

- 28 (B) This division governs over a conflicting provision of this title or other ordinance
29 unless the conflicting provision is less restrictive.

30 **§ 25-2-769.02 DEFINITIONS.**

31 In this division, the following definitions apply:

- 32 (1) CORRIDOR means a roadway that qualifies as a larger corridor, light rail
33 line, or medium corridor.
- 34 (2) CORRIDOR SITE means a property that is front-facing or side-facing a
35 corridor.
- 36 (3) LARGER CORRIDOR means a roadway described in Section 25-2-
37 769.03(C).
- 38 (4) LIGHT RAIL LINE means a roadway described in Section 25-2-769.03(A).
- 39 (5) MEDIUM CORRIDOR means a roadway described in Section 25-2-
40 769.03(B).
- 41 (6) TRIGGERING PROPERTY means a property zoned SF-5 or more
42 restrictive and contains only residential uses.

43 **§ 25-2-769.03 CORRIDOR ROADWAYS.**

- 44 (A) A site is located along a light rail line when the site front-faces or side-faces one of
45 the streets set out in Exhibit A to Ordinance No. XXXXX.
- 46 (B) A site is located along a medium corridor when the site front-faces or side-faces
47 one of the streets set out in Exhibit B to Ordinance No. XXXXX.
- 48 (C) A site is located along a larger corridor when the site front-faces or side-faces one
49 of the streets set out in Exhibit C to Ordinance No. XXXXX.

50 **§ 25-2-769.04 COMPATIBILITY AND SETBACK REQUIREMENTS.**

- 51 (A) A corridor site is not subject to Section 25-2-1062 (*Height Limitations And*
52 *Setbacks For Small Sites*) or Section 25-2-1063 (*Height Limitations And Setbacks*
53 *For Large Sites*) except as provided in this division.

54 (B) A corridor site is subject to Section 25-2-1062 (*Height Limitations And Setbacks*
55 *For Small Sites*) when:

- 56 (1) the site is 20,000 square feet or less; and
- 57 (2) the site includes a street frontage that is 100 feet or less; and
- 58 (3) a triggering property is on the same side of the corridor as the site; and
- 59 (4) a structure or a portion of a structure on the site is constructed within 300
60 feet of a triggering property; and
- 61 (5) one of the following applies:
- 62 (a) the site includes a residential use developed in accordance with site
63 development standards that apply to SF-6 or less restrictive zoning
64 district;
- 65 (b) the site includes 12 or more residential units;
- 66 (c) the site includes non-residential uses; or
- 67 (d) the site includes a structure or a portion of a structure that will exceed
68 35 feet in height within 300 feet of a triggering property.

69 (C) A corridor site is subject to Section 25-2-1063 (*Height Limitations And Setbacks*
70 *For Large Sites*) when:

- 71 (1) one of the following applies:
- 72 (a) the site exceeds 20,000 square feet; or
- 73 (b) the site includes a street frontage that exceeds 100 feet; and
- 74 (2) a triggering property is on the same side of the corridor as the site; and
- 75 (3) a structure or a portion of a structure on the site is constructed within 300
76 feet of a triggering property; and
- 77 (4) one of the following applies:

- 78 (a) the site includes a residential use developed in accordance with site
79 development standards that apply to SF-6 or less restrictive zoning
80 districts;
- 81 (b) the site includes 12 or more residential units;
- 82 (c) the site includes non-residential uses; or
- 83 (d) the site includes a structure or a portion of a structure that will exceed
84 35 feet in height within 300 feet of a triggering property.

85 (D) In this division, height limitations in Section 25-2-1062 (*Height Limitations And*
86 *Setbacks For Small Sites*) and Section 25-2-1063 (*Height Limitations And Setbacks*
87 *For Large Sites*) only apply to the portion of the structure that is located within 300
88 feet of the triggering property.

89 (E) For a corridor site with at least one residential use and no short-term rental uses, a
90 setback required by Section 25-2-1062 (*Height Limitations And Setbacks For*
91 *Small Sites*) and Section 25-2-1063 (*Height Limitations And Setbacks For Large*
92 *Sites*) may include a structure if the structure does not exceed 35 feet in height and
93 cannot be used as a dwelling or for refuse collection.

94 (F) For a corridor site with at least one residential use and no short-term rental uses,
95 the height limitation for a structure is:

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

103 **§ 25-2-769.05 RESIDENTIAL USE.**

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

105 **§ 25-2-769.06 AFFORDABLE HOUSING BONUSES.**

- 106 (A) A development is eligible for the bonuses in this section if the requirements in this
107 section are satisfied.
- 108 (B) In this section,
- 109 (1) DIRECTOR means the director of the Housing and Planning Department.
- 110 (2) MARKET RATE UNIT means a rental or ownership dwelling unit that is
111 not an affordable unit.
- 112 (3) MFI means median family income for the Austin-Round Rock metropolitan
113 statistical area.
- 114 (C) A proposed development that will require the applicant to redevelop or rebuild an
115 existing multi-family structure is eligible for this program if:
- 116 (1) the existing multi-family structure requires extensive repairs and for which
117 rehabilitation costs will exceed 50 percent of the market value, as
118 determined by the building official;
- 119 (2) the proposed development will replace all existing units that were affordable
120 to a household earning 80 percent MFI or below in the previous year and
121 have at least as many bedrooms as those units;
- 122 (3) the applicant provides current tenants with:
- 123 (1) notice and information about the proposed development on a form
124 approved by the director; and
- 125 (2) relocation benefits that are consistent with Federal Uniform
126 Relocation Assistance and Real Property Acquisition Policies Act of
127 1970, 42 U.S.C. 4601, *et seq.*; and
- 128 (4) the applicant grants current tenants the option to lease a unit of comparable
129 affordability and size following completion of redevelopment.
- 130 (D) Minimum Affordability Requirements.
- 131 (1) For a development with rental dwelling units, at least 10 percent of the rental
132 dwelling units must serve households whose incomes are 60 percent MFI or
133 below.

- 134 (2) For a development with owner-occupied dwelling units, at least 10 percent
135 of the owner-occupied dwelling units must serve households whose incomes
136 are 80 percent MFI or below.
- 137 (3) If the number of units required in this section includes less than a whole unit,
138 the unit number is rounded up to the nearest whole unit.
- 139 (4) The minimum affordability period for rental dwelling units is 40 years
140 following the last certificate of occupancy required for the development.
- 141 (5) The minimum affordability period for owner-occupied dwelling units is 99
142 years following the issuance of a certificate of occupancy for the owner-
143 occupied dwelling unit.
- 144 (6) In a multi-phased development, the director may begin the minimum
145 affordability period upon the issuance of the last certificate of occupancy for
146 each phase.
- 147 (7) Unless otherwise approved by the director, the bedroom count for affordable
148 units shall be comparable to the bedroom count for market rate units. At the
149 discretion of the director, two-bedroom or three-bedroom affordable units
150 may count as two or three, one-bedroom (efficiency) affordable units.
- 151 (8) Simultaneous Availability of Affordable Units.
- 152 (1) In a single-phase housing development, affordable units must be
153 available for occupancy concurrently with the market rate units.
- 154 (2) For a multi-phase housing development, an applicant must submit a
155 development phasing plan that demonstrates how the market rate units
156 and the affordable units will be made available concurrently. This
157 plan must be included as an attachment to the agreement described in
158 Subsection (E).
- 159 (9) Affordable rental units may be rotated within the structure, provided that the
160 total number of required affordable units remains in compliance with the
161 affordability requirements for the affordability period.
- 162 (10) An applicant shall prepare and follow an affirmative marketing and outreach
163 plan for the duration the affordable period, in a form consistent with the U.S.

164 Department of Housing and Urban Development regulations and approved
165 by the director.

- 166 (11) Short-term rental use is a prohibited use on a corridor site that is certified
167 under Subsection (E).

168 (E) Certification.

- 169 (1) The director is responsible for certifying whether a proposed development
170 satisfies the exemption and bonus requirements.

- 171 (2) The applicant shall submit an application to the director demonstrating the
172 proposed development satisfies the requirements of this section.

- 173 (3) If the director certifies that a proposed development satisfies the
174 requirements of this section, the accountable official is authorized to process
175 a development application consistent with this section.

- 176 (4) Before the director may certify the proposed development, the applicant
177 shall execute:

178 (1) an agreement to preserve the requirements in this section; and

179 (2) a document for recording in the real property records providing notice
180 of or preserves the requirements in this section.

- 181 (5) The form of the agreement and document described in Subsection (E)(4)
182 must be approved by the city attorney.

- 183 (6) The applicant shall pay all fees, provide documentation, and fulfill any pre-
184 occupancy requirements prior to the issuance of a certificate of occupancy.

