

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2024-011 Density Bonus 90 Revisions

Description:

Amend City Code Title 25 (Land Development) to revise uses, site development regulations, density bonus requirements, and compatibility standards applicable in density bonus 90 (DB90) combining district.

Background:

In 2021, amendments to the City's Vertical Mixed Use (VMU) Overlay, including the creation of a second-tier bonus program known as VMU2, were initiated through City Council [Resolution No. 20211118-052](#). The resolution directed staff to process code amendments to allow for an additional 30' in height beyond the base zone standards for developments participating in the new tier of the density bonus program and proposed affordability requirements for such developments.

In June of 2022, City Council adopted [Ordinance No. 20220609-080](#), implementing the code amendments initiated through the 2021 Council resolution. However, in December 2023, [Ordinance No. 20220609-080](#), [Ordinance No. 20221201-056](#), and [Ordinance No. 20221201-055](#) were invalidated.

In February 2024, City Council adopted [Ordinance No. 20240229-073](#), which created the Density Bonus 90 (DB90) combining district. This new district is similar to the provisions in VMU2 and is available citywide through the rezoning process.

Summary of Proposed Code Amendment:

The proposed amendment to §25-2-652 would do the following:

- Amend the commercial ground floor requirement to match VMU standards, requiring 75% of the ground floor frontage along the principal street to be designed for commercial use with an additional clarification regarding civic uses
- Add the allowed commercial uses from VMU to office base zoning districts
- Align compatibility screening requirements with amendments to citywide policy made by Council through [Ordinance 20240516-004](#)
- Clarify that provisions of the DB90 program govern over a conflicting provision of the Land Development Code or other ordinance

Proposed Text Amendment(s): See draft ordinance.

Staff Recommendation: Recommended

Staff supports the proposed amendments, which aim to increase participation in the density bonus program and align its regulations with citywide standards. The modification to commercial ground floor requirements will ensure that developments under the DB90 program resemble existing VMU developments, enabling staff to review these applications consistently, and facilitating a streamlined approval process. Further, an analysis of recent VMU developments revealed that the program's requirements result in only 8% to 15% of the ground floor square footage being allocated to commercial use, which is significantly below the 75% required under DB90. Allowing for additional commercial uses within office base zoning districts will enable true mixed-use developments that provide a variety of goods and services within a community.

Similarly, by aligning the compatibility screening, noise, and design standards with citywide policies, stakeholders and the community will benefit from clear and consistent expectations for development. This alignment will allow developers and reviewers to operate under one set of standards, enhancing both the efficiency and transparency of the development process. These changes are designed to provide enhanced privacy and quality of life for occupants and neighbors of new developments, without significantly impacting development potential or cost.

Board and Commission Action:

June 18 - Recommended by the Codes and Ordinances Joint Committee on a vote of 4-0-1 with Commissioner Greenberg abstaining and Commissioners Azhar and Anderson absent.

To be reviewed by the Planning Commission on July 9

Council Action:

To be considered by City Council on July 18

Sponsor Department: Planning Department

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