

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2018-005 Fee waivers for neighborhood plan amendments

Description:

Amend certain provisions the City Code relating fee waivers associated with neighborhood plan amendments.

- Waive fees associated with neighborhood plan amendments associated with a SMART housing development.
- Waive fees associated with neighborhood plan amendments initiated by a neighborhood plan contact team.

The draft ordinance is attached.

Subsequent to the Planning Commission's initiation of these code amendments, the Neighborhood Housing and Community Development Department (NHCD) requested that the additional fee waivers (excluding the neighborhood plan amendment fee waivers) they initially requested to be included with these amendments be removed. The reason for this was the need to discuss the implication of those fee waivers with the Development Services Department (DSD). Following those discussions, any additional fee waivers (indicated as strike-throughs on the attached draft ordinance) may be included through the code revision process.

Staff Recommendation:

Staff recommends approval of this amendment.

Board and Commission Actions

Initiation recommended by Codes and Ordinances Joint Committee on September 19, 2018.

Code amendment initiated by the Planning Commission on November 27, 2018.

Codes and Ordinances Joint Committee scheduled for August 21, 2019.

City Council Action

NA

Ordinance Number: NA

City Staff: Mark Walters

Phone: 512-974-7695

Email: Mark.Walters@AustinTexas.gov

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTION 25-1-704 AND 25-1-804 RELATING TO FEE WAIVERS FOR S.M.A.R.T. HOUSING DEVELOPMENTS AND FEE WAIVERS FOR NEIGHBORHOOD PLAN AMENDMENT APPLICATIONS INITIATED BY A NEIGHBORHOOD PLAN CONTACT TEAM-.

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

PART 1. Subsection (A) of City Code Section 25-1-704 (*Fee Waivers*) is amended to read:

(A)The director may, in accordance with Subsection (B), waive all or apportion of the following fees, as set by the City's annual fee ordinance, for a S.M.A.R.T. Housing development:

- (1) Public Works Construction Inspection Fee;
- (2) Watershed Protection and Development Review – Development Assessment Fee;
- (3) Watershed Protection and Development Review – Traffic Impact Analysis Fee;
- (4) Watershed Protection and Development Review – Traffic Impact Analysis Revision Fee;
- (5) Regular Zoning Fee;
- (6) Interim to Permanent Zoning Fee;
- (7) Miscellaneous Zoning Fee;
- (8) Zoning Verification Letter Fee;
- (9) Board of Adjustment Fee;
- (10) Managed Growth Agreement Fee;

- (11) Planned Development Area Fee;
- (12) Preliminary Subdivision Fee;
- (13) Final Subdivision Fee;
- (14) Final Without Preliminary Subdivision Fee;
- (15) Miscellaneous Subdivision Fee;
- (16) Consolidated Site Plan Fee;
- (17) Miscellaneous Site Plan Fee;
- (18) Site Plan Revision Fee;
- (19) Site Plan – Construction Element Fee;
- (20) Building Review Plan Fee;
- (21) Building Permit Fee;
- (22) Electric Permit Fee;
- (23) Mechanical Permit Fee;
- (24) Plumbing Permit Fee;
- (25) Concrete Permit Fee;
- (26) Demolition Permit Fee;
- (27) Electric Service Inspection Fee;
- (28) Move House Onto Lot Fee; ~~and~~
- (29) Move House Onto City Right-of-Way Fee[-]; and
- (30) Neighborhood Plan Amendment Application Fees.;

- ~~— (31) Commercial Building Plan Review and Permit Fees;~~
- ~~— (32) Development Assistance Center Fees;~~
- ~~— (33) Expedited Plan Review Fees;~~
- ~~— (34) Historic Preservation Review Fees;~~
- ~~— (35) Residential Building Plan Review and Permit Fees;~~
- ~~— (36) Site Plan Review Fees;~~
- ~~— (37) Subdivision Plan Review Fees;~~
- ~~— (38) Site and Subdivision Inspection Fees;~~
- ~~— (39) Tree Review and Inspection Fees;~~
- ~~— (40) Watershed Protection Fees; and~~
- ~~— (41) Zoning and Special District Plan Review Fees.~~

