

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EAST 12TH STREET NEIGHBORHOOD CONSERVATION (NCCD) COMBINING DISTRICT FOR THE PROPERTY LOCATED GENERALLY ALONG EAST 12TH 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 12th 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-XX-XXXX**, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 23 acres of land, more or less, consisting of four 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 12th Street from IH-35 to Olander Street.
- b. Subdistrict 2, also known as Tracts 2-10, the east portion of Tract 15, and Tract 18, being the areas along the northside of East 12th Street from Olander Street to Poquito Street, 1425 East 12th Street, the southside of East 12th Street between Chicon Street and Poquito Street
- c. Subdistrict 2a, also known as Tracts 16-17, being the area on the southside of East 12th Street from ~~Leona-Comal~~ Street to Chicon Street.
- d. Subdistrict 3, also known as Tracts 11-14 and Tract 15 excluding 1425 East 12th Street, being the areas along the southside of East 12th Street between Branch Street and Comal Street, not including 1425 East 12th Street;

generally known as the East 12th Street neighborhood conservation-neighborhood plan combining district, locally known as the area bounded by East 12th 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 "D".

PART 2. The base zoning of the 18 tracts shown in the chart below are changed from 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-

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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, **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.

NOTE TO READER: There are not any base zoning changes being proposed as part of this NCCD update. The Tract Map (Exhibit B) will probably need to be updated to reflect the subsets of tracts (5a, 6a, 8a, etc. instead of 5, 6, 8, etc.). This chart reflects Ord. # 20080228-087 (adopting the East 12th Street NNCD), Ord. # 20171109-094 (amending the NCCD in 2017), Ord. # 20100325-062 (adding the "V" to Tract 18) and Ord. # 20090723-124 (adding the "V" to Tract 10).

Tract	Address	Zoning From	Zoning To	Subdistrict
1	800-950 E 12th Street (even numbers)	CS-MU-NCCD-NP	CS-MU-NCCD-NP	1
2	1000-1028 E 12th Street (even numbers)	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2
3	1100-1150 E 12th Street (even numbers)	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2
4	1200-1250 E 12th Street (even numbers)	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2
5a	1300-1310 E 12th Street (even numbers)	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2

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5b	1320-1350 E 12th Street (even numbers)	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2
6a	1400 E 12th Street	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2
6b	1406-1410 E 12th Street (even numbers)	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2
6c	1416 E 12th Street	CS-H-MU-NCCD-NP	CS-H-MU-NCCD-NP	2
6d	1204 & 1206 Comal Street (even numbers)	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2
7	1500-1625 E 12th Street (even numbers)	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2
8a	1700-1702 & 1720 E 12th St	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2
8b	1704-1706 E 12th Street (even numbers)	CS-H-NCCD-NP	CS-H-NCCD-NP	2
9a	1800-1806 E 12th Street (even numbers)	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2
9b	1808-1812 E 12th Street (even numbers)	CS-1-MU-NCCD-NP	CS-1-MU-NCCD-NP	2
9c	1208 Chicon Street	CS-MU-NCCD-NP	CS-MU-NCCD-NP	2
10	1900-1950 E 12th Street (even numbers)	CS-MU-V-NCCD-NP	CS-MU-V-NCCD-NP	2
11a	901 E 12th Street	GR-MU-H-NCCD-NP	GR-MU-H-NCCD-NP	3
11b	903-905 E 12th Street	SF-3-NCCD-NP	SF-3-NCCD-NP	3
11c	909 E 12th Street	CS-MU-NCCD-NP	CS-MU-NCCD-NP	3
11d	913 E 12th Street	GR-MU-NCCD-NP	GR-MU-NCCD-NP	3
12	1001-1105 E 12th Street (odd numbers)	CS-MU-NCCD-NP	CS-MU-NCCD-NP	3
12	1107-1115 E 12th Street (odd numbers)	CS-MU-H-NCCD-NP	CS-MU-H-NCCD-NP	3
13	1121 E 12th Street	CS-MU-CO-NCCD-NP	CS-MU-CO-NCCD-NP	3
14a	1201-1251 E 12th Street (odd numbers)	SF-3-NCCD-NP	SF-3-NCCD-NP	3
14b	1197 Navasota Street	SF-3-NCCD-NP	SF-3-NCCD-NP	3
14c	1196-1198 San Bernard Street	SF-3-NCCD-NP	SF-3-NCCD-NP	3
15	1301 E 12th Street	SF-3-NCCD-NP	SF-3-NCCD-NP	3
15b	1197-1199 San Bernard	SF-3-NCCD-NP	SF-3-NCCD-NP	3
15c	1309 E 12th Street	LR-MU-NCCD-NP	LR-MU-NCCD-NP	3
15d	1315 E 12th Street	SF-3-NCCD-NP	SF-3-NCCD-NP	3
15e	1319 E 12th Street	SF-3-NCCD-NP	SF-3-NCCD-NP	3
15f	1401-1423 E 12th Street (odd numbers)	MF-3-NCCD-NP	MF-3-NCCD-NP	3
15g	1425 E 12th Street	GR-MU-NCCD-NP	GR-MU-NCCD-NP	2

