

Staff Version

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE TITLE 25 (LAND DEVELOPMENT) ESTABLISHING REGULATIONS APPLICABLE TO DENSITY BONUS UNIVERSITY NEIGHBORHOOD OVERLAY (DBUNO) ZONING AND REPEALING UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT REGULATIONS AND BOUNDARIES.

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

PART 1. City Code Section 25-2-179 (*University Neighborhood Overlay (UNO) District Purpose and Boundaries*) is repealed in its entirety with this section number reserved for future use.

PART 2. City Code Chapter 25-2, Subchapter C, Article 3, Division 9 (*University Neighborhood Overlay District Requirements*) is repealed in its entirety with this division number reserved for future use.

PART 3. City Code Chapter 25-2, Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, Height Limits, and Additional Height and Affordable University Neighborhood Overlay District Boundaries*) is repealed in its entirety with this appendix designation reserved for future use.

PART 4. Subsection (F) of City Code Section 25-2-32 (*Zoning Districts and Map Codes*) is amended to add a new combining district to read:

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

(25) density bonus university neighborhood overlayDBUNO

PART 5. City Code Section 25-2-181 (*Density Bonus Combining Districts*) is amended to add a new Subsection (E) to read:

§ 25-2-181 DENSITY BONUS COMBINING DISTRICTS.

(E) DBUNO Combining District promotes high-density, pedestrian-friendly development in the area generally west of the University of Texas campus that:

(1) provides quality, safe, and affordable living for all, especially students attending college and university;

- (2) preserves certain existing residential and non-residential uses;
- (3) modifies site development regulations; and
- (4) grants additional building height in exchange for income-restricted housing.

PART 6. City Code Chapter 25-2, Subchapter C, Article 3, Division 5 (*Combining and Overlay Districts*) is amended to add a new Section 25-2-656 to read:

§ 25-2-656 DENSITY BONUS UNIVERSITY NEIGHBORHOOD OVERLAY (DBUNO) COMBINING DISTRICT REGULATIONS.

- (A) The boundaries and subdistricts of the density bonus university neighborhood overlay (DBUNO) combining district are identified in Appendix H (*DBUNO Boundaries and Subdistricts*) of this chapter.
- (B) This section applies to a property with DBUNO zoning.
- (C) This section governs over a conflicting provision of this title or other ordinance.
- (D) Pre-Requisites.
 - (1) To use the regulations described throughout this section, the site's zoning must include density bonus university neighborhood overlay (DBUNO) combining district.
 - (2) Unless otherwise identified, a site must comply with affordability requirements defined in this section.
 - (3) To preserve reserved dwelling units and existing non-residential spaces, an applicant must comply with City Code Chapter 4-18, Article 2 (*Density Bonus and Incentive Programs*) before applying for a building permit or site plan that relies on the regulations described in this section.
 - (4) In addition to pre-requisites, for a subdistrict identified in Appendix H (*DBUNO Boundaries and Subdistricts*) a development must comply with the applicable subdistrict regulations.

81 (E) Combining District.

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- 83 (1) DBUNO may only be combined with a site located within the boundary
- 84 designated by Appendix H (*DBUNO Boundaries and Subdistricts*).
- 85
- 86 (2) DBUNO may not be combined with a single-family (SF) zoning district.
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88 (F) Definitions.

89 In this section,

- 90
- 91
- 92 (1) AFFORDABLE BEDROOM means a bedroom that is for lease in a
- 93 dwelling unit and is reserved for an income-eligible household.
- 94
- 95 (2) AFFORDABILITY MINIMUM means the minimum percentage of
- 96 owned or leased affordable units or affordable bedrooms a development
- 97 must provide or the minimum amount of fee-in-lieu that must be provided.
- 98
- 99 (3) AFFORDABLE OWNERSHIP UNIT means a dwelling unit that is for
- 100 sale and is reserved for an income-eligible household.
- 101
- 102 (4) AFFORDABLE RENTAL UNIT means a dwelling unit that is for lease
- 103 and is reserved for an income-eligible household.
- 104
- 105 (5) AFFORDABLE UNIT means an affordable ownership unit or an
- 106 affordable rental unit.
- 107
- 108 (6) BONUS HEIGHT means the amount of height that exceeds the height
- 109 allowed by the base zoning district.
- 110
- 111 (7) FEE IN-LIEU means the fee paid in-lieu of providing on-site affordable
- 112 units or affordable bedrooms.
- 113
- 114 (8) MFI means the Austin-Round Rock Metropolitan Statistical Area Median
- 115 Family Income as determined by the director of the Housing Department.
- 116
- 117 (9) MFI- HOME RENT LIMIT means the maximum rent for an affordable
- 118 bedroom.
- 119
- 120
- 121

(G) Affordability Requirements.

- (1) To use bonus height or to use a development standard under DBUNO that is not height-related, a development must provide the affordability minimum.
- (2) The affordability minimum is established by the applicable subdistrict.
- (3) Fee-in-lieu.
 - (a) The housing fee in-lieu is the equivalent to 100 percent of the required percentage of the total affordable units and affordable bedrooms.
 - (b) The housing fee in-lieu is set by separate ordinance.
 - (c) The amount of housing fee in-lieu due is determined using the fee schedule ordinance in effect at site plan submittal.

(H) Transit Supportive Infrastructure.

