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**ORDINANCE NO.**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2-586 (*DOWNTOWN DENSITY BONUS PROGRAM*) RELATING TO COMPLIANCE WITH GREAT STREET STANDARDS FOR PROPERTIES LOCATED ALONG TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FRONTAGES; AND ESTABLISHING A FUND FOR CERTAIN FEES.**

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

**PART 1.** Section (C) (*Program Requirements*) of Chapter 25-2-586 is amended by this ordinance to add a new Section (c) and renumber the remaining section:

(C) *Program Requirements.*

(1) Gatekeeper Requirements

- (a) To receive bonus area, the director must determine that the project substantially complies with the Urban Design Guidelines.
- (i) The applicant must submit to the director a schematic level site plan, building elevations, and other drawings, simulations or other documents necessary to fully describe the urban design character of the project and relationship of the project to its surroundings.
- (ii) The Design Commission shall evaluate and make recommendations regarding whether the project complies with the Urban Design Guidelines and the director shall consider comments and recommendations of the Design Commission.
- (b) Except as provided in Subsection (C), the applicant shall execute a restrictive covenant committing to provide streetscape improvements along all public street frontages, consistent with the Great Streets Standards.
- (c) For a property located on a Texas Department of Transportation (TxDOT) frontage, an applicant provides for Great Street streetscape improvements along all public street

frontages if the applicant pays a fee-in-lieu set by separate ordinance and a one-time maintenance obligation fee set by separate ordinance. The director of Transportation and Public Works Department may spend a fee paid under this subsection for Great Streets capital improvement projects within the Downtown area.

- (d) The applicant shall execute a restrictive covenant committing to achieve a minimum two star rating under the Austin Energy Green Building program using the ratings in effect at the time the project is registered with the Austin Energy Green Building program. The applicant shall also provide the director with a copy of the project's signed Austin Energy Green Building Letter of Intent before the director may approve bonus area for a site.

**PART 2.** Council establishes the Great Streets Fee-in-lieu fund for a fee collected under Section 25-2-586(C)(1)(c) (DDBP) for the design, construction, and maintenance of Great Streets capital improvement projects within the Downtown area. The Council directs the City Manager to propose a fee-in-lieu for improvements and a one-time maintenance obligation fee.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2023.

**PASSED AND APPROVED**

\_\_\_\_\_, 2023      § \_\_\_\_\_  
   § \_\_\_\_\_  
   § \_\_\_\_\_  
Kirk Watson  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan      Myrna Rios  
City Attorney      City Clerk