

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0066

**P.C. DATE:** September 10, 2013

**ADDRESS:** 1311 East 12th Street

**AREA:** 0.2703 acres

**OWNER:** Four Springs Investments, LLC (Darrell Pierce)

**AGENT:** City of Austin (Jerry Rusthoven)

**FROM:** Family residence-neighborhood conservation combining district neighborhood plan (SF-3-NCCD-NP) combining district zoning

**TO:** Neighborhood commercial district-mixed use-neighborhood conservation combining district-neighborhood plan (LR-MU-NCCD-NP) combining district zoning

**NEIGHBORHOOD PLAN AREA:** Central East Austin

**TIA:** Not required

**WATERSHED:** Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends Neighborhood commercial district-mixed use-neighborhood conservation combining district-neighborhood plan (LR-MU-NCCD-NP) combining district zoning.

### **URBAN RENEWAL BOARD RECOMMENDATION:**

August 19, 2013: *TO SUPPORT THE REZONING REQUEST AS COMPATIBLE WITH THE URBAN RENEWAL PLAN. (4-0-3) (S. KIRK, J. BABB- 2<sup>ND</sup>; (M. CLARK-MADISON, C. DE LA FUENTE-VALADEZ, G. SMITH – ABSENT)*

### **PLANNING COMMISSION RECOMMENDATION:**

September 10, 2013: RECOMMENDED TO APPROVE LR-MU-NCCD-NP AS RECOMMENDED BY STAFF, ON CONSENT AGENDA. (7-0-2; S. OLIVER- 1ST, J. STEVENS- 2ND; R. HERNANDEZ, J. NORTEY-ABSENT).

### **ISSUES:**

This is a City-initiated corrective rezoning request, filed by the Planning and Development Review Department, and has been filed concurrent with the associated Neighborhood Plan Amendment (NPA) and Urban Renewal Plan (URP) amendment. The corrective rezoning is of a single lot zoned SF-3-NCCD-NP, which appears to have been assigned in error during the development of the East 12th Street Neighborhood Conservation Combining District (NCCD) in 2008.

### **DEPARTMENT COMMENTS:**

The subject property is located on south side of East 12<sup>th</sup> Street, slightly east of San Bernard. Please refer to Exhibits A and B (Zoning Map and Aerial View). 1311 East 12th Street has been used as a parking lot for the adjacent property to the west, 1309 East 12th (a beauty/ barber shop) for 20+ years,

as verified by City records. In recent years, the building has been used as accessory meeting rooms for Kings Tears Mortuary, and the parking has served the meeting rooms and mortuary. 1309 E. 12th Street does not have any other parking, and is zoned LR-MU-NCCD-NP. These two lots are effectively considered a single site development. The property to the east, 1315 East 12th Street is zoned SF-3-NCCD-NP, and is used as a residence. The subject property has no land use other than accessory parking to the commercial use at 1309 East 12<sup>th</sup> Street.

When the NCCD ordinance was created in 2008, 1311 East 12th Street was not listed as a distinct lot or tract, although the tracts on either side of it—1309 and 1315—were specifically identified and assigned updated zoning classifications. City staff has confirmed that not every possible street address is always listed in NCCD and traditional zoning ordinance, especially if two lots share a common mailing address or site development – for example, a business and its associated parking lot. It appears the lot was missed in error, since a parking lot typically does not have a mailing address. Please refer to Exhibit C (NCCD Zoning Ordinance).

The City has initiated rezoning the property to correct the zoning of 1311 East 12th Street, which has functioned as part of a cohesive commercial development since prior to development of the NCCD. The proposed LR-MU-NCCD-NP zoning will match the zoning at 1309 East 12<sup>th</sup> Street.

The subject property is also located within the boundaries of the East 11th and 12th Street Urban Renewal Area. The Urban Renewal Board considered the rezoning request and URP modification at their August 19, 2013, meeting and supported both items on a vote of 4-0-3. Please see page one of this report for detailed voting information.

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
E. 12 <sup>th</sup> Street	60'	40'	Minor Arterial	Yes, Both Sides	Route 6	Route 48

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	SF-3-NCCD-NP	Parking lot
<i>North</i>	CS-MU-NCCD-NP	Funeral services
<i>South</i>	LR-NP, SF-3-NP	Undeveloped, Single family residences
<i>East</i>	SF-3-NCCD-NP	Single family residence
<i>West</i>	LR-MU-NCCD-NP	Personal services

**NEIGHBORHOOD ORGANIZATIONS:**

Del Valle Community Coalition  
 PODER  
 Swede Hill Neighborhood Association  
 Robertson Hill Neighborhood Coalition  
 Austin Neighborhoods Council  
 E. 12<sup>th</sup> Street Business/Property Owner Association  
 United East Austin Coalition  
 OCEAN

**CITY COUNCIL DATE:** October 3, 2013

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin

**PHONE:** 974-2122

e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**STAFF RECOMMENDATION:**

Staff recommends LR-MU-NCCD-NP zoning for the subject property. The proposed rezoning is a corrective action to address an error made when the NCCD ordinance was created in 2008. LR-MU-NCCD-NP would match the zoning at 1309 East 12<sup>th</sup> Street, the beauty/barber shop that is served by the parking lot on the subject tract.

