

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 TO CREATE NEW DENSITY BONUS COMBINING DISTRICTS AND ESTABLISH REGULATIONS AND REQUIREMENTS THAT APPLY TO THE NEW DENSITY BONUS COMBINING DISTRICTS AND RELATED PROGRAMS.

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

PART 1. City Code Section 25-2-32 (*Zoning Districts and Map Codes*) is amended to add five new combining districts to Subsection (F) that read as follows:

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

- (25) citywide density bonus 25.... DBC25
- (26) citywide density bonus 50 DBC50
- (27) citywide density bonus 75 DBC75
- (28) citywide density bonus 120 ...DBC120
- (29) citywide density bonus 190DBC190

PART 2. City Code Section 25-2-33 (*Hierarchy of Base Districts*) is amended to add a new Subsection (D) to read:

(D) Hierarchy for Citywide Density Bonus (DBC) combining districts.

- (1) The most restrictive citywide density bonus (DBC) combining district is DBC25.
- (2) The least restrictive citywide density bonus (DBC) combining district is DBC190.
- (3) Council can approve a more restrictive citywide density bonus (DBC) combining district without additional notice.
- (4) Nothing in this subsection impacts the hierarchy that applies to base districts.

PART 3. City Code Section 25-2-181 (*Density Bonus Combining Districts*) is amended to add a new Subsection (E) to read:

(E) Citywide Density Bonus (DBC) Combining District.

- 33 (1) A reference to citywide density bonus (DBC) combining district in Title 25
34 (*Land Development*) is the collective reference for two or more of the
35 combining districts described by this subsection.
- 36 (2) DBC combining district authorizes a particular site to participate in a
37 voluntary density bonus or incentive program that provides modifications
38 to site development regulations or other regulatory-related benefits in
39 exchange for community benefits.
- 40 (3) DBC25 Combining District allows residential uses and, for certain
41 commercial base zoning districts, allows civic and commercial uses and
42 modifies site development regulations and compatibility requirements, and
43 grants an additional 25 feet in building height in exchange for income-
44 restricted housing.
- 45 (4) DBC50 Combining District allows residential uses and, for certain
46 commercial base zoning districts, allows civic and commercial uses,
47 modifies site development regulations and compatibility requirements, and
48 grants an additional 50 feet in building height in exchange for income-
49 restricted housing.
- 50 (5) DBC75 Combining District allows residential uses and, for certain
51 commercial base zoning districts, allows civic and commercial uses,
52 modifies site development regulations and compatibility requirements, and
53 grants an additional 75 feet in building height in exchange for income-
54 restricted housing.
- 55 (6) DBC120 Combining District allows residential uses and, for certain
56 commercial base zoning districts, allows civic and commercial uses,
57 modifies site development regulations and compatibility requirements, and
58 grants an additional 120 feet in building height in exchange for income-
59 restricted housing. In many instances, this height is compatible in more
60 intense commercial base zones located within ½ mile of high-quality
61 transit.
- 62 (7) DBC190 Combining District allows residential uses and, for certain
63 commercial base zoning districts, allows civic and commercial uses,
64 modifies site development regulations and compatibility requirements, and
65 grants an additional 190 feet in building height in exchange for income-
66 restricted housing. In many instances, this height is compatible in more
67 intense commercial base zones located within 1/4 mile of high-quality
68 transit.

PART 4. Division 6, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-656 to read:

§ 25-2-656 CITYWIDE DENSITY BONUS (DBC) COMBINING DISTRICT REGULATIONS.