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16a	1195 Comal Street & 1501 E 12 th St	GR-MU-H-NCCD-NP	GR-MU-H-NCCD-NP	2a
16b	1511 E 12 th Street	MF-4-NCCD-NP	MF-4-NCCD-NP	2a
16c	1517 E 12 th Street	MF-4-NCCD-NP	MF-4-NCCD-NP	2a
16d	1521-1651 E 12 th St	MF-4-NCCD-NP	MF-4-NCCD-NP	2a
17	1701-1851 E 12 th Street (odd numbers)	GR-MU-NCCD-NP	GR-MU-NCCD-NP	2a
18	1901-1951 E. 12 th Street (odd numbers)	CS-MU-V-NCCD-NP	CS-MU-V-NCCD-NP	2

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 12th Street NCCD as shown in the East 12th Street NCCD Plan (the "NCCD Plan") attached as Exhibit "D" 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.

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PART 6. This ordinance takes effect on **XXXX XX, 20XX**.

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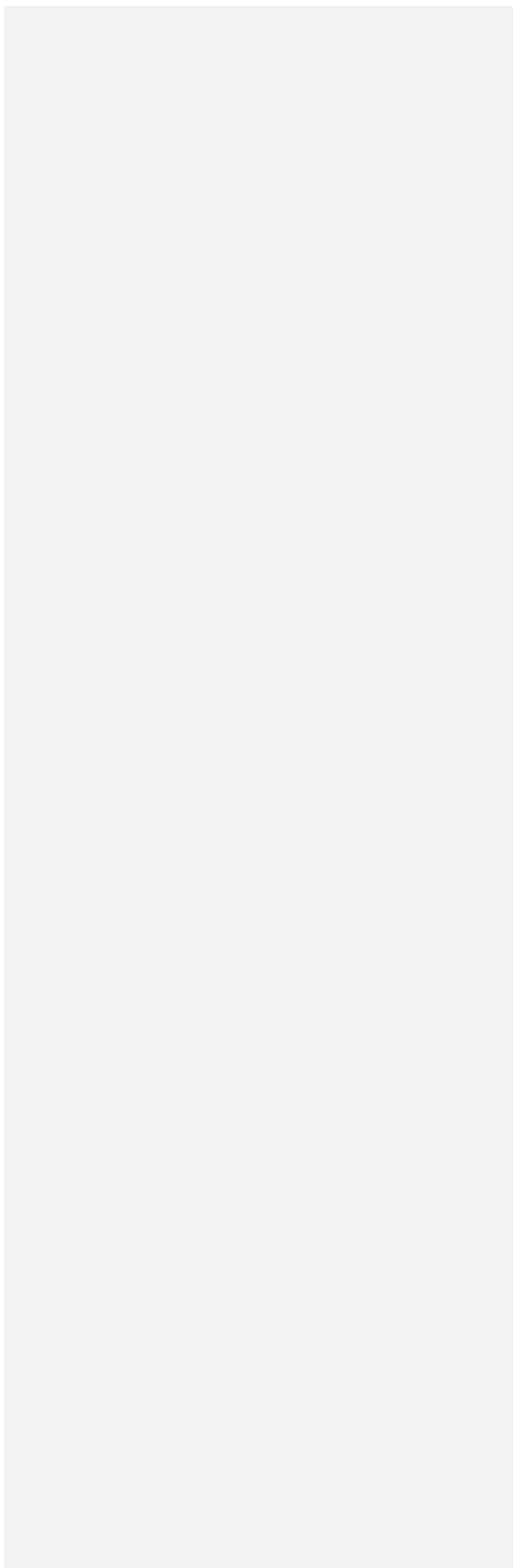
Exhibit A

