

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 20080228-087 REZONING AND CHANGING THE ZONING MAP TO AMEND 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 TO MODIFY USE AND DEVELOPMENT REGULATIONS.

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

PART 1. Ordinance No. 20080228-087 (the Original NCCD Ordinance”) established the East 12th Street neighborhood conservation combining district (the “East 12th Street NCCD”) for the area generally along East 12th Street from IH-35 and Branch Street to Poquito Street.

PART 2. The Original NCCD Ordinance consisted of three subdistricts described in the ordinance and identified in the Exhibit A of the Original NCCD Ordinance. The Original NCCD Ordinance has been amended from time to time for certain properties within the NCCD, including Ordinance No. 20171109-094 which created a fourth subdistrict (Subdistrict 2a).

PART 3. The zoning map established by Section 25-2-191 of the City Code is amended to amend the East 12th Street NCCD to modify use and development regulations on the property described in Zoning Case No. C14-2021-0037, on file at the Housing and Planning 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,

- (A) Subdistrict 1, also known as Tract One, being the area on the northside of East 12th Street from IH-35 to Olander Street, commonly known as those addresses identified with zoning designation for Subdistrict 1, listed in Part 2 of this ordinance (the “Property Table”);
- (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 12' Street from Olander Street to Poquito Street, 1425 East 12th Street, the southside of East 12th Street between

Chicon Street and Poquito Street, commonly known as those addresses identified with zoning designations for Subdistrict 2 in the Property Table;

- (C) Subdistrict 2a, also known as Tracts 16-17, being the area on the southside of East 12th Street from Comal Street to Chicon Street, commonly known as those addresses identified with zoning designations for Subdistrict 2a in the Property Table; and
- (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, commonly known as those addresses identified with zoning designations for Subdistrict 3 in the Property Table;

Consisting of the tracts described in the Property Table and on the map attached as **Exhibit "B"**, located in the subject tracts identified in the map attached as **Exhibit 'C'**, (collectively, the "Property").

PART 2. Property Table.

Tract	Address	Zoning	Subdistrict
1	810 , 900, 904, 906 E 12th St and 1201 North IH 35 Service Road Northbound NB.	CS-MU-NCCD-NP	1
2	1000, 1006, 1008, 1010, 1016, 1022E 12th Street	CS-MU-NCCD-NP	2
3	1100, 1104, 1106, 1110, 1112, 1116, 1120 E 12th Street	CS-MU-NCCD-NP	2
4	1200, 1204, 1206, 1214, 1218, 1224E 12th Street and 1202 San Bernard Street	CS-MU-NCCD-NP	2
5a	1300, 1308 and 1310E 12th Street	CS-MU-NCCD-NP	2
5b	1322 E 12th Street	CS-MU-NCCD-NP	2
6a	1400 E 12th Street	CS-MU-NCCD-NP	2
6b	1406and 1410 E 12th Street	CS-MU-NCCD-NP	2

6c	1416 E 12th Street	CS-H-MU-NCCD-NP	2
6d	1204 and 1206 Comal Street	CS-MU-NCCD-NP	2
7	1500, 1506, 1510, 1514, 1518, 1522, 1600, 1604, 1606, and 1608 E 12th Street	CS-MU-NCCD-NP	2
8a	1700, 1702, and 1720 E 12th Street	CS-MU-NCCD-NP	2
8b	1704 and 1706 E 12th Street	CS-H-NCCD-NP	2
9a	1800, 1804, and 1806 E 12th Street	CS-MU-NCCD-NP and CS-1-MU-NCCD-NP	2
9b	1808, 1801, and 1812 E 12th Street	CS-1-MU-NCCD-NP	2
9c	1208 Chicon Street	CS-MU-NCCD-NP	2
10	1900, 1900 1/2, 1904, 1906, 1912, 1914, 1916, 1920, 1922 E 12th Street and 1204 and 1206 Poquito Street	CS-MU-V-NCCD-NP	2
11a	901 E 12th Street	GR-MU-H-NCCD-NP	3
11b	903 and 905 E 12th Street	SF-3-NCCD-NP	3
11c	909 E 12th Street	CS-MU-NCCD-NP	3
11d	913 E 12th Street	GR-MU-NCCD-NP	3
12	1001, 1003, 1007, 1009, 1011, 1013, 1015, 1101, 1103, 110 E 12th Street	CS-MU-NCCD-NP	3
12	1107, 1109, 1113, 1115 E 12th Street	CS-MU-H-NCCD-NP	3
13	1121 E 12th Street and 1120 E 12 th is listed in Tract 3	CS-MU-CO-NCCD-NP	3
14a	1201, 1205, 1209, and 1215 E 12th Street	SF-3-NCCD-NP	3
14b	1197 Navasota Street	SF-3-NCCD-NP	3
14c	1219 E 12 th Street and 1196 and 1198 San Bernard Street	SF-3-NCCD-NP	3
15	1301 E 12th Street	SF-3-NCCD-NP	3
15b	1197 1195 and 1199 San Bernard Street	SF-3-NCCD-NP	3