- (A) This section establishes the applicable regulations for citywide density bonus combining districts.
- (B) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is less restrictive.
- (C) Combining Districts.
- (1) A DBC combining district may be combined with the following base districts:
- (a) Commercial Highway Services (CH);
 - (b) Commercial Liquor Sales (CS-1);
 - (c) General Commercial Services (CS);
 - (d) Community Commercial (GR);
 - (e) Neighborhood Commercial (LR);
 - (f) General Office (GO);
 - (g) Limited Office (LO);
 - (h) Neighborhood Office (NO);
 - (i) Multifamily Residence Moderate-High (MF-4);
 - (j) Multifamily Residence Medium Density (MF-3);
 - (k) Multifamily Residence Low Density (MF- 2); and
 - (l) Multifamily Residence Limited Density (MF-1).
- (2) A DBC combining district cannot be combined with:
- (a) Vertical Mixed Use (VMU) overlay, which is designated as vertical mixed-use building (V); or
 - (b) other density bonus (DB) combining district.
- (3) A site's zoning cannot include more than one DBC combining district at a time.

99 (D) Pre-Requisites.

- 100 (1) To utilize the regulations described in this section, the site's zoning must
101 include a DBC combining district and an applicant must comply with this
102 subsection and Subsection (E).
- 103 (2) An applicant must comply with Division 1 (*General Provisions*) in Article 2
104 (*Density Bonus and Incentive Programs*) of Chapter 4-18 and Section 4-18-
105 32 (*Existing Multifamily Structure*) before applying for a building permit or
106 site plan that relies on the regulations described in this Section.
- 107 (3) An applicant must provide, at a minimum, the full recommended width of
108 the "pedestrian zone" described in the Transportation Criteria Manual.
109 Because this is part of a density bonus program, this is an additional
110 requirement and compliance with this provision is required even if it must be
111 provided on-site (partially or fully).

112 (E) Affordability Requirements.

113 (1) On-Site Units.

114 (a) Ownership Units. If an applicant develops dwelling units for sale, this
115 subdivision applies. An applicant must reserve a minimum of 10
116 percent of the residential units as affordable for ownership and
117 occupancy by households earning 80 percent or less of the current
118 Austin-Round Rock Metropolitan Statistical Area Median Family
119 Income as determined by the director of Austin Housing.

120 (b) Rental Units. If an applicant develops dwelling units for lease, this
121 subdivision applies. An applicant must reserve a minimum of 10
122 percent of the residential units as affordable for lease and occupancy
123 by households earning 50 percent or less of the current Austin-Round
124 Rock Metropolitan Statistical Area Median Family Income as
125 determined by the director of Austin Housing.

126 (2) Fee-In-Lieu. An applicant may elect to meet the affordability requirement
127 without providing income-restricted units onsite by paying a fee in-lieu to
128 the Housing Trust Fund. At a minimum the fee-in-lieu shall be equivalent to
129 the required percentage of the total residential units, including the mix of
130 bedrooms required, at the rate set in the fee schedule at the time of final site
131 plan submission.

132 (F) Uses, Development Standards, and Compatibility.

133 (1) This subsection applies to a site zoned Neighborhood Office (NO) or less
134 restrictive.

(2) In a DBC combining district, the following uses are permitted:

- (a) uses that are permitted in the base zoning district unless the use is restricted by a conditional overlay that applies to the site;
- (b) residential uses; and
- (c) uses described in Table F (*Additional Permitted Uses*).

TABLE F. ADDITIONAL PERMITTED USES.

Adult care services (limited or general)	Custom manufacturing
Art gallery	Financial services (without drive through services)
Art workshop	Food sales
Business or trade school	Guidance services
Child care services (limited or general)	General retail sales (convenience or general)
Consumer repair services	Personal services
Consumer convenience services	Restaurant (limited or general) without drive-in service
Counseling services	Theater
Cultural services	

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

(4) Mix of Uses.

- (a) In this subdivision, PRINCIPAL STREET has the same meaning as principal street in and is applied consistent with Article 5 (*Definitions*) of Subchapter E (*Design Standards and Mixed Use*).
- (b) Pedestrian-Oriented Commercial Spaces. When a site abuts a principal street, 75 percent of the ground floor building frontage must contain one or more commercial uses or civic uses and must comply

153 with the dimensional requirements found in Section 4.3.3.C in
154 Subchapter E (*Design Standards and Mixed Use*) of this chapter.