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Neighborhood Conservation Combining District (NCCD) Subdistricts for East 12th Street


- Legend
- Subdistricts
 - 1 Subdistrict Number





Neighborhood Conservation Combining District (NCCD) Tracts for East 12th Street

Exhibit B

- Legend
-  NCCD Tracts
 - 1** Tract Number

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EXHIBIT C
East 12th Street Neighborhood Conservation
Combining District Plan

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I. Background

The East 12th Street Neighborhood Conservation Combining District (NCCD) is a zoning tool to implement the *East 11th and 12th Street Urban Renewal Plan* (URP). The East 12th Street NCCD was adopted by City Council on February 28, 2008 under Ordinance No. 20080228-087 and was amended by subsequent zoning ordinances. The NCCD for East 11th Street was adopted by the City Council on June 20, 1991 under Ordinance No. 910620-C and was amended by subsequent zoning ordinances. A NCCD modifies provisions of the City's land development code and allows the customizing of development standards to meet the needs of East 12th Street.

Between 2019 and 2020, the Urban Renewal Board with the assistance of staff and a consultant worked to update and clarify the East 11th Street NCCD and the *East 11th and 12th Streets Urban Renewal Plan*. These efforts resulted in a revision to the URP and the East 11th Street NCCD and proposed revisions to the East 12th Street NCCD, primarily to Exhibit C, Neighborhood Conservation Combining District Plan.

II. The NCCD and Neighborhood Plans

The East 12th Street NCCD falls primarily in the *Central East Austin Neighborhood Plan*. One block, Tract 10, is within the *Chestnut Neighborhood Plan* and one block, Tract 18, is within the *Rosewood Neighborhood Plan*. The *Chestnut Neighborhood Plan* and the *Rosewood Neighborhood Plans* are in accord with the URP and the NCCD for East 12th Street. Where there is disagreement with the *Central East Austin Neighborhood Plan*, the neighborhood plan's future land use map will be updated to reflect the land uses called for in the URP.

III. District Boundaries

- A. The boundaries of the East 12th Street NCCD are generally described as those lots facing East 12th Street from IH-35 and Branch Street to Poquito Street. See attached map.
- B. Subdistrict boundaries

The East 12th Street NCCD is divided into four subdistricts:

- 1. Subdistrict 1
 - a. North side of East 12th Street from IH-35 to the northwest corner of Olander Street.
 - b. Tract 1.
- 2. Subdistrict 2
 - a. North side of East 12th Street from northeast corner of Olander Street to Poquito Street.
 - b. Southwest and Southeast corners of Comal and East 12th Street.
 - c. South side of East 12th Street between Chicon Street and Poquito Street.
 - d. Tracts 2-10, a portion of Tract 15 and tracts 16-18.

