

TITLE 25. - LAND DEVELOPMENT.
CHAPTER 25-2. - ZONING.
COMPATIBILITY ON CORRIDORS
WORKING DRAFT – SUBJECT TO CHANGE 10/14/2022

We will update sections and references as we get closer to Council consideration.

§ 25-2-32 ZONING DISTRICTS AND MAP CODES.

(A) This section provides the City's zoning districts and the corresponding zoning map codes. A zoning district may be referred to by its map code.

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

(20)university neighborhood overlay.... UNO

(21)corridor overlay COR

This is consistent with how UNO is handled.

Division 6. Combining and Overlay Districts.

§ 25-2-181 CORRIDOR OVERLAY (COR) DISTRICT PURPOSE AND BOUNDARIES.

(A) The purpose of the corridor overlay is to increase housing capacity and support transit investments on certain roadways by relaxing compatibility regulations and reducing parking minimums.

(B) The boundaries of the COR district are identified in Section 25-2-769.03 (Corridor Roadways).

This is a new section in Division 6 of Subchapter A of Chapter 25-2

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ARTICLE 3. ADDITIONAL REQUIREMENTS FOR CERTAIN DISTRICTS.

Division 13. Corridor Overlay.

This is a new division within
Article 3 of Subchapter C in
Chapter 25-2

§ 25-2-769.01 APPLICABILITY.

- (A) This division applies to a site within the zoning jurisdiction that is:
- (1) developed, zoned, or used as residential; and
 - (2) front-facing or side-facing a roadway that qualifies as light rail line, medium corridor, or larger corridor.
- (B) This division governs over a conflicting provision of this title or other ordinance unless the conflicting provision is less restrictive.

§ 25-2-769.02 DEFINITIONS.

In this division, the following definitions apply:

- (1) CORRIDOR means a roadway that qualifies as a larger corridor, light rail line, or medium corridor.
- (2) CORRIDOR SITE means a site that is front-facing or side-facing a corridor.
- (3) LARGER CORRIDOR means a roadway described in Section 25-2-769.03(C).
- (4) LIGHT RAIL LINE means the light rail depicted on Exhibit A attached to Resolution No. 20200807-003 (*Project Connect Contract with the Voters*).
- (5) MEDIUM CORRIDOR means a roadway described in Section 25-2-769.03(B).
- (6) TRIGGERING PROPERTY means a property zoned SF-5 or more restrictive

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§ 25-2-769.03 CORRIDOR ROADWAYS.

- (A) A site is located along a light rail line when the site front-faces or side-faces one of the following streets:
- (1) Center Ridge Drive between North I.H.-35 Frontage Road and Center Line Pass;
 - (2) North Lamar Boulevard between West Guadalupe Street and the south curb of West Howard Lane;
 - (3) West Guadalupe Street between Guadalupe Street and North Lamar Boulevard;
 - (4) Guadalupe Street between 45th Street and West Cesar Chavez Street;
 - (5) West Riverside Drive between South 1st Street and South Congress Avenue;
 - (6) South Congress Avenue between Riverside Drive and Ralph Ablanedo Drive;
 - (7) East State Highway 71 Frontage Roads between Spirit of Texas Drive and South U.S. Highway 183;
 - (8) Riverside Drive between South U.S. Highway 183 and South Congress Avenue;
 - (9) Trinity Street between its terminus south of Cesar Chavez and East 4th Street; and
 - (10) 4th Street between Trinity Street and Guadalupe Street.

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We will be adding the street names and segments as this amendment goes through the process.

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- (B) A site is located along a medium corridor when the site front-faces or side-faces one of the following streets:
 - (C) A site is located along a larger corridor when the site front-faces or side-faces one of the following streets:

§ 25-2-769.04 COMPATIBILITY AND SETBACKS.

