

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 25 (LAND DEVELOPMENT) OF THE CITY CODE ESTABLISHING REGULATIONS APPLICABLE TO A DENSITY BONUS PROGRAM UNIVERSITY NEIGHBORHOOD OVERLAY (DBUNO) ZONING AND REPEALING UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT REGULATIONS AND BOUNDARIES.

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

PART 1. City Code Section 25-2-179 (*University Neighborhood Overlay (UNO) District Purpose and Boundaries*), Division 9 (*University Neighborhood Overlay District Requirements*) of XXXXX, and Appendix C - *University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, Height Limits, and Additional Height and Affordable University Neighborhood Overlay District Boundaries* of Chapter 25-2 (Zoning) are repealed in their entirety, with section number, division number, and appendix designation, as referenced, reserved for future use.

PART 2. Subsection (F) of City Code Section 25-2-32 (*Zoning Districts and Map Codes*) is amended to add new combining districts to read:

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

(2X) density bonus university neighborhood overlayDBUNO

PART 3. City Code Section 25-2-181 (*Density Bonus Combining District Purpose*) is amended to add a new Subsection (C) to read:

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

- (X) DBUNO Combining District promotes high-density, pedestrian-friendly development in the area generally west of the University of Texas campus that:
- (1) provides quality, safe, and affordable living for all, especially students attending college and university,
 - (2) preserves certain existing residential and non-residential uses,
 - (3) modifies site development regulations, and
 - (4) grants additional building height in exchange for income-restricted housing.

PART 4. Division 5, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-65X to read:

§ 25-2-65X DENSITY BONUS UNO (DBUNO) COMBINING DISTRICT REGULATIONS.

- (A) The boundaries and subdistricts of the density bonus university neighborhood overlay (DBUNO) combining district are identified in Appendix H (*DBUNO Boundaries and Subdistricts*) of this chapter.
- (B) This section applies to a property with DBUNO zoning.
- (C) This section governs over a conflicting provision of this title or other ordinance when the pre-requisites described in Subsection D are satisfied.
- (D) Pre-Requisites.
- (1) To utilize the regulations described in Subsection (J) and the regulations in the applicable subdistrict, the site's zoning must include density bonus university neighborhood overlay (DBUNO) combining district.
 - (2) Unless otherwise identified, a site must comply with Subsections (G), to utilize the regulations described in Subsection (J) and the regulations in the applicable subdistrict.
 - (3) To preserve reserved dwelling units and existing non-residential spaces, an applicant must comply with Article 2 (*Density Bonus and Incentive Programs*) before applying for a building permit or site plan that relies on the regulations described in Subsections (J) and the regulations in the applicable subdistrict.
 - (4) In addition to pre-requisites (D)(1), (D)(2) and (D)(3) a building and site must comply with the applicable subdistrict regulations established for a site as identified in Appendix H (*DBUNO Boundaries and Subdistricts*).
- (E) DBUNO may only be combined with a site located within the boundary designated by Appendix H (*DBUNO Boundaries and Subdistricts*).
- (F) Utilizing DBUNO means a site plan relying on regulations described in Subsection (J) and the regulations in the applicable subdistrict.
- (G) Affordability Requirements – Dwelling Units.

- (1) In this subsection, BONUS HEIGHT means the amount of height that exceeds the height allowed by the base zoning district.
- (2) Affordability Minimums - Ownership Units. If an applicant develops dwelling units for sale, this subdivision applies.
- (a) To utilize 30 feet in bonus height or to utilize a development standard under DBUNO that is not height-related, a development must provide a minimum of 10 percent of the residential units as affordable for ownership 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 director of the Housing Department.
- (b) To utilize more than 30 feet but less than 241 feet in bonus height, a development must provide a minimum of 10 percent of the residential units as affordable for ownership 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 director of the Housing Department.
- (c) To utilize more than 240 feet but less than 301 feet in bonus height, a development must provide a minimum of 10 percent of the residential units as affordable for ownership and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income.
- (d) To utilize more than 300 feet but less than 441 feet in bonus height, a development must provide the residential units as affordable for ownership described in 2(c) above, plus for height above 300 feet provide an additional minimum of 5 percent of the residential units as affordable for ownership and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income or pay the fee-in-lieu described in Subdivision (2)(f) for an equal number of residential units.
- (e) To utilize more than 440 feet but less than 601 feet in bonus height, a development must provide the residential units as affordable for ownership described in 2(c) above, plus for height above 300 feet provide an additional minimum of 5 percent of the residential units

as affordable for ownership and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income or pay the fee-in-lieu described in Subdivision (2)(f) for an equal number of residential units.

