

**RESOLUTION  
BY THE HANCOCK NEIGHBORHOOD ASSOCIATION**

**Whereas**, the HNA-Zoning committee met Tuesday the 9<sup>th</sup> of April 2019 at 3805 Red River (38<sup>th</sup> ½ and Red River) to discuss and consider a change of zoning designation under COA FLUM (Future Land Use Map) for 3805 Red River.

**Whereas**, the Hancock Neighborhood is valued for its historic character and mix of use that it provides to the Austin community, as well as its historic significance; and

**Whereas**, the prospective owner eventually seeks to change the zoning at 3805 Red River from SF-3-H-CO-NP to LO-MU-H-NP-CO, but to maintain the Historic character of the structure, with the attached uses removed from the LO zoning categories.

**Whereas**, the owner is in the process of meeting with neighbors and the neighborhood, having held numerous open houses and meetings with HNA Historic Preservation and Zoning Officials;

**Whereas**, the HNA-Zoning committee met Tuesday the 9<sup>th</sup> of April 2019 and considered change of zoning designation under COA FLUM for 3805 Red River; and **NOW, THEREFORE,**

**BE IT RESOLVED BY THE HANCOCK NEIGHBORHOOD ASSOCIATION:**

Is in support of the change of zoning designation under COA FLUM for 3805 Red River from **SF-3-H-CO-NP** to **LO-MU-H-NP-CO** with the attached uses recorded Restrictive Covenants in place.

**ADOPTED BY THE HANCOCK NEIGHBORHOOD ASSOCIATION: July 17, 2019**

**ATTEST:**

Hugh Bender for Mark Harkrider *Hugh Bender*

**Mark Harkrider  
President, Hancock Neighborhood Association**

# LO

## Limited Office

Limited Office district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

### Site Development Standards

Lot		Massing	
Minimum Lot Size	5,750 sq ft	Maximum Height	40 ft
Minimum Lot Width	50 ft		or 3 stories
Maximum Building Coverage	50%	Minimum Setbacks	
Maximum Impervious Cover	70%	Front yard	25 ft
Maximum Floor Area Ratio	.7:1	Street side yard	15 ft
		Interior side yard	5 ft
		Rear yard	5 ft

### Permitted and Conditional Uses

Uses struck through with red line intended to be prohibited on 3805 Red River - 4/10/19

#### Residential

<del>Bed and Breakfast Residential (Group 1) *</del>	<del>Bed and Breakfast Residential (Group 2) *</del>
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#### Civic

<del>Club or Lodge (c)</del>	<del>Group Home Class I—General *</del>
College and University Facilities (c) *	<del>Group Home Class I—Limited *</del>
<del>Communication Service Facilities *</del>	<del>Group Home Class II (c) Hospital</del>
Community Events *	<del>Services Limited (c) Local</del>
Community Recreation—Private (c) *	<del>Utility Services</del>
Community Recreation—Public *	Private Primary Educational Services * Private
<del>Congregate Living (c)</del>	Secondary Educational Services (c) * Public
<del>Convalescent Services</del>	Primary Educational Services *
Counseling Services	Public Secondary Educational Services *
Cultural Services	<del>Religious Assembly</del>
<del>Day Care Services—Commercial</del>	<del>Residential Treatment (c) Safety</del>
<del>Day Care Services—General</del>	<del>Services Telecommunication Tower</del>
Day Care Services—Limited	<del>(PC) *</del>
<del>Family Home *</del>	

# LO (continued)

## Commercial

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Administrative and Business Offices

Art Gallery \*

Art Workshop \*

~~Communication Services~~

Medical Offices—not exceeding  
5,000 sq/ft of gross floor space

~~Medical Offices—exceeding  
5,000 sq/ft of gross floor space~~

Professional Offices

Software Development

Special Use—Historic (c) \*

## Agricultural

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~~Community Garden~~

~~Urban Farm \*~~

**VI. COMBINING DISTRICTS**

**-MU**

**Mixed Use Combining District**

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. Allows development of all types of residential uses, including single-family residential, multifamily residential, and townhomes.

Base Districts: The MU combining district may be combined with the commercial base districts listed below. The MU combining district may not be used with a residential base district.

**Table 3. Mixed Use Combining Districts**

Code	District Name
NO-MU	Neighborhood Office-Mixed Use
LO-MU	Limited Office-Mixed Use
GO-MU	General Office-Mixed Use
<del>LR-MU</del>	<del>Neighborhood Commercial Mixed Use</del>
<del>GR-MU</del>	<del>Community Commercial Mixed Use</del>
<del>CS-MU</del>	<del>General Commercial Services-Mixed Use</del>
<del>CS-1-MU</del>	<del>Commercial Liquor Sales-Mixed Use</del>

**Permitted Uses**

**Residential**

Townhouse Residential	Two-Family Residential
Multifamily Residential	Condominium Residential
Single-Family Residential	Duplex Residential
Single-Family Attached Residential	Group Residential
Small-Lot Single-Family Residential	