PART 2. City Code Section 25-1-804 (*Application to Amend Neighborhood Plan*) is amended to add a new Subsection (G) to read:

(G) The director may waive all or a portion of the following fees, as set by the City's annual fee ordinance, for an amendment application initiated by a neighborhood plan contact team:

- (1) Community Meeting Notification Fee;
- (2) Individual Property Application Fee; and
- (3) Area-Wide and Subdistrict-Wide Application Fee.

PART 3. This ordinance takes effect on _____, 2019.

PASSED AND APPROVED

_____, 2019 § _____
 § _____
 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2019-008 University Neighborhood Overlay – Allowable uses, building heights, parking requirements, and sign regulations

Description:

Amend certain provisions the City Code relating to provisions of the University Neighborhood Overlay (UNO) concerning, use regulations, building heights, parking requirements, and sign regulations.

The draft ordinance and map are attached.

Overview of Proposed Code Amendments:

USE REGULATIONS

- **Revised Regulations** — Currently, local uses (a list of pedestrian-oriented uses in the UNO section of the Code) are allowed in residential base districts with permitted building heights of 75 feet or greater. The proposed amendment would reduce the height to 50 feet.

New Regulations — In existing parking structures, parking spaces may be converted to a multi-family residential use, a group residential use, local uses, indoor crop production use, or convenience storage use under certain conditions.

BUILDING HEIGHTS

- **Revised Regulations** — Currently, projects in the Outer West Campus Subdistrict located in the 50 foot height district or greater may add 15 feet if they meet the affordability levels listed below. The proposed amendment would allow building heights to be increased by 25 feet in the Outer West Campus Subdistrict and Guadalupe Subdistrict if a project is in a height district of 50 feet or greater or by 175 feet in the Inner West Campus Subdistrict if:
 - 10% of units are set aside for individuals earning 60% of local MFI for 40 years;
 - 10% of units are set aside for individuals earning 50% of local MFI for 40 years; and
 - An additional 10% of units are set aside for individuals earning 50% of local MFI for 40 years; or
 - The applicant pays a one-time, annually adjusted fee for each square foot of net rentable residential floor area.

NOTE: *The affordability percentages are already established in the UNO section of the LDC.*

- **New Regulations** — A new map, *Additional Height and Affordability*, is added to Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, and Height Limits*), indicating areas where the height bonuses are allowed.

PARKING

- **New Regulations** — Parking requirements for a multi-family residential use in the Inner West Campus Subdistrict and Guadalupe Subdistrict are eliminated.
- **Revised Regulations** — With the exception of segments of West 24th Street and Guadalupe Street and changes proposed under this set of amendments noted in the bullet above, parking requirements are reduced from 60% to 35% of what the code requires in the Outer West Campus Subdistrict, the Guadalupe Subdistrict, and the Dobie Subdistrict.
- **New Regulations** — Parking requirements in the Outer West Campus Subdistrict could be reduced to 25% of code requirements if a project:
 - Participates in a bicycle sharing program and provides onsite bicycle stations or kiosks; or
 - Provides electrical automobile charging stations for 10% of the required off-street parking spaces and sets aside 300 square feet for charging electric bicycles or micromobility devices; or
 - Provides 10% of the units or bedrooms for individuals making 50% or less than the local MFI.
- **New Regulations** — Required parking for multi-family residential projects developed in the Outer West Campus Subdistrict in a 45-foot or 40-foot height district can be reduced to 20% of that required by Code if it provides 20% or greater onsite affordability.
- **New Regulations** — Required parking for multi-family residential projects developed in the Outer West Campus Subdistrict using funds from the University Neighborhood District Housing Trust Fund can be reduced to 10% of that required by Code.
- **New Regulations** — The minimum parking space requirements for multi-family residential projects in the outer west campus subdistrict prescribed in this section may not be combined with other parking space reductions.
- **New Regulations** — Multi-family residential projects in the outer west campus subdistrict reducing the number of required parking spaces under the provisions of this section must provide the number of accessible parking spaces required by the Uniform Building Code based on the project's number and type of bedrooms and dwelling units.

