

1   **ORDINANCE NO.** \_\_\_\_\_

2           **AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 (ZONING) TO**  
3           **CREATE A DENSITY BONUS 240 (DB240) COMBINING DISTRICT AND**  
4           **ESTABLISH ASSOCIATED REGULATIONS.**

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

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

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

9                 (26)   density bonus 240 ....DB240

10          **PART 2.** City Code Section 25-2-181 (*Density Bonus Combining Districts*) is amended  
11          to rename the section and to add a new Subsection (E) to read:

12          **§ 25-2-181 DENSITY BONUS COMBINING DISTRICT[§] PURPOSE.**

13          (E)     DB240 combining district allows residential uses on sites with commercial  
14                 highway and industrial base zoning districts, modifies site development  
15                 regulations, and grants additional height in exchange for community benefits  
16                 including income-restricted housing.

17          **PART 3.** City Code Chapter 25-2 (*Zoning*), Subchapter C, Division 5, Article 3 is  
18          amended to add a new Section 25-2-656 to read:

19          **§ 25-2-656 DENSITY BONUS 240 (DB240) COMBINING DISTRICT**  
20          **REGULATIONS.**

21          (A)     This section establishes the applicable regulations for DB240 combining district  
22                 zoning.

23          (B)     This section governs over a conflicting provision of this title or other ordinance.

24          (C)     Pre-Requisites.

25                 (1)     To utilize the regulations described in Subsection (H), a property must be  
26                 zoned DB240 combining district and an applicant must comply with  
27                 Subsections (E), (F), and (G).

- 28 (2) To preserve reserved dwelling units and existing non-residential spaces, an  
29 applicant must comply with Article 2 (*Density Bonus and Incentive*  
30 *Programs*) of Chapter 4-18 (*General Permitting Standards*) before applying  
31 for a building permit or site plan that relies on the regulations described in  
32 Subsections (H).
- 33 (D) DB240 combining district may be combined with the following base districts:
- 34 (1) industrial park (IP);
- 35 (2) limited industrial services (LI);
- 36 (3) major industry (MI);
- 37 (4) research and development (R&D); and
- 38 (5) commercial highway services (CH).
- 39 (E) Affordability Requirements – Dwelling Units.
- 40 (1) In this subsection, BONUS HEIGHT means the amount of height that  
41 exceeds the height allowed by the base zoning district.
- 42 (2) Affordability Minimums - Ownership Units. If an applicant develops  
43 dwelling units for sale, this subdivision applies.
- 44 (a) To utilize 30 feet in bonus height or to utilize a development standard  
45 that is not height-related, a development must provide a minimum of  
46 10 percent of the residential units as affordable for ownership and  
47 occupancy by households earning 80 percent or less of the current  
48 Austin-Round Rock Metropolitan Statistical Area Median Family  
49 Income as determined by the director of the Housing Department or  
50 pay the fee-in-lieu described in Paragraph (2)(d) for an equal number  
51 of residential units.
- 52 (b) To utilize more than 30 feet but less than 61 feet in bonus height, a  
53 development must provide a minimum of 12 percent of the residential  
54 units as affordable for ownership and occupancy by households  
55 earning 80 percent or less of the current Austin-Round Rock  
56 Metropolitan Statistical Area Median Family Income as determined  
57 by the director of the Housing Department or pay the fee-in-lieu  
58 described in Paragraph (2)(d) for an equal number of residential units.