**Civic**

<del>Group Home Class I Limited</del>	<del>Group Home Class II</del>
<del>Group Home Class I General</del>	<del>Civic uses as permitted in the base district.</del>

**Commercial**

Vertical mixed use buildings, subject to compliance with Section 4.3 of Subchapter E of the Land Development Code.	Commercial uses as permitted in the base district.
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## -MU (continued)

### MU Combining District Standards for Residential Uses

The following residential uses must be developed in accordance with the site development regulations for that use specified in the Land Development Code:

- Single-Family Residential—must comply with the site development regulations prescribed by the Land Development Code for a family residence (SF-3) district, except for the front yard setback. The use must comply with the front yard setback prescribed for the base district.
- Single-Family Attached Residential
- Small-Lot Single Family Residential
- Two-Family Residential
- Duplex Residential

For the following residential uses listed below, a specific minimum site area (listed in Table 4) is required, determined by the base zoning district and the type of unit.

- Multifamily Residential
- Townhouse Residential
- Condominium Residential
- Group Residential
- Group Home

Table 4. Site area required for each dwelling unit

Zoning District	Efficiency	Unit type	
		1-Bedroom	2- or more bedroom
NO	3,600 sq ft	4,000 sq ft	4,400 sq ft
LO, LR	1,600 sq ft	2,000 sq ft	2,400 sq ft
GO, GR, CS, CS-1	800 sq ft	1,000 sq ft	1,200 sq ft

## VII. DESCRIPTION OF ALLOWED USES

### Description of Allowed Residential Uses

Residential uses include the occupancy of living accommodations on a non-transient basis. Residential uses exclude institutional living arrangements providing 24-hour skilled nursing or medical care and those providing forced residence, including mental hospitals and prisons.

**BED AND BREAKFAST RESIDENTIAL** use is the use of a residential structure to provide rooms for temporary lodging for overnight guests on a paying basis. For additional regulations, see Austin City Code 25-2-781 through 25-2-787.

**CONDOMINIUM RESIDENTIAL** use is the use of a site for attached or detached condominiums, as defined in the Texas Property Code. For additional regulations, see Austin City Code 25-2-776.

**CONSERVATION SINGLE FAMILY RESIDENTIAL** use is the use of a site for multiple detached dwelling units with each dwelling unit located on an individual lot and the remainder of the site being jointly-owned and preserved as open space.

**DUPLEX RESIDENTIAL** use is the use of a site for two dwelling units within a single building, other than a mobile home. For additional regulations, see Austin City Code 25-2-773 and 25-2-778.

**GROUP RESIDENTIAL** use is the use of a site for occupancy by a group of more than six persons who are not a family, on a weekly or longer basis. This use includes fraternity and sorority houses, dormitories, residence halls, and boarding houses.

**MOBILE HOME RESIDENTIAL** use is the use of a site for occupancy of mobile homes on a weekly or longer basis. This use includes mobile home parks and mobile home subdivisions.

**MULTIFAMILY RESIDENTIAL** use is the use of a site for three or more dwelling units, within one or more buildings, and includes condominium residential use.

**RETIREMENT HOUSING (LARGE SITE)** use is the use of a site for more than 12 dwelling units designed and marketed specifically for the elderly, the physically handicapped, or both. For additional regulations, see Austin City Code 25-2-777.

**RETIREMENT HOUSING (SMALL SITE)** use is the use of a site for 3 to 12 dwelling units designed and marketed specifically for the elderly, the physically handicapped, or both. For additional regulations, see Austin City Code 25-2-777.

**Residential uses (continued)**

**SHORT-TERM RENTAL** use is the rental of a residential dwelling unit or accessory building, other than a unit or building associated with a group residential use, on a temporary or transient basis in accordance with Article 4, Division 1, Subpart C (*Requirements for Short-Term Rental Uses*) of this chapter. The use does not include an extension of less than 30 consecutive days of a previously existing rental agreement of 30 consecutive days or more. The use does not include a rental between parties to the sale of that residential dwelling unit.

**SINGLE-FAMILY ATTACHED RESIDENTIAL** use is the use of a site for two dwelling units, each located on a separate lot that are constructed with common or abutting walls or connected by a carport, garage, or other structural element. For additional regulations, see Austin City Code 25-2-772.

**SINGLE-FAMILY RESIDENTIAL** use is the use of a site for only one dwelling unit, other than a mobile home. For additional regulations, see Austin City Code 25-2-771 and 25-2-778.

**SMALL LOT SINGLE-FAMILY RESIDENTIAL** use is the use of a small lot for only one detached dwelling unit, other than a mobile home. For additional regulations, see Austin City Code 25-2-779.

**TOWNHOUSE RESIDENTIAL** use is the use of a site for townhouses. For additional regulations, see Austin City Code 25-2-775.

**TWO-FAMILY RESIDENTIAL** use is the use of a lot for two dwelling units, each in a separate building, other than a mobile home. For additional regulations, see Austin City Code 25-2-774 and 25-2-778.