15c	1309 E 12th Street and a portion of 1195 San Bernard Street	LR-MU-NCCD-NP	3
15d	1315 E 12th Street	SF-3-NCCD-NP	3
15e	1319 E 12th Street	SF-3-NCCD-NP	3
15f	1401 E 12th Street	MF-3-NCCD-NP	3
15g	1425 E 12th Street	GR-MU-NCCD-NP	2
16a	1195 Comal Street and 1501 E 12 th Street	GR-MU-H-NCCD-NP	2a
16b	1511 E 12 th Street	MF-4-NCCD-NP	2a
16c	1517 E 12 th Street	MF-4-NCCD-NP	2a
16d	1521, 1601, 1603, 1611, and 1615 E 12 th Street	MF-4-NCCD-NP	2a
17	1701, 1709, 1717, 1719, 1721, 1713, 1803, 1805, 1809, 1813, 1815, and 1817 E 12th Street	GR-MU-NCCD-NP	2a
18	1901, 1905, 1907, 1913, 1915, and 1919 E. 12 th Street	CS-MU-V-NCCD-NP	2

PART 3. Except as specifically provided in Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the applicable base zoning district and other applicable requirements of City Code. In the event of conflict with the base zoning district regulations, or other applicable requirements of City Code, Part 4 of this ordinance shall control.

PART 4. Land Use and Site Development.

A. The requirements of the *Urban Renewal Plan for the East 11th and 12th Street Urban Renewal Plan Area* (URP) apply to the East 12th Street NCCD. Where there is conflict between the URB and provisions found in this ordinance, adopted codes, other ordinances or regulations of the City of Austin, the URP shall control.

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

1. Definitions.

CONFORMING USE means a use that conformed to the regulations in effect at the time the use was established and existed on the date this ordinance takes effect.

2. Conforming use is permitted on the Property.
3. All uses in the Use Table in Part 4, B. 5 (the “Use Table”) not listed as Permitted (P), Permitted with Conditions (PC), or Conditional (C) are prohibited. Permitted with Condition (PC) uses are subject to the conditions in the Use Table. Any conflict between the Use Table and City Code Section 25-2-491 (Permitted, Conditional, and Prohibited Uses), Section 25-2-491 shall control.
4. For properties zoned SF-3 the following use table shall not apply.
5. Use Table.
 - a. Residential Uses

Uses		Permitted Conditions and Exceptions
Bed & Breakfast (Group 1)	P	
Bed & Breakfast (Group 2)	P	
Condominium Residential	P	
Duplex	P	
Group Residential	P	
Multi-Family Residential	P	
Retirement Housing (Small Site)	P	
Retirement Housing (Large Site)	C	
Single-Family Residential	P	
Single-Family Attached Residential	P	

Small lot Single-Family Residential	P	
Townhouse Residential	P	
Two-Family Residential	P	
Short-Term Rental (Type 1 and 3)	P	

b. Commercial Uses

Uses		Permitted Conditions and Exceptions
Administrative and Business Offices	P	
Agricultural Sales and Services	P	
Alternative Financial Services	P	
Art Gallery	P	
Art Workshop	P	
Building Maintenance Services	P	
Business or Trade School	P	
Business Support Services	P	
Cocktail Lounge	C	Not exceeding to 3,500 square feet.
Commercial Off-Street Parking	P	
Communications Services	P	

Construction Sales and Services	P	
Consumer Convenience Services	P	
Consumer Repair Services	P	
Electronic Prototype Assembly	P	
Financial Services	P	
Food Preparation	P	
Food Sales	P	
Funeral Services	P	
General Retail Sales (Convenience)	P	
General Retail Sales (General)	P	
Hotel/Motel	P	
Indoor Entertainment	P	
Indoor Sports and Recreation	P	
Medical Offices—not exceeding 5,000 sq./ft of gross floor space	P	
Medical Offices – exceeding 5.000 sq. ft. gross floor area	P	
Monument Retail Sales	P	
Off-Site Accessory Parking	P	