- (1) In this section, TRANSIT SUPPORTIVE INFRASTRUCTURE includes appurtenances, facilities, and amenities related to a transit system project as defined in Ordinance No. 20221115-048.
- (2) If an applicant provides transit supportive infrastructure, the affordability minimum is reduced by two percent.
- (3) It is presumed that the value of the transit supportive infrastructure equals at least two percent of the minimum affordability.
 - (a) The director of the Housing Department is authorized to reduce the affordability requirement by more than two percent if the director of the Housing Department and the director of Transportation and Public Works agree that the value of the transit supportive infrastructure is greater than or equal to the value of the reduction.
 - (b) The director of the Housing Department may not reduce the affordability requirement to less than one residential unit or the equivalent of the fee in-lieu for one ownership unit.

Commented [SM1]: Planning Commission recommended requiring transit-supportive infrastructure throughout DBUNO as necessary. Staff recommends aligning the incentives provided for transit-supportive infrastructure with those offered in the Density Bonus ETOD program.

- 163 (4) An applicant must submit a written request to the Project Connect Mobility
164 Officer to provide transit supportive infrastructure.
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166 (5) If the applicant proposes transit supportive infrastructure that serves a
167 community benefit, the Project Connect mobility officer is required to
168 approve a request.
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170 (6) Before approving a request to provide transit supportive infrastructure, the
171 director of Project Connect mobility officer will adopt rules under Chapter
172 1-2 (*Administrative Rules*) that establish when transit supportive
173 infrastructure serves a community benefit.
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175 (I) Existing Non-Residential Spaces.

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177 (1) In this subsection,
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179 (a) CREATIVE SPACE means a use described in Chapter 25-
180 2 (*Zoning*) that allows one or more of the following occupancies:
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182 (i) art gallery;
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184 (ii) art workshop;
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186 (iii) cultural services;
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188 (iv) performance venue; or
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190 (v) theater.
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192 (b) EXISTING NON-RESIDENTIAL SPACE means a:
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194 (i) adult care services use (general or limited) that has operated
195 for a minimum of 12 continuous months;
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197 (ii) child care services use (general or limited) that has operated
198 for a minimum of 12 continuous months;
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200 (iii) cocktail lounge use that has operated for a minimum of 10
201 continuous years;
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- (iv) creative space use that has operated for a minimum of three continuous years;
- (v) food sales use that has operated for a minimum of 10 continuous years with a gross floor area of 20,000 square feet or less; or
- (vi) small format use that has operated for a minimum of five continuous years with a gross floor area of 5,000 square feet or less.
- (c) SMALL FORMAT USE means a use described in Chapter 25-2 (*Zoning*) that allows one or more of the following occupancies:
- (i) general retail sales;
- (ii) personal services; or
- (iii) restaurant (general or limited).
- (2) If a site includes an existing non-residential space, the proposed development must replace each existing non-residential space with a space that is comparable in size for a period of 5 years.
- (3) This subsection establishes an existing non-residential space subject to City Code Chapter 4-18, Article 2, Division 2 (*Redevelopment Requirements*).
- (4) A non-conforming use is not discontinued or abandoned under Section 25-2-945 (*Abandonment of Nonconforming Use*) if the non-conforming use qualifies as an existing non-residential space and is required to be replaced under this subsection.

(J) Permitted and Conditional Uses.

- (1) The following uses are permitted on a property utilizing DBUNO:
- (a) residential uses;
- (b) a local use as defined in this section; and
- (c) unless specifically prohibited or made conditional in this section, uses permitted by the zoning that applies to the property.

Commented [SM2]: Planning Commission amendment allows for hotel-motel use throughout DBUNO. Staff recommends hotel-motel use only where allowed by base zoning district.

(2) The following uses are prohibited on a property utilizing DBUNO:

COMMERCIAL USES:	Recreational Equipment Sales
Agricultural Sale and Services	Research Assembly Services
Automotive Sales	Research Testing Services
Automotive Rentals	Research Warehousing Services
Automotive Repair Services	Scrap and Salvage
Building Maintenance Services	Service Station
Campground	Stables
Carriage Stable	Vehicle Storage
Convenience Storage	INDUSTRIAL USES:
Drop-off Recycling Collection Facility	Basic Industry
Electronic Prototype Assembly	General Warehousing and Distribution
Electronic Testing	Recycling Center
Equipment Repair Services	Resource Extraction
Equipment Sales	AGRICULTURAL USES:
Exterminating Services	Animal Production
Funeral Services	Crop Production
Marina	Indoor Crop Production
Recreational Equipment Maintenance & Storage	

(3) A conditional use under the base zoning district that applies to the property remains a conditional use on a property utilizing DBUNO.

(4) The following uses are additional conditional uses of a property utilizing DBUNO:

COMMERCIAL USES:	Off-Site Accessory Parking
Alternative Financial Services	Pawn Shop Services
Automotive Washing	Pedicab Storage and Dispatch
Bail Bond Services	Special Use Historic
Commercial Blood Plasma Center	INDUSTRIAL USES:
Commercial Off-Street Parking	Custom Manufacturing
Communications Services	Light Manufacturing
Construction Sales and Services	Limited Warehousing and Distribution
Kennels	AGRICULTURAL USES:
Monument Retail Sales	Horticulture

- 251 (5) In this section, a local use includes:
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- 253 (a) administrative and business offices;
- 254
- 255 (b) art gallery;
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- 257 (c) art workshop;
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- 259 (d) business and trade school;
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- 261 (e) consumer convenience services;
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- 263 (f) consumer repair services;
- 264
- 265 (g) counseling services;
- 266
- 267 (h) custom manufacturing;
- 268
- 269 (i) cultural services;
- 270
- 271 (j) child care services (general or limited);
- 272
- 273 (k) adult care service (general or limited);
- 274
- 275 (l) financial services;
- 276
- 277 (m) food preparation, in conjunction with food sales,
- 278
- 279 (n) restaurant (general or limited);
- 280
- 281 (o) food sales;
- 282
- 283 (p) general retail sales (convenience or general);
- 284
- 285 (q) guidance services;
- 286
- 287 (r) indoor sports and recreation;
- 288
- 289 (s) medical offices (not exceeding 5,000 square feet gross floor area);
- 290
- 291 (t) performance venue;

- (u) personal improvement services;
- (v) personal services;
- (w) pet services;
- (x) postal services;
- (y) printing and publishing services;
- (z) professional office;
- (aa) religious assembly;
- (bb) theater;
- (cc) a conditional use in the base zoning district previously approved for use by the Land Use Commission; and
- (dd) a civic use permitted in the base zoning district.