## Description of Allowed Civic Uses

Civic uses include the performance of utility, educational, recreational, cultural, medical, protective, and governmental functions, and other uses that are strongly vested with public or social importance.

**ADMINISTRATIVE SERVICES** use is the use of a site for provision of offices or administrative, clerical, or public contact services, together with incidental storage and maintenance of necessary vehicles. This use includes federal, state, county, and city offices.

**AVIATION FACILITIES** use is the use of a site for provision of landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, or rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities.

**CAMP** use is the use of a site for provision of indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service. If incidental to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private association or group.

**CEMETERY** is the use of land that is dedicated for cemetery purposes for the burial of the dead, including columbariums, crematoriums, mausoleums, and mortuaries.

**CLUB OR LODGE** use is the use of a site for provision of meeting, recreational, or social facilities by a private or nonprofit association, primarily for use by members and guests. This use includes private social clubs and fraternal organizations. For additional regulations in residential districts, see Austin City Code 25-2-836.

**COLLEGE AND UNIVERSITY FACILITIES** use is the use of a site as an educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree in accordance with the Texas Education Code. For additional regulations, see Austin City Code 25-2-831.

**COMMUNICATION SERVICE FACILITIES** use is the use of a site for the transmission, transfer, or distribution of telephone service and related activities. For additional regulations, see Austin City Code 25-2-804.

**COMMUNITY EVENTS** use is a use described in Local Government Code Chapter 334 as permitted for an “approved venue project”, except for a hotel, zoological park, museum, or aquarium. The use includes the sale of alcoholic beverages. For additional regulations, see Austin City Code 25-2-842.



**Civic uses (continued)**

**COMMUNITY RECREATION (PRIVATE)** use is the use of a site for the provision of an indoor or outdoor recreational facility for use by residents or guests of a residential development, planned unit development, church, private primary or secondary educational facility, club or lodge, or non-profit organization. For additional regulations, see Austin City Code 25-2-837.

**COMMUNITY RECREATION (PUBLIC)** use is the use of a site for the provision of an indoor or outdoor recreational facility for use by the general public, but not for economic gain. For additional regulations, see Austin City Code 25-2-837.

**CONGREGATE LIVING** use is the use of a site for the provision of 24 hour supervision and assisted living for more than 15 residents not needing regular medical attention. This use includes personal care homes for the physically impaired, mentally retarded, developmentally disabled, or persons 60 years of age or older, basic childcare homes, maternity homes, and emergency shelters for victims of crime, abuse, or neglect.

**CONVALESCENT SERVICES** use is the use of a site for the provision of bed care and in-patient services for persons requiring regular medical attention. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.

**CONVENTION CENTER** use is the use of a site for the provision of space or facilities owned or managed by the City for conventions, meetings, exhibitions, shows, gatherings, presentations, or celebrations, including related incidental facilities for office and administrative use, food and beverage preparation and service, and on-site and off-site parking facilities.

**COUNSELING SERVICES** use is the use of a site for the provision of daytime counseling to neglected or abused children, 15 years of age or younger, or their managing conservators, who are referred by a governmental entity or other counseling service providers.

**CULTURAL SERVICES** use is the use of a site for a library, museum, or similar facility.

**DAY CARE SERVICES (COMMERCIAL)** use is the use of a site for the provision of daytime care for more than 20 persons. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.

**DAY CARE SERVICES (GENERAL)** use is the use of a site for the provision of daytime care for more than 6 but not more than 20 persons. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.

**Civic uses (continued)**

**DAY CARE SERVICES (LIMITED)** use is the use of a site for the provision of daytime care for six persons or less. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.

**DETENTION FACILITIES** use is the use of a site for the provision by a public agency of housing and care for legally confined individuals.

**EMPLOYEE RECREATION** use is the use of a site for the provision of an indoor or outdoor recreational facility for use by employees of a business engaged in basic industry, commercial services, manufacturing, administrative activities, or research and development services, that is located on property reserved by the business for future expansion. For additional regulations, see Austin City Code 25-2-838.

**FAMILY HOME** use is the use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more than six residents who are suffering from orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness. For additional regulations, see Austin City Code 25-2-841.

**GROUP HOME, CLASS I (GENERAL)** use is the use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for more than 6 but not more than 15 residents and not more than 3 supervisory personnel. This use includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age or older, maternity homes, emergency shelters for victims of crime, abuse, or neglect, and residential rehabilitation facilities for alcohol and chemical dependence. For additional regulations, see Austin City Code 25-2-841.

**GROUP HOME, CLASS I (LIMITED)** use is the use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for not more than 6 residents and 2 supervisory personnel. This use includes foster homes, congregate living facilities for persons 60 years of age or older, maternity homes, and homes for persons with physical or mental impairments not listed in the description of family home use. Persons with physical or mental impairments are persons whose impairments substantially limit one or more of the persons' major life activities, who have a record of the impairment, or who are regarded as having the impairment, as defined in the Americans with Disabilities Act. For additional regulations, see Austin City Code 25-2-841.