- (A) Except as provided in this division, Section 25-2-1062 (*Height Limitations And Setbacks For Small Sites*) and Section 25-2-1063 (*Height Limitations And Setbacks For Large Sites*) do not apply to a corridor site.
- (B) Section 25-2-1062 (*Height Limitations And Setbacks For Small Sites*) and Section 25-2-1063 (*Height Limitations And Setbacks For Large Sites*) apply to a corridor site when:
 - (1) a triggering property adjoins the corridor site;
 - (2) a structure is located within 300 feet of a triggering property;
 - (3) a residential use that is not developed in accordance with site development standards applicable to a SF-6 or more restrictive zoning district;
 - (4) a structure that includes non-residential uses; or
 - (5) a structure that includes more than 12 dwelling units; or
 - (6) the structure height exceeds 35 feet.
- (C) The 25-foot setback required in Section 25-2-1062 (*Height Limitations And Setbacks For Small Sites*) and Section 25-2-1063 (*Height Limitations And Setbacks For Large Sites*) may include:

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(1) XXXXX

Staff is still considering ideas about what
can be placed in this area.

(2) XXXXXX

(D) The height limitation for a structure is:

- (1) two stories and 35 feet, if the structure is 50 feet or less from a triggering property;
- (2) three stories and 45 feet, if the structure is more than 50 feet and not more than 100 feet from a triggering property; or
- (3) for a structure more than 100 feet but not more than 300 feet from a triggering property, 45 feet plus one foot for each 10 feet of distance in excess of 100 feet from the triggering property.

§ 25-2-769.05 PROHIBITED USE.

A dwelling unit may not be used as a short-term rental Type 2 or Type 3.

§ 25-2-769.06 AFFORDABLE HOUSING BONUSES.

- (A) A development is eligible for the bonuses in this section if the requirements in this section are satisfied.
- (B) In this section, director means the director of the Housing and Planning Department.
- (C) A proposed development that will require the applicant to redevelop or rebuild an existing multi-family structure is eligible for this program if:
 - (1) the existing multi-family structure requires extensive repairs and for which rehabilitation costs will exceed 50 percent of the market value, as determined by the building official;

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- (2) the proposed development will replace all existing units that were affordable to a household earning 80 percent MFI or below in the previous year and have at least as many bedrooms;
- (3) the applicant provides current tenants with:
 - (a) notice and information about the proposed development on a form approved by the director; and
 - (b) relocation benefits that are consistent with Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C.A. 4601, et seq.; and
- (4) the applicant grants current tenants the option to lease a unit of comparable affordability and size following completion of redevelopment.

(D) Minimum Affordability Requirements.

- (1) For a development with rental dwelling units, at least 10 percent of the rental dwelling units must serve households whose incomes are 60 percent MFI or below.
- (2) For a development with owner-occupied dwelling units, at least 10 percent of the owner-occupied dwelling units must serve households whose incomes are 80 percent MFI or below.
- (3) If the number of units required in this section includes less than a whole unit, the unit number is rounded up to the nearest whole unit.
- (4) The minimum affordability period for rental dwelling units is 40 years following the last certificate of occupancy required for the development.

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- (5) The minimum affordability period for owner-occupied dwelling units is 99 years following the issuance of a certificate of occupancy for the owner-occupied dwelling unit.
 - (6) In a multi-phased development, the director may begin the minimum affordability period upon the issuance of the last certificate of occupancy for each phase.
- (E) Certification, Post-Construction Requirements, and Penalty.
- (1) The director is responsible for certifying whether a proposed development satisfies the exemption and bonus requirements.
 - (2) The applicant shall submit an application to the director demonstrating the proposed development satisfies the requirements in this subsection.
 - (3) If the director certifies that a proposed development satisfies the requirements of this section, the accountable official is authorized to process a development application under Subsection (X).
 - (4) Before the director may certify the proposed development, the applicant shall execute:
 - (a) an agreement to preserve the requirements in this section; and
 - (b) a document for recording in the real property records providing notice of or preserves the requirements in this section.
 - (5) The form of the document described in Subsection (X) must be approved by the city attorney.
 - (6) The applicant shall pay all fees, provide documentation, and fulfill any pre-occupancy requirements prior to the issuance of a certificate of occupancy.

