

ORDINANCE NO. 20220915-085

AN ORDINANCE AMENDING ORDINANCE NO. 20080228-087 TO MODIFY USE AND DEVELOPMENT REGULATIONS FOR THE EAST 12TH STREET NEIGHBORHOOD CONSERVATION (NCCD) COMBINING DISTRICT; REZONING AND CHANGING THE ZONING MAP 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.

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. This ordinance amends the Original NCCD Ordinance.

PART 2. The Original NCCD Ordinance established three subdistricts within the East 12th Street NCCD that were identified in 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 that established 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 (the “Property”), 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 4 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 12th 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;

generally known as the East 12th Street neighborhood conservation (NCCD) combining district that consists 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"**.

PART 4. 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 1806E 12th Street	CS-MU-NCCD-NP and CS-1-MU-NCCD-NP	2
9b	1808, 1801, and1812 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 5. Except as specifically provided in Part 6 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 6 of this ordinance shall control.

PART 6. Land Use and Site Development.

- A. While it remains in effect, 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. In the event of a conflict between the URP 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. In this ordinance, 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. A conforming use is permitted on the Property.

3. A use that is not listed in the table set out in Part 6, B.5 (the “Use Table”) is prohibited. In the Use Table,
 - a. a use that is designated (P) is permitted;
 - b. a use that is designated (PC) is permitted with conditions and must comply with the conditions in the Use Table; and
 - c. a use that is designated (C) is conditional.
4. The Use Table does not apply to a property zoned SF-3. The uses allowed on a property zoned SF-3 is governed by City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*).
5. Use Table.
 - a. Residential Uses

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

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

b. Commercial Uses

Uses		Permitted Conditions and Exceptions
Administrative and Business Offices	P	
Agricultural Sales and Services	P	
Alternative Financial Services	P	
Art Gallery	P	
Art Workshop	P	
Building Maintenance Services	P	
Business or Trade School	P	
Business Support Services	P	
Cocktail Lounge	C	Allowed on 12th Street if the cocktail lounge: (1) does not exceed 3,500 square feet; and (2) is not located a lot that is within 200 feet of a lot on which another cocktail lounge use is located unless the cocktail lounge is a conforming use.
Commercial Off-Street Parking	P	
Communications Services	P	

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

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

c. Civic Uses

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

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

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

d. Industrial Uses

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

e. Agricultural Uses

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

C. Drive Through Uses

1. Except as provided in Part 6, C.2. and C.3., a drive through use is permitted as an accessory use to a permitted primary use under the following conditions:
 - a. the primary use must provide service for pedestrians that does not require the pedestrian to stand or walk in the drive-through lane.
 - b. the maximum curb cut for a drive through use may not exceed 30 feet.

- c. a drive through use may only operate between the hours of 6:00 AM and 12:00 midnight.
- 2. A drive through automatic Teller Machine (ATM) that operates between the hours of 12 midnight and 6:00 AM is a conditional use.
- 3. A restaurant may not include a drive through use as an accessory use.

D. Compatibility Standards

- 1. Chapter 25-2, Article 10 (*Compatibility Standards*) of the City Code does not apply to a property located within the East 12th Street NCCD.
- 2. A property must comply with the setback and height requirements provided in Part 6, E and F.

E. Setback Requirements

The minimum setback requirement is 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

F. Height

The maximum building height is determined by subdistrict.

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

G. Impervious Cover

The allowable impervious cover is determined by subdistrict.

- a. subdistricts 1, 2 and 2a – The allowable impervious cover is 90% except where participation in the Regional Stormwater Detention Program is not available and the developer provides on-site detention, the allowable impervious cover is 95%.
- b. subdistrict 3 – The allowable impervious cover is 80%.

H. Floor-Area-Ratio Requirements

Floor-to-area-ratio (FAR) regulations do not apply to a property located within the East 12th Street NCCD.

I. Parking Requirements

The minimum parking requirements are 80% of the minimum number of parking spaces required by the City Code or other applicable City regulations or the minimum number of parking spaces required by an approved Transportation Demand Management plan applicable to the property.

J. 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.

K. Street Facing Building Facade Design

1. A street facing façade may not extend horizontally in an unbroken line for more than 20 feet.
2. A street facing façade must include windows, balconies, porches, stoops or similar architectural features.
3. A street facing façade must have awnings along at least 50% of the building frontage.

L. Landscaping

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

M. Fencing

Fences up to 8 feet in height are allowed along the rear and sides of a property that faces East 12th Street or is adjacent to a property that faces East 12th Street.

N. Requirements for all parking structures

1. A parking structure that fronts 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 at the time of site plan approval.
2. For a parking structure, 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.

O. For a structure that is 2 stories but less than 30 feet in height, front-faces East 12th Street, and includes parking:

1. The ground floor of the structure must be a use described in the Use Table for 75% of the frontage facing East 12th Street with a minimum of 15 feet in depth.
2. If the access to parking is on East 12th Street, and requires more than 25% of the available frontage, the side of the building may be used to meet the minimum 75% requirement in Part 6, O. 1 of this ordinance. 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 the Use Table. 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.

P. For a structure that is more than two stories and exceeds 30 feet in height, front-faces East 12th Street, and includes parking:

1. The ground floor of the structure must be a use described in the Use Table for 100% of the frontage facing East 12th Street with a minimum of 15 feet in depth.

2. If the access to parking is on East 12th Street, the side of the building may be used to meet the minimum 100% in Part 6, P.1. of this ordinance. 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.

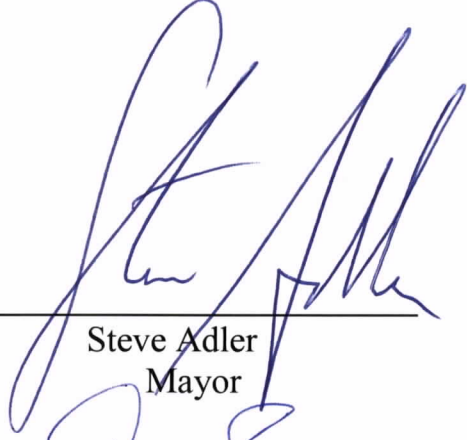
PART 7. Tracts 1-9, and Tracts 11-17 are located within the Central East Austin neighborhood plan combining district, Tract 10 is located within the Chestnut neighborhood plan combining district, and Tract 18 is located within the Rosewood neighborhood plan combining district. If this ordinance conflicts with Ordinance No. 001207-47, Ordinance No. 011213-42, or Ordinance No. 020110-17, which established zoning for the Chestnut Neighborhood Plan, Central East Austin Neighborhood Plan, and Rosewood Neighborhood Plan, the more restrictive provision shall control.

PART 8. This ordinance takes effect on September 26, 2022.

PASSED AND APPROVED


_____, September 15, 2022

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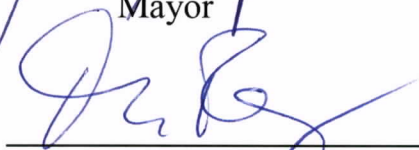
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Myrna Rios
City Clerk

Exhibit A




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

- Legend
- Subdistricts
 - 1 Subdistrict Number

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Exhibit B

- Legend
-  NCCD Tracts
 - 1** Tract Number

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



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