**Civic uses (continued)**

**GROUP HOME, CLASS II** use is the use of a site for the provision of a family-based facility providing 24-hour care in a protected living arrangement for not more than 15 residents and not more than 3 supervisory personnel. This use includes homes for juvenile delinquents, halfway houses providing residence instead of institutional sentencing, and halfway houses providing residence to those needing correctional and mental institutionalization. For additional regulations, see Austin City Code 25-2-841.

**GUIDANCE SERVICES** use is the use of a site for the provision of daytime counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition.

**HOSPITAL SERVICES (GENERAL)** use is the use of a site for the provision of medical, psychiatric, or surgical services on an in-patient basis, and includes ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, and visitors.

**HOSPITAL SERVICES (LIMITED)** use is the use of a site for the provision of medical, psychiatric, or surgical services on an out-patient basis, and includes emergency treatment, diagnostic services, training, administration, and services to out-patients, employees, and visitors.

**LOCAL UTILITY SERVICES** use is the use of a site for the provision of services that are necessary to support the development in the area and involve only minor structures including lines and poles.

**MAINTENANCE AND SERVICE FACILITIES** use is the use of a site for the provision of maintenance, repair, vehicular or equipment servicing, material storage, or similar activities, and includes equipment service centers and similar uses having characteristics of commercial services, contracting, or industrial activities.

**MAJOR UTILITY FACILITIES** use is the use of a site for the provision of generating plants, electrical switching facilities or primary substations, refuse collection or disposal facilities, water or wastewater treatment plants, or similar facilities.

**MILITARY INSTALLATIONS** use is the use of a site for the provision of military facilities by the federal or state government.

**PARKS AND RECREATION SERVICES (GENERAL)** use is the use of a site for the provision of parks, playgrounds, recreation facilities, or open spaces available to the general public and under the management or control of a public agency.

**Civic uses (continued)**

**PARK AND RECREATION SERVICES (SPECIAL)** use is the use of a site for the sale of beer or wine in a building that is located in a park or recreation facility under the management or control of a public agency.

**POSTAL FACILITIES** use is the use of a site for the provision of postal services and includes post offices, bulk mail processing, and sorting centers operated by the United States Postal Service.

**PRIVATE PRIMARY EDUCATIONAL FACILITIES** use is the use of a site for a private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state. For additional regulations, see Austin City Code 25-2-832.

**PRIVATE SECONDARY EDUCATIONAL FACILITIES** use is the use of a site for a private or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state. For additional regulations, see Austin City Code 25-2-832.

**PUBLIC PRIMARY EDUCATIONAL FACILITIES** use is the use of a site for a public school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state. For additional regulations, see Austin City Code 25-2-833 and 25-2-834.

**PUBLIC SECONDARY EDUCATIONAL FACILITIES** use is the use of a site for a public school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state. For additional regulations, see Austin City Code 25-2-833 and 25-2-834.

**QUALIFIED COMMUNITY GARDEN** use is a garden that complies with the requirements of Chapter 8 -4 (Qualified Community Garden) of the City Code.

**RAILROAD FACILITIES** use is the use of a site for provision of railroad yards, equipment servicing facilities, or terminal facilities.

**RELIGIOUS ASSEMBLY** use is regular organized religious worship or religious education in a permanent or temporary building. The use excludes private primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities. A property tax exemption is prima facie evidence of religious assembly use.

**Civic uses (continued)**

**RESIDENTIAL TREATMENT** use is 24-hour supervision, counseling, or treatment for more than 15 residents not needing regular medical attention. This use includes alcohol and chemical dependency rehabilitation facilities, facilities to which persons convicted of alcohol or drug-related offenses are ordered to remain under custodial supervision as a condition of probation or parole, and residential care facilities and halfway houses for the emotionally ill.

**SAFETY SERVICES** use is the use of a site for provision of public safety and emergency services, and includes police and fire protection services and emergency medical and ambulance services.

**TELECOMMUNICATION TOWER** use is the use of a site for provision of a structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communications. For additional regulations, see Austin City Code 25-2-839 and 25-2-840.

**TRANSITIONAL HOUSING** use is the use of a site for the supervision or detention of more than 15 residents who are making the transition from institutional to community living. This use includes pre-parole detention facilities and halfway houses for juvenile delinquents and adult offenders, and overnight shelters for the homeless.

**TRANSPORTATION TERMINAL** use is the use of a site for the provision of a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or package express between modes of transportation, and includes bus terminals, railroad stations, airport terminals, and public transit facilities.

## **Description of Allowed Commercial Uses**

Commercial uses include the sale, rental, servicing, and distribution of goods, and the provision of services, other than those classified as industrial or civic uses.