- (6) A local use may not include a drive-through facility.

(K) Development Standards.

- (1) The minimum lot area is 2,500 square feet.
- (2) A development must comply with Subchapter E, Article 2 (*Site Development Standards*) and Subchapter E, Article 3 (*Building Design Standards*) except when those provisions conflict with this section.
- (3) A development must comply with design guidelines adopted by the director of the Planning Department under Chapter 1-2 (*Administrative Rules*).
- (4) In this section,
 - (a) OCCUPANT SPACE means space in a building that is not a parking facility or a mechanical facility; and

(b) STREET WALL AREA means the portion of an exterior wall of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level.

(5) The maximum height of a street wall area is:

(a) 65 feet; or

(b) for an accessory parking structure, to a maximum height of two stories.

(6) At least 42 percent of the street wall area of a building must contain occupant space.

(7) No more than two floors may include local uses.

Commented [SM3]: Planning Commission amendment allows unlimited local uses with fee in-lieu. Staff supports two floor limit.

(8) A public or common open space and the property that triggers the compatibility standards in Article 10 (*Compatibility Standards*) must be separated by a building or a solid masonry wall that is at least six feet high.

(9) Building Wall Height.

(a) An exterior building wall that faces a street must be a minimum of 24 feet in height.

(b) Any portion of an exterior wall adjacent to a street, other than an alley, reaching 65 feet in height must step-back a minimum of 12 feet from the property line.

(c) A parapet may not extend more than five feet above the 65-foot step-back.

(10) The ground floor of a building, including a parking garage must comply with the following:

(a) On the ground floor, at least 75 percent of the net length of street frontage must include occupant space.

(b) Net length of street frontage is calculated by determining the cumulative length of the building at ground level adjacent to each street, other than an alley, and then deducting the cumulative width of driveways, exit stairs, elevators, and utility equipment space.

(c) If a site includes frontage on more than one street, each driveway, set of exit stairs, and elevator must be located on a street that runs north and south, unless the director of the Planning Department determines that those features cannot reasonably be located along that street.

(d) Except for the area adjacent to an alley, the ground floor of a building may not be more than five feet higher or lower than an adjacent public street sidewalk.

(e) The minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 10 feet.

(f) The minimum depth of occupant space is 18 feet and is measured from the outside face of the front exterior wall to the outside face of the rear interior wall.

(11) Screening Requirements.

(a) Utility equipment, mechanical equipment, solid waste collection areas, loading docks, truck parking, outdoor storage, trash collection, trash compaction and other service functions:

(i) are prohibited in the area between a building and a street;

(ii) must not be visible from a street, adjacent property line, and the property line on the far side of an adjacent public street; and

(iii) must be screened or located in a public alley.

(b) Above-ground parking must be screened so that vehicles are concealed from view from a public street or adjacent property; and

(c) Screening materials shall be the same as, or of equal quality to, material used for the principal building.

412 (12) This subsection applies to a site with frontage on an alley 20 feet or more
413 wide.

414 (a) A transformer room or utility vault must be located adjacent to and
415 accessible from the alley.

416 (b) A pump room, sprinkler room, or other utility or mechanical room
417 must be adjacent to and accessible from the alley unless an
418 alternative location is required by the Austin Fire Department.
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420
421 (13) Multifamily Residential Use.

422 (a) A minimum of two percent of the total number of dwelling units
423 must be accessible to a person with a hearing or visual disability.

424 (b) A minimum of 10 percent of the total number of dwelling units must
425 be accessible to a person with a mobility impairment.
426

427 (c) Each ground floor dwelling unit must be adaptable for use by a
428 person with a disability and accessible by a person with a disability
429 from the on-site parking, pedestrian path, and common area building
430 facilities.
431

432 (d) A multistory building that contains dwelling units must be served by
433 an elevator except when:
434

435 (i) 25 percent of the dwelling units within the multistory building
436 are located on the ground floor; or
437

438 (ii) five percent of the dwelling units within the multistory
439 building are located on the ground floor and the building
440 contains less than 20 dwelling units.
441

442 (e) Except as modified by this section, a site with a residential base
443 zoning district shall follow development standards applicable to the
444 site's residential base zoning district and the residential use.
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446 (14) **Parking.** Except for a development that includes a local grocery store
447 greater than 8,000 square feet:
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449
450
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Commented [SM4]: Planning Commission added parking requirements to subdistricts. Staff recommends increasing maximum above-ground parking allowances to six stories in all subdistricts

452 (a) A development is limited to 40 percent of spaces previously required
453 by Appendix A – (*Tables of Off-Street Loading Requirements and*
454 *Former Off-Street Parking Requirements*) of Chapter 25-6
455 (Transportation).

456
457 (b) A development is limited to 60 percent of spaces previously required
458 by Appendix A – (*Tables of Off-Street Loading Requirements and*
459 *Former Off-Street Parking Requirements*) of Chapter 25-6
460 (Transportation) if 50 percent of the parking is located in an
461 underground facility.