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- 3. Subdistrict 2a
 - a. South side of East 12th Street from Comal Street to Chicon Street.
- 4. Subdistrict 3
 - a. South side of East 12th Street between Branch Street and Comal Street (excepting the southwest corner of Comal Street and East 12th Street).
 - b. Tracts 11-14 and a portion of Tract 15.

IV. Land Use Regulations

- A. Except as specifically provided for by this plan, the land use regulations of the City Code apply to the East 12th Street NCCD. If applicable, the requirements of the URP apply to the East 12th Street NCCD. Where there is conflict between the East 11th and 12th Streets Urban Renewal Plan provisions found in other adopted codes, ordinances or regulations of the City of Austin, the URP shall control.
- B. There are uses, not listed in the charts in section IV(C), that are allowed on specific properties:
 - 1. A Cocktail Lounge is a permitted use limited to the ground floor of a building located at 1808-1812 East 12th Street. A cocktail lounge use is prohibited except as an accessory use to a hotel/motel use.
 - 2. A Funeral Service is a permitted use at 1300 East 12th Street and 1410 East 12th Street.
 - 3. A Condominium Residential and/or Townhouse is a permitted use at 1001, 1003, 1007, 1009, 1011, 1013, 1015, 1101, 1103 and 1105 East 12th Street.
 - 4. Single-Family Attached Residential, Single-Family Residential, Small Lot Single-Family Residential and Two-Family Residential are permitted uses at 903, 904, 905, 1201, 1203, 1205, 1209, 1215, 1219, 1301, 1309, 1310, 1315, 1319, 1416, 1501, 1511, 1514, 1517, 1518, 1521, 1601, 1603, 1611, 1615, 1713, 1803 East 12th Street; 1203, 1205 Olander Street; 1196, 1196 ½, 1197, 1198 and 1199 San Bernard Street; 1194, 1195 ½, 1196 and 1198 Navasota Street.
 - 5. A Club or Lodge is a permitted use at 1704 East 12th Street
 - 6. Hotel/Motel with ground floor bedroom fronting East 12th Street is a permitted use at 810 and 900 East 12th Street.
- C. Permitted Uses, Uses Permitted with Specific Conditions, and Conditional Uses
 - 1. Uses listed in the table in this section are only allowed if they are permitted, permitted with conditions, or conditional in a base zoning district as indicated by the Land Development Code's Zoning Use Summary Table.
 - 2. Unless provided for in this section, all uses in this section's tables not listed as Permitted (P), Permitted with Conditions (PC), or Conditional (C) are prohibited.
 - a. Residential Uses

Commented [KL2]: Public comment from 10/19: Make conditional.

Commented [KL3]: Added to align with Plan.

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

b. Commercial Uses

Uses		Permitted Conditions and Exceptions
Administrative and Business Offices	PC	Not allowed on the ground floor of a building fronting East 12 th Street.
Art Gallery	P	
Art Workshop	P	
Food Sales	PC	Only allowed on the ground floor of a building fronting East 12 th Street.
General Retail Sales (Convenience)	PC	Only allowed on the ground floor of a building fronting East 12 th Street.
Hotel/Motel	PC	Bedroom may not be located on the ground floor of a building fronting East 12 th Street.
Indoor Entertainment	P	
Liquor Sales	C	Limited to 3,000 square feet of gross floor area.
Medical Offices—not exceeding 5,000 sq./ft of gross floor space	PC	Not allowed on the ground floor of a building fronting East 12 th Street.
Personal Improvement Services	P	
Personal Services	P	
Professional Offices	P	
Restaurant (Limited)	PC	Only allowed on the ground floor of a building fronting East 12 th Street.
Restaurant (General)	PC	Only allowed on the ground floor of a building fronting East 12 th Street.