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

1311 East 12th Street has been developed with a commercial land use since prior to development of the NCCD that is permitted in LR zoning.

*2. The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The subject property was incorrectly zoned SF-3-NCCD-NP, and City policy provides for corrective rezonings.

**SITE PLAN**

SP1. Any new development is subject to design standards of the East 11<sup>th</sup> Street NCCD. Additional comments will be made when the site plan is submitted.

**TRANSPORTATION**

TR1. No additional right-of-way is needed at this time.

TR2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

TR3. There are existing sidewalks along East 12th Street.

TR4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist along the adjoining streets as follows: East 12th Street serves route no. 48 with Bike Lanes.

TR5. Capital Metro bus service (route no 6) is available along East 12th Street with the nearest bus stop 60' west of the site on the southeast corner of East 12th Street and San Bernard Street.

TR6. Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>
E. 12th Street	60'	40'	Minor Arterial-2 Lanes (MNR 2)

**ENVIRONMENTAL**

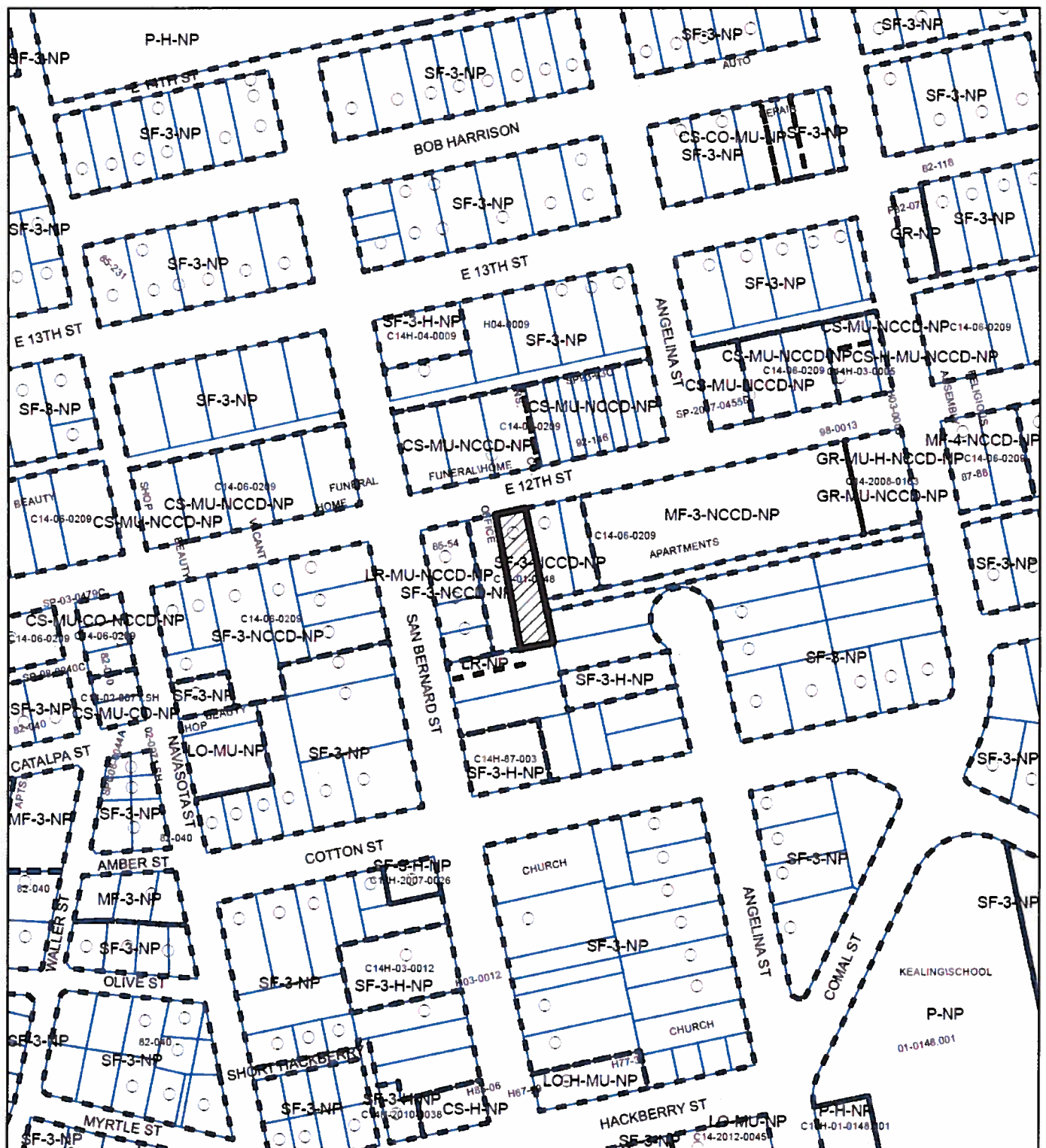
1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.




