

DB90 DRAFT ORDINANCE ANNOTATED WITH SOURCES AND NOTES

DRAFT ORDINANCE TEXT	SOURCE/NOTES
<p>PART 1. Subsection (F) of City Code Section 25-2-32 (<i>Zoning Districts and Map Codes</i>) is amended to add a new combining district that reads as follows:</p> <p>(F) Combining districts and map codes are as follows:</p> <p style="padding-left: 40px;">(21) <u>density bonus 90</u> <u>DB90</u></p>	<p>This will replace the repealed Compatibility on Corridors Overlay.</p>
<p>PART 2. Division 6, Subchapter A, Article 2 of City Code Chapter 25-2 (<i>Zoning</i>) is amended to a new Section 25-2-181 to read:</p> <p>§ 25-2-181 DENSITY BONUS COMBINING DISTRICTS.</p> <p>(A) Density bonus (DB) combining districts 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.</p> <p>(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.</p>	<p>This will replace the repealed Compatibility on Corridors Overlay.</p> <p>Going forward, density bonus or incentive program combining districts will be included in this section.</p>
<p>PART 3. Division 6, Article 3, Subchapter C of City Code Chapter 25-2 (<i>Zoning</i>) is amended to add a new Section 25-2-652 to read:</p> <p>§ 25-2-652 DENSITY BONUS 90 (DB90) COMBINING DISTRICT REGULATIONS.</p> <p>(A) This section establishes the applicable regulations for DB90 zoning.</p> <p>(B) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is less restrictive.</p> <p>(C) To utilize the regulations described in Subsections (F) and (G), the site’s zoning must include DB90 and an applicant must comply with Subsection (E).</p>	<p>This new section establishes the regulations that apply to DB90 and will govern over conflicting regulations.</p> <p>Requires DB90 zoning and affordability to utilize the regulations.</p> <p>*The draft presented to the Planning Commission only identified Subsection (F) but in this draft the compatibility requirements were moved into Subsection (G).</p>

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<p>(D) A DB90 combining district may be combined with the following base districts:</p> <ul style="list-style-type: none"> (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). 	<p>(D) This mirrors the base zoning districts described in Residential in Commercial. <i>See</i> Part 2, Section 25-2-519(B) Pg. 7/11 of Ordinance No. 20221201-055. This allows for the combining district to be applied Citywide.</p>
<p>(E) Affordability Requirements.</p> <ul style="list-style-type: none"> (1) Affordability Minimums - Ownership Units. If an applicant develops dwelling units for sale, this subdivision applies. <ul style="list-style-type: none"> (a) 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 Median Family Income as determined by the Housing Director. (b) An applicant for a proposed owner-occupied housing development may elect to meet the affordability requirement without providing income-restricted units onsite by paying a fee in-lieu to the Housing Trust Fund. At a minimum the fee-in-lieu shall be equivalent to the required percentage of the total residential units, including the mix of bedrooms required, at the rate set in the fee schedule at the time of final site plan submission. (2) Affordability Minimums - Rental Units. If an applicant develops dwelling units for lease, this subdivision applies. An applicant must reserve: <ul style="list-style-type: none"> (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- 	<p>(E)(1)(a) and (E)(2): The on-site requirements mirror those applied to VMU2 buildings. <i>See</i> Part 4 in Ordinance No. 20220609-080.</p> <p>(E)(1)(b) The Planning Commission recommended allowing for a fee-in-lieu. If the Council approves the fee-in-lieu option, staff will propose a fee at a future council meeting as an amendment to the City's Fee Schedule.</p>

