	
General Retail Sales (Convenience)	P	—	
General Retail Sales (General)	P	—	
Hotel-Motel	PC	—	Bedroom may not be located on a ground floor of a building fronting East 11 <sup>th</sup> Street.
Indoor Entertainment	P	—	
Indoor Sports and Recreation	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	P	Not allowed on a ground floor of a building fronting East 11 <sup>th</sup> Street.
Personal Improvement Services	P	—	
Personal Services	P	—	
Pet Services	P	—	
Professional Offices	PC	—	Allowed on East 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)	P	—	Drive-in services are prohibited as an accessory use.

Restaurant (General)	P	—	Drive-in services are prohibited as an accessory use.
Special Use Historic	C	C	
Theater	P	P	

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 East 11 <sup>th</sup> Street.
Group Residential	C	P	
Multi-Family Residential	PC	P	Not allowed on a ground floor of a building on East 11 <sup>th</sup> Street.
Retirement Housing (Small Site)	P	P	
Townhouse Residential	—	PC	Not allowed fronting East 11 <sup>th</sup> St.
Short-Term Rental	PC	PC	Type 2 Short-term rental is prohibited.
<b>CIVIC USES</b>			
College & University facilities	C	C	Not allowed on the ground 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 East 11 <sup>th</sup> Street.
Cultural Services	P	P	
Day Care Services (Commercial)	P	—	

Day Care Services (General)	P	P	
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 East 11 <sup>th</sup> Street.
Local Utility Services	P	P	
Private Primary Educational Services	C	C	
Private Secondary Educational Services	C	C	
Public Primary Educational Services	P	P	
Public Secondary Educational Services	P	P	
Religious Assembly	P	P	
Safety Services	C	C	
Telecommunication Tower	PC	PC	Prohibited unless located on a rooftop
Transportation Terminals	C	—	

**C. Permitted, Conditional, and Prohibited Uses: East 11<sup>th</sup> Street NCCD, Subdistrict 3.**

1. A property within the East 11th Street NCCD may be developed and used in accordance with the City’s land use and site development regulations except when those regulations conflict with the URP.

2. CONFORMING USE means a use that conformed to the regulations in effect at the time the use was established and existed on the date the ordinance adopting this URP takes effect. A conforming use is a use permitted on a property located within Subdistrict 3.
3. A use that is not listed in the table set out in Part 6, C.5. (the “East 11<sup>th</sup> Street NCCD Use Table for Subdistrict 3”) is prohibited. In the East 11th Street NCCD Use Table for Subdistrict 3,
  - a. a use that is designated (P) is permitted;
  - b. a use that is designated (PC) is permitted with conditions and must comply with the conditions in the Use Table for Subdistrict 3; and
  - c. a use that is designated (C) is conditional.
4. The East 11<sup>th</sup> Street NCCD Use Table for Subdistrict 3 does not apply to a property zoned SF-3. The uses allowed on a property zoned SF-3 is governed by City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*).
5. East 11<sup>th</sup> Street NCCD Use Table for Subdistrict 3:

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	C
Public Primary Educational Facilities	P	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	P
Religious Assembly	P	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	P
Telecommunication Tower***	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Transitional Housing	C	C	—	—	—	—	—	—	—	—	—	—	—
Transportation Terminal	P	P	P	P	P	—	—	—	—	—	—	—	—
<b>COMMERCIAL USES</b>													
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	—	—	—	—	—	—	—	—
Business Support Services	P	P	P	P	P	P	P	P	P	P	—	P	P

Campground	P	P	P	—	—	—	—	—	—	—	—	—
Cocktail Lounge	-	-	-	*	*	*	*	*	*	—	*	*
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
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	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.

USES	TRACTS											
	1	2	3	4	5	6	7	8	9	10	11	12
<b>CIVIC USES</b>												
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	—	—	—	—	—	—	—	—	—	—
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

## **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 affected by the proposed amendment.
  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.