2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

4. According to floodplain maps there is no floodplain within the project area.

5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

## ZONING

ZONING CASE#: C14-2013-0066

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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**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.

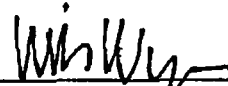
**PART 5.** Tracts 1-9, and Tracts 11-17 lie within the Central East Austin neighborhood plan combining district, Tract 10 lies within the Chestnut neighborhood plan combining district, and Tract 18 lies within the Rosewood neighborhood plan combining district. If the text of this ordinance and the exhibits 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.

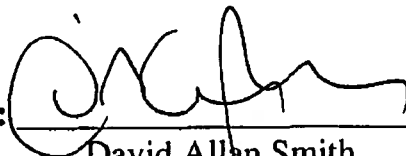
**PASSED AND APPROVED**

February 28, 2008

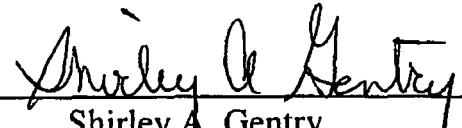
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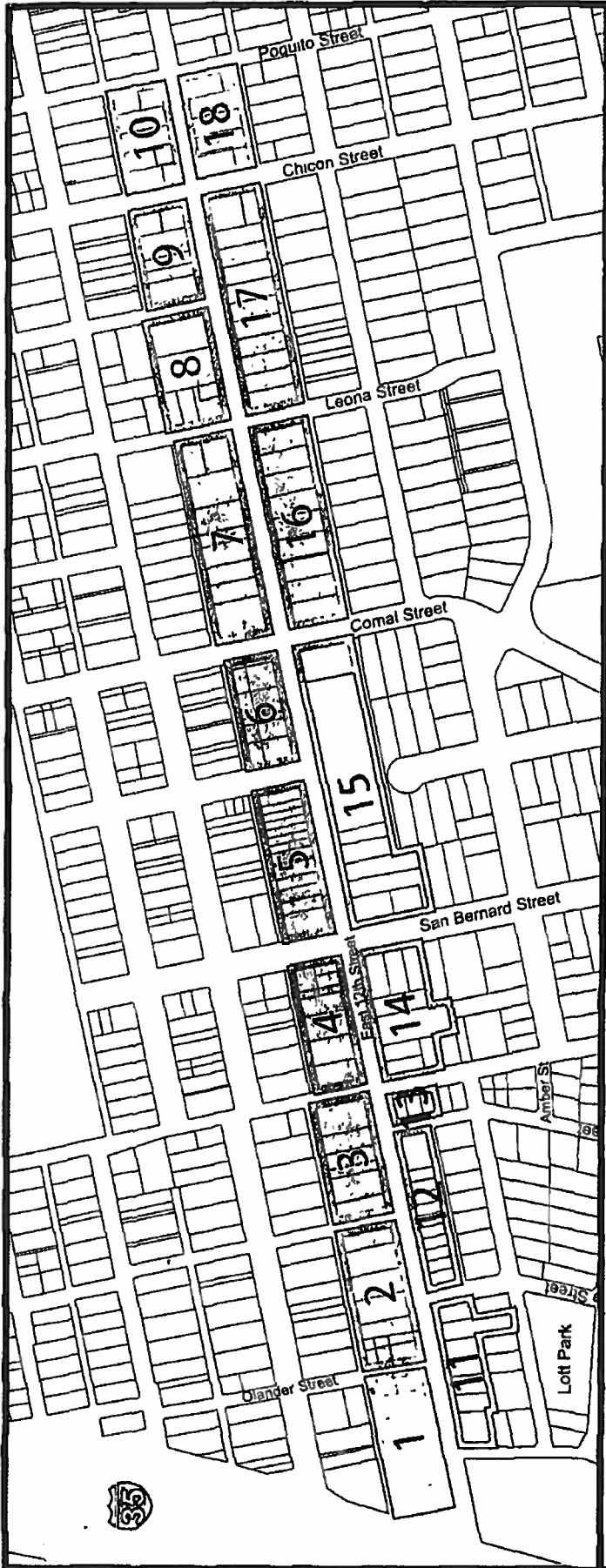
  