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<p>Round Rock Metropolitan Statistical Area Median Family Income as determined by the Housing director; or</p> <p>(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 Median Family Income as determined by the Housing director.</p>	
<p>(F) Development Standards and Mixed Use.</p> <p>(1) In a DB90 combining district, the following uses are permitted:</p> <p>(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</p> <p>(b) residential uses.</p> <p>(2) A development must comply with Article 2 (<i>Site Development Standards</i>) and Article 3 (<i>Building Design Standards</i>) in Subchapter E (<i>Design Standards and Mixed Use</i>) of this chapter except when those provisions conflict with this section.</p> <p>(3) Mix of Uses.</p> <p>(a) In this subdivision, PRINCIPAL STREET has the same meaning as principal street in and is applied consistent with Article 5 (<i>Definitions</i>) of Subchapter E (<i>Design Standards and Mixed Use</i>).</p> <p>(b) Pedestrian-Oriented Commercial Spaces. When a site abuts a principal street, 75 percent of the ground floor of the building must contain one or more commercial uses and must comply with the dimensional requirements found in Section 4.3.3.C in Subchapter E (<i>Design Standards and Mixed Use</i>) of this chapter.</p> <p>(c) If a building includes a mix of uses, a non-residential use:</p> <p>(i) may not be located above a residential use; and</p>	<p>* This section was re-arranged after the Planning Commission meeting.</p> <p>(F)(1) Adds residential uses as permitted uses in commercial base zoning districts.</p> <p>(F)(2) Applies VMU provisions by reference. *The Planning Commission version incorporated VMU §4.3 by reference. However, the draft ordinance has been updated to add the necessary provisions explicitly. See (F)(3) and (F)(5).</p> <p>(F)(3)(a) This follows terminology used in VMU.</p> <p>(F)(3)(b) The ground floor must include commercial uses, which mirrors VMU and Residential in Commercial. <i>See</i> §4.3.3(C) and Part 2, Section 25-2-519(D)(4) Pg. 8/11 of Ordinance No. 20221201-055.</p> <p>(F)(3)(c) Staff recommendation.</p>

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<p>(ii) may not be located on or above the third story of the building.</p> <p>(d) An on-site amenity is a residential use when provided solely for use by the occupant, or the occupant’s guests.</p> <p>(e) The ordinance zoning or rezoning a site as DB90 may modify the requirements in Subdivision (3)(b) if the site abuts one of the following roadways defined in Article 5 (<i>Definitions</i>) of Subchapter E (<i>Design Standards and Mixed Use</i>):</p> <ul style="list-style-type: none"> (i) urban roadway; (ii) suburban roadway; (iii) highway; or (iv) hill country. <p>(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.</p> <p>(5) A site is not required to comply with the base zoning district’s:</p> <ul style="list-style-type: none"> (a) minimum site area requirements (if applicable); (b) maximum floor area ratio; (c) maximum building coverage; (d) minimum street side yard setback and interior yard setback; and (e) minimum front yard setback; provided, however, that if the right-of-way is less than 60 feet in width, the minimum front yard setback for buildings 	<p>(F)(3)(d) *Added for clarity purposes post-Planning Commission meeting.</p> <p>(F)(3)(e) *This language is new and addresses properties relying on Residential in Commercial that were not required to provide ground floor commercial. The language allows the Council to determine, at the time of zoning, whether to require commercial uses on the ground floor. This terminology comes from VMU and the result mirrors Residential in Commercial. <i>See</i> Part 2, Section 25-2-519(D)(4) Pg. 8/11 of Ordinance No. 20221201-055.</p> <p>(F)(4) Mirrors the height allowed in VMU2. <i>See</i> Part 3, 4.3.3.E.(1)(b), pg. 3/11 in Ordinance No. 20220609-080. Also mirrors the height allowed in Residential in Commercial. <i>See</i> Part 2, Section 25-2-519(D)(6) Pg. 9/11 of Ordinance No. 20221201-055.</p> <p>(F)(5) Mirrors the requirements in VMU (§4.3.3.E(2)). Residential in Commercial modified floor to area ratio (FAR) and building coverage differently. <i>See</i> Part 2, Section 25-2-519(D)(8 and 9) Pg. 10/11 of Ordinance No. 20221201-055.</p>
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<p>three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.</p> <p>(6) Section 1.4 (<i>Minor Modifications</i>) and Section 1.5 (<i>Alternative Equivalent Compliance</i>) in Subchapter E (<i>Design Standards and Mixed Use</i>) of this chapter apply to a site developed under this section.</p>	<p>(F)(6) Applies VMU provisions by reference.</p>
<p>(G) Compatibility Requirements.</p> <p>(1) A building is not required to comply with Article 10 (<i>Compatibility Standards</i>), Subchapter C.</p> <p>(2) In this subsection, a triggering property:</p> <p>(a) includes at least one dwelling unit but less than four dwelling units; and</p> <p>(b) is zoned Urban Family Residence (SF-5) or more restrictive.</p> <p>(3) Compatibility Buffer. A compatibility buffer is required along a site’s property line that is shared with a triggering property.</p> <p>(i) The minimum width of a compatibility buffer is 25 feet.</p> <p>(ii) A compatibility buffer must comply with Section 25-8-700 (<i>Minimum Requirements for a Compatibility Buffer</i>).</p> <p>(4) Exterior lighting must be hooded or shielded so that the light source is not visible from the site’s property line that is shared with a triggering property.</p> <p>(5) Mechanical equipment may not produce sound in excess of 70 decibels measured at the site’s property line that is shared with a triggering property.</p>	<p>This mirrors staff’s anticipated recommendations for changing compatibility standards citywide.</p> <p>VMU2 modified existing compatibility standards. <i>See Part 2, 4.3.3.D.(1), pg. 2/11 in Ordinance No. 20220609-080.</i></p> <p>*The draft presented to the Planning Commission referenced complying with VMU §4.3, which included Table D (<i>Neighborhood Design Standards</i>). However, staff recommends following these requirements in lieu of Table D.</p>