- 59 (c) To utilize more than 60 feet but less than 121 feet in bonus height, a  
60 development must provide a minimum of 15 percent of the residential  
61 units as affordable for ownership and occupancy by households  
62 earning 80 percent or less of the current Austin-Round Rock  
63 Metropolitan Statistical Area Median Family Income as determined  
64 by the director of the Housing Department or pay the fee-in-lieu  
65 described in Paragraph (2)(d) for an equal number of residential units.
- 66 (d) An applicant for a proposed owner-occupied housing development  
67 may elect to meet the affordability requirement without providing  
68 income-restricted units onsite by paying a fee in-lieu to the Housing  
69 Trust Fund. At a minimum, the fee-in-lieu shall be equivalent to 100  
70 percent of the required percentage of the total residential units,  
71 including the mix of bedrooms required. The fee-in-lieu shall be set  
72 by separate ordinance and the amount of fee-in-lieu due is determined  
73 using the separate ordinance in effect at site plan submittal.
- 74 (3) Affordability Minimums - Rental Units. If an applicant develops dwelling  
75 units for lease, this subdivision applies.
- 76 (a) To utilize 30 feet in bonus height or to utilize a development standard  
77 that is not height-related, a development must provide:
- 78 (i) a minimum of 10 percent of the residential units as affordable  
79 for lease and occupancy by households earning 60 percent or  
80 less of the current Austin-Round Rock Metropolitan Statistical  
81 Area Median Family Income as determined by the director of  
82 the Housing Department or
- 83 (ii) a minimum of 8 percent of the residential units as affordable for  
84 lease and occupancy by households earning 50 percent or less  
85 of the current Austin-Round Rock Metropolitan Statistical Area  
86 Median Family Income as determined by the director of the  
87 Housing Department.
- 88 (b) To utilize more than 30 feet but less than 61 feet in bonus height, a  
89 development must provide:
- 90 (i) a minimum of 12 percent of the residential units as affordable  
91 for lease and occupancy by households earning 60 percent or  
92 less of the current Austin-Round Rock Metropolitan Statistical

93 Area Median Family Income as determined by the director of  
94 the Housing Department; or

95 (ii) a minimum of 10 percent of the residential units as affordable  
96 for lease and occupancy by households earning 50 percent or  
97 less of the current Austin-Round Rock Metropolitan Statistical  
98 Area Median Family Income as determined by the director of  
99 the Housing Department.

100 (c) To utilize more than 60 feet but less than 121 feet in bonus height, a  
101 development must provide:

102 (i) a minimum of 15 percent of the residential units as affordable  
103 for lease and occupancy by households earning 60 percent or  
104 less of the current Austin-Round Rock Metropolitan Statistical  
105 Area Median Family Income as determined by the director of  
106 the Housing Department; or

107 (ii) a minimum of 12 percent of the residential units as affordable  
108 for lease and occupancy by households earning 50 percent or  
109 less of the current Austin-Round Rock Metropolitan Statistical  
110 Area Median Family Income as determined by the director of  
111 the Housing Department.

112 (F) Transit Supportive Infrastructure.

113 (1) In this subdivision, TRANSIT SUPPORTIVE INFRASTRUCTURE  
114 includes appurtenances, facilities, and amenities related to a transit system  
115 project as defined in Ordinance No. 20221115-048.

116 (2) If an applicant provides transit supportive infrastructure, the affordability  
117 requirement to achieve a bonus height is reduced by two percent of required  
118 affordable units.

119 (3) It is presumed that the value of the transit supportive infrastructure equals at  
120 least two percent of the minimum affordability.

121 (a) The director of the Housing Department is authorized to reduce the  
122 affordability requirement by more than two percent if the director of  
123 the Housing Department and the Project Connect mobility officer

124 agree that the value of the transit supportive infrastructure is greater  
125 than or equal to the value of the reduction.

126 (b) The director of the Housing Department may not reduce the  
127 affordability requirement to less than one residential unit or the  
128 equivalent of the fee-in-lieu for one ownership unit.

129 (4) An applicant must submit a written request to the Project Connect mobility  
130 officer to provide transit supportive infrastructure.

131 (5) If an applicant requests to provide transit supportive infrastructure that  
132 serves a community benefit, the Project Connect mobility officer must  
133 approve a request.