462
463 (15) Bicycle Parking. A development must provide the greater of:
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465 (a) five spaces, or

466
467 (b) spaces equal to 15 percent of the proposed motor vehicle parking
468 spaces.

469
470 (16) Streetscape Improvements.

471 (a) Street trees must have a tree grating and be:

472
473 (i) spaced to create a nearly contiguous canopy when the trees
474 reach maturity;

475
476 (ii) in scale with the adjacent building; and

477
478 (iii) installed at-grade.

479
480 (b) Street Furnishings and Pedestrian-scale Lighting.

481
482 (i) A development must provide benches, bike racks, and trash
483 receptacles along each adjacent street or right-of-way.

484
485 (ii) A development must provide pedestrian-scale lighting.

486
487 (c) The director of the Planning Department shall adopt
488 administrative rules prescribing the requirements for tree
489 planting and maintenance and the provision of pedestrian-
490 scale lighting and street furnishings.
491
492

- (d) The director of the Transportation and Public Works Department shall adopt administrative rules prescribing the minimum widths of pedestrian zones.

(17) Setbacks.

- (a) Except as provided in this subsection, there are no minimum front yard or street side yard setbacks.
- (i) The maximum front yard and street side yard setbacks are 10 feet for a public plaza or private common open space.
- (ii) There are no maximum front yard or street side yard setbacks for a pedestrian entry court or an outdoor café.
- (b) There are no minimum or maximum interior side yard setback.
- (c) There are no minimum or maximum rear yard setback.
- (d) A building must be at least 12 feet from the front face of the curb of the adjacent street and at least 30 feet from the centerline of the adjacent street.
- (e) If the width of the right-of-way is less than 60 feet, the minimum front yard setback for a building with three or more stories in height shall be 30 feet from the centerline of the street.

- (18) Tower Spacing. A 5 foot building step-back above 120 in height is required from a site with a zoning district allowing a maximum building height greater than 120 feet.

- (19) 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) Article 9 (*Landscaping*);

Commented [SM5]: Planning Commission's recommendation removed the tower spacing requirement. Staff supports tower spacing requirements. As an alternative to the Planning Commission recommendation of removal, staff proposes a revised tower spacing requirement of 5 feet step-back, removing the requirement for additional spacing from existing buildings.

Commented [SM6]: Planning Commission's recommendation for Subsection (18) Pedestrian-Oriented Local Uses is relocated within individual subdistrict requirements.

(e) Private Common Open Space requirements in Subchapter E (*Design Standards and Mixed Use*)

(20) Subchapter E, Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) apply to a site developed under this section.

(L) Subdistrict 1 Regulations (Subdistrict 1).

Affordability Minimum- Tier 1

(1) To use up to 240 feet in bonus height or to use a development standard under DBUNO that is not height-related, a development must provide:

- (a) a minimum of 10 percent of the residential units as affordable ownership units to households earning 80 percent or less MFI or pay fee in-lieu of this affordable ownership units requirement; or
- (b) a minimum of 10 percent of the residential units as affordable rental units to households earning 50 percent or less MFI; or
- (c) a minimum of 20 percent of bedrooms as affordable bedrooms to households earning 40 percent or less MFI- Home Rent Limit.

Affordability Minimum- Tier 2

(2) To use more than 240 feet in bonus height a development must satisfy the affordability requirement in Tier 1 and shall:

- (a) provide an additional 10 percent of the residential units as affordable ownership units to households earning 80 percent or less MFI or pay fee in-lieu of this additional affordable ownership units requirement; or
- (b) provide an additional 5 percent of residential units above the 240 feet of bonus height as affordable rental units to households earning 50 percent or less MFI; or

Commented [SM7]: Planning Commission established 7 Subdistricts.
Staff recommends 6 Subdistricts.

Commented [SM8]: Planning Commission included a requirement of 30 percent affordable bedrooms at 50 percent MFI. Staff supports 20 percent of affordable bedrooms and 40 percent MFI for bedrooms throughout all subdistricts.

Commented [SM9]: Planning Commission amendment requires 7.5 percent.
Staff supports 5 percent.

(c) provide an additional 10 percent of bedrooms above the 240 feet of bonus height as affordable bedrooms to households earning 40 percent or less MFI- Home Rent Limit.

Commented [SM10]: Planning Commission amendment requires 23 percent.
Staff supports 10 percent.

(3) A building may exceed the maximum building height in the base zoning district by 540 feet except that no building may exceed 600 feet in height.

(4) The maximum amount of impervious coverage for a site is 100 percent.

(5) The maximum stories of an above-ground parking structure is 6.

(6) Except when 50 percent of the residential units are affordable units or affordable bedrooms, a building may only utilize the regulations described in this section by providing one of the following:

Commented [SM11]: Planning Commission removed all requirements beyond minimum affordability.

Staff modified their initial recommendation by reducing the original requirements necessary in addition to affordable housing minimums as provided in each subdistrict.

(a) Pedestrian-Oriented Local Uses.

(i) In this section, PRINCIPAL STREET has the same meaning assigned in Article 5 (*Definitions*).

(ii) Pedestrian-Oriented Local Use. At least 75 percent of the building frontage along the principal street and on the ground floor of a building must contain one or more local uses and must comply with the dimensional requirements found in Subchapter E, Section 4.3.3.C (*Pedestrian-Oriented Commercial Space*).