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<p>(6) A concrete slab used for a refuse receptacle may not be placed within 15 feet of triggering property.</p> <p>(7) Except for a multi-use trail, an on-site amenity that is available only to residents and occupants of the site and their guests may not be located within 25 feet of a triggering property.</p> <p>(8) Screening Requirements. The following objects may not be visible at the site’s property line that is shared with a triggering property and shall be screened:</p> <ul style="list-style-type: none"> (a) vehicle lights from vehicles that use or are parked on a parking lot or in a parking structure located on the site; (b) mechanical equipment; (c) outdoor storage; (d) refuse receptacles and collection areas; or (e) common areas for amenities, including outdoor decks, patios, or pools. 	
<p>(H) To preserve reserved dwelling units, an applicant must comply with Division 1 (<i>General Provisions</i>), Article 2 (<i>Density Bonus and Incentive Programs</i>) of Chapter 4-18 and, when applicable, Section 4-18-32 (<i>Existing Multi-Family Structures</i>) before applying for a building permit or site plan that relies on the regulations described in Subsections (F) and (G).</p>	<p>This requires applicants to follow processes and procedures designed to preserve affordability before applying for site plans/permits. Staff recommends compliance with Section 4-18-32. Note: Part 5 of the draft ordinance expresses the Council’s intent that developments currently in the pipeline will not be required to comply Section 4-18-32. This will officially be accomplished in the site-specific zoning ordinance.</p>

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.
- (B) In this section, PROPERTY LINE means the property line that is shared with a triggering property.
- (C) Except as provided in this section, a compatibility buffer may not include vertical structures.
- (D) A compatibility buffer shall include a screening zone and restricted zone.
 - (1) Screening Zone.
 - (a) The screening zone is parallel to the property line, begins at the property line, and extends ten feet into the property.
 - (b) At 25 linear feet intervals parallel to the property line that is shared with a triggering property, a screening zone must include a minimum of:
 - (i) 1 large or medium tree;
 - (ii) 1 small tree; and
 - (iii) 10 large shrubs.
 - (c) A pathway and gate to an adjacent property may be located within the screening zone.
 - (d) 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.

The substantive requirements are staff recommendation. The Law Department recommends placing these requirements in a chapter other than zoning.

*The draft ordinance presented to the Planning Commission included “restricted use zone”. However, since this is not a zoning regulation, the language has been modified to “restricted zone”.

* This version includes “parallel” for clarity.

(D)(1)(b)(iii) *The Planning Commission recommended specifying large shrubs.

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<p>(2) Restricted Zone.</p> <p>(a) The restricted zone is parallel to the property line, begins at the edge of the screening zone, and extends an additional 15 feet into the property.</p> <p>(b) A restricted zone may include:</p> <ul style="list-style-type: none"> (i) landscaping or gardens; (ii) fences, walls, or berms; (iii) surface parking lots, driveways, alleys, or fire lanes; (iv) paths, walkways, or public use trails; (v) utility infrastructure; (vi) refuse receptacle; and (vii) mechanical equipment. <p>(3) A compatibility buffer may include retaining walls and green stormwater infrastructure, including cisterns and rainwater capture systems.</p> <p>(E) In a compatibility buffer, vegetation must be:</p> <ul style="list-style-type: none"> (1) listed in Appendix N of the Environmental Criteria Manual; and (2) irrigated, maintained, and certified in accordance with the Environmental Criteria Manual. <p>(F) If a utility easement or utility infrastructure makes compliance with the requirements of this section impossible, an applicant may request alternative methods of compliance.</p> <p>(G) Nothing in this section requires an applicant to remove healthy and existing vegetation located within the screening zone.</p>	
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