**ADMINISTRATIVE AND BUSINESS OFFICES** use is the use of a site for the provision of executive, management, or administrative services. This use includes:

- a. administrative offices and services, including real estate, insurance, property management, investment, personnel, travel, secretarial, telephone answering, and photocopy and reproduction; and
- b. business offices for public utilities, organizations, associations, and other use classifications if the service rendered is customarily associated with administrative office services.

**ADULT-ORIENTED BUSINESS** use means an adult arcade, adult bookstore, adult cabaret, adult lounge, adult novelty shop, adult service business, or adult theater. For additional regulations, see Austin City Code 25-2-801.

**ADULT LOUNGE** use means an adult cabaret that serves alcoholic beverages. For additional regulations, see Austin City Code 25-2-801.

**AGRICULTURAL SALES AND SERVICES** use is the use of a site for the on-site sale of feed, grain, fertilizers, pesticides and similar goods, or the provision of agricultural services with incidental storage of goods off-site. This use includes hay, feed, and grain stores and tree service firms.

**ALTERNATIVE FINANCIAL SERVICES BUSINESSES** use is the use of a site for a check cashing business, payday advance or loan business, money transfer business, motor vehicle title loan business, or a credit access business as defined in this section.

(a) This use excludes:

- (1) a state or federally chartered bank, savings and loan association or credit union, or a pawnshop, and
- (2) a convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75% of the total gross revenue generated on site.

(b) A check cashing business is an establishment that provides one or more of the following:

- (1) an amount of money that is equal to the face of a check or the amount specified in a written authorization for an electronic transfer of money, less any fee charged for the transaction;
- (2) an agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
- (3) the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any other person or entity for a fee.

- (c) A payday advance or loan business is an establishment that makes small consumer loans of \$2,500 or less, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term or until a customer's next payday and then cashed unless the customer repays the loan to reclaim the check or debit. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.
- (d) A motor title loan business is an establishment that makes small consumer loans of \$2,500 or less that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the vehicle.
- (e) A credit access business has the same meaning as defined in Section 393.601 of the Texas Finance Code

**ART GALLERY** use is the use of a site for the display or sale of art. For additional regulations, see Austin City Code 25-2-802.

**ART WORKSHOP** use is the use of a site for the production of art or handcrafted goods, and it includes the incidental sale of the art produced. For additional regulations, see Austin City Code 25-2-802.

**AUTOMOTIVE RENTALS** use is the use of a site for the rental of automobiles, noncommercial trucks, trailers, or recreational vehicles, including incidental parking and servicing of vehicles. This use includes auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.

**AUTOMOTIVE REPAIR SERVICES** use is the use of a site for the repair of automobiles, noncommercial trucks, motorcycles, motor-homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

**Commercial uses (continued)**

**AUTOMOTIVE SALES** use is the use of a site for sale or rental of automobiles, noncommercial trucks, motorcycles, motor-homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. This use includes new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.

**AUTOMOTIVE WASHING** use is the use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**BAIL BOND SERVICES** use is the use of a site by a licensed bail bond surety to provide bail bond services regulated by Texas Occupations Code Chapter 1704. The use does not include bail bond services that are provided by an attorney and that are exempt from the state licensure requirements under Texas Occupations Code Section 1704.163.

**BUILDING MAINTENANCE SERVICES** use is the use of a site for provision of maintenance and custodial services to firms rather than individuals. This use includes janitorial service, landscape maintenance, and window cleaning services.

**BUSINESS OR TRADE SCHOOL** use is the use of a site for provision of education or training in business, commerce, language, or other similar activity or occupational pursuit that is not otherwise described as a home occupation, college, university, or public or private educational facility.

**BUSINESS SUPPORT SERVICES** use is the use of a site for sale, rental, or repair of equipment or supplies used by office, professional, or service establishments, but excludes automotive, construction, and farm equipment. This use includes office equipment and supply firms, small business machine repair shops, and hotel equipment and supply firms.

**CAMPGROUND** use is the use of a site for provision of camping or parking areas and incidental services for travelers in recreational vehicles or tents. This use includes recreation vehicle parks.

**CARRIAGE STABLE** use is the use of a site for housing of horses used solely to pull carriages, but excludes uses permitted in the description of stable.

**COCKTAIL LOUNGE** use is the use of a site for retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, other than a restaurant use as that term is described in this section. For additional regulations, see Austin City Code 25-2-808.



### **Commercial uses (continued)**

**COMMERCIAL BLOOD PLASMA CENTER** use is the use of a site as a facility for the donation or sale by individual donors of blood plasma and other blood products, with the exception of whole blood. A “blood bank” as defined by Texas Health and Safety Code Section 162.001 is not a commercial blood plasma center. For additional regulations, see Austin City Code 25-2-803.

**COMMERCIAL OFF-STREET PARKING** use is the use of a site for the parking of motor vehicles on a temporary basis within a privately owned off-street parking facility. This use includes commercial parking lots and garages and excludes parking as an accessory use.

**COMMUNICATIONS SERVICES** use is the use of a site for the provision of broadcasting or information relay services through electronic and telephonic mechanisms, but excludes major utility facilities. This use includes television, film, or sound recording studios, telecommunication service centers, and telegraph service offices.