Commented [SM12]: Planning Commission recommended waiving pedestrian-oriented local use for a development that includes a grocery store that is a minimum 2,500 square feet and waiving the above-ground parking limitation of 40 and 60 percent of parking spaces previously required.
Staff recommends waiving for above-ground parking limitation only.

1. A lobby serving one or more non-pedestrian-oriented local uses does not satisfy the 75 percent frontage requirement unless the development includes: transit-supportive infrastructure; a group residential use; or a local grocery store.
2. The 75 percent requirement does not include space dedicated to emergency exits, required utility connections, and any other service component required by the building or other codes and requirements.

(iii) Limitation on Mix of Uses For a Building Containing Residential Uses and No Transit-Supportive Infrastructure.

1. A cocktail lounge or performance venue may only be located on the first and second story of the building.
2. A residential use may not be located below a cocktail lounge or performance venue.
3. An on-site amenity is a residential use when provided solely for use by occupants, or occupants' guests.

(iv) A site containing a pedestrian-oriented local use satisfies this subsection.

(b) Local Grocery Store

(i) In this section, LOCAL GROCERY STORE means a site containing a food sales use limited to a grocery store with:

1. pedestrian access on the ground floor of the building; and
2. a minimum gross area of 2,500 square feet.

(ii) A site containing a local grocery store satisfies this subsection.

(7) Hotel-motel use is a permitted use on a site with DBUNO zoning only if permitted by the base zoning district that applies to the property.

(8) For a hotel-motel use to utilize a bonus height or utilize a development standard under DBUNO the development shall provide hotel-motel use fee in-lieu to the University Neighborhood District Housing Trust Fund for 100 percent of hotel-motel use. The hotel-motel use is each square foot of the net square footage of the hotel-motel use on a site. The hotel-motel use fee in-lieu shall be set by separate ordinance. The amount of hotel-motel use fee-in-lieu due is determined using the fee schedule ordinance in effect at site plan submittal.

(M) Subdistrict 2 Regulations (Subdistrict 2).

Affordability Minimum- Tier 1

- (1) To use up to 240 feet in bonus height or to use a development standard under DBUNO that is not height-related, a development must provide:
 - (a) a minimum of 10 percent of the residential units as affordable ownership units to households earning 80 percent or less MFI or pay fee in-lieu of this affordable ownership units requirement; or
 - (b) a minimum of 10 percent of residential units as affordable rental units to households earning 50 percent or less MFI; or
 - (c) a minimum of 20 percent of bedrooms as affordable bedrooms to households earning 40 percent or less MFI- Home Rent Limit.

Commented [SM13]: Planning Commission amendment requires 30 percent affordable bedroom. Staff supports 20%.

Affordability Minimum- Tier 2

- (2) To use more than 240 feet in bonus height a development must provide the affordability minimum required in Tier 1 and shall:
 - (a) provide an additional 10 percent of the residential units as affordable ownership units to households earning 80 percent or less MFI or pay fee in-lieu of this additional affordable ownership units requirement; or
 - (b) provide an additional 5 percent of residential rental units above the 240 feet of bonus height as affordable units to households earning 50 percent or less MFI; or
 - (c) provide an additional 10 percent of bedrooms above the 240 feet of bonus height as affordable bedrooms to households earning 40 percent or less MFI- Home Rent Limit.
- (3) A building may exceed the maximum building height in the base zoning district by 360 feet except that no building may exceed 420 feet in height.

Commented [SM14]: Planning Commission amendment requires 7.5 percent. Staff supports 5 percent

Commented [SM15]: Planning Commission amendment requires 23 percent. Staff supports 10 percent.

Commented [SM16]: Planning Commission by amendment allows bonus height of 390 feet with max height of 450 feet. Staff proposes original bonus height of 360 feet with max height of 420 feet.

- 699 (4) The maximum amount of impervious coverage for a site is 100
700 percent.
- 701
- 702 (5) The maximum stories of an above-ground parking structure is 6.
- 703
- 704
- 705 (6) Except when 50 percent of the residential units are affordable units or
706 affordable bedrooms, a building may only utilize the regulations described
707 in this section by providing one of the following:
- 708
- 709 (a) Pedestrian-Oriented Local Uses.
- 710
- 711 (i) In this section, PRINCIPAL STREET has the same meaning
712 assigned in Article 5 (*Definitions*).
- 713
- 714 (ii) Pedestrian-Oriented Local Use. At least 75 percent of the
715 building frontage along the principal street and on the ground
716 floor of a building must contain one or more local uses and
717 must comply with the dimensional requirements found in
718 Subchapter E, Section 4.3.3.C (*Pedestrian-Oriented*
719 *Commercial Space*).
- 720
- 721 1. A lobby serving one or more non-pedestrian-oriented
722 local uses does not satisfy the 75 percent frontage
723 requirement unless the development includes: transit-
724 supportive infrastructure; a group residential use; or a
725 local grocery store.
- 726
- 727 2. The 75 percent requirement does not include space
728 dedicated to emergency exits, required utility
729 connections, and any other service component required
730 by the building or other codes and requirements.
- 731
- 732 (iii) Limitation on Mix of Uses For a Building Containing
733 Residential Uses and No Transit-Supportive
734 Infrastructure.
- 735
- 736 1. A cocktail lounge or performance venue may only be
737 located on the first and second story of the building.
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740 2. A residential use may not be located below a cocktail
741 lounge or performance venue.

742
743 3. An on-site amenity is a residential use when provided
744 solely for use by occupants, or occupants' guests.

745
746 (iv) A site containing a pedestrian-oriented local use satisfies this
747 subsection.