Will Wynn  
Mayor

**APPROVED:**

  
David Allan Smith  
City Attorney

**ATTEST:**

  
Shirley A. Gentry  
City Clerk



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

- Sub-District 1**

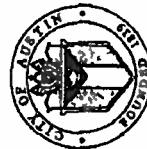
  - 60' Heights
  - Set Backs 10' rear setback with all other set backs provisions waived
  - Impervious Cover - 90% (95% in instances where community detention not available and developer provides on-site detention)
- Sub-District 2**

  - 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%

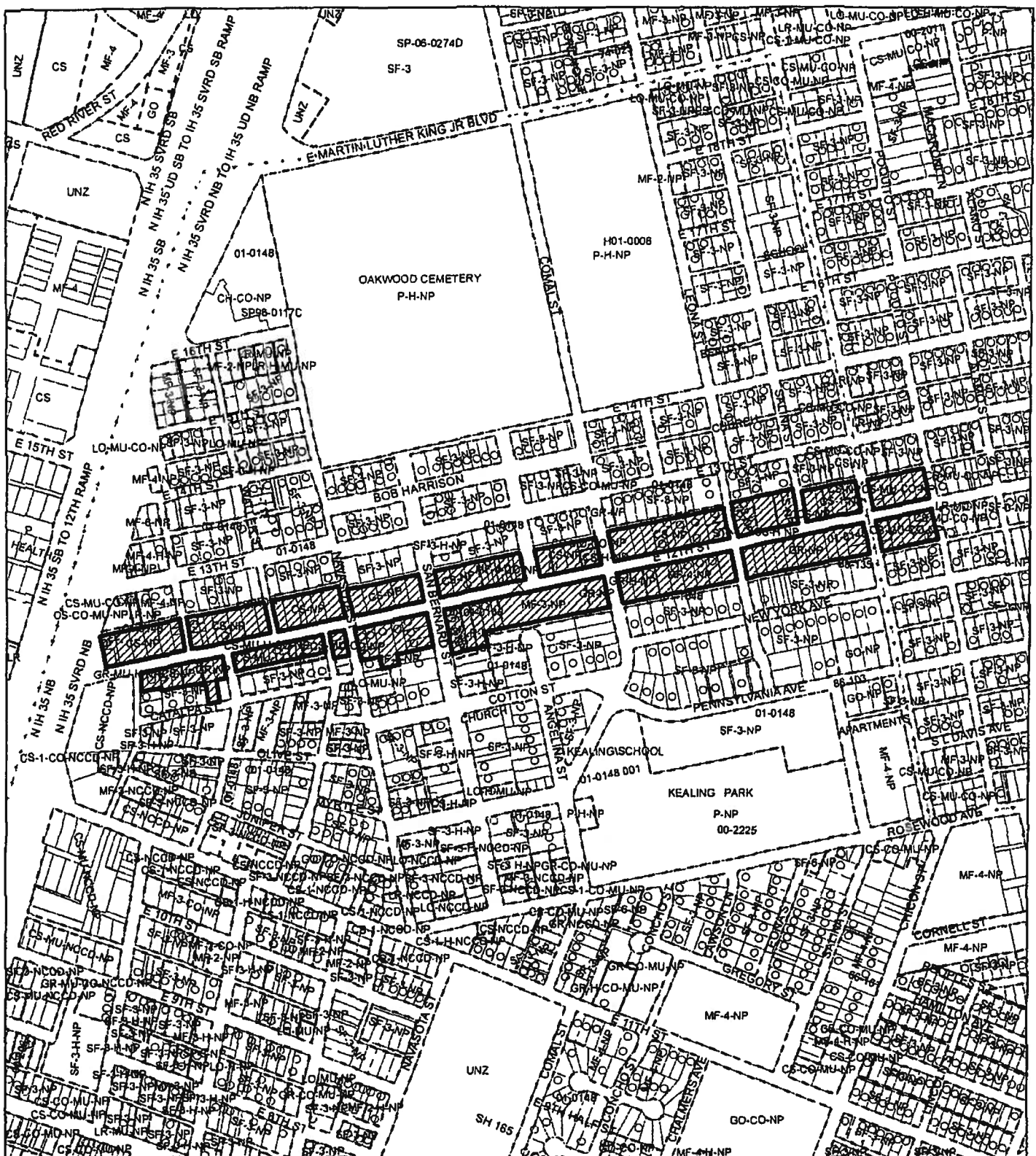
NCCD Tracts

**1** Tract Number



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





# ZONING

## Exhibit B



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

ZONING CASE# C14-06-0209  
 ADDRESS 800-1951 E 12TH ST  
 SUBJECT AREA 22.975 ACRES  
 GRID K22  
 MANAGER R. HEIL



OPERATOR S MEEKS

1" = 600'

This map has been produced by G / 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,    |   |