Pedicab Storage and Dispatch	P	
Personal Improvement Services	P	
Personal Services	P	
Pet Services	P	
Plant Nursery	P	
Printing and Publishing	P	
Professional Offices	P	
Research Services	P	
Restaurant (Limited)	P	
Restaurant (General)	P	
Software Development	P	
Special Use Historic	C	
Theater	P	

c. Civic Uses

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

Community Recreation (Public)	P	
Congregate Living	P	
Convalescent Services	C	
Counseling Services	P	
Cultural Services	P	
Day Care Services (Commercial)	P	
Day Care Services (General)	P	
Day Care Services (Limited)	P	
Family Home	P	
Group Home Class I (General)	P	
Group Home Class I (Limited)	P	
Group Home Class II	P	
Guidance Services	P	
Hospital Services (General)	C	
Hospital Services (Limited)	P	
Local Utility Services	P	
Maintenance and Services Facilities	P	
Private Primary Educational Services	P	

Private Secondary Educational Services	P	
Public Primary Educational Services	P	
Public Secondary Educational Services	P	
Religious Assembly	P	
Residential Treatment	P	
Safety Services	P	
Telecommunication Tower	PC	Prohibited unless located on a rooftop.
Transitional Housing	C	
Transportation Terminal	C	

d. Industrial Uses

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

e. Agricultural Uses

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

C. Drive Through Uses

Drive through uses are permitted as an accessory use to a permitted primary use with the following conditions:

1. The primary use must provide service for pedestrians that does not require the pedestrian to stand or walk in the drive-through lane.
2. The maximum curb cut for a drive through accessory use may not exceed 30 feet.
3. Drive through uses are permitted to operate between the hours of 6:00 AM and 12:00 midnight.
4. A drive through automatic Teller Machine (ATM) operating between the hours of 12 midnight and 6:00 AM is a conditional use.
5. Drive through uses as an accessory use to a restaurant are prohibited.

D. Compatibility Standards

City Code Chapter 25-2, Article 10 (Compatibility Standards) does not apply to properties in the East 12th Street NCCD. The properties must comply with the setback and height requirements provided Part 4, E and F.

E. Setback Requirements

Setback requirements are determined by subdistrict

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

124 F. Height

125 The maximum building height by subdistrict:

- 126 1. Subdistrict 1 - 60 feet
127 2. Subdistrict 2 - 50 feet
128 3. Subdistrict 2a - 35 feet
129 4. Subdistrict 3 - 35 feet
130

131 G. Impervious Cover

132 Allowable impervious cover by subdistrict:

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

137 H. Floor-Area-Ratio Requirements

- 138 1. Floor-to-area-ratio (FAR) regulations do not apply to properties located
139 within the East 12th Street NCCD.

140 I. Parking Requirements

141 On all tracts in the East 12th Street NCCD, parking requirements are based on the
142 lesser of 80% of that required by the appropriate schedule of City regulations or
143 determined by a Transportation Demand Management plan approved.

144 J. Exterior Lighting

145 All exterior lighting must be hooded and shielded so that the light source is not
146 directly visible across the source property line. At the property line the lighting
147 may not exceed 0.4-foot candles.

148 K. Street Facing Building Facade Design

- 149 1. A Street facing facade may not extend horizontally in an unbroken line for more
150 than 20 feet.
151 2. A street facing facade must include windows, balconies, porches, stoops or
152 similar architectural features

- 153 3. A street facing facade must have awnings along at least 50% of the building
154 frontage.

155 L. Landscaping

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

159 M. Fencing

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

162 N. Requirements for all parking garages

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

170 O. Requirements for parking structures less than 30 feet in height

- 171 1. For structures of 2 stories but less than 30 feet in height, 75% of the ground
172 floor of a buildings front facade facing East 12th Street must be a use defined in
173 section the Use Table to a minimum of 15 feet in depth.
- 174 2. If parking garage access is from East 12th Street, and requires more than 25%
175 of the available frontage, the side of the building may be used to meet the
176 additional space required to meet the minimum requirement in Part 4, O. 1.
177 above for uses defined in the Use Table. Structural pillars are not included in
178 the calculation of available frontage.

179 Example: A 25-foot-tall parking structure at the corner of Waller Street and
180 East 12th Street with 100 feet of frontage on East 12th Street would be
181 required to provide 75 feet of frontage for the uses in the Use Table. If
182 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.

P. Requirements for parking structures 30 feet or taller.

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 the Use Table 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 the Use Table. 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 the Use Table. 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.

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 _____, 2022.