- 155 (c) The maximum amount of non-residential uses allowed in a building
156 with DBC combining district zoning is 35 percent.
- 157 (d) An on-site amenity is a residential use when provided solely for use
158 by the occupant, or the occupant's guests.
- 159 (e) The ordinance zoning or rezoning a site to include DBC combining
160 district may modify the requirements in Subdivision (3)(b).

161 (5) Modification of Maximum Height and Stories.

- 162 (a) A building is not required to comply with maximum number of
163 stories.
- 164 (b) A building may exceed the maximum building height in the base
165 district by a maximum of 25 feet if the site is zoned with DBC25
166 combining district.
- 167 (c) A building may exceed the maximum building height in the base
168 district by a maximum of 50 feet if the site is zoned with DBC50
169 combining district.
- 170 (c) A building may exceed the maximum building height in the base
171 district by a maximum of 75 feet if the site is zoned with DBC75
172 combining district.
- 173 (d) A building may exceed the maximum building height in the base
174 district by a maximum of 120 feet if the site is zoned with DBC120
175 combining district.
- 176 (e) A building may exceed the maximum building height in the base
177 district by a maximum of 190 feet if the site is zoned with DBC190
178 combining district.
- 179 (6) A site is not required to comply with the base zoning district's:
- 180 (a) minimum site area requirements (if applicable);
- 181 (b) maximum floor area ratio;
- 182 (c) maximum building coverage;
- 183 (d) maximum density;
- 184 (e) minimum street side yard setback and interior yard setback;

185 (f) minimum front yard setback; provided, however, that if the right-of-
186 way is less than 60 feet in width, the minimum front yard setback for
187 buildings three or more stories in height shall be 30 feet from the
188 centerline of the street to ensure adequate Fire Department access; or

189 (7) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent*
190 *Compliance*) in Subchapter E (*Design Standards and Mixed Use*) of this
191 chapter apply to a site developed under this section.

192 (8) Compatibility Requirements.

193 (a) A building is not required to comply with Article 10 (*Compatibility*
194 *Standards*), Subchapter C.

195 (b) These compatibility requirements do not apply to a site zoned with 16
196 or fewer units.

197 (c) In this subsection, a triggering property:

198 (i) includes at least one dwelling unit but less than four dwelling
199 units; and

200 (ii) is zoned Urban Family Residence (SF-5) or more restrictive.

201 (d) Any structure that is located less than 50 feet from any part of a
202 triggering property may not exceed 90 feet.

203 (e) Compatibility Buffer. A compatibility buffer is required along a site's
204 property line that is shared with a triggering property.

205 (i) The minimum width of a compatibility buffer is 25 feet.

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

208 (f) Exterior lighting must be hooded or shielded so that the light source is
209 not visible from the site's property line that is shared with a triggering
210 property.

211 (g) Mechanical Equipment.

212 (i) Mechanical equipment must be screened. When located on the
213 rooftop of the building, mechanical equipment may be screened
214 by a parapet.

215 (ii) Mechanical equipment may not produce sound in excess of 70
216 decibels measured at the site's property line that is shared with
217 a triggering property.

218 (h) A concrete slab used for a refuse receptacle may not be placed within
219 15 feet of triggering property.

220 (i) Except for a multi-use trail, an on-site amenity that is available only to
221 residents and occupants of the site and their guests may not be located
222 within 25 feet of a triggering property.

223 (j) Screening Requirements. The following objects may not be visible at
224 the site's property line or alleyway that is shared with a triggering
225 property. These objects must be screened in a manner that does not
226 impede pedestrian or bicycle access points:

227 (i) vehicle lights from vehicles that use or are parked on a parking
228 lot or in a parking structure located on the site;

229 (ii) outdoor storage;

230 (iii) refuse receptacles and collection areas; or

231 (iv) common areas for amenities, including outdoor decks, patios, or
232 pools.