SIGNS

- **Revised Regulations** — A sign may not exceed 150 square feet of sign area (previously was 100 square feet), except that this limitation does not apply along segments of Guadalupe Street and West 24th Street.
- **Revised Regulations** — A wall sign is permitted if it complies with specific regulations.

Staff Recommendation:

Staff recommends approval of this set of amendments.

The ordinance is a consensus developed by neighborhood and property owner stakeholders.

Board and Commission Actions

Item was originally presented to the Codes and Ordinances Joint Committee on June 19, 2019 with a recommendation to staff to bring revisions to the proposed amendment based on the Committee's discussions.

Codes and Ordinances Joint Committee rescheduled for August 21, 2019.

City Council Action


A public hearing at City Council was set for August 8, 2019 and postponed to September 19, 2019.

Ordinance Number: NA

City Staff: Mark Walters

Phone: 512-974-7695

Email: Mark.Walters@AustinTexas.gov

	Affordability Impact Statement Neighborhood Housing and Community Development Department <i>University Neighborhood Overlay Amendments</i>
Proposed Regulation	The proposed ordinance would amend the University Neighborhood Overlay (UNO) regulations in Title 25 of the Land Development Code by increasing the number of lots in the Outer West Campus that may include local uses, allowing existing buildings to convert handicap parking to other uses, increasing the number of subdistricts that are eligible for a height bonus, increasing the bonus height in the Outer West Campus subdistrict, reducing parking requirements by-right, further reducing parking requirements for properties that provide additional affordable housing, and modifying sign regulations.
Land Use/Zoning Impacts on Housing Costs	<input checked="" type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral The proposed ordinance could result in less expensive market rate housing by allowing the cost of land to be distributed among more units.
Impact on Development Cost	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input checked="" type="checkbox"/> Neutral No impact foreseen.
Impact on Affordable Housing	<input checked="" type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral The proposed ordinance would likely have a positive impact on affordable housing by increasing the number of lots that are eligible for a height bonus and increasing the bonus height in the Outer West Campus subdistrict. If a height bonus is used, it requires the provision of additional income-restricted affordable housing beyond what is required to develop under the UNO site development regulations without the use of a height bonus. The proposed changes would create a new incentive that ties further reduction in parking requirements to the provision of additional income-restricted affordable housing.
Imagine Austin Housing and Neighborhood Policies Implemented	HN P3
Strategic Housing Blueprint Strategies Implemented	Better utilize land for affordable housing
Other Policy Considerations	None.

Proposed Alternative Policy Language	None.
Date Prepared	June 4, 2019
Manager's Signature	<u>RH Copic</u>

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE TITLE 25 TO AMEND THE UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT TO INCREASE INCENTIVES FOR PROVIDING ONSITE AFFORDABILITY, INCREASING LOCAL USES IN THE OUTER WEST CAMPUS SUBDISTRICT, REDUCING THE PARKING REQUIREMENT, AND ADDING ADDITIONAL PARKING GARAGE USAGE.

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

PART 1. Section 25-2-754 (*Use Regulations*) is amended as follows:

(D) Local uses are permitted in any base district, subject to the limitations of this subsection.

(1) In the outer west campus subdistrict, local uses are not permitted in a residential base district unless the property:

(a) has a permitted building height of ~~[75]~~ 50 feet or greater; or

(b) is zoned historic and has a permitted building height of 65 feet or greater.

