

TITLE 25. - LAND DEVELOPMENT.

CHAPTER 25-2. - ZONING.

COMPATIBILITY ON CORRIDORS

PLANNING COMMISSION RECOMMENDATION

Highlighted Blue Text = Changes since Planning Commission.
Red Text = Planning Commission's Recommendations

§ 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

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).

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ARTICLE 3. ADDITIONAL REQUIREMENTS FOR CERTAIN DISTRICTS.

Division 13. Corridor Overlay.

§ 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 and contains only residential uses.

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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 streets **set out in Exhibit A to Ordinance No. XXXXX.**
- (B) A site is located along a medium corridor when the site front-faces or side-faces one of the streets **set out in Exhibit B to Ordinance No. XXXXX.**
- (C) A site is located along a larger corridor when the site front-faces or side-faces one of the streets **set out in Exhibit C to Ordinance No. XXXXX.**

§ 25-2-769.04 COMPATIBILITY.

- (A) A corridor site is not subject to Section 25-2-1062 (*Height Limitations And Setbacks For Small Sites*) or Section 25-2-1063 (*Height Limitations And Setbacks For Large Sites*) except as provided in this division.
- (B) A corridor site is subject to Section 25-2-1062 (*Height Limitations And Setbacks For Small Sites*) when:
 - (1) the site is 20,000 square feet or less;
 - (2) the site includes a street frontage that is 100 feet or less;
 - (3) a triggering property **is on the same side of the corridor as** the site;
 - (4) a structure **or a portion of a structure** on the site is constructed within **200** ~~300~~ feet of a triggering property; and
 - (5) one of the following applies:
 - (a) the site **includes a residential use developed in accordance with site development standards that apply to MF-1** ~~SF-6~~ **or less restrictive zoning district;**
 - (b) the site includes 12 or more residential units;

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- (c) the site includes non-residential uses; or
 - (d) the site includes a structure or a portion of the structure that will exceed 35 feet in height within 200 ~~300~~ feet of a triggering property.
- (C) A corridor site is subject to Section 25-2-1063 (*Height Limitations And Setbacks For Large Sites*) when:
 - (1) the site exceeds 20,000 square feet;
 - (2) the site includes a street frontage that exceeds 100 feet;
 - (3) a triggering property is on the same side of the corridor as the site;
 - (4) a structure or a portion of a structure on the site is constructed within 200 ~~300~~ feet of a triggering property; and
 - (5) one of the following applies:
 - (a) the site includes a residential use developed in accordance with site development standards that apply to MF-1 ~~SF-6~~ or less restrictive zoning districts;
 - (b) the site includes 12 or more residential units;
 - (c) the site includes non-residential uses; or
 - (d) the site includes a structure or a portion of the structure that will exceed 35 feet in height within 200 ~~300~~ feet of a triggering property.
- (D) In this division, height limitations in Section 25-2-1062 (*Height Limitations And Setbacks For Small Sites*) and Section 25-2-1063 (*Height Limitations And Setbacks For Large Sites*) only apply to the portion of the structure that is located within 200 ~~300~~ feet of the triggering property.

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- (E) For a corridor site with at least one residential use and no short-term rental uses, a setback required by 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 a structure if the structure does not exceed 35 feet in height and cannot be used as a dwelling or for refuse collection.
- (F) For a corridor site with at least one residential use and no short-term rental uses, 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 less than ~~200~~ 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 RESIDENTIAL USE.

In this division, residential use does not include short-term rental (STR) use.

§ 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:

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- (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;
- (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. 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.

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- (4) The minimum affordability period for rental dwelling units is 40 years following the last certificate of occupancy required for the development.
- (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.
- (7) 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.
- (8) Simultaneous Availability of Affordable Units.
 - (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 (E) (*Certification*).
- (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.

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(10) 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.

(11) Short-term rental use is a prohibited use for a corridor site that is certified under Subsection (E) (*Certification*).

(E) Certification.

- (1) The director is responsible for certifying whether a proposed development satisfies the requirements of this section.
- (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 this division.
- (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 agreement and document described in Subsection (E)(4) 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 (E)(4) 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 and common areas;
 - (d) **require equal access to parking facilities if rent and parking facilities are bundled;**
 - (e) require shared access routes for affordable units and market-rate units;
 - (f) require that affordable units include interior components that are functionally equivalent to market-rate units; and
 - (g) require the applicant to incorporate lease provisions that are consistent with:
 - (i) the U.S. Department of Housing and Urban Development (HUD) Section 8 Tenant-Based Assistance Housing Choice Voucher (HCV) Program related to the termination of tenancy by owner;
 - (ii) any lease addendum required as a condition to receive city or Austin Housing Finance Corporation (AHFC) funds; and
 - (iii) 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

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Corporation funds, or City Code requirement; and 24
C.F.R. § 245.100 related to a tenant's right to organize;
and

- (h) address obligations related to redeveloping an existing multi-family structure.

(F) Affordability Post-Construction Compliance and Penalty.

- (1) 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.
- (2) 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.
- (3) 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.
- (4) A person commits an offense if the person fails to comply with the requirement in Subsection (F)(1). A culpable mental state is 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 \$5000.

(G) Bonuses.

- (1) This subsection governs over a conflicting provision of this division.

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- (2) For a site located on a light rail line or a larger corridor, the requirements in Section 25-2-769.04 (*Compatibility*) 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.~~

- (3) 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 100 150 feet from a triggering property; or

(b) 85 feet if the structure is located at least 150 feet from a triggering property.; or

~~(c) 90 feet if the structure is located at least 250 feet from a triggering property.~~

(H) Fee-In-Lieu.

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

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- (c) the applicant demonstrates that the fee-in-lieu funds can be used within $\frac{1}{4}$ of a mile of a corridor.
 - (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.
- (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.

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- (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) CORRIDOR DEVELOPMENT means a development subject to Division 13 (*Corridor Overlay*) of Chapter 25-2, Subchapter C that does not include short-term rental uses;
 - (3) LARGER CORRIDOR means a roadway described in Section 25-2-769.03(C);
 - (4) LIGHT RAIL LINE means a roadway described in Section 25-2-769.03(A);
 - (5) MEDIUM CORRIDOR means a roadway described in Section 25-2-769.03(B);
 - (~~6~~2) QUALIFYING DEVELOPMENT means a development certified under Section 25-1-724 (*Certification*) and participating in the Affordability Unlocked Bonus Program.

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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 corridor development that includes at least one residential use and is located more than 300 feet from a private or public primary or secondary educational facility.
- (1) A term defined by Section 25-2-769.02 (*Definitions*) has the same meaning in this subsection.
 - (2) A corridor development must provide accessible spaces as set forth in Subsection (J).

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- (3) The required off-street parking for a corridor 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 corridor 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*).
- (5) The required off-street parking for a corridor development that includes residential and non-residential uses and is located on a light rail line is 25 percent of the parking required for the use under Appendix A (*Tables of Off-Street Parking and Loading Requirements*).
- (L) This subsection applies to a corridor development that is located on a light rail line and consists only of residential uses.
 - (1) A term defined by Section 25-2-769.02 (*Definitions*) has the same meaning in this subsection.
 - (2) A corridor development subject to this subsection must provide accessible spaces as set forth in Subsection (J).
 - (3) A corridor development subject to this subsection is not required to provide required off-street parking.