- (f) 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 University Neighborhood District Housing Trust Fund. At a minimum, the fee-in-lieu shall be equivalent to 100 percent of the required percentage of the total residential units, including the mix of bedrooms required. The fee-in-lieu shall be set by separate ordinance. The amount of fee-in-lieu due is determined using the fee schedule ordinance in effect at site plan submittal.

- (3) Affordability Minimums - Rental Units. If an applicant develops dwelling units for lease, this subdivision applies.

- (a) To utilize 30 feet in bonus height or to utilize a development standard under DBUNO that is not height-related, a development must provide a minimum of 10 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 director of the Housing Department.
- (b) To utilize more than 30 feet but less than 241 feet in bonus height, a development must provide a minimum of 10 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 director of the Housing Department.
- (c) To utilize more than 240 feet but less than 301 feet in bonus height, a development must provide a minimum of 15 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 Median Family Income as determined by the director of the Housing Department.

- (d) To utilize more than 300 feet but less than 441 feet in bonus height, a development must provide the residential units as affordable for lease and occupancy described in 2(c) above, plus for height above 300 feet provide an additional minimum of 5 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 or pay the fee-in-lieu described in Subdivision (3)(f) for an equal number of residential units.
- (e) To utilize more than 440 feet but less than 601 feet in bonus height, a development must provide the residential units as affordable for lease and occupancy ownership described in 2(c) above, plus for height above 300 feet provide an additional minimum of 5 percent of the residential units as affordable for lease and occupancy ownership and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income or pay the fee-in-lieu described in Subdivision (3)(f) for an equal number of residential units.
- (f) 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 University Neighborhood District Housing Trust Fund. At a minimum, the fee-in-lieu shall be equivalent to 100 percent of the required percentage of the total residential units, including the mix of bedrooms required. The fee-in-lieu shall be set by separate ordinance. The amount of fee-in-lieu due is determined using the fee schedule ordinance in effect at site plan submittal.
- (4) Affordability Minimums - Bedrooms. If an applicant develops dwelling units and makes available for lease bedrooms within a dwelling unit, this subdivision applies.
- (a) To utilize 30 feet in bonus height or to utilize a development standard under DBUNO that is not height-related, a development must provide a minimum of 20 percent of the bedrooms as affordable for lease and occupancy by households earning 50 percent or less of the current Median Family Income Home Rent Limit for an efficiency as established annually by the Texas

Department of Housing and Community Affairs as determined by the director of the Housing Department.

- (b) To utilize more than 30 feet but less than 241 feet in bonus height, a development must provide a minimum of 20 percent of the bedrooms as affordable for lease and occupancy by households earning 50 percent or less of the current Median Family Income Home Rent Limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs as determined by the director of the Housing Department.
- (c) To utilize more than 240 feet but less than 301 feet in bonus height, a development must provide a minimum of 15 percent of the of the bedrooms as affordable for lease and occupancy by households earning 60 percent or less of the current Median Family Income Home Rent Limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs as determined by the director of the Housing Department.
- (d) To utilize more than 300 feet but less than 441 feet in bonus height, a development must provide the residential units as affordable for lease and occupancy described in 2(c) above, plus for height above 300 feet provide an additional minimum of 5 percent of the of the bedrooms as affordable for lease and occupancy by households earning 50 percent or less of the current Median Family Income Home Rent Limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs as determined by the director of the Housing Department or pay the fee-in-lieu described in Subdivision (4)(f) for an equal number of bedroom units.
- (e) To utilize more than 440 feet but less than 601 feet in bonus height, a development must provide the residential units as affordable for lease and occupancy ownership described in 2(c) above, plus for height above 300 feet provide an additional minimum of 5 percent of the residential units as affordable for lease and occupancy ownership 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 director of the Housing Department or pay the fee-in-lieu described in Subdivision (4)(f) for an equal number of residential units.

- (f) 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 University Neighborhood District Housing Trust Fund. At a minimum, the fee-in-lieu shall be equivalent to 100 percent of the required percentage of the total bedrooms. The fee-in-lieu shall be set by separate ordinance. The amount of fee-in-lieu due is determined using the fee schedule ordinance in effect at site plan submittal.

(H) Existing Non-Residential Spaces.

(1) In this subsection,

- (a) CREATIVE SPACE means a use described in Chapter 25-2 (*Zoning*) that allows one or more of the following occupancies:

- (i) art gallery;
- (ii) art workshop;
- (iii) cultural services;
- (iv) performance venue; or
- (v) theater.

