

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 25 (LAND DEVELOPMENT) OF THE CITY CODE RELATING TO REGULATIONS THAT APPLY TO PROPERTY WITH ONE DWELLING UNIT, FLAG LOTS, ELECTRIC VEHICLE CHARGING, EQUITABLE-TRANSIT ORIENTED DEVELOPMENT (ETOD) ZONING, AND DENSITY BONUS PROGRAM EQUITABLE-TRANSIT ORIENTED DEVELOPMENT (DBETOD) ZONING; REPEALING AND REPLACING ARTICLE 10, SUBCHAPTER C OF CITY CODE CHAPTER 25-2 RELATING TO COMPATIBILITY STANDARDS; AND AMENDING SECTION 25-2-1176 OF THE CITY CODE RELATING TO DOCKS, MARINAS, AND OTHER LAKEFRONT USES.

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

PART 1. Subsection (B) of City Code Section 25-2-4 (*Commercial Uses Described*) is amended to add a new use of “Electric Vehicle Charging” and to renumber the remaining uses accordingly:

- (25) ELECTRIC VEHICLE CHARGING use is the use of a site for the charging of an electric vehicle, including battery charging stations and rapid charging stations, each as defined by the United States Department of Energy.

PART 2. City Code Chapter 25-2, Subchapter C, Article 4, Division 2 (*Commercial Uses*) is amended to add a new Section 25-2-820 to read:

§ 25-2-820 ELECTRIC VEHICLE CHARGING USE.

- (A) This section applies to electric vehicle charging as a principal use.
- (B) This section does not apply to electric vehicle charging as an accessory use.
- (C) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is more restrictive.
- (D) In this section:
- (1) a roadway description has the meaning assigned in Article 5 (*Definitions*) of Subchapter E; and

EV Charging: Parts 1-2
HOME Phase 2: Parts 3-11
Compatibility: Parts 12-14
ETOD/DBETOD: Parts 15-19

This version reflects staff's recommendation, including staff-supported Planning Commission amendments.

(2) distance is measured from lot line to lot line.

(E) Electric vehicle charging stations may be located one level below ground and above.

Commented [PL1]: Modified per PC amendment.

(F) Electric vehicle charging use is a permitted use on a site with a commercial or industrial base zoning district and:

(1) an existing service station use; or

(2) a discontinued service station use, if a subsequent use on the site did not include a restaurant (general) use, a restaurant (limited) use, or a residential use.

(G) Subject to the requirements of Subsections (H), (I), and (J), electric vehicle charging use is a permitted or conditional use on a site zoned:

(1) General Commercial Services (CS);

(2) Commercial Liquor Sales (CS-1);

(3) Commercial Highway (CH);

(4) Industrial Park (IP);

(5) Major Industry (MI);

(6) Limited Industrial Services (LI); or

(7) Research and Development (R&D).

(H) Electric vehicle charging use is a permitted use if:

(1) the site is:

(a) zoned with a base zoning district described in Subsection (G); and

(b) located at least 1,000 feet from another lot with electric vehicle charging use as its primary use;

(c) 25,000 square feet or less; and

Commented [PL2]: Modified per PC amendment.

(2) the site front-faces or side-faces one of the following roadways:

(a) a core transit corridor;

(b) a future core transit corridor; or

(c) an urban roadway.

(I) Electric vehicle charging use is a permitted use if the site:

(1) is zoned with a base zoning district described in Subsection (G); and

(2) front-faces or side-faces one of the following roadways:

(a) a suburban roadway;

(b) a highway;

(c) a hill country roadway; or

(d) an internal circulation route.

(J) Electric vehicle charging use is a conditional use if the site:

(1) is zoned with a base zoning district described in Subsection (G); and

(2) front-faces or side-faces one of the following roadways:

(a) a core transit corridor;

(b) a future core transit corridor;

(c) an urban roadway;

(d) any other roadway type adopted in Chapter 25-2 (*Zoning*); or

(3) is located within 1,000 feet of a highway cap or stitch.

Commented [PL3]: Added per PC Amendment.

PART 3. City Code Section 25-1-21 (*Definitions*) is amended to amend the definition of “Side Lot Line” to read:

(103) SIDE LOT LINE means a lot line intersecting the front lot line and extending a minimum distance of 25 [75] feet.

PART 4. City Code Section 25-1-22 (*Measurements*) is amended to read:

§ 25-1-22 MEASUREMENTS.

(A) For MF-1 and less restrictive, lot [Lot] area is the net horizontal area within the lot lines, excluding the portion of the lot that:

(1) ~~that~~ provides street access, if the lot is a flag lot; or

(2) ~~that~~ is located below 492.8 feet of elevation above sea level, if the lot is adjacent to Lake Austin.

