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/**ORDINANCE AMENDMENT REVIEW SHEET****Amendment:** C20-2014-011 CBD and DMU**Description:** Consider an ordinance amending City Code Title 25 relating to uses and regulations of CBD and DMU zoning.**Proposed Language:** See attached draft ordinance.**Summary of proposed code changes:**

- Permits several residential uses in CBD and DMU that are currently not permitted.
- Exempts CBD and DMU from Subchapter F.

**Background:** Initiated by Council Resolution 20140522-050

In May Council initiated a resolution to allow for a greater mix of residential uses as well as exempting the CBD and DMU zoning districts from Subchapter F. Under the current code there are several residential uses such as two-family residential, small lot single-family residential, single-family attached residential, and retirement housing, which are currently prohibited. Under the proposed amendment these uses will be permitted. The proposed amendment will also exempt CBD and DMU from Subchapter F standards, which are intended to control scale and massing of residential structures, in the downtown area where density and higher FAR is allowed and encouraged.

**Staff Recommendation:** Staff recommends the proposed code amendment.**Board and Commission Actions**

**November 18, 2014:** Recommended by the Codes and Ordinances Subcommittee on a 3-0 vote (Commissioner Oliver and Chimenti absent).

**Council Action**

**December 11, 2014:** A public hearing has been set.

**Ordinance Number:** NA**City Staff:** Greg Dutton**Phone:** 974-3509**Email:** Greg.Dutton@austintexas.gov

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ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE AMENDING SECTION 25-2-491 AND SUBCHAPTER F OF  
2 THE CITY CODE RELATING TO DOWNTOWN MIXED USE (DMU)  
3 DISTRICT AND CENTRAL BUSINESS DISTRICT (CBD) DESIGNATION.  
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5 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
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7 PART 1. City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) is  
8 amended to reflect the following:

9 The following uses are permitted in the Downtown mixed use (DMU) district and  
10 Central business district (CBD) base zoning districts:

- 11 Retirement Housing (Small Site)
- 12 Retirement Housing (Large Site)
- 13 Single-Family Attached Residential
- 14 Small Lot Single-Family Residential
- 15 Two-Family Residential

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17 PART 2. Section 1.3 (*Exceptions*) of City Code Chapter 25-2, Subchapter F, Article 1 is  
18 amended to add a new Subsection 1.3.4.:

19 § 1.3. - EXCEPTIONS.

20 1.3.4.

21 This Subchapter does not apply to a property zoned Downtown mixed use  
22 (DMU) district or Central business district (CBD).  
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24 PART 3. This ordinance takes effect on \_\_\_\_\_, 201\_.

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**RESOLUTION NO. 20140522-050**

**WHEREAS**, a stated goal of the Downtown Austin Plan is to increase the number of residents living downtown; and

**WHEREAS**, the Imagine Austin Comprehensive Plan points out that building codes designed solely for new construction lead to expensive retrofits for existing buildings, discouraging the sustainable practice of adaptive reuse; and

**WHEREAS**, the Downtown Mixed Use (DMU) Zoning District is intended to be applied to development that includes any combination of office, retail, commercial, and residential uses, is compatible with the downtown area, and may be used as a transition between the downtown area and surrounding districts; and

**WHEREAS**, residential use is the least intense of the uses allowed in DMU zoning districts; and

**WHEREAS**, one effect of certain site development regulations, as applied to residential uses in DMU zoning is that existing, legally built commercial structures cannot easily transition to residential use, instead requiring expensive and time-consuming variances from the Board of Adjustment; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

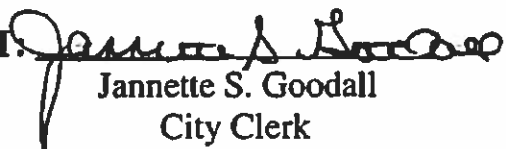
The City Council initiates amendments to City Code Title 25 and directs the City Manager to work with stakeholders and to prepare code amendments to make it easier to transition existing structures from commercial use to residential use such that:

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1. a broader range of residential uses are allowed in the DMU zoning district;
2. Subchapter F is not applicable in the DMU zoning district; and
3. Article 4 of Subchapter C of Chapter 25-2, is amended to allow greater opportunities for residential uses in the DMU zoning district.

These code amendments should include, but not be limited to, rear setbacks, building height, and allowable interior space for an accessory unit and should be brought to Council within 120 days.

ADOPTED: May 22, 2014

ATTEST:   
Jannette S. Goodall  
City Clerk