- 185 (7) The agreement required in Subsection (E)(4) must, at a minimum:

186 (1) prohibit discrimination on the basis of an individual's source of
187 income as defined in Section 5-1-13 (*Definitions*);

188 (2) require dispersion of affordable units throughout the residential units;

189 (3) require equal access and use of on-site amenities, common areas, and
190 parking facilities;

- 191 (4) require shared access routes for affordable units and market-rate units;
192 (5) require that affordable units include interior components that are
193 functionally equivalent to market-rate units; and
194 (6) require the applicant to incorporate lease provisions that are consistent
195 with:
196 (i) the U.S. Department of Housing and Urban Development
197 (HUD) Section 8 Tenant-Based Assistance Housing Choice
198 Voucher (HCV) Program related to the termination of tenancy
199 by owner;
200 (ii) any lease addendum required as a condition to receive city or
201 Austin Housing Finance Corporation (AHFC) funds; and
202 (iii) a tenant’s right to organize under 24 C.F.R. 245.100, the lease
203 addendum required as a condition to receive City of Austin
204 Housing Finance Corporation funds, or City Code requirement;
205 and
206 (g) address obligations related to redeveloping an existing multi-family
207 structure

208 (F) Affordability Post-Construction Compliance and Penalty.

- 209 (1) For development with rental dwelling units, the owner shall provide the
210 director with information that allows the director to verify compliance with
211 the affordability requirements. The information shall be provided on an
212 annual basis and on a form approved by the director.
213 (2) If, for any reason, the director is unable to confirm that the affordability
214 requirements were met during any 12-month period, the preceding 12
215 months may not be used to satisfy the affordability period.
216 (3) For an ownership affordable unit, each homebuyer at the time of purchase
217 shall execute a resale restriction agreement in a form approved by the city
218 attorney for recording in the real property records.

- 219 (4) A person commits an offense if the person fails to comply with the
220 requirement in Subsection (F)(1). A culpable mental state is not required
221 and need not be proved. A person commits a separate offense for each day
222 the person fails to provide the documentation. Each offense is punishable by
223 a fine not to exceed \$500.

224 (G) Bonuses.

- 225 (1) This subsection governs over a conflicting provision of this division.
226 (2) For a site located on a light rail line, the requirements in Section 25-2-769.04
227 (*Compatibility and Setback Requirements*) apply only to a structure located
228 within 100 feet of a triggering property.
229 (3) For a site located on a larger corridor, the maximum height for a structure is:
230 (a) 65 feet if the structure is located at least 100 feet from a triggering
231 property; or
232 (b) 90 feet if the structure is located at least 200 feet from a triggering
233 property.
234 (4) For a site located on a medium corridor, the maximum height for a structure
235 is:
236 (1) 65 feet if the structure is located at least 150 feet from a triggering
237 property; or
238 (2) 90 feet if the structure is located at least 250 feet from a triggering
239 property.

240 (H) Fee-In-Lieu.

- 241 (1) An applicant may pay a fee-in-lieu of on-site affordable units if:
242 (1) the fee-in-lieu of on-site affordable units is sufficient to construct the
243 number of dwelling units that would have been required on-site; and
244 (2) the director authorizes the applicant to pay a fee-in-lieu.

- 245 (2) The director may authorize an applicant to pay a fee-in-lieu after the fee-in-
246 lieu per dwelling unit is set by separate ordinance.
- 247 (3) The director may adopt administrative rules in accordance with Chapter 1-2
248 (*Administrative Rules*) to implement this subsection.

249 **PART 4.** City Code Section 25-6-471 (*Off-Street Parking Facility Required*) is amended
250 to amend Subsection (I) to add a new definition for “Corridor Development”; and to add
251 a new Subsection (K) to read as follows:

252 (I) In this section,

- 253 (1) **ACCESSIBLE SPACE** means a parking space for an individual with a
254 disability that complies with the Americans with Disabilities Act (ADA) and
255 Fair Housing Act Amendments (FHAA), as appropriate;
- 256 (2) **CORRIDOR DEVELOPMENT** means a development subject to Division 13
257 (*Corridor Overlay*) of Chapter 25-2, Subchapter C that does not include
258 short-term rental uses;
- 259 (3) [~~2~~] **QUALIFYING DEVELOPMENT** means a development certified
260 under Section 25-1-724 (*Certification*) and participating in the Affordability
261 Unlocked Bonus Program.

262 (K) This subsection applies to a corridor development that includes at least one
263 residential use and is located more than 300 feet from a private or public primary
264 or secondary educational facility.

- 265 (1) A term defined by Section 25-2-769.02 (*Definitions*) has the same meaning
266 in this subsection.
- 267 (2) A corridor development must provide accessible spaces as set forth in
268 Subsection (J).
- 269 (3) The required off-street parking for a corridor development that is located on
270 a light rail line or larger corridor is 25 percent of the parking required for the
271 use under Appendix A (*Tables of Off-Street Parking and Loading*
272 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).

PART 5. This ordinance takes effect on _____, 2022.

PASSED AND APPROVED

_____, 2022 §
§
§ _____

Steve Adler
Mayor

APPROVED: _____

ATTEST: _____

Anne L. Morgan
City Attorney

Myrna Rios
City Clerk