748
749 (b) Local Grocery Store

750
751 (i) In this section, LOCAL GROCERY STORE means a site
752 containing a food sales use limited to a grocery store with:

753
754 1. pedestrian access on the ground floor of the building;
755 and

756
757 2. a minimum gross area of 2,500 square feet.

758
759 (ii) A site containing a local grocery store satisfies this
760 subsection.

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762 (7) Hotel-motel use is a permitted use on a site with DBUNO zoning only
763 if permitted by the base zoning district that applies to the property.

764
765 (8) For a hotel-motel use to utilize a bonus height or utilize a development
766 standard under DBUNO the development shall provide hotel-motel use
767 fee in-lieu to the University Neighborhood District Housing Trust
768 Fund for 100 percent of hotel-motel use. The hotel-motel use is each
769 square foot of the net square footage of the hotel-motel use on a site.
770 The hotel-motel use fee in-lieu shall be set by separate ordinance. The
771 amount of hotel-motel use fee-in-lieu due is determined using the fee
772 schedule ordinance in effect at site plan submittal.

773
774 (N) Subdistrict 3 Regulations (Subdistrict 3).

775
776 (1) Affordability Minimum- Affordable Units.

777
778 (a) To use up to 240 feet in bonus height or to use a development
779 standard under DBUNO that is not height-related, a
780 development must provide:

- 781 (i) a minimum of 10 percent of the residential units as
782 affordable ownership units to households earning 80
783 percent or less MFI or pay fee in-lieu of this affordable
784 ownership units requirement; or
785
786 (ii) a minimum of 10 percent of the residential units as
787 affordable rental units to households earning 50 percent or
788 less MFI; or
789
790 (iii) a minimum of 20 percent of the bedrooms as affordable
791 bedrooms to households earning 40 percent or less MFI-
792 Home Rent Limit.
793
794 (2) A building may exceed the maximum building height in the base
795 zoning district by 240 feet except that no building may exceed 300
796 feet in height.
797
798 (3) The maximum amount of impervious coverage for a site is the greater
799 of 90 percent or the maximum amount allowed in the base zoning
800 district.
801
802 (4) The maximum stories of an above-ground parking structure is 6.
803
804 (5) Except when 50 percent of the residential units are affordable units or
805 affordable bedrooms, a building may only utilize the regulations described
806 in this section by providing one of the following:
807
808 (a) Pedestrian-Oriented Local Uses.
809
810 (i) In this section, PRINCIPAL STREET has the same meaning
811 assigned in Article 5 (*Definitions*).
812
813 (ii) Pedestrian-Oriented Local Use. At least 75 percent of the
814 building frontage along the principal street and on the ground
815 floor of a building must contain one or more local uses and
816 must comply with the dimensional requirements found in
817 Subchapter E, Section 4.3.3.C (*Pedestrian-Oriented*
818 *Commercial Space*).
819
820
821

Commented [SM17]: Planning Commission amendment requires 30 percent affordable bedroom. Staff supports 20 percent

Commented [SM18]: Planning Commission did not recommend a maximum impervious cover. Staff supports the greater of 90 percent or the maximum allowed in base zone.

1. A lobby serving one or more non-pedestrian-oriented local uses does not satisfy the 75 percent frontage requirement unless the development includes: transit-supportive infrastructure; a group residential use; or a local grocery store.
2. The 75 percent requirement does not include space dedicated to emergency exits, required utility connections, and any other service component required by the building or other codes and requirements.

(iii) Limitation on Mix of Uses For a Building Containing Residential Uses and No Transit-Supportive Infrastructure.

1. A cocktail lounge or performance venue may only be located on the first and second story of the building.
2. A residential use may not be located below a cocktail lounge or performance venue.
3. An on-site amenity is a residential use when provided solely for use by occupants, or occupants' guests.

(iv) A site containing a pedestrian-oriented local use satisfies this subsection.

(b) Local Grocery Store

(i) In this section, LOCAL GROCERY STORE means a site containing a food sales use limited to a grocery store with:

1. pedestrian access on the ground floor of the building; and
2. a minimum gross area of 2,500 square feet.

(ii) A site containing a local grocery store satisfies this subsection.

- 863 (6) Hotel-motel use is a permitted use on a site with DBUNO zoning only
864 if permitted by the base zoning district that applies to the property.
865
866 (7) For a hotel-motel use to utilize a bonus height or utilize a development
867 standard under DBUNO the development shall provide hotel-motel use
868 fee in-lieu to the University Neighborhood District Housing Trust
869 Fund for 100 percent of hotel-motel use. The hotel-motel use is each
870 square foot of the net square footage of the hotel-motel use on a site.
871 The hotel-motel use fee in-lieu shall be set by separate ordinance. The
872 amount of hotel-motel use fee-in-lieu due is determined using the fee
873 schedule ordinance in effect at site plan submittal.
874

875 (O) Subdistrict 4 Regulations (Subdistrict 4).
876

- 877 (1) Affordability Minimum- Affordable Units.
878
879 (a) To use up to 115 feet in bonus height or to use a development
880 standard under DBUNO that is not height-related, a
881 development must provide:
882
883 (i) a minimum of 10 percent of the residential units as
884 affordable ownership units to households earning 80
885 percent or less MFI or pay fee in-lieu of this affordable
886 ownership units requirement; or
887
888 (ii) a minimum of 10 percent of the residential units as
889 affordable rental units to households earning 50 percent or
890 less MFI; or
891
892 (iii) a minimum of 20 percent of the bedrooms as affordable
893 bedrooms to households earning 40 percent or less MFI-
894 Home Rent Limit.
895
896 (2) A building may exceed the maximum building height in the base
897 zoning district by 115 feet except that no building may exceed 175 feet
898 in height.
899
900 (3) The maximum amount of impervious coverage for a site is the greater
901 of 90 percent or the maximum amount allowed in the base zoning
902 district.
903

Commented [SM19]: Planning Commission amendment requires 30 percent affordable bedroom. Staff supports 20 percent.