134 (6) Before approving a request to provide transit supportive infrastructure, the  
135 Project Connect mobility officer must adopt rules under Chapter 1-2  
136 (*Administrative Rules*) that establish when transit supportive infrastructure  
137 serves a community benefit.

138 (G) Existing Non-Residential Spaces.

139 (1) In this subsection,

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

142 (i) art gallery;

143 (ii) art workshop;

144 (iii) performance venue; or

145 (iv) theater.

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

147 (i) creative space use that has operated for a minimum of three  
148 continuous years;

149 (ii) brewery, distillery, or cidery, that has operated for a minimum  
150 of 5 continuous years with a gross floor area of 20,000 square  
151 feet or less;

- 152 (iii) food manufacturing that has operated for a minimum of 5
- 153 continuous years with a gross floor area of 20,000 square feet
- 154 or less;
  
- 155 (iv) custom manufacturing that has operated for a minimum of 5
- 156 continuous years with a gross floor area of 10,000 square feet
- 157 or less; or
  
- 158 (v) light manufacturing that has operated for a minimum of 10
- 159 continuous years with a gross floor area of 10,000 square feet
- 160 or less.
  
- 161 (2) If a site includes an existing non-residential space, the proposed
- 162 development must replace each existing non-residential space with a space
- 163 that is comparable in size for a period of 5 years.
  
- 164 (3) This subsection establishes an existing non-residential space subject to
- 165 Article 2 (*Density Bonus and Incentive Programs*), Division 2
- 166 (*Redevelopment Requirements*) of Chapter 4-18 (General Permitting
- 167 Standards).
  
- 168 (4) A non-conforming use is not discontinued or abandoned under Section 25-2-
- 169 945 (*Abandonment of Nonconforming Use*) if the non-conforming use
- 170 qualifies as an existing non-residential space and is required to be replaced
- 171 under this subsection.
  
- 172 (H) Development Standards and Mixed Use.
  
- 173 (1) Residential uses and the uses included in Table H1 are permitted uses on a
- 174 property zoned DB240 combining district.
  
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**TABLE H1. PERMITTED USES**

**COMMERCIAL USES:**

Commercial Off-Street Parking  
Consumer Convenience Services  
Consumer Repair Services  
Equipment Repair Services  
Equipment Sales  
Food Sales  
General Retail Sales (Convenience)  
General Retail Sales (General)  
Hotel-Motel

Kennels  
Laundry Services  
Liquor Sales  
Personal Improvement Services  
Pet Services  
Plant Nursery  
Software Development  
Vehicle Storage  
Veterinary Services

**CIVIC USES:**

Child Care Services (Commercial)  
Child Care Services (General)  
Child Care Services (Limited)  
College and University Facilities  
Counseling Services  
Family Home

Guidance Services  
Hospital Services (Limited)  
Public Primary Educational Facilities  
Public Secondary Educational Facilities  
Telecommunication Tower

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- (2) Table H2 establishes the conditional uses on a property zoned DB240 combining district.

<b>TABLE H2. CONDITIONAL USES</b>	
<p><b>COMMERCIAL USES:</b>            Agricultural Sales and Services            Alternative Financial Services            Automotive Rentals            Automotive Repair Services            Automotive Sales            Automotive Washing (of any type)            Bail Bond Services            Commercial Blood Plasma Center            Monument Retail Sales</p> <p><b>INDUSTRIAL USES:</b>            Light Manufacturing</p> <p><b>AGRICULTURAL USES:</b>            Indoor Crop Production</p>	<p><b>CIVIC USES:</b>            Community Events            Hospital Services (General)            Private Primary Educational Facilities            Private Secondary Educational Facilities            Telecommunication Tower            Public Primary Educational Facilities            Public Secondary Educational Facilities            Employee Recreation</p>