PART 2. Section 25-2-754 (*Use Regulations*) is amended to add a new Subsection (K) as follows:

(K) Existing structures constructed under the provisions of this division may convert non-accessible parking spaces to:

(1) a multi-family residential use;

(2) a group residential use; and

(3) local uses:

(a) local uses allowed under this title must be located above or adjacent to the street wall area;

(b) an art gallery use and an art workshop use are limited to 1,500 square feet of floor area; and

(4) an indoor crop production use or convenience storage use; and

(5) these uses shall not be located in or above a street wall area.

PART 3. Section 25-2-756 (*Height*) is amended as follows:

(A) Except as provided in Subsection (B), maximum heights for structures are prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, ~~and~~ Height Limits, and Additional Height and Affordability*).

(B) This subsection applies in the outer west campus subdistrict, guadalupe subdistrict, and inner west campus subdistrict.

~~[In this subsection, historic property means property zoned historic or listed in the City's historic building survey on October 6, 2008.]~~

(1) Except as provided in Paragraph (3), a structure with a multi-family residential use or group residential use may exceed by 25 feet in the outer west campus subdistrict or the guadalupe subdistrict the maximum height prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, ~~And~~ Height Limits, and Additional Height and Affordability*) if the structure is located in an area with a maximum height of at least 50 feet; or

(2) A structure with a multi-family residential use or group residential use may exceed by 125 feet in the inner west campus subdistrict the maximum height prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, ~~And~~ Height Limits, and Additional Height and Affordability*) if:

(a) ~~[the structure is located in an area for which the maximum height is at least 50 feet; and]~~

(a) the multi-family residential use or group residential use, for a period of not less than 40 years from the date a certificate of occupancy is issued, sets aside at least:

- 1
- 2 (i) 10 percent of the dwelling units or bedrooms on the site to house persons
- 3 whose household income is at or below 60 percent of the median income in
- 4 the Austin statistical metropolitan area, as determined by the director of the
- 5 Neighborhood Housing and Community Development Office; and
- 6
- 7 (ii) 10 percent of the dwelling units or bedrooms on the site to house persons
- 8 whose household income is at or below 50 percent of the median income in
- 9 the Austin statistical metropolitan area, as determined by the director of the
- 10 Neighborhood Housing and Community Development Office; and
- 11
- 12 (iii) The applicant:
- 13
- 14 1. Pays into the University Neighborhood District Housing Trust Fund a
- 15 fee of \$0.50 for each square foot of net rentable floor area in the multi-
- 16 family residential use or group residential use development; or
- 17
- 18 2. Provides an additional 10 percent of the dwelling units or bedrooms on
- 19 the site to house persons whose household income is at or below 50
- 20 percent of the median income in the Austin statistical metropolitan area
- 21 as determined by the director of the Neighborhood Housing and
- 22 Community Development Office.
- 23
- 24 (3) A building on a lot in the outer west campus subdistrict that has a common
- 25 side lot line with a historic property listed in the most recent City of Austin
- 26 historic resource survey may not exceed by more than 20 feet the maximum
- 27 building height of the base district in which the historic property is located.
- 28
- 29 (4) The fee in (b)(iii) above will be adjusted annually in accordance with the
- 30 Consumer Price Index All Urban Consumers, US City Average, All Items (1982-
- 31 84=100), as published by the Bureau of Labor Statistics of the United States
- 32 Department of Labor or in accordance with any other similar, applicable standard
- 33 as defined by the director of the Neighborhood Housing and Community
- 34 Development Office. The city manager shall annually determine the new fee
- 35 amounts for each fiscal year, beginning October 1, 2014, and report the new fee
- 36 amounts to the city council.
- 37

PART 4. Title 25, Appendix C (*UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT BOUNDARIES, SUBDISTRICT BOUNDARIES, AND HEIGHT LIMITS*) is amended as follows:

APPENDIX C. - UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT BOUNDARIES, SUBDISTRICT BOUNDARIES, ~~[AND]~~ HEIGHT LIMITS, AND ADDITIONAL HEIGHT AND AFFORDABILITY

PART 5. Section 25-6-601 (*Parking Requirements for University Neighborhood Overlay District*) is amended as follows:

(A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is ~~[60]~~ 35 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

(B) Off-street parking is not required for a commercial use if the use:

(1) occupies less than 6,000 square feet of gross floor area; or

(2) is located on:

(a) Guadalupe Street between Martin Luther King, Jr. Blvd. and West 29th Street; or

(b) West 24th Street between Guadalupe Street and Rio Grande Street.