(B) For SF-6 and more restrictive, lot area is the net horizontal area within the lot lines and:

(1) includes the portion of the lot that provides street access, if the lot is a flag lot, and

(2) excludes the portion of the lot that is located below 492.8 feet of elevation above sea level, if the lot is adjacent to Lake Austin.

(C) Lot depth is the horizontal distance between the mid-point of the front lot line and the midpoint of the rear lot line.

(D)[E] Except as otherwise provided in this title, lot width is measured at the front setback line and at a distance of 20 [50] feet to the rear of the front setback line.

(E[~~D~~]) In determining required yards and setbacks for an irregularly shaped lot or a lot bounded by only three lot lines, the rear lot line is:

- (1) a line ten feet long;
- (2) parallel to the front lot line; and
- (3) at the most distant location from the front lot line.

(F[~~E~~]) A distance from a structure to a line or location is measured from the exterior face of the nearest wall or vertical support of the structure to the line or location. For a structure that does not have a wall or vertical support, the building official shall determine the point of measurement.

PART 5. City Code Section 25-2-3 (*Residential Uses Described*) is amended to amend the description of “Small Lot Single-Family Residential Use” to read:

§ 25-2-3 RESIDENTIAL USES DESCRIBED.

(B) Residential use classifications are described as follows:

- (13) SMALL LOT SINGLE-FAMILY RESIDENTIAL use is the use of a small lot for only one [detached] dwelling unit, other than a mobile home.

PART 6. The table in City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) is amended to add “Small Lot Single-Family Residential” as a permitted use in SF-1, SF-2, and SF-3 base zoning districts.

PART 7. City Code Section 25-2-779 (*Small Lot Single-Family Residential Use*) is repealed and replaced to read:

§ 25-2-779 SMALL LOT SINGLE-FAMILY RESIDENTIAL USE.

- (A) This section applies to a small lot single-family residential use.
- (B) This section supersedes the base zoning district regulations to the extent of conflict.
- (C) Only one dwelling unit is permitted on a lot.

- (D) This subsection applies to small lot residential use on a property zoned single-family residence small lot (SF-4A) district or less restrictive.
- (1) The minimum lot size is:
 - (a) 3,600 square feet; or
 - (b) for a corner lot, 4,500 square feet.
 - (2) A lot that fronts on a cul-de-sac must have:
 - (a) a chord width of not less than 33 feet at the front lot line;
 - (b) a width of not less than 40 feet at the front yard setback line; and
 - (c) a width of not less than 40 feet at all points 50 feet or more behind the front lot line.
 - (3) The maximum height for a structure is 35 feet.
 - (4) The minimum front yard setback is 15 feet.
 - (5) The minimum street side yard setback is 10 feet.
 - (6) The minimum interior side yard setback is three and one-half feet, except:
 - (a) an interior side yard setback is not required if the interior side yard is adjacent to property zoned SF-4A; and
 - (b) the combined width of the interior side yards of a lot may not be less than seven feet.
 - (7) The minimum rear yard setback is five feet, excluding easements.
 - (8) The minimum setback between a rear access easement and a building or fence is 10 feet.
 - (9) The maximum building coverage is 55 percent.
 - (10) The maximum impervious cover is 65 percent.

(11) A small lot single-family use must comply with the requirements of Section 25-4-232 (*Small Lot Subdivisions*).

(E) Subsections (F) – (L) apply to small lot residential use on property zoned single-family residence small lot (SF-3) district or more restrictive.

(F) Lot Standards.

(1) A lot must be at least 2,000 square feet but less than 5,750 square feet.

(2) Lot Width.

(a) Except for a flag lot, a lot must be at least 15 feet wide.

(b) Except for the portion of a flag lot that provides street access, a flag lot must be at least 20 feet wide.

Commented [PL4]: New text: PC amendment to reduce the minimum width of a lot that is not a flag lot.

(3) A flag lot must comply with Section 25-4-177 (*Flag Lots*).

(4) Except as provided in Subdivision (5), the following setbacks apply.

(a) The minimum side-street setback:

(i) on a Level 1 street is the greater of five feet from the property line or 10 feet from curb, or in the absence of curbs, from the edge of the pavement; or

(ii) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line.

(b) The minimum side setback is:

(i) five feet; or

(ii) zero feet if adjacent to the portion of a flag lot that provides street access.

(c) The minimum front setback is:

(i) 15 feet; or

(ii) five feet if the lot is a flag lot.

(d) The minimum rear setback is five feet.

(5) Except for a side-street setback, when an attached dwelling unit abuts a property line, the minimum setback for that property line is zero.

(G) Building cover limits do not apply to a property zoned family residence (SF-3) district or more restrictive.