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Special Use Historic	C	
Theater	P	

c. Civic Uses

Uses		Permitted Conditions and Exceptions
College & University Facilities	PC	Only allowed on the second floor of a building.
Community Recreation (Private)	C	
Community Recreation (Public)	C	
Congregate Living	C	
Counseling Services	PC	Not allowed on the ground floor of a building on East 12th Street.
Cultural Services	P	
Day Care Services (General)	C	
Day Care Services (Limited)	P	
Family Home	P	
Group Home Class I (General)	P	
Group Home Class I (Limited)	P	
Group Home Class II	P	
Guidance Services	PC	Not allowed on the ground floor of a building on East 12 th Street.
Local Utility Services	P	
Private Primary Educational Services	C	
Private Secondary Educational Services	C	
Public Primary Educational Services	P	

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Public Secondary Educational Services	P	
Religious Assembly	P	
Safety Services	C	
Telecommunication Tower	PC	Prohibited unless located on a rooftop.

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 may not exceed 30 feet.
3. Drive through uses are permitted to operate between the hours of 6:00 AM and 12:00 midnight.
4. A drive through automatic Teller Machine (ATM) operating between the hours of 12 midnight and 6:00 AM is a conditional use.
5. Drive through uses as an accessory use to a restaurant are prohibited.

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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 Land Development 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

1. Subdistricts 1, 2, and 2a:
 - a. Front setback - 0 feet
 - b. Side street yard setback - 0 feet

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- c. Interior side yard - 0 feet
- d. Rear setback - 10 feet
- 2. Subdistrict 3:
 - a. Front setback - 15 feet
 - b. Side street yard setback - 10 feet
 - c. Interior side yard - 5 feet
 - d. Rear setback - 5 feet

D. Height

The maximum height of structures is determined by subdistrict:

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

E. Impervious Cover

The allowable impervious cover is determined by subdistrict:

- 1. Subdistricts 1, 2 and 2a - 90% (95% in instances where participation in the Regional Stormwater Detention Program is not available and the developer provides on-site detention.)
- 2. Subdistrict 3 - 80%

VI. 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 or determined by a ~~shared parking provision~~ Transportation Demand Management plan 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. Street Facing Building Facade Design

- 1. A Street facing facade may not extend horizontally in an unbroken line for more than 20 feet.

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2. A street facing façade must include windows, balconies, porches, stoops or similar architectural features
3. A street facing facade must have awnings along at least 50% of the building frontage.

D. Landscaping

Landscaping is required unless the street yard is less than 1,000 square feet in area. Landscaped islands, peninsulas or medians are not required for parking lots with fewer than 12 spaces.

E. Fencing

Fences up to 8 feet in height are allowed along the back and sides of properties which face East 12th Street or are adjacent to properties which face East 12th Street.

VII. Additional Site Development Requirements for Parking Garages

A. Requirements for all parking garages

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

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

1. For structures of 2 stories but less than 30 feet in height, 75% of the ground floor of a buildings front facade facing East 12th Street must be a use defined in section IV(B) "Permitted Uses, Uses Permitted with Specific Conditions, and Conditional Uses" to a minimum of 15 feet in depth.
2. If parking garage access is from East 12th Street, and requires more than 25% of the available frontage, the side of the building may be used to meet the additional space required to meet the minimum requirement in VII(B)(1) for uses defined in section IV(B) "Permitted Uses, Uses Permitted with Specific Conditions, and Conditional Uses". Structural pillars are not included in the calculation of available frontage.

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

C. Requirements for parking structures 30 feet or taller.

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1. For structures of 2 stories or more and greater than 30 feet tall, 100% of the ground floor front facade facing East 12th Street must be for a use defined in section and IV(B) "Permitted Uses, Uses Permitted with Specific Conditions, and Conditional Uses" to a minimum depth of 15 feet.
2. If parking garage access is taken from East 12th Street, the side of the building may be used to meet the additional space required to meet the minimum requirement to accommodate the uses defined in section IV(B) "Permitted Uses, Uses Permitted with Specific Conditions, and Conditional Uses." Structural pillars are not included in the calculation of available frontage.

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

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