(C) For a multi-family residential use located within the inner west campus subdistrict or the guadalupe subdistrict, off-street parking is not required. ~~[, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A (Tables Of Off-Street Parking And Loading Requirements) if the multi-family residential use]~~

(D) For a multi-family residential use in the outer west campus subdistrict, the minimum off-street parking requirement is 25 percent of that prescribed by Appendix A (Tables Of Off-Street Parking And Loading Requirements) if the multi-family residential use:

(1) participates in a ~~car~~ bicycle sharing program and provides onsite bicycle stations or kiosks ~~[that complies with the program requirements prescribed by administrative rule,]~~ as determined by the director of the Austin Transportation Department ~~[Watershed Protection and Development Review Department]~~; or

(2) provides electrical automobile charging stations for 10 percent of the required off-street parking spaces and sets aside 300 square feet for charging electric bicycles or micromobility devices; or

(3) sets aside for a period of not less than ~~[15]~~ 40 years from the date a certificate of occupancy is issued at least 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is ~~[less than]~~ 50 percent or less of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, in addition to complying with Section 25-2-765 (*Affordable Housing*).

(E) For multi-family residential projects developed in the outer west campus subdistrict in a 45-foot or 40-foot height district that provide 20 percent or greater onsite affordability in compliance with Subsections 25-2-756 or 25-2-765, the minimum off-street parking requirement is 20 percent of that proscribed in Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

(F) For multi-family residential projects in the outer west campus subdistrict receiving funds from the University Neighborhood District Housing Trust Fund (25-2-756 (A)), the minimum off-street requirement is 10 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

(G) The minimum parking space requirements for multi-family residential projects in the outer west campus subdistrict prescribed in this section may not be combined with other parking space reductions contained elsewhere in this Title.

(H) Multi-family residential projects in the outer west campus subdistrict reducing the number of required parking spaces under the provisions of this section must provide the number of accessible parking spaces required by the Uniform Building Code based on the project's number and type of bedrooms and dwelling units.

PART 6. Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*) is amended as follows:

(A) This section applies to property that is:

- (1) within the university neighborhood overlay (UNO) zoning district; and
- (2) outside a historic sign district.

(B) This section supersedes the other provisions of this article to the extent of conflict.

(C) A sign may not exceed 150 [100] square feet of sign area, except that this limitation does not apply along the following roadways:

- (1) Guadalupe Street, from Martin Luther King, Jr. Blvd. to West 29th Street;
- (2) West 24th Street, from Guadalupe Street to Leon Street;
- (3) Martin Luther King, Jr. Blvd., from Pearl Street to the alley one block east of University Avenue; and
- (4) West 29th Street, from Guadalupe Street to Rio Grande Street.

(D) A freestanding sign is prohibited.

(E) A roof sign is prohibited.

(F) No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.

(G) A wall sign [~~may be a projecting sign~~] is permitted if the sign complies with this subsection.

(1) One projecting sign for each building facade is permitted.

(2) The sign area of a projecting sign may not exceed 35 square feet.

(3) A sign may extend from the building facade not more than the lesser of:

(a) six feet; or

(b) a distance equal to two-thirds the width of the abutting sidewalk.

(4) For a sign that projects over state right-of-way, the state must approve the sign.

(H) A sign may not be illuminated or contain electronic images or moving parts.

PART 7. This ordinance takes effect on _____, 2019.

PASSED AND APPROVED

_____, 2019 § _____
 § _____
 § _____

Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____

Anne L. Morgan
City Attorney

Jannette S. Goodall
City Clerk