(H) Impervious Cover.

(1) The maximum impervious cover is 45 percent.

(2) Except for a flag lot, the maximum front yard impervious cover is 50 percent.

(I) Subchapter F (*Residential Design and Compatibility Standards*) does not apply to a property zoned family residence (SF-3) district or more restrictive except as provided in Subsection (J).

(J) Gross Floor Area.

(1) This subsection applies to a property located within the area described in Subsection 1.2.1 of Subchapter F (*Residential Design and Compatibility Standards*).

(2) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls, except as provided in this subsection.

(3) The maximum floor-to-area ratio for the lot is the greater of 0.55 or 1,450 square feet.

(4) The maximum unit size is 2,300 square feet.

(K) Design standards.

(1) This subsection does not apply to a flag lot.

(2) The minimum number of street-facing entrances is one.

(3) Garage Placement

(a) In this subsection,

- (i) BUILDING FACADE means the front-facing exterior wall or walls of the first floor of the residential structure closest to the primary street, and the term excludes the building facade of the portion of that structure designed or used as a parking structure. Projections from front-facing exterior walls, including but not limited to eaves, chimneys, porches, stoops, box or bay windows, and other similar features as determined by the building official, are not considered part of the building facade.
- (ii) PARKING STRUCTURE means an attached or detached garage or carport.
- (b) A parking structure may not be closer to the front lot line than the front-most exterior wall of the first floor of the building façade.
- (c) If a parking structure with an entrance that faces a front-yard abutting public right-of-way is less than 5 feet behind the building façade, the width of the parking structure may not exceed the width of the building façade as measured parallel to the front lot line.

(L) Access Requirements for Driveways.

- (1) For lot widths less than 20 feet, the site may only take vehicular access off an improved alley or from a side street.
- (2) For lot widths 20 feet or greater but less than 30 feet, the site may only take vehicular access off of an improved alley, from a side street, or through a joint-use driveway with adjoining lots.
- (3) For lot widths of 30 feet or greater, the site may take vehicular access off of an improved alley, through a joint-use driveway with adjoining lots, or by individual driveway.

Commented [PL5]: Modified text: Staff recommends changes to this subsection to account for the lowered minimum lot width recommended by PC.

PART 8. Subsection (B) of City Code Section 25-2-981 (*Applicability; Exceptions*) is amended to read:

§ 25-2-981 APPLICABILITY; EXCEPTIONS.

(B) Division 2 (*Requirements for a Site Plan*) and Division 3 (*Additional Site Plan Requirements in Hill Country Roadway Corridors*) do not apply to:

- (1) property zoned Central Business District (CBD) [~~central business district~~] or Downtown Mixed Use District (DMU) [~~downtown mixed use district~~];
- (2) a lot containing one single-family residence;
- (3) a lot containing one duplex residence, unless the residence exceeds 4,000 square feet of gross floor area or has more than six bedrooms;
- (4) a two-unit [~~family~~] residential use;
- (5) a secondary apartment special use;
- (6) a small lot single-family residential use on property zoned SF-1, SF-2, or SF-3;
- (7) substantial restoration of a building within one year after the building is damaged;
- (8) restoration of a building designated as a historic landmark; or
- (9) interior or facade remodeling, if the front and side exterior walls of the building remain in the same location.

PART 9. City Code Section 25-2-1406 (*Ordinance Requirements*) is amended to read:

§ 25-2-1406 ORDINANCE REQUIREMENTS.

An ordinance zoning or rezoning property as a NP combining district:

- (1) must prescribe the special uses described in Section 25-2-1403 (*Special Uses*) that are permitted in the district;
- (2) must describe the location of each residential infill special use, neighborhood urban center special use, or neighborhood mixed use building special use, if any;

- (3) may restrict the time of day during which a business in a neighborhood mixed use building special use may be open to the public;
- (4) may restrict a corner store special use, cottage special use, secondary apartment special use, or urban home special use, if any, to a designated portion of the district;
- (5) for a single-family residential use on an existing legal lot platted on or before August 15, 2024 or a secondary apartment special use on an existing legal lot:
- (a) may reduce the required minimum lot area to 2,500 square feet;
- (b) may reduce the required minimum lot width to 25 feet; ~~and~~
- (c) for a lot with an area of 4,000 square feet or less, may increase the maximum impervious coverage to 65 percent; ~~and~~
- (d) a lot that is aggregated with other property to form a site may not be disaggregated to satisfy this subsection; ~~and~~[-]
- (6) may apply the requirements of Section 25-2-1602 (*Front Porch Setback*), Section 25-2-1603 (*Impervious Cover and Parking Placement Requirements*), or Section 25-2-1604 (*Garage Placement*) to the district or a designated portion of the district;
- (7) may restrict front yard parking by including all or a portion of the district in the restricted parking area map described in Section 12-5-29 (*Front or Side Yard Parking*); ~~and~~
- (8) may apply the requirements of Section 25-2-812(N) (*Mobile Food Establishments*) to the district or a designated portion of the district;[-]
- (9) may modify the following requirements of Subchapter F (*Residential Design And Compatibility Standards*) for the district or a designated portion of the district:

Commented [PL6]: This change aligns with the staff proposed change to delay implementation by 90 days. See Part 20.