**CONSTRUCTION SALES AND SERVICES** use is a use involving construction activities, the incidental storage of materials on sites other than construction sites, and the on-site sale of materials used in the construction of buildings or other structures, other than retail sale of paint, fixtures and hardware. This use includes building materials stores, tool and equipment rental or sales, and building contractor businesses, but excludes automobile sales, automobile rentals, automobile washing, automotive repair services, commercial off-street parking, equipment repair services, equipment sales, service stations, and vehicle storage.

**CONSUMER CONVENIENCE SERVICES** use is the use of a site for the provision of convenient and limited services to individuals in access-controlled facilities that make twenty-four hour operation possible. This use includes the renting of private postal and safety deposit boxes to individuals and automated banking machines.

**CONSUMER REPAIR SERVICES** use is the use of a site for the provision of repair services to individuals or households rather than firms. This use includes appliance repair shops, watch or jewelry repair shops, and musical instrument repair shops, and excludes automotive repair services, equipment repair services, and service stations.

**CONVENIENCE STORAGE** use is storage services primarily for personal effects and household goods within enclosed storage areas having individual access. This use includes mini-warehouses, and excludes workshops, hobby shops, manufacturing, and commercial activity.

**DROP-OFF RECYCLING COLLECTION FACILITY** use is a facility used for the collection and transfer, but not the actual processing, of recyclable materials. Recyclable materials include glass, paper, plastic, cans, or other source-separated, non-putrescible materials, and excludes motor oil, chemicals, household appliances, tires, automobiles, automobile parts, and putrescible materials. For additional regulations, see Austin City Code 25-2-805.

**Commercial uses (continued)**

**ELECTRONIC PROTOTYPE ASSEMBLY** use is the use of a site for the assembly of prototype electrical and electronic components for computers, computer peripherals, scientific or medical measuring or analyzing instruments, radio, telephone, and similar equipment. This use excludes the production of goods for sale to customers, and chip, wafer, or semiconductor prototype assembly.

**ELECTRONIC TESTING** use is the use of a site for testing an electrical or electronic component for a computer, computer peripheral, radio, telephone, scientific or medical instrument, or similar equipment. The use excludes the manufacture of assembly of a product. For additional regulations, see Austin City Code 25-2-811.

**EQUIPMENT REPAIR SERVICES** use is the use of a site for the repair of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar heavy equipment. This use includes truck repair garages, tractor and farm implement repair services, and machine shops, but excludes dismantling and salvage activity.

**EQUIPMENT SALES** use is the use of a site for the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships, construction equipment dealerships, and mobile home sales establishments.

**EXTERMINATING SERVICES** use is the use of a site for the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.

**FINANCIAL SERVICES** use is the use of a site for the provision of financial and banking services. This use includes banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services.

**FOOD PREPARATION** use is the use of a site for the production of prepared food for wholesale distribution in a structure with not more than 5,000 square feet of gross floor area. The use includes wholesale bakeries, commercial kitchens, and specialty food processing or packaging shops, but excludes the on-site slaughter of animals and the commercial production of ice.

**FOOD SALES** use is the use of a site for the retail sale of food or household products for home consumption. This use includes grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.

**FUNERAL SERVICES** use is the use of a site for the preparation human dead for burial or arranging or managing funerals. This use includes funeral homes and mortuaries.

### **Commercial uses (continued)**

**GENERAL RETAIL SALES (CONVENIENCE)** use is the use of a site for the sale or rental of commonly used goods and merchandise for personal or household use, but excludes uses classified more specifically in this section. This use includes the provision of household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, specialty items, apparel, jewelry, fabrics, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, office supplies, and bicycles.

**GENERAL RETAIL SALES (GENERAL)** use is the use of a site for the sale or rental of commonly used goods for personal or household use, but excludes uses classified more specifically in this section. This use includes department stores, furniture stores, and establishments providing home furnishings, appliances, wallpaper, floor-covering, or automotive parts and accessories (excluding service and installation).

**HOTEL-MOTEL** use is the use of a site for the provision of rooms for temporary lodging. This use includes hotels, motels, and transient boarding houses.

**INDOOR ENTERTAINMENT** use is a predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.

**INDOOR SPORTS AND RECREATION** use is a recreational use conducted within an enclosed building. This use includes bowling alleys, billiard parlors, ice and roller-skating rinks, penny arcades, electronic video arcades, and indoor racquetball courts.

**KENNELS** use is the use of a site for the boarding and care of dogs, cats, or similar small animals. This use includes boarding kennels, pet motels, and dog training centers.

**LAUNDRY SERVICES** use is the use of a site for the provision of laundering, dry cleaning, or dyeing services other than those classified as personal services. This use includes bulk laundry and cleaning plants, diaper services, and linen supply services.

**LIQUOR SALES** use is the use of a site for the retail sale of alcoholic beverages for off-premises consumption. This use includes liquor stores and bottle shops.