PASSED AND APPROVED

_____, 2022 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Myrna Rios
City Attorney City Clerk

Exhibit A

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

Legend
□ Subdistricts

1 Subdistrict Number

Current Time: 9/30/2020 5:40 PM



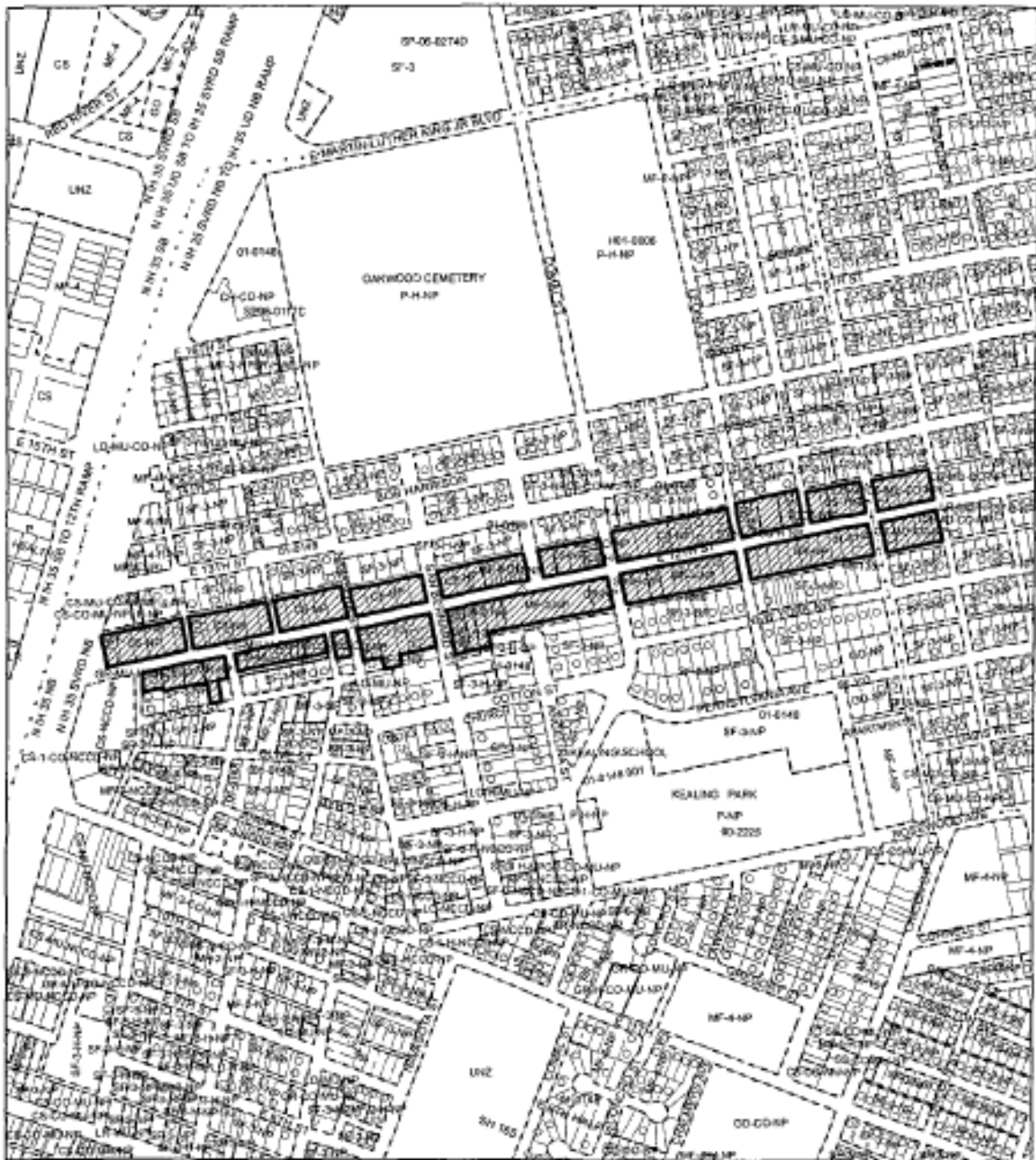
Exhibit B

Legend
□ NCCD Tracts
1 Tract Number

Current Time: 9/30/2020 9:48 AM

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





N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

- OPERATOR S MEEKS

1" = 600'

ZONING

ZONING CASE# C14-06-0209

ADDRESS 800-1951 E 12TH ST

SUBJECT AREA 22.975 ACRES

GRID K22

MANAGER R. HEIL



This map has been produced by GIS Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Exhibit C