- (a) the maximum floor-to-area ratio and maximum square footage of gross floor area prescribed by Subchapter F (*Residential Design And Compatibility Standards*);
 - (b) the maximum linear feet of gables or dormers protruding from the setback plane;
 - (c) the height of the side and rear setback planes; and
 - (d) the minimum front yard setback requirement; and[-]
- (10) may apply the requirements of Section 25-2-1407 (*Affordable Housing*) to the district or a designated portion of the district.

PART 10. City Code Section 25-4-177 (*Flag Lots*) is repealed and replaced to read:

§ 25-4-177 FLAG LOTS.

(A) In this section, SINGLE-FAMILY RESIDENTIAL means:

- (1) single-family attached residential use;
- (2) single-family residential use; and
- (3) small lot single-family residential use.

(B) A flag lot may only be approved in accordance with the requirements of this subsection.

- (1) Except as provided in Subdivision (2), flag lot designs are permitted if the director determines that the subdivision conforms to the Fire Code, utility design criteria, Plumbing Code and requirements for access.
- (2) In single-family, duplex, two-unit, or three-unit residential subdivisions on previously unplatted land,
 - (a) residential flag lot designs may be used where no more than two dwelling units utilize a shared driveway; and

- (b) residential flag lot designs with more than two units sharing a driveway may be utilized if the lots conform to the Fire Code, utility design criteria, Plumbing Code, and requirements for access.

(C) Minimum Width of a Flag Lot.

- (1) Except as provided in Subdivision (2), the minimum width of a flag lot is:

(a) 20 feet; or

(b) 15 feet if:

(i) two or more contiguous lots share a common driveway and sufficient area is available outside the drive on each lot for utility installation;

(ii) the applicant can demonstrate access through an alternative route; or

(iii) a driveway is not proposed.

- (2) The minimum width of a flag lot with up to three dwelling units is:

(a) 15 feet; or

(b) 10 feet if:

(i) two or more contiguous lots share a common driveway and sufficient area is available outside the drive on each lot for utility installation; or

(ii) the applicant can demonstrate access through an alternative route; or

(iii) a driveway is not proposed.

- (D) For residential subdivisions utilizing a flag lot design, all driveways within the subdivision must be located and designed in a manner that:

- (1) provides adequate space for required utilities;
- (2) complies with the Utilities Criteria Manual;
- (3) complies with the Drainage Criteria Manual;
- (4) complies with the Fire Code;
- (5) complies with the Plumbing Code; and
- (6) complies with applicable tree preservation requirements detailed in the Environmental Criteria Manual.

(E) All addresses for residential lots utilizing a flag lot design must be displayed at their closest point of access to a public street for emergency responders.

PART 11. Subsection (A) of City Code Section 25-4-232 (*Small Lot Subdivisions*) is amended to read:

§ 25-4-232 SMALL LOT SUBDIVISIONS.

(A) This section applies to a subdivision with small lots that are zoned SF-4A or less restrictive.

PART 12. Article 10 (*Compatibility Standards*), Subchapter C of City Code Chapter 25-2 is repealed and replaced to read:

ARTICLE 10. COMPATIBILITY STANDARDS.

Division 1. General Provisions.

§ 25-2-1051 APPLICABILITY.

Except as provided in Section 25-2-1052 (*Exceptions*) or another specific provision of this title, this article applies to a site that is:

- (1) zoned multi-family residence moderate-high density (MF-4) or less restrictive; and
- (2) located within 75 feet of a triggering property.

343 **§ 25-2-1052 EXCEPTIONS.**

344 This article does not apply to:

- 345 (1) a structural alteration that does not increase the square footage, area, or
346 height of a building;
- 347 (2) a site zoned Central Business District (CBD) or Downtown Mixed-Use
348 (DMU); or
- 349 (3) a site that is used for:
- 350 (a) duplex use;
- 351 (b) single-family attached residential use;
- 352 (c) single-family residential use;
- 353 (d) two-unit residential use;
- 354 (e) three-unit residential use;
- 355 (f) adult care services use (limited or general); or
- 356 (g) child care services use (limited or general).

