

WORKING DRAFT - SUBJECT TO CHANGE
ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 TO CREATE A COMBINING DISTRICT FOR DENSITY BONUS PROGRAMS; AMENDING CITY CODE CHAPTER 25-8 TO REGULATE COMPATIBILITY BUFFERS APPLICABLE TO DENSITY BONUS PROGRAMS; AND INITIATING REZONINGS.

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

PART 1. Subsection (F) of City Code Section 25-2-32 (*Zoning Districts and Map Codes*) is amended to add a new combining district that reads as follows:

(F) Combining districts and map codes are as follows:

(21) density bonus 90 DB90

PART 2. Division 6, Subchapter A, Article 2 of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-181 to read:

§ 25-2-181 DENSITY BONUS COMBINING DISTRICT PURPOSE.

- (A) The purpose of a density bonus (DB) combining district is to authorize a particular property to participate in a voluntary density bonus or incentive program that provides modifications to development regulations or other regulatory-related benefits in exchange for community benefits.
- (B) DB90 Combining District allows residential uses on sites with certain commercial base zoning districts, modifies compatibility requirements, and grants additional height in exchange for income-restricted housing.

PART 3. Division 6, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-652 to read:

§ 25-2-652 DENSITY BONUS 90 (DB90) COMBINING DISTRICT REGULATIONS.

- (A) This section establishes the applicable regulations for DB90 zoning.
- (B) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is less restrictive.
- (C) To utilize the regulations described in Subsection (F), the site's zoning must include DB90 and an applicant must comply with Subsection (E).
- (D) A DB90 combining district may be combined with the following base districts:

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- (1) Commercial Liquor Sales (CS-1);
- (2) General Commercial Services (CS);
- (3) Community Commercial (GR);
- (4) Neighborhood Commercial (LR);
- (5) General Office (GO); and
- (6) Limited Office (LO).

(E) Affordability Requirements.

- (1) Affordability Minimums - Ownership Units. If an applicant develops dwelling units for sale, an applicant must reserve a minimum of 12 percent of the residential units as affordable for ownership and occupancy by households earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Housing director.
- (2) Affordability Minimums - Rental Units. If an applicant develops dwelling units for lease, this subdivision applies. An applicant must reserve:
 - (a) a minimum of 12 percent of the residential units as affordable for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Housing director; or
 - (b) a minimum of ten percent of the residential units as affordable for lease and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Housing director.

(F) Development Standards and Mixed Use.

- (1) In a DB90 combining district, the following uses are permitted:
 - (a) uses that are permitted in the base zoning district unless the use is restricted by a conditional overlay that applies to the property; and
 - (b) residential uses.
- (2) A development must comply with Article 2 (*Site Development Standards*), Article 3 (*Building Design Standards*), and Section 4.3 (*Vertical Mixed Use Buildings*) in Subchapter E (*Design Standards and Mixed Use*) of this chapter except when those provisions conflict with this section.

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- (3) If a building includes a mix of uses, a non-residential use:
- (a) may not be located above a residential use; and
 - (b) may not be located on or above the third floor/story of the building.
- (4) A building may exceed the maximum building height in the base zoning district by a maximum of 30 feet except that no building may exceed 90 feet in height.
- (5) A building is not required to comply with Article 10 (*Compatibility Standards*), Subchapter C of Chapter 25-2.
- (6) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) in Subchapter E (*Design Standards and Mixed Use*) of this chapter apply to a site developed under this section.
- (7) Compatibility Buffer. A compatibility buffer is required along a site's property line that is shared with a triggering property.
- (a) The minimum width of a compatibility buffer is 25 feet.
 - (b) A compatibility buffer must comply with Section 25-8-700 (*Minimum Requirements for a Compatibility Buffer*).
 - (c) In this subdivision, a triggering property is a site:
 - (i) with at least one dwelling unit but less than four dwelling units; and
 - (ii) zoned Urban Family Residence (SF-5) or more restrictive.
- (G) To preserve reserved dwelling units, an applicant must comply with Division 1 (*General Provisions*), Article 2 (*Density Bonus and Incentive Programs*) of Chapter 4-18 and, when applicable, Section 4-18-32 (*Existing Multi-Family Structures*) before applying for a building permit or site plan that relies on the regulations described in Subsection (F).

PART 4. Chapter 25-8 (*Environment*) of City Code Title 25 is amended to add a new Subchapter C to read:

SUBCHAPTER C. COMPATIBILITY BUFFERS

§ 25-8-700 MINIMUM REQUIREMENTS FOR COMPATIBILITY BUFFERS.

- (A) This section applies to a site that is required to provide a compatibility buffer.

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- (B) A compatibility buffer shall include a screening zone and restricted use zone.
- (C) Except as provided in this section, a compatibility buffer may not include vertical structures.
- (D) Screening Zone.
- (1) The screening zone begins at the property line that is shared with a triggering property and extends ten feet into the property.
 - (2) At 25 linear feet intervals, a screening zone must include a minimum of:
 - (a) 1 large or medium tree;
 - (b) 1 small tree; and
 - (c) 10 shrubs.
 - (3) A pathway and gate to an adjacent property may be located within the screening zone.
 - (4) If a utility easement or utility infrastructure makes compliance with the requirements of this subsection impossible, a property complies with this subsection if the elements described in Subdivision (2) are included within the restricted use zone.
- (E) Restricted Use Zone.
- (1) The restricted use zone begins at the edge of the screening zone and extends 15 feet into the property.
 - (2) A restricted use zone may include:
 - (a) landscaping or gardens;
 - (b) fences, walls, or berms;
 - (c) surface parking lots, driveways, alleys, or fire lanes;
 - (d) paths, walkways, or public use trails; and
 - (e) utility infrastructure.

- (F) A compatibility buffer may include green stormwater infrastructure, including cisterns and rainwater capture systems.
- (G) In a compatibility buffer, vegetation must be:
 - (1) listed in Appendix N of the Environmental Criteria Manual; and
 - (2) irrigated, maintained, and certified in accordance with the Environmental Criteria Manual.
- (H) If a utility easement or utility infrastructure makes compliance with the requirements of this section impossible, an applicant may request alternative methods of compliance.
- (I) Nothing in this section requires an applicant to remove healthy and existing vegetation located within the screening zone.

- (1) This part applies to a property:
 - (a) rezoned to allow for one or more VMU buildings after June 10, 2022, but before February 29, 2024; or
 - (b) that was the subject of a site plan or building permit application that relied on an ordinance described in Subdivision (2) and the application was submitted after June 20, 2022, but before December 11, 2023.
- (2) City Council initiates rezoning of property that was impacted when Ordinance No. 20220609-080, Ordinance No. 20221201-056, and Ordinance No. 20221201-055 were invalidated.
- (3) City Council does not intend for a property described in (1) to comply with City Code Section 4-18-32 (*Existing Multi-family Structures*).

PASSED AND APPROVED

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Kirk Watson
Mayor