**MARINA** use is: the wet or dry storage or docking of seaworthy watercraft, including ramps and hoists for boats, for profit; or the provision of docks, wharves, piers, floats, or similar structures for the anchoring, mooring, housing, or storing of more than three watercraft.

### **Commercial uses (continued)**

**MEDICAL OFFICES** use is the use of a site for the consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, medical or dental laboratories, or similar practitioners of medical and healing arts for humans, licensed for practice by the state. The use includes a compounding pharmacy that does not exceed 3,000 square feet of gross floor area. A compounding pharmacy may prepare and sell prescription drugs and also sell non-prescription drugs, medical supplies, and other health products. The sale of other merchandise is permitted only as an accessory use.

**MONUMENT RETAIL SALES** use is the use of a site primarily for the retail sale of monuments for placement on graves. This use includes the sale, storage, and delivery of headstones, footstones, markers, statues, obelisks, cornerstones, and ledgers.

**OFF-SITE ACCESSORY PARKING** use is the use of a site for the provision of parking spaces, together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, located on a different site from the principal use.

**OUTDOOR ENTERTAINMENT** use is a predominantly spectator use conducted in open, partially enclosed, or screened facilities. This use includes sports arenas, racing facilities, and amusement parks.

**OUTDOOR SPORTS AND RECREATION** use is a recreational use conducted in open, partially enclosed, or screened facilities. This use includes driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and outdoor racquetball courts.

**PAWN SHOP SERVICES** use is the use of a site for the lending of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of the property.

**PEDICAB STORAGE AND DISPATCH** use is the use of a site for the staging, storage, and dispatch of non-motorized vehicles, including incidental parking and servicing of these vehicles.

**PERSONAL IMPROVEMENT SERVICES** use is the use of a site for the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature. This use includes photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft or hobby instruction.

**PERSONAL SERVICES** use is the use of a site for the provision of periodically needed services of a personal nature. This use includes beauty or barbershops, seamstress or tailor services, shoe repair shops, and dry cleaning pick-up station services.

**PET SERVICES** use is the use of a site for the retail sale of small animals customarily used as household pets, or the provision of veterinary grooming, or boarding services, totally within a building. This use includes pet stores, small animal clinics, and pet grooming shops, but excludes uses for livestock and large animals.

**Commercial uses (continued)**

**PLANT NURSERY** use is the use of a site for sale of plants or related goods or services. This use includes garden centers and tree service firms. For additional regulations, see Austin City Code 25-2-806.

**PRINTING AND PUBLISHING** use is the use of a site for the bulk reproduction, printing, cutting, or binding of written or graphic material. For additional regulations, see Austin City Code 25-2-810.

**PROFESSIONAL OFFICE** use is the use of a site for the provision of professional or consulting services in the fields of law, architecture, design, engineering, accounting, or similar professions.

**RECREATIONAL EQUIPMENT MAINTENANCE AND STORAGE** use is the use of a site for the maintenance, service, or storage of sports equipment, watercraft, watercraft motors, trailers, motorcycles, or motor-homes.

**RECREATIONAL EQUIPMENT SALES** use is the use of a site for the sale or rental of sports equipment, watercraft, watercraft motors, trailers, motorcycles, or motorhomes, and includes incidental storage, maintenance, and servicing.

**RESEARCH ASSEMBLY SERVICES** use is the use of a site for the assembly of products related to research services and used by the owners of the research establishment or affiliated entities in the delivery of services performed by the owner or affiliated entities. This use excludes the mass production of products for general sale to customers.

**RESEARCH SERVICES** use is research of an industrial or scientific nature. This use includes electronics research laboratories, space research or development firms, and pharmaceutical research labs, and excludes product testing.

**RESEARCH TESTING SERVICES** use is research activity that may be permitted only with the approval of the Council within a planned development area district.

**RESEARCH WAREHOUSING SERVICES** use is the use of a site for enclosed or screened storage of materials or equipment related to research services, and excludes bulk warehousing or permanent storage of hazardous or toxic substances, except as authorized by a planned development area district ordinance.

**RESTAURANT (GENERAL)** use is the use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premise consumption of alcoholic beverages as an accessory use. For additional regulations, see Austin City Code 25-2-808.

**Commercial uses (continued)**

**RESTAURANT (LIMITED)** use is the use of a site for the preparation and retail sale of food and beverages and excludes the sale of alcoholic beverages for on-premise consumption. For additional regulations, see Austin City Code 25-2-809.

**SCRAP AND SALVAGE SERVICES** use is the use of a site for the storage, sale, dismantling or other processing of used or waste materials that are not intended for re-use in their original forms. This use includes automotive wrecking yards, junkyards, and paper salvage yards.

**SERVICE STATION** use is the use of a site for the provision of fuel, lubricants, parts and accessories, or incidental services to motor vehicles. For additional regulations, see Austin City Code 25-2-813.