357 **§ 25-2-1053 TRIGGERING PROPERTY.**

358 A triggering property is a site:

- 359 (1) with at least one dwelling unit but less than four dwelling units; and
- 360 (2) zoned Urban Family Residence (SF-5) or more restrictive.

361 **§ 25-2-1054 SITE-SPECIFIC AMENDMENTS.**

- 362 (A) Except as provided in Subsection (B), council may grant site-specific amendments
363 to height and compatibility buffers if council determines that an amendment is
364 appropriate and will not harm the surrounding area.
- 365 (B) A site is not eligible for a site-specific amendment if the site is:

Commented [PL7]: Original Text: Only allowed for site-specific amendments for height limits.
Updated Text: PC recommended that this amendment process be allowed for height and compatibility buffers.

- (1) zoned:
- (a) special purpose base zoning district;
 - (b) density bonus (DB) combining district; or
- (2) subject to the university neighborhood overlay (UNO).
- (C) A site-specific amendment to this article is considered a rezoning of property and is subject to the same requirements and procedures established for a rezoning application that changes the base district classification of a property.
- (D) A site-specific amendment may be initiated by:
- (1) council;
 - (2) Land Use Commission; or
 - (3) record owner.

Commented [PL8]: Consolidated two subsections because of the clarifying language added in Subsection (D).

Commented [PL9]: New: Clarifying text. Also, responds to PC amendment.

Division 2. Development Standards.

§ 25-2-1061 COMPATIBILITY HEIGHT LIMITS.

- (A) In this section, structure means a portion of a structure.
- (B) Any structure that is located 75 or more feet from any part of a triggering property shall comply with the height limits established by the site's zoning ordinance.
- (C) Except as provided by a site-specific amendment to this section, any structure that is located:
- (1) at least 50 feet but less than 75 feet from any part of a triggering property may not exceed 60 feet; and
 - (2) less than 50 feet from any part of a triggering property may not exceed 40 feet.

§ 25-2-1062 COMPATIBILITY BUFFERS AND SETBACKS.

- (A) This section does not apply to:

(1) condominium residential use; or

(2) townhouse residential use.

(B) Compatibility Buffers.

(1) Except as provided in Subdivision (2), a compatibility buffer is required along a site's property line that is shared with a triggering property.

(2) A compatibility buffer is not required if:

(a) the site includes dwelling units and the number of dwelling units is 16 or fewer dwelling units; or

Commented [PL10]: New: Added per PC amendment.

(b) the site's zoning ordinance establishes a maximum height of 40 feet or less and the site is zoned:

(i) neighborhood office (NO);

(ii) limited office (LO); or

(iii) neighborhood commercial (LR).

(3) Except as provided in Subdivision (5), the minimum width of a compatibility buffer is 25 feet.

(4) A compatibility buffer must comply with Section 25-8-700 (*Minimum Requirements for a Compatibility Buffer*).

(5) The minimum width of a compatibility buffer is 15 feet when a site is less than 75 feet wide when measured from site's property line that is shared with a triggering property.

Commented [PL11]: New: Added per PC amendment.

(C) Setbacks.

(1) This subsection applies to a site's property line that is shared with a triggering property.

(2) The minimum rear setback is 10 feet if the site is zoned:

(a) neighborhood office (NO);

- (b) limited office (LO); or
- (c) neighborhood commercial (LR).

- (3) The minimum interior side-yard setback is five feet if the site is zoned neighborhood commercial (LR).

§ 25-2-1063 SCREENING, NOISE, AND DESIGN REQUIREMENTS.

- (A) Exterior lighting must be hooded or shielded so that the light source is not visible from the site's property line that is shared with a triggering property.
- (B) Mechanical equipment may not produce sound in excess of 70 decibels measured at the site's property line that is shared with a triggering property.
- (C) A concrete slab used for a refuse receptacle may not be placed within 15 feet of triggering property.
- (D) Except for a multi-use trail, an on-site amenity that is available only to residents and occupants of the site and their guests may not be located within 25 feet of a triggering property.
- (E) Screening Requirements. Except when visible from or through a pedestrian or bicycle access point, the following objects may not be visible at the site's property line that is shared with a triggering property and shall be screened:
 - (1) vehicle lights from vehicles that use or are parked on a parking lot or in a parking structure located on the site;
 - (2) ground floor and rooftop mechanical equipment;
 - (3) outdoor storage;
 - (4) refuse receptacles and collection areas; or
 - (5) common areas for amenities, including outdoor decks, patios, or pools.
- (F) The screening required in Subsection (E) may not impede pedestrian or bicycle access points.
- (G) Rooftop mechanical equipment may be screened by a parapet.

Commented [PL12]: Added in lieu of the PC recommendation related to lowering the decibel limit.

Commented [PL13]: Added in lieu of the PC recommendation related to lowering the decibel limit.

PART 13. Subsection 1.3.3 in Subchapter F (*Residential Designs and Compatibility Standards*) of City Code Chapter 25-2 is amended to read:

1.3.3.

~~[This Subchapter does not apply to a]~~ A use[s] listed in Subsections 1.2.2(I)-(M) ~~[(K)-(Q)]~~ of Section 1.2 may comply with this subchapter or ~~[if an applicant has agreed, in a manner prescribed by the director, to comply with]~~ the requirements of Chapter 25-2, Article 10 (*Compatibility Standards*).

PART 14. City Code Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) is amended to add a new Subsection (E) to read:

(E) A person constructing shoreline access, as that term is defined in Section 25-2-1172 (*Definitions*), shall screen the shoreline access from the view of a property with at least one dwelling unit but less than four dwelling units and is zoned Urban Family Residence (SF-5) or more restrictive.

(1) A person may comply with this subsection by providing vegetation and tree canopy as prescribed by rule and may supplement compliance with other screening methods prescribed by rule.

(2) The owner must maintain the screening required by this section.

PART 15. Subsection (F) of City Code Section 25-2-32 (*Zoning Districts and Map Codes*) is amended to add a new combining district that reads as follows:

(F) Combining districts and map codes are as follows:

(22) Equitable Transit-Oriented DevelopmentETOD

(23) density bonus ETOD DBETOD

PART 16. Division 6, Article 2, Subchapter A of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-182 to read:

**§ 25-2-182 EQUITABLE TRANSIT-ORIENTED DEVELOPMENT (ETOD)
COMBINING DISTRICT PURPOSE AND BOUNDARIES.**

(A) The purpose of the Equitable Transit-Oriented Development (ETOD) combining district is to enhance transit-supportive uses, encourage more intentional and equitable land stewardship with increased bicycle, pedestrian, and transit connectivity, housing options and opportunities, public realm activation, and new economic opportunities near public transit.

(B) The boundaries of the ETOD district are identified in **Exhibit “A” (ETOD Boundaries)** and are incorporated into Chapter 25-2 as Appendix G.

PART 17. Division 6, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-653 to read:

**§ 25-2-653 EQUITABLE TRANSIT-ORIENTED DEVELOPMENT (ETOD)
COMBINING DISTRICT REGULATIONS.**

(A) This section applies to a property with ETOD zoning.

(B) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is more restrictive.

(C) An ETOD combining district may not be combined any special purpose base districts or with any of the following zoning districts:

- (1) Lake Austin residence (LA);
- (2) rural residence (RR);
- (3) single-family residence large lot (SF-1);
- (4) single-family residence standard lot (SF-2);
- (5) family residence (SF-3);
- (6) single-family residence small lot (SF-4A);
- (7) single-family residence condominium site (SF-4B);
- (8) urban family residence (SF-5);
- (9) townhouse and condominium residence (SF-6);

- (10) mobile home residence (MH);
(11) planned development area (PDA);
(12) East Sixth/Pecan Street Overlay (PS); or
(13) University Neighborhood Overlay (UNO).

(D) The uses included in Table (D) are prohibited uses on a property with ETOD zoning;

TABLE D. PROHIBITED USES

COMMERCIAL USES: Agricultural Sale and Services Automotive Sales Automotive Rentals Automotive Repair Services Building Maintenance Services Campground Carriage Stable Convenience Storage Drop-off Recycling Collection Facility Electronic Prototype Assembly Electronic Testing Equipment Repair Services Equipment Sales Exterminating Services Funeral Services Marina Recreational Equipment Maintenance & Storage	Recreational Equipment Sales Research Assembly Services Research Testing Services Research Warehousing Services Scrap and Salvage Service Station Stables Vehicle Storage INDUSTRIAL USES: Basic Industry General Warehousing and Distribution Recycling Center Resource Extraction AGRICULTURAL USES: Animal Production Crop Production Indoor Crop Production
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Commented [PL14]: Original text: Made limited warehousing and distribution and horticulture prohibited uses.
Updated per PC Amendment:
Made limited warehousing and distribution and horticulture conditional uses.

- (E) The uses included in Table (E) are conditional uses on a property with ETOD zoning if the use is permitted by the zoning that applies to the property.

TABLE E. CONDITIONAL USES

COMMERCIAL USES: Alternative Financial Services Automotive Washing Bail Bond Services Commercial Blood Plasma Center Commercial Off-Street Parking Communications Services Construction Sales and Services Electric Vehicle Charging Kennels Monument Retail Sales Off-Site Accessory Parking	Pawn Shop Services Pedicab Storage and Dispatch Special Use Historic INDUSTRIAL USES: Custom Manufacturing Light Manufacturing Limited Warehousing and Distribution AGRICULTURAL USES: Horticulture
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PART 18. City Code Section 25-2-181 (*Density Bonus Combining District Purpose*) is amended to add a new Subsection (C) to read:

§ 25-2-181 DENSITY BONUS COMBINING DISTRICT PURPOSE.

