



PLANNING
DEPARTMENT

C20-2024-011: DB90 Revisions

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Background

2022

City Council adopted [Ordinance No. 20220609-080](#), creating a second tier of the VMU program, referred to as VMU2, which allowed for increased height in exchange for increased community benefits. City Council adopted Ordinance No. 20221201-055, creating an incentive program that allows residential uses in commercial zoning districts, referred to as Residential in Commercial, which allowed for the construction of residential uses in exchange for increased community benefits.

2023

[Ordinance No. 20220609-080](#), [Ordinance No. 20221201-055](#), and [Ordinance No. 20221201-056](#) were invalidated.

2024

City Council adopted [Ordinance No. 20240229-073](#), which created the Density Bonus 90 (DB-90) combining district and density bonus program with requirements and incentives mirroring VMU 2 provisions.



DB90 Requirements and Incentives

■ Affordability

- Rental:
 - 10% of units set-aside affordable to 50% Median Family Income (MFI); OR
 - 12% of units set-aside affordable to 60% MFI
- Ownership:
 - 12% of units set-aside affordable to 80% MFI
 - Requirements for ownership units may be satisfied by a fee in-lieu of on-site units

■ Mix of Uses

- Requirements for pedestrian-oriented commercial uses
- Floors beyond the second must be residential

■ Site Development Standards

- Exemptions from standards include the following:
 - Minimum site area requirements
 - Maximum floor area ratio
 - Maximum building coverage
 - Minimum street side yard setback and interior yard setback
 - Minimum front yard setback
 - Article 10 Compatibility Standards Subchapter C

■ Height

- 30 ft in additional height from the base zone up to a maximum of 90 ft



DB90 Process

- Owners of eligible properties must request a rezoning to add DB90
 - Requires a Commission recommendation and Council action
 - Notice of the rezoning will be provided pursuant to [25-1-132](#), which includes utility account holders and property owners located within 500 feet of the subject property
 - Property owners within 200 feet can protest the rezoning

- Eligible Districts:
 - Commercial Liquor Sales (CS-1)
 - Community Commercial (GR)
 - General Office (GO)
 - General Commercial Services (CS)
 - Neighborhood Commercial (LR)
 - Limited Office (LO)



DB90 Combining District

Example Zoning String:

CS-MU-CO-DB90-NP



| Base Zoning Districts | | | | |
|-----------------------|-------------------------|-----------------|-----------------------|------------------|
| Base Zones | Description | Base Max Height | Max Height with Bonus | Impervious Cover |
| CS (CS-1) | Commercial Services | 60ft | 90ft | 95% |
| GR | Community Commercial | 60ft | 90ft | 90% |
| LO | Limited Office | 40ft | 70ft | 70% |
| LR | Neighborhood Commercial | 40ft | 70ft | 80% |
| GO | General Office | 60ft | 90ft | 80% |



Summary of Proposed Changes

- Match ground floor commercial requirement with VMU
- Add allowed commercial uses for office base zoning districts from VMU
- Align compatibility screening requirements with amendments made to citywide policy
- Clarify that provisions of the DB90 program govern over a conflicting provision of the Land Development Code or other ordinance



Commercial Requirements

- Pedestrian-Oriented Commercial Spaces

- Mirror what is in VMU, requiring 75% of the building frontage along the principal street to be designed for commercial or civic uses.
- Currently, the adopted ordinance reads that the entire ground floor must contain 75% commercial uses.
 - Change will allow for live/work units or civic uses meeting dimensional standards to count toward this requirement
 - A lobby serving occupants of the building will not count

- Commercial Uses added to Office Districts

- Add the following commercial uses to office base zoning districts (GO and LO):
 - Consumer convenience services
 - Food sales
 - General retail sales (convenience or general)
 - Restaurant (limited or general) without drive-through service



Compatibility Screening Requirements

- Apply screening, noise, and design regulations to properties across an alleyway from a triggering property (Council amendment)
- Clarify that objects must be screened AND not visible from a triggering property and that rooftop equipment may be screened with a parapet (responsive to PC recommendation)



Timeline

- Codes and Ordinances Joint Committee – June 18th
- Public Notice Sent – June 28th
- Planning Commission – July 9th
- City Council – July 18th



Contact Us

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Thank You