- 904 (4) The maximum stories of an above-ground parking structure is 6.
905
906 (5) Except when 50 percent of the residential units are affordable units or
907 affordable bedrooms, a building may only utilize the regulations described
908 in this section by providing one of the following:
909
910 (a) Pedestrian-Oriented Local Uses.
911
912 (i) In this section, PRINCIPAL STREET has the same meaning
913 assigned in Article 5 (*Definitions*).
914
915 (ii) Pedestrian-Oriented Local Use. At least 75 percent of the
916 building frontage along the principal street and on the ground
917 floor of a building must contain one or more local uses and
918 must comply with the dimensional requirements found in
919 Subchapter E, Section 4.3.3.C (*Pedestrian-Oriented*
920 *Commercial Space*).
921
922 1. A lobby serving one or more non-pedestrian-oriented
923 local uses does not satisfy the 75 percent frontage
924 requirement unless the development includes: transit-
925 supportive infrastructure; a group residential use; or a
926 local grocery store.
927
928 2. The 75 percent requirement does not include space
929 dedicated to emergency exits, required utility
930 connections, and any other service component required
931 by the building or other codes and requirements.
932
933 (iii) Limitation on Mix of Uses For a Building Containing
934 Residential Uses and No Transit-Supportive
935 Infrastructure.
936
937 1. A cocktail lounge or performance venue may only be
938 located on the first and second story of the building.
939
940 2. A residential use may not be located below a
941 cocktail lounge or performance venue.
942
943 3. An on-site amenity is a residential use when provided
944 solely for use by occupants, or occupants' guests.

945 (iv) A site containing a pedestrian-oriented local use satisfies this
946 subsection.

947
948 (b) Local Grocery Store

949 (i) In this section, LOCAL GROCERY STORE means a site
950 containing a food sales use limited to a grocery store with:

- 951
952 1. pedestrian access on the ground floor of the building;
953 and
954
955 2. a minimum gross area of 2,500 square feet.

956
957 (ii) A site containing a local grocery store satisfies this
958 subsection.
959

960
961 (6) Hotel-motel use is a permitted use on a site with DBUNO zoning only
962 if permitted by the base zoning district that applies to the property.
963

964 (7) For a hotel-motel use to utilize a bonus height or utilize a development
965 standard under DBUNO the development shall provide hotel-motel use
966 fee in-lieu to the University Neighborhood District Housing Trust
967 Fund for 100 percent of hotel-motel use. The hotel-motel use is each
968 square foot of the net square footage of the hotel-motel use on a site.
969 The hotel-motel use fee in-lieu shall be set by separate ordinance. The
970 amount of hotel-motel use fee-in-lieu due is determined using the fee
971 schedule ordinance in effect at site plan submittal.
972

973 (P) Subdistrict 5 Regulations (Subdistrict 5).
974

975 (1) Affordability Minimum- Affordable Units.
976

977 (a) To use 70 feet in bonus height or to use a development
978 standard under DBUNO that is not height-related, a
979 development must provide:

- 980
981 (i) a minimum of 10 percent of the residential units as
982 affordable ownership units to households earning 80
983 percent or less MFI; or
984
985

(ii) a minimum of 10 percent of the residential units as affordable rental units to households earning 50 percent or less MFI; or

(iii) a minimum of 20 percent of the bedrooms as affordable bedrooms to households earning 40 percent or less MFI-Home Rent Limit.

Commented [SM20]: Planning Commission amendment requires 30 percent affordable bedroom. Staff supports 20 percent.

(2) A building may exceed the maximum building height in the base zoning district by 70 feet except that no building may exceed 130 feet in height.

(3) The maximum amount of impervious coverage for a site is the greater of 90 percent or the maximum amount allowed in the base zoning district.

(4) The maximum stories of an above-ground parking structure is 6.

(5) Except when 50 percent of the residential units are affordable units or affordable bedrooms, a building may only utilize the regulations described in this section by providing one of the following:

(a) Pedestrian-Oriented Local Uses.

(i) In this section, PRINCIPAL STREET has the same meaning assigned in Article 5 (*Definitions*).

(ii) Pedestrian-Oriented Local Use. At least 75 percent of the building frontage along the principal street and on the ground floor of a building must contain one or more local uses and must comply with the dimensional requirements found in Subchapter E, Section 4.3.3.C (*Pedestrian-Oriented Commercial Space*).

1. A lobby serving one or more non-pedestrian oriented local uses does not satisfy the 75 percent frontage requirement unless the development includes: transit-supportive infrastructure; a group residential use; or a local grocery store.

1026 2. The 75 percent requirement does not include space
1027 dedicated to emergency exits, required utility
1028 connections, and any other service component required
1029 by the building or other codes and requirements.
1030

1031 (i) Limitation on Mix of Uses For a Building Containing
1032 Residential Uses and No Transit-Supportive
1033 Infrastructure.
1034

1035 1. A cocktail lounge or performance venue may only be
1036 located on the first and second story of the building.
1037

1038 2. A residential use may not be located below a cocktail
1039 lounge or performance venue.
1040

1041 3. An on-site amenity is a residential use when provided
1042 solely for use by occupants, or occupants' guests.
1043

1044 (ii) A site containing a pedestrian-oriented local use satisfies this
1045 subsection.
1046

1047 (b) Local Grocery Store
1048

1049 (i) In this section, LOCAL GROCERY STORE means a site
1050 containing a food sales use limited to a grocery store with:
1051

1052 1. pedestrian access on the ground floor of the building;
1053 and
1054

1055 2. a minimum gross area of 2,500 square feet.
1056

1057 (ii) A site containing a local grocery store satisfies this
1058 subsection.
1059

1060 (6) Hotel-motel use is a permitted use on a site with DBUNO zoning only
1061 if permitted by the base zoning district that applies to the property.
1062

1063 (7) For a hotel-motel use to utilize a bonus height or utilize a development
1064 standard under DBUNO the development shall provide hotel-motel use
1065 fee in-lieu to the University Neighborhood District Housing Trust
1066 Fund for 100 percent of hotel-motel use. The hotel-motel use is each

square foot of the net square footage of the hotel-motel use on a site.
The hotel-motel use fee in-lieu shall be set by separate ordinance. The
amount of hotel-motel use fee-in-lieu due is determined using the fee
schedule ordinance in effect at site plan submittal.

(Q) Subdistrict 6 Regulations (Subdistrict 6).

(1) Affordability Minimum- Affordable Units.

(a) To use 30 feet in bonus height or to use a development
standard under DBUNO that is not height-related, a
development must provide:

- (i) a minimum of 10 percent of the residential units as
affordable ownership units to households earning 80
percent or less MFI or pay fee in-lieu of this affordable
ownership units requirement; or
- (ii) a minimum of 10 percent of the residential units as
affordable units to households earning 40 percent or less
MFI; or
- (iii) a minimum of 20 percent of the bedrooms as affordable
bedrooms to households earning 40 percent or less MFI-
Home Rent Limit.

(2) A building may exceed the maximum building height in the base
zoning district by 30 feet except that no building may exceed 90 feet in
height.

(3) Street Furnishings are not required on sites with less than 150 feet
cumulative street frontage.

(4) The maximum amount of impervious coverage for a site is the greater
of 90 percent or the maximum amount allowed in the base zoning
district.

(5) The maximum stories of an above-ground parking structure is 6.

Commented [SM21]: Planning Commission removed the
affordable bedroom requirement from Subdistrict 6.
Staff supports affordable bedroom requirement in this subdistrict.

- 1108 (6) Except when 50 percent of the residential units are affordable units or
1109 affordable bedrooms, a building may only utilize the regulations
1110 described in this section by providing one of the following:
1111
1112 (a) Pedestrian-Oriented Local Uses.
1113
1114 (i) In this section, PRINCIPAL STREET has the same meaning
1115 assigned in Article 5 (*Definitions*).
1116
1117 (ii) Pedestrian-Oriented Local Use. At least 75 percent of the
1118 building frontage along the principal street and on the ground
1119 floor of a building must contain one or more local uses and
1120 must comply with the dimensional requirements found in
1121 Subchapter E, Section 4.3.3.C (*Pedestrian-Oriented*
1122 *Commercial Space*).
1123
1124 1. A lobby serving one or more non-pedestrian-oriented
1125 local uses does not satisfy the 75 percent frontage
1126 requirement unless the development includes: transit-
1127 supportive infrastructure; a group residential use; or a
1128 local grocery store.
1129
1130 2. The 75 percent requirement does not include space
1131 dedicated to emergency exits, required utility
1132 connections, and any other service component required
1133 by the building or other codes and requirements.
1134
1135 (iii) Limitation on Mix of Uses For a Building Containing
1136 Residential Uses and No Transit-Supportive
1137 Infrastructure.
1138
1139 1. A cocktail lounge or performance venue may only be
1140 located on the first and second story of the building.
1141
1142 2. A residential use may not be located below a cocktail
1143 lounge or performance venue.
1144
1145 3. An on-site amenity is a residential use when provided
1146 solely for use by occupants, or occupants' guests.
1147
1148

(iv) A site containing a pedestrian-oriented local use satisfies this subsection.

(b) Local Grocery Store

(i) In this section, LOCAL GROCERY STORE means a site containing a food sales use limited to a grocery store with:

1. pedestrian access on the ground floor of the building; and
2. a minimum gross area of 2,500 square feet.

(ii) A site containing a local grocery store satisfies this subsection.

(7) Hotel-motel use is a permitted use on a site with DBUNO zoning only if permitted by the base zoning district that applies to the property.

(8) For a hotel-motel use to utilize a bonus height or utilize a development standard under DBUNO the development shall provide hotel-motel use fee in-lieu to the University Neighborhood District Housing Trust Fund for 100 percent of hotel-motel use. The hotel-motel use is each square foot of the net square footage of the hotel-motel use on a site. The hotel-motel use fee in-lieu shall be set by separate ordinance. The amount of hotel-motel use fee-in-lieu due is determined using the fee schedule ordinance in effect at site plan submittal.

PART 7. Chapter 25-2 (*Zoning*) is amended to add a new Appendix H (*DBUNO Boundaries and Subdistrict Map*) attached to this ordinance as **Exhibit “A”**.

PART 8. References made to *University Neighborhood Overlay (UNO) District* in City Code Title 25 (*Land Development*) and Building Criteria Manual, Section 12 (*University Neighborhood Overlay (UNO) Zoning District Design Regulations*) shall include *density bonus university neighborhood overlay (DBUNO) combining district*.

PART 9. This ordinance takes effect on _____, 2025.

PASSED AND APPROVED

_____, 2025 § _____
 § _____
 § _____

Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____
Deborah Thomas Erika Brady
City Attorney City Clerk