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- (3) A development must comply with the provisions in Article 2 (*Site Development Standards*) that apply to property located on a core transit corridor without regard to whether the property is located on a core transit corridor and Article 3 (*Building Design Standards*) in Subchapter E (*Design Standards and Mixed Use*). In the event of a conflict, this section controls.
- (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 and Civic Spaces.
    - (i) Except as provided in Paragraph (4)(b)(ii), at least 75 percent of the building frontage along the principal street and on the ground floor of the building must be designed for one or more commercial or civic uses and must comply with the



218 dimensional requirements found in Section 4.3.3.C in  
219 Subchapter E (*Design Standards and Mixed Use*) of this  
220 chapter. A lobby serving a use other than a pedestrian-oriented  
221 commercial or civic space is not counted as a pedestrian-  
222 oriented commercial or civic place.

223 (ii) If a lot exceeds 2.5 acres and fronts more than one street, then  
224 50 percent of the building frontage along the principal street  
225 and 50 percent of the second highest priority street must be  
226 designed for one or more commercial uses and must comply  
227 with dimensional requirements found in Section 4.3.3.C in  
228 Subchapter E (*Design Standards and Mixed Use*) of this  
229 chapter. A lobby serving a use other than a pedestrian-oriented  
230 commercial or civic space is not counted as a pedestrian-  
231 oriented commercial or civic place.

232 (c) If a building includes a mix of uses, a non-residential use:

233 (i) may not be located above a residential use; and

234 (ii) may not be located on or above the third story of the building.

235 (d) An on-site amenity is a residential use when provided solely for use  
236 by the occupant, or the occupant's guests.

237 (e) The ordinance zoning or rezoning a site as DB240 combining district  
238 zoning may modify the requirements in Paragraph (3)(b) if the site  
239 abuts one of the following roadways defined in Article 5 (*Definitions*)  
240 of Subchapter E (*Design Standards and Mixed Use*):

241 (i) urban roadway;

242 (ii) suburban roadway;

243 (iii) highway; or

244 (iv) hill country.

245 (5) Maximum Height.

246 (a) In research and development (R&D), a building may exceed the

- 247 maximum building height in the base zoning district by 120 feet  
248 except that no building may exceed 165 feet in height.
- 249 (b) In light industrial (LI), a building may exceed the maximum  
250 building height in the base zoning district by 120 feet except that  
251 no building may exceed 180 feet in height.
- 252 (c) In industrial park (IP) a building may exceed the maximum  
253 building height in the base zoning district by 120 feet except that  
254 no building may exceed 180 feet in height.
- 255 (d) In commercial highway services (CH) a building may exceed the  
256 maximum building height in the base zoning district by 120 feet  
257 except that no building may exceed 240 feet in height.
- 258 (e) In major industrial (MI) a building may exceed the maximum  
259 building height in the base zoning district by 120 feet except that  
260 no building may exceed 240 feet in height.
- 261 (6) A site is not required to comply with the base zoning district's:
- 262 (a) minimum site area requirements (if applicable);
- 263 (b) maximum floor area ratio;
- 264 (c) maximum building coverage;
- 265 (d) maximum number of stories; and
- 266 (e) minimum street side yard setback and interior yard setback.
- 267 (7) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent*  
268 *Compliance*) in Subchapter E apply to a site developed under this section.
- 269 (8) The minimum street side yard setback and interior yard setback is 15 feet  
270 unless the base zoning district requirement is less restrictive.

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274 **PART 4.** This ordinance takes effect on \_\_\_\_\_.

275 **PASSED AND APPROVED**

276 \_\_\_\_\_ § \_\_\_\_\_  
277 \_\_\_\_\_ § \_\_\_\_\_  
278 \_\_\_\_\_, 2024 § \_\_\_\_\_

Kirk Watson  
Mayor

282 **APPROVED:** \_\_\_\_\_  
283 \_\_\_\_\_  
284 Deborah Thomas  
285 Interim City Attorney

**ATTEST:** \_\_\_\_\_  
Myrna Rios  
City Clerk