233 (G) Uses, Development Standards, and Compatibility.

234 (1) This subsection applies to a site zoned Multifamily Residence Moderate-
235 High (MF-4) or more restrictive.

236 (2) In a DBC combining district, residential uses are permitted.

237 (3) A site is not required to comply with the base zoning district's:

238 (a) minimum site area requirements (if applicable);

239 (b) maximum floor area ratio;

240 (c) maximum building coverage;

241 (d) maximum density;

242 (e) minimum street side yard setback and interior yard setback;

243 (f) minimum front yard setback; provided, however, that if the right-of-
244 way is less than 60 feet in width, the minimum front yard setback for
245 buildings three or more stories in height shall be 30 feet from the
246 centerline of the street to ensure adequate Fire Department access; or

247 (g) minimum lot size.

248 (4) Compatibility Requirements.

249 (a) A building is not required to comply with Article 10 (*Compatibility*
250 *Standards*), Subchapter C.

251 (b) These compatibility requirements do not apply to a site zoned with
252 Multifamily Residence Medium Density (MF-3) or more restrictive or
253 a site with 16 or fewer units.

254 (c) In this subsection, a triggering property:

255 (i) includes at least one dwelling unit but less than four dwelling
256 units; and

257 (ii) is zoned Urban Family Residence (SF-5) or more restrictive.

258 (d) Any structure that is located less than 50 feet from any part of a
259 triggering property may not exceed 90 feet.

260 (e) Compatibility Buffer. A compatibility buffer is required along a site's
261 property line that is shared with a triggering property.

262 (i) The minimum width of a compatibility buffer is 25 feet.

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

265 (f) Exterior lighting must be hooded or shielded so that the light source is
266 not visible from the site's property line that is shared with a triggering
267 property.

268 (g) Mechanical Equipment.

269 (i) Mechanical equipment must be screened. When located on the
270 rooftop of the building, mechanical equipment may be screened
271 by a parapet.

272 (ii) Mechanical equipment may not produce sound in excess of 70
273 decibels measured at the site's property line that is shared with
274 a triggering property.

275 (h) A concrete slab used for a refuse receptacle may not be placed within
276 15 feet of triggering property.

277 (i) Except for a multi-use trail, an on-site amenity that is available only to
278 residents and occupants of the site and their guests may not be located
279 within 25 feet of a triggering property.

280 (j) Screening Requirements. The following objects may not be visible at
281 the site's property line or alleyway that is shared with a triggering
282 property. These objects must be screened in a manner that does not
283 impede pedestrian or bicycle access points:

284 (i) vehicle lights from vehicles that use or are parked on a parking
285 lot or in a parking structure located on the site;

286 (ii) outdoor storage;

287 (iii) refuse receptacles and collection areas; or

288 (iv) common areas for amenities, including outdoor decks, patios, or
289 pools.

290 **PART 5. Applicability of VMU and DB90.**

291 (A) In this Part, VMU OVERLAY means Vertical Mixed Use (VMU) overlay, which
292 is designated as vertical mixed-use building (V).

293 (B) The City Council intends to utilize citywide density bonus (DBC) combining
294 districts instead of VMU overlay and Density Bonus 90 (DB90) combining
295 districts. For this reason, the City Manager is not authorized to accept new zoning
296 or rezoning applications to add VMU overlay or DB90 combining district.

297 (C) A site zoned with VMU overlay or DB90 combining district on or before the
298 effective date of this ordinance may continue to utilize and must comply with the
299 regulations that apply to VMU overlay or DB90 combining district.

300 (D) A site described in Subsection (C) includes a site that is the subject of an
301 application to add VMU overlay or DB90 combining district zoning if the
302 application is or was pending on the effective date of this ordinance and City
303 Council subsequently approved the VMU overlay or DB90 combining district
304 zoning for the site.