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- (7) The agreement required in Subsection (X) must, at a minimum:
- (a) prohibit discrimination on the basis of an individual's source of income as defined in Section 5-1-13 (*Definitions*);
 - (b) require dispersion of affordable units throughout the residential units;
 - (c) require equal access and use of on-site amenities, common areas, and parking facilities;
 - (d) require shared access routes for affordable units and market-rate units;
 - (e) require that affordable units include interior components that are functionally equivalent to market-rate units; and
 - (f) require the applicant to incorporate lease provisions related to a tenant's right to organize that are consistent with 24 C.F.R. 245.100, the lease addendum required as a condition to receive City of Austin Housing Finance Corporation funds, or City Code requirement.
- (8) Unless otherwise approved by the director, the bedroom count for affordable units shall be comparable to the bedroom count for market rate units. At the discretion of the director, two-bedroom or three-bedroom affordable units may count as two or three, one-bedroom (efficiency) affordable units.
- (9) Affordable rental units may be rotated within the structure, provided that the total number of required affordable units remains in compliance with the affordability requirements for the affordability period.
- (10) Simultaneous Availability of Affordable Units.

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- (a) In a single-phase housing development, affordable units must be available for occupancy concurrently with the market-rate units.
 - (b) For a multi-phase housing development, an applicant must submit a development phasing plan that demonstrates how the market rate units and the affordable units will be made available concurrently. This plan must be included as an attachment to the agreement described in Subsection (XXX).
- (11) An applicant shall prepare and follow an affirmative marketing and outreach plan for the duration the affordable period, in a form consistent with the U.S. Department of Housing and Urban Development regulations and approved by the director.
- (12) Affordability Post-Construction Compliance and Penalty.
- (a) For development with rental dwelling units, the owner shall provide the director with information that allows the director to verify compliance with the affordability requirements. The information shall be provided on an annual basis and on a form approved by the director.
 - (b) If, for any reason, the director is unable to confirm that the affordability requirements were met during any 12-month period, the preceding 12 months may not be used to satisfy the affordability period.
 - (c) For an ownership affordable unit, each homebuyer at the time of purchase shall execute a resale restriction agreement in a form approved by the city attorney for recording in the real property records.
 - (d) A person commits an offense if the person fails to comply with the requirement in Subsection (a). A culpable mental state is

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not required and need not be proved. A person commits a separate offense for each day the person fails to provide the documentation. Each offense is punishable by a fine not to exceed \$500.

(F) Bonuses.

- (1) This subsection governs over a conflicting provision of this division.
- (2) For a site located on a light rail line, Sections 25-2-1062 (*Height Limitations And Setbacks For Small Sites*) and 25-2-1063 (*Height Limitations And Setbacks For Large Sites*) apply only to a structure located within 100 feet of a triggering property.
- (3) For a site located on a larger corridor, the maximum height for a structure is:
 - (a) 65 feet if the structure is located at least 100 feet from a triggering property; or
 - (b) 90 feet if the structure is located at least 200 feet from a triggering property.
- (4) For a site located on a medium corridor, the maximum height for a structure is:
 - (a) 65 feet if the structure is located at least 150 feet from a triggering property; or
 - (b) 90 feet if the structure is located at least 250 feet from a triggering property.

(F) Fee-In-Lieu.

- (1) An applicant may pay a fee-in-lieu of on-site affordable units if:

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- (a) the fee-in-lieu of on-site affordable units is sufficient to construct the number of dwelling units that would have been required on-site; and
 - (b) the director authorizes the applicant to pay a fee-in-lieu.
- (2) The director may authorize an applicant to pay a fee-in-lieu after the fee-in-lieu per dwelling unit is set by separate ordinance.
- (3) The director may adopt administrative rules in accordance with Chapter 1-2 (*Administrative Rules*) to implement this subsection.
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§ 25-6-471 OFF-STREET PARKING FACILITY REQUIRED.