## 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

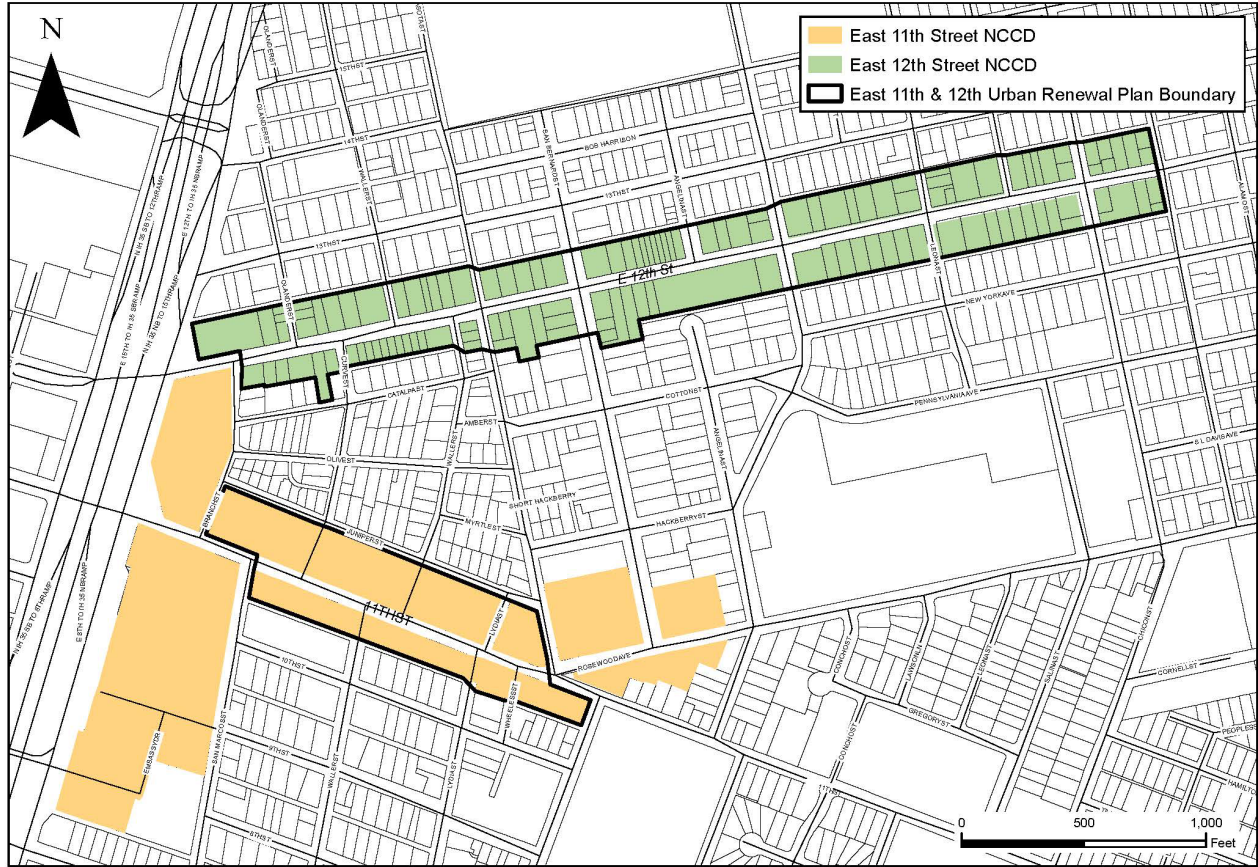
Plan Modification #11: Ordinance Number, 20181213-101, Dec. 13, 2018

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>.

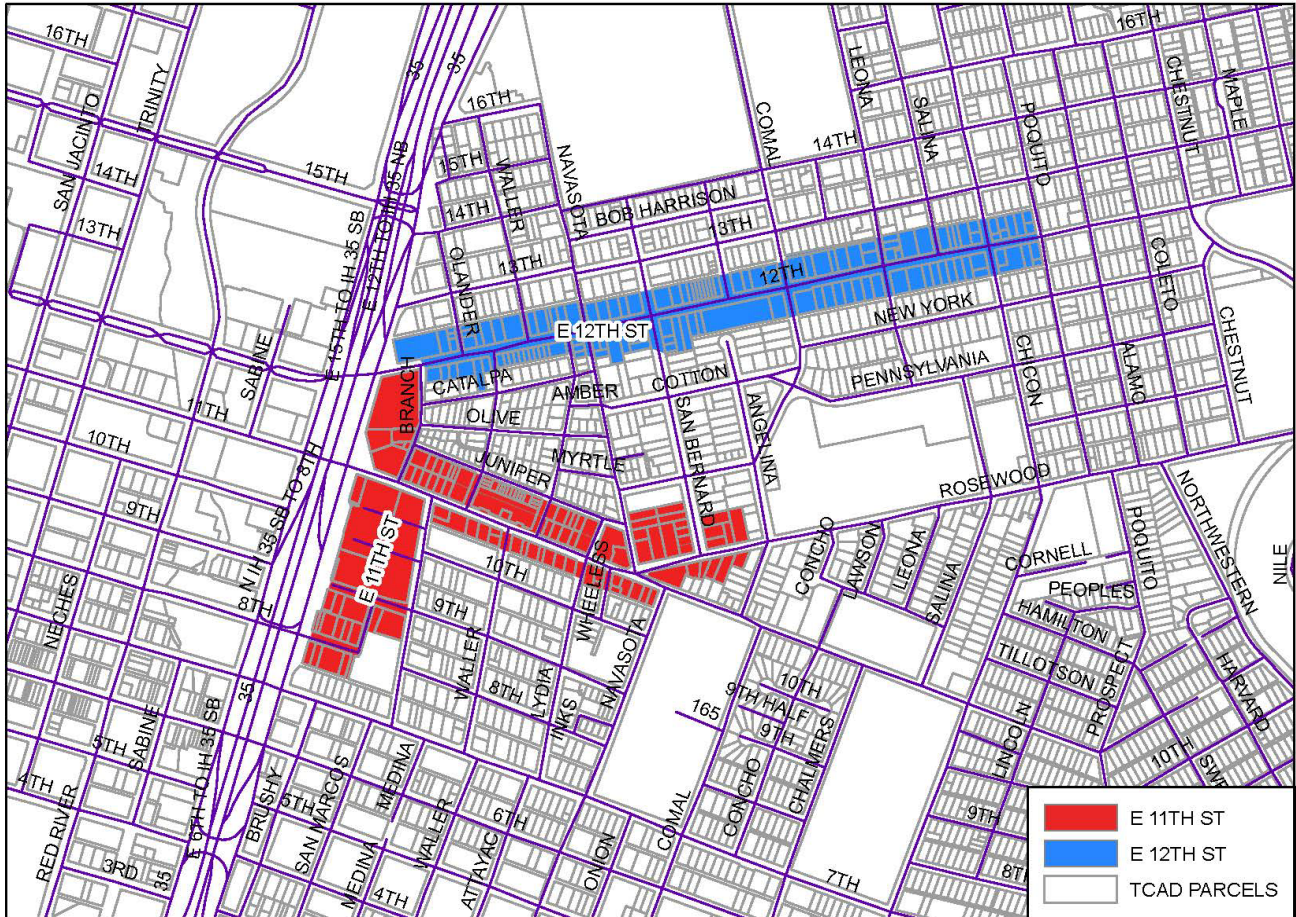


# APPENDIX B

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



Boundary Map of Neighborhood Conservation Combining Districts (NCCDs)



Planning Development and Review Department  
Date Plotted: June 24, 2010



**East 11th and East 12th Street  
Neighborhood Conservation Combining Districts**



This map has been created for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness. JZ

**East 11<sup>th</sup> Street NCCD**

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

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

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

Amendment No. 1: Ordinance Number, 20081120-101, November 20, 2008

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