- (C) DBETOD Combining District allows residential uses, preserves certain existing residential and non-residential uses, modifies compatibility standards and site development regulations, and grants additional building height in exchange for income-restricted housing.

PART 19. Division 6, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-654 to read:

§ 25-2-654 DENSITY BONUS ETOD (DBETOD) COMBINING DISTRICT REGULATIONS.

- (A) This section applies to a property with DBETOD zoning.
- (B) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is less restrictive.
- (C) Pre-Requisites.

- (1) To utilize the regulations described in Subsection (G) and (H), the site's zoning must include DBETOD and applicant must comply with Subsections (E) and (F).
- (2) To preserve reserved dwelling units and existing non-residential spaces, an applicant must comply with Article 2 (*Density Bonus and Incentive Programs*) of Chapter 4-18 before applying for a building permit or site plan that relies on the regulations described in Subsections (G) and (H).
- (D) Density bonus ETOD (DBETOD) combining district may only be combined with Equitable Transit-Oriented Development (ETOD) combining district.
- (E) Affordability Requirements – Dwelling Units.
- (1) Affordability Minimums - Ownership Units. If an applicant develops dwelling units for sale, this subdivision applies.
- (a) A development must provide a minimum of 12 percent of the residential units as affordable for ownership and occupancy by households earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the director of the Housing Department.
- (b) An applicant for a proposed owner-occupied housing development may elect to meet the affordability requirement without providing income-restricted units onsite by paying a fee in-lieu to the Housing Trust Fund. At a minimum, the fee-in-lieu shall be equivalent to 125 percent of the required percentage of the total residential units, including the mix of bedrooms required. The fee-in-lieu shall be set by separate ordinance. The amount of fee-in-lieu due is determined using the fee schedule ordinance in effect at site plan submittal.
- (2) Affordability Minimums - Rental Units. If an applicant develops dwelling units for lease, this subdivision applies.
- (a) A development must provide a minimum of 15 percent of the residential units as affordable for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock

Commented [PL15]: Added per PC recommendation.

Metropolitan Statistical Area Median Family Income as determined by the director of the Housing Department.

- (b) A development must provide a minimum of 12 percent of the residential units as affordable for lease and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the director of the Housing Department.

(F) Existing Non-Residential Spaces.

(1) In this subsection,

- (a) CREATIVE SPACE means a use described in Chapter 25-2 (*Zoning*) that allows one or more of the following occupancies:

- (i) art gallery;
- (ii) art workshop;
- (iii) performance venue; or
- (iv) theater.

- (b) EXISTING NON-RESIDENTIAL SPACE means a:

- (i) adult care services use (general or limited) that has operated for a minimum of 12 continuous months
- (ii) child care services use (general or limited) that has operated for a minimum of 12 continuous months;
- (iv) cocktail lounge use that has operated for a minimum of 12 continuous months;
- (ii) counseling services use that has operated for a minimum of 10 consecutive years with a gross floor area of 5,000 square feet or less;
- (iii) creative space use that has operated for a minimum of 12 continuous months;

- 572 (iv) food sales use that has operated for a minimum of 12
573 continuous months with a gross floor area of 40,000 square feet
574 or less;
- 575 (v) medical office use that has operated for a minimum of 10
576 consecutive years with a gross floor area of 5,000 square feet or
577 less;
- 578 (vi) personal improvement services use that has operated for a
579 minimum of 12 continuous months; or
- 580 (vii) small format use that has operated for a minimum of five
581 continuous years with a gross floor area of 10,000 square feet
582 or less.
- 583 (c) SMALL FORMAT USE means a use described in Chapter 25-2
584 (Zoning) that allows one or more of the following occupancies:
- 585 (i) custom manufacturing;
- 586 (ii) general retail sales;
- 587 (iii) personal services;
- 588 (iv) pet services;
- 589 (v) restaurant (general or limited); or
- 590 (vi) veterinary services.
- 591 (2) If a site includes an existing non-residential space, the proposed
592 development must replace each existing non-residential space with a space
593 that is comparable in size for a period of 10 years.
- 594 (3) This subsection establishes an existing non-residential space subject to
595 Division 2 (*Redevelopment Requirements*), Article 2 of City Code Chapter
596 4-18.

- (4) A non-conforming use is not discontinued if the non-conforming use qualifies as an existing non-residential space and is required to be replaced under this subsection.

(G) Development Standards and Mixed Use.

- (1) The following uses are permitted on a property with DBETOD zoning:

- (a) uses permitted by the zoning that applies to the property;
- (b) uses not prohibited by ETOD combining district; and
- (c) residential uses.

- (2) A development must comply with Article 2 (*Site Development Standards*) and Article 3 (*Building Design Standards*) in Subchapter E (*Design Standards and Mixed Use*) except when those provisions conflict with this section.

- (3) Except as modified by this section, a site with a residential base zoning district shall follow development standards applicable to the site's residential base zoning district and the residential use.

(4) Mix of Uses

- (a) This subdivision does not apply to a property with a residential base zoning district.
- (b) In this subdivision, PRINCIPAL STREET has the same meaning as principal street in and is applied consistent with Article 5 (*Definitions*) of Subchapter E.
- (c) Pedestrian-Oriented Commercial Spaces. When a site abuts a principal street, 75 percent of the building frontage along the principal street must contain one or more commercial uses and must comply with the dimensional requirements found in Section 4.3.3.C in Subchapter E (*Design Standards and Mixed Use*).

- (d) Limitation on Mix of Uses.

Commented [PL16]: Modified language to follow PC recommendation.
Cocktail lounges and performance venues are not allowed above a residential use or on or above the third floor.

- (i) The maximum number of floors that can include non-residential uses is two.
- (ii) A cocktail lounge or performance venue may only be located on the first or second story of the building.
- (iii) A residential use may not be located below a cocktail lounge or performance venue.
- (e) An on-site amenity is a residential use when provided solely for use by the occupant, or the occupant's guests.
- (f) The ordinance zoning or rezoning a site as DBETOD may modify the requirements in Subdivision (4)(c).
- (5) A building may exceed the maximum building height in the base zoning district by a maximum of 60 feet except that no building may exceed 120 feet in height.
- (6) A site is not required to comply with the base zoning district's:
- (a) minimum site area requirements (if applicable);
 - (b) maximum floor area ratio;
 - (c) maximum building coverage
 - (d) maximum number of stories;
 - (e) minimum street side yard setback and interior yard setback; and
 - (f) minimum front yard setback; provided, however, that if the right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.
- (7) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) in Subchapter E apply to a site developed under this section.
- (H) Compatibility Requirements.

- (1) A building is not required to comply with Article 10 (*Compatibility Standards*) in Subchapter C.
- (2) In this subsection,
- (a) TRIGGERING PROPERTY means a site:
- (i) with at least one dwelling unit but less than four dwelling units; and
- (ii) is zoned Urban Family Residence (SF-5) or more restrictive; and
- (b) STRUCTURE includes a portion of a structure.
- (3) Any structure that is located less than 50 feet from any part of a triggering property may not exceed 90 feet.
- (4) Compatibility Buffer. A compatibility buffer is required along a site's property line that is shared with a triggering property.
- (a) The minimum width of a compatibility buffer is 25 feet.
- (b) A compatibility buffer must comply with Section 25-8-700 (*Minimum Requirements for a Compatibility Buffer*).
- (5) Exterior lighting must be hooded or shielded so that the light source is not visible from the site's property line that is shared with a triggering property.
- (6) Mechanical equipment may not produce sound in excess of 70 decibels measured at the site's property line that is shared with a triggering property.
- (7) A concrete slab used for a refuse receptacle may not be placed within 15 feet of triggering property.
- (8) Except for a multi-use trail, an on-site amenity that is available only to residents and occupants of the site and their guests may not be located within 25 feet of a triggering property.

- (9) Screening Requirements. Except when visible from or through a pedestrian or bicycle access point, the following objects may not be visible at the site's property line that is shared with a triggering property and shall be screened:
- (a) vehicle lights from vehicles that use or are parked on a parking lot or in a parking structure located on the site;
 - (b) ground floor and rooftop mechanical equipment;
 - (c) outdoor storage;
 - (d) refuse receptacles and collection areas; or
 - (e) common areas for amenities, including outdoor decks, patios, or pools.
- (10) The screening required in Subdivision (9) may not impede pedestrian or bicycle access points.
- (11) Rooftop mechanical and equipment may be screened by a parapet.

Commented [PL17]: Added in lieu of PC recommendation related to modifying the decibel limit.

Commented [PL18]: Added in lieu of the PC recommendation related to modifying decibel limit.

PART 20. Parts 3 through 11 apply to an application submitted on or after August 16, 2024.

Commented [PL19]: After further discussion, City staff recommend a delayed implementation date. This delayed implementation date was not recommended by PC.

PART 21. This ordinance takes effect on _____, 2024.

PASSED AND APPROVED

_____, 2024 § _____
Kirk Watson
Mayor

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