

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 City Code Section 25-1-704 (*Fee Waivers*) is repealed and replaced to read: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

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

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44 (b) except as provided in Paragraph (c), the development is located
45 outside the Urban Roadways boundary described by Chapter 25-2,
46 Subchapter E (*Design Standards and Mixed Use*), and at least ten
47 percent of the dwelling units are reasonably priced and are
48 transferred to a City-approved affordable housing land trust or
49 other similar entity approved by the director;

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51 (c) the development is a Vertical Mixed Use (VMU) building that
52 complies with the affordability requirements of Chapter 25-2,
53 Subchapter E, Section 4.3.3.F (*Exemption and Bonus*
54 *Requirements*); or

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56 (d) the development is located in either a Downtown Mixed Use
57 (DMU) or Central Business District (CBD) base zoning district,
58 and at least ten percent of the dwelling units are reasonably priced.
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60 **PART 2.** City Council waives City Code Section 25-1-502 (*Amendment; Review*).

61 **PART 3.** This ordinance takes effect on _____, 2024.

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63 **PASSED AND APPROVED**

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68 _____, 2024

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69 _____
70 Kirk Watson
71 Mayor

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73 **APPROVED:** _____

74 Anne L. Morgan
75 City Attorney

73 **ATTEST:** _____

74 Myrna Rios
75 City Clerk