- (A) An applicant must provide an off-street parking facility for:
- (1) a new building;
 - (2) a new use;
 - (3) an addition to or enlargement of an existing building or use; or
 - (4) a change of occupancy or operation that increases the number of needed parking spaces above the existing spaces.
- (B) Except as provided in Subsection (C), additional parking facilities required under this section are required only for the addition, enlargement, or change, and not for the entire building or use.
- (C) An addition, enlargement, or change in use for a cocktail lounge or a restaurant with a late-hours permit is required to meet parking facility requirements for the entire building or use.

The inclusion of this section is to address the parking changes requested by Council. Additions are underlined and found on the next 2 pages.

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- (D) Except as provided by Section 25-6-501 (*Off-Site Parking Allowed*), a parking facility required under this article must be located on the same site as the use for which the facility is required.
- (E) If an applicant provides more parking spaces for a use than prescribed under this article or under an approved site plan, the excess spaces may be considered for another use under Section 25-6-501 (*Off-Site Parking Allowed*).
- (F) Except as provided in Section 25-6-478 (*Parking For Mixed Use Developments*), the parking facility requirement for a site with more than one use or for adjacent sites served by a common parking facility is the cumulative total of spaces required for each site or use.
- (G) A parking facility is not required for an accessory use.
- (H) A parking facility, circulation area, or queue line constructed or substantially reconstructed after January 1, 1985 must comply with the design standards prescribed in Division 4 (*Design And Construction Standards For Parking And Loading Facilities*), the Transportation Criteria Manual, and the landscape standards prescribed in Chapter 25-2, Subchapter C, Article 9 (*Landscaping*).
- (I) In this section,
 - (1) ACCESSIBLE SPACE means a parking space for an individual with a disability that complies with the Americans with Disabilities Act (ADA) and Fair Housing Act Amendments (FHAA), as appropriate; ~~and~~
 - (2) LARGER CORRIDOR means a roadway described in Section XXXX.
 - (3) LIGHT RAIL LINE means a roadway described in Section XXXX.
 - (4) MEDIUM CORRIDOR means a roadway described in Section XXXX.
 - (5) QUALIFYING DEVELOPMENT means a development certified under Section 25-1-724 (*Certification*) and participating in the Affordability Unlocked Bonus Program.
 - (6) RESIDENTIAL DEVELOPMENT means a development subject to Division 13 (*Corridor Overlay*) of Chapter 25-2, Subchapter C.

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- (J) A qualifying development is not required to comply with Appendix A of Chapter 25-6 (*Transportation*) but must comply with this section.
- (1) If the parking provided by a qualifying development with more than two units is fewer parking spaces than required in Appendix A (*Tables of Off-Street Parking and Loading Requirements*), the minimum number of required off-street accessible spaces is the greater of:
- (a) one accessible parking space;
 - (b) the number of accessible spaces required under the Building Code based on 100 percent of the parking required for the use under Appendix A (*Tables of Off-Street Parking and Loading Requirements*); or
 - (c) the number of accessible spaces required under the ADA or the FHAA, as appropriate.
- (2) An accessible space must be adjacent to the site and on an accessible route.
- (3) An accessible parking space must comply with design, accessibility, and location requirements imposed by the ADA and the FFHA, as appropriate.
- (4) Accessible parking detailed in Subsection (J)(1) must be provided off-street except insofar as on-street or off-site parking is allowed elsewhere in this title.
- (K) This subsection applies to a residential development that is not located within 300 feet of a private or public primary or secondary educational facility.
- (1) A term defined by Section 25-2-XXX (Definitions) has the same meaning in this subsection.
- (2) A residential development must provide accessible spaces as set forth in Subsection (J).

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- (3) The required off-street parking for a residential development that is located on a light rail line or larger corridor is 25 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements).
- (4) The required off-street parking for a residential development that is located on a medium corridor is 50 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements).