

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING AND REPLACING CITY CODE SECTION 25-1-704 RELATING TO FEE WAIVERS FOR S.M.A.R.T. HOUSING PROGRAM-CERTIFIED DEVELOPMENTS; AND WAIVING CITY CODE SECTION 25-1-502 RELATING TO PROCEDURES TO AMEND CITY CODE TITLE 25.**

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

**PART 1.** City Code Section 25-1-704 (*Fee Waivers*) is repealed and replaced to read:

**§ 25-1-704 FEE WAIVERS.**

- (A) The city manager may, in accordance with the director's determination under Subsection (B), waive all or a portion of fees described in the City's annual fee ordinance for a S.M.A.R.T. housing development.
- (B) A developer is eligible for a waiver of the fees if the director determines that the S.M.A.R.T. housing development provides the percentage of reasonably priced dwelling units prescribed by this subsection.
  - (1) Except as provided in Subdivision (2):
    - (a) if at least ten percent of the dwelling units are reasonably priced, the development is eligible for a waiver of 25 percent of the fees;
    - (b) if at least 20 percent of the dwelling units are reasonably priced, the development is eligible for a waiver of 50 percent of the fees;
    - (c) if at least 30 percent of the dwelling units are reasonably priced, the development is eligible for a waiver of 75 percent of the fees; and
    - (d) if at least 40 percent of the dwelling units are reasonably priced, the development is eligible for a waiver of 100 percent of the fees.
  - (2) The development is eligible for a waiver of 100 percent of the fees if:
    - (a) except as provided in Paragraphs (c) and (d), the development is located within the Urban Roadways boundary described by Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*),

and at least five percent of the dwelling units are reasonably priced and are transferred to a City-approved affordable housing land trust or other similar entity approved by the director;

- (b) except as provided in Paragraph (c), the development is located outside the Urban Roadways boundary described by Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*), and at least ten percent of the dwelling units are reasonably priced and are transferred to a City-approved affordable housing land trust or other similar entity approved by the director;
- (c) the development is a Vertical Mixed Use (VMU) building that complies with the affordability requirements of Chapter 25-2, Subchapter E, Section 4.3.3.F (*Exemption and Bonus Requirements*); or
- (d) the development is located in either a Downtown Mixed Use (DMU) or Central Business District (CBD) base zoning district, and at least ten percent of the dwelling units are reasonably priced.

**PART 2.** City Council waives City Code Section 25-1-502 (*Amendment; Review*).

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2024.

**PASSED AND APPROVED**

\_\_\_\_\_, 2024      §  
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Kirk Watson  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_

Anne L. Morgan  
City Attorney

Myrna Rios  
City Clerk