**SOFTWARE DEVELOPMENT** use is the use of a site for development or testing of computer software packages including magnetic disks, tapes, and associated operating manuals. This use excludes printing, distribution, and software manufacturing.

**SPECIAL USE HISTORIC** is a use that complies with the requirements of Section 25-2-807 (Special Use In Historic Districts).

**STABLE** use is the use of a site for boarding, breeding or raising of horses not owned by the occupants of the premises, or the rental of horses for riding. This use includes boarding stables or public stables.

**THEATER** use is the use of a site for presentation of plays, motion pictures, or other dramatic performances within a building.

**VEHICLE STORAGE** use is the use of a site for long-term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.

**VETERINARY SERVICES** use is the use of a site for provision of veterinary services and hospitals for animals. This use includes pet clinics, dog and cat hospitals, and veterinary hospitals for livestock and large animals.

## **Description of Allowed Industrial Uses**

Industrial uses include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.

**BASIC INDUSTRY** use is the use of a site for:

- a. the basic processing and manufacturing of materials or products predominately from extracted or raw materials;
- b. storage or manufacturing processes that involve flammable or explosive materials; or
- c. storage or manufacturing processes that involve hazardous or commonly recognized offensive conditions, including poultry processing.

**CUSTOM MANUFACTURING** use is the use of a site for on-site production of goods by the use of hand tools, domestic mechanical equipment not exceeding five horsepower, or a single kiln not exceeding 12 kilowatts, and the incidental sale of those goods. This use includes candle-making shops and custom jewelry manufacturing.

**GENERAL WAREHOUSING AND DISTRIBUTION** use is open-air storage, distribution, or handling of materials or equipment. This use includes monument or stone yards, grain elevators, and open storage yards.

**LIGHT MANUFACTURING** use is the use of a site for manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of the products, and incidental storage, sales, and distribution of the products. This use excludes basic industrial processing.

**LIMITED WAREHOUSING AND DISTRIBUTION** use is the use of a site for provision of wholesaling, storage, or warehousing services within an enclosed structure. This use includes wholesale distributors, storage warehouses, and moving or storage firms.

**RECYCLING CENTER** use is the use of a site for collection, transfer, or processing of recyclable materials. Recyclable materials include glass, paper, plastic, cans, or other source-separated, non-putrescible materials. This use excludes bulk or single-feed reverse vending machines. For additional regulations, see Austin City Code 25-2-862.

**RESOURCE EXTRACTION** use is the use of a site for on-site extraction of surface or sub-surface mineral products or natural resources. This use includes quarries, borrow pits, sand or gravel operations, oil or gas extraction, and mining operations.

**STOCKYARDS** use is the use of a site for temporary keeping of livestock for slaughter, market, or shipping. This use includes stockyards, animal sales, and auction yards.

## **Description of Allowed Agricultural Uses**

Agricultural uses include the on-site production of plant and animal products by agricultural methods.

**ANIMAL PRODUCTION** use is the use of a site for the raising of animals or production of animal products including eggs and dairy products, on an agricultural or commercial basis. This use includes grazing, ranching, dairy farming, and poultry farming.

**COMMUNITY GARDEN** use is the use of a site for growing or harvesting food crops or ornamental crops on an agricultural basis, by a group of individuals for personal or group use, consumption or donation.

**CROP PRODUCTION** use is the use of a site for the raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including packaging and processing.

**HORTICULTURE** use is the use of a site for the growing of horticultural or flora cultural specialties, including flowers, shrubs, and trees intended for ornamental or landscaping purposes, but excluding retail sales. This use includes wholesale plant nurseries and greenhouses.

**SUPPORT HOUSING** use is the use of a site for living accommodations by agricultural employees or their families.

**URBAN FARM** use is the use of an urban site for the production and sale of organic agricultural products. For additional regulations, see Austin City Code 25-2-863



PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Zoning Department  
Jeffrey Engstrom  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

**Case Number:** NPA-2019-0019.01  
**Contact:** Jeffrey Engstrom, Ph: 512.974.1621  
**Public Hearings:** Aug 13, 2019 - Planning Commission  
Sept 19, 2019 - City Council

James Racavelli:

I am in favor  
 I object

Your Name (please print)

1001 E 39th

Your address(es) affected by this application

James Racavelli  
Signature

8-6-19

Date

Comments:

The neighborhood  
needs to remain residential.

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Case Number: NPA-2019-0019.01
Contact: Jeffrey Engstrom, Phone: 512.974.1621
Public Hearings: August 13, 2019 - Planning Commission
September 19, 2019 - City Council

I am in favor
I object

KRISTOPHER ALI

Your Name (please print)

1002 E 38 1/2 ST

Your address(es) affected by this application

[Handwritten Signature]

Signature

27 July 2019

Date

Comments: The Red River & 38th 1/2 st intersection is one of the heaviest trafficed & highly visible in the area. The property in question is begging to be mixed use and would help integrate our neighborhood into the Austin fabric. We would love to be neighbors with an office on our intersection.
-Kris