- (b) EXISTING NON-RESIDENTIAL SPACE means a:

- (i) adult care services use (general or limited) that has operated for a minimum of 12 continuous months;
- (ii) child care services use (general or limited) that has operated for a minimum of 12 continuous months;
- (iii) cocktail lounge use that has operated for a minimum of 10 continuous years;
- (iv) creative space use that has operated for a minimum of three continuous years;

- (v) food sales use that has operated for a minimum of 10 continuous years with a gross floor area of 20,000 square feet or less; or
- (vi) small format use that has operated for a minimum of five continuous years with a gross floor area of 5,000 square feet or less.
- (c) SMALL FORMAT USE means a use described in Chapter 25-2 (*Zoning*) that allows one or more of the following occupancies:
- (i) general retail sales;
 - (ii) personal services;
 - (iii) restaurant (general or limited).
- (2) If a site includes an existing non-residential space, the proposed development must replace each existing non-residential space with a space that is comparable in size for a period of 5 years.
- (3) This subsection establishes an existing non-residential space subject to Division 2 (*Redevelopment Requirements*), Article 2 of City Code Chapter 4-18.
- (4) A non-conforming use is not discontinued or abandoned under Section 25-2-945 (*Abandonment of Nonconforming Use*) if the non-conforming use qualifies as an existing non-residential space and is required to be replaced under this subsection.
- (I) Permitted and Conditional Uses.
- (1) The following uses are permitted on a property utilizing DBUNO:
- (a) residential uses;
 - (b) a local use as defined in this section; and
 - (c) unless specifically prohibited in this section, uses permitted by the zoning that applies to the property.

(2) The following uses are prohibited on a property utilizing DBUNO:

COMMERCIAL USES:	Recreational Equipment Sales
Agricultural Sale and Services	Research Assembly Services
Automotive Sales	Research Testing Services
Automotive Rentals	Research Warehousing Services
Automotive Repair Services	Scrap and Salvage
Building Maintenance Services	Service Station
Campground	Stables
Carriage Stable	Vehicle Storage
Convenience Storage	INDUSTRIAL USES:
Drop-off Recycling Collection Facility	Basic Industry
Electronic Prototype Assembly	General Warehousing and Distribution
Electronic Testing	Recycling Center
Equipment Repair Services	Resource Extraction
Equipment Sales	AGRICULTURAL USES:
Exterminating Services	Animal Production
Funeral Services	Crop Production
Marina	Indoor Crop Production
Recreational Equipment Maintenance & Storage	

(3) If not a permitted use in this section, uses which are permitted by the zoning district that applies to the property are conditional uses on a property utilizing DBUNO.

(4) Uses which are conditional by the zoning district that applies to the property are conditional uses on a property utilizing DBUNO.

(5) The following are additional conditional uses on a property utilizing DBUNO:

COMMERCIAL USES:	Off-Site Accessory Parking
Alternative Financial Services	Pawn Shop Services
Automotive Washing	Pedicab Storage and Dispatch
Bail Bond Services	Special Use Historic
Commercial Blood Plasma Center	INDUSTRIAL USES:
Commercial Off-Street Parking	Custom Manufacturing
Communications Services	Light Manufacturing
Construction Sales and Services	Limited Warehousing and Distribution

Kennels	AGRICULTURAL USES:
Monument Retail Sales	Horticulture

(6) In this section, a local use includes:

- (a) administrative and business offices;
- (b) art gallery;
- (c) art workshop;
- (d) business and trade school;
- (e) consumer convenience services;
- (f) consumer repair services;
- (g) counseling services;
- (h) custom manufacturing;
- (i) cultural services;
- (j) child care (general, limited);
- (k) adult care (general, limited);
- (l) financial services;
- (m) food preparation, in conjunction with food sales,
- (n) general restaurant or limited restaurant accessory use;
- (o) food sales;
- (p) general retail sales (convenience or general);
- (q) guidance services;
- (r) indoor sports and recreation;
- (s) medical offices (under 5,000 square feet);

- (t) performance venue;
- (u) personal improvement services;
- (v) personal services;
- (w) pet services;
- (x) postal services;
- (y) printing and publishing services;
- (z) professional office;
- (aa) religious assembly;
- (bb) restaurant (general or limited); and
- (cc) theater.

(7) A local use may not include a drive-through facility.

(J) Development Standards.

- (1) A development must comply with Article 2 (*Site Development Standards*) and Article 3 (*Building Design Standards*) in Subchapter E (*Design Standards and Mixed Use*) except when those provisions conflict with this section.
- (2) OCCUPANT SPACE means space in a building that is not a parking facility or a mechanical facility.
- (3) STREET WALL AREA means the portion of the exterior of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level.
 - (a) The maximum height of a street wall area is:
 - (i) 65 feet; or
 - (ii) for an accessory parking structure, to a maximum height of two stories.

(b) At least 42 percent of the street wall area of a building must contain occupant space. The maximum number of floors that can include local uses is two.

(c) A building or a solid masonry wall that is at least six feet high is required between a public or common open space and the property that triggers the compatibility standards.

(4) Building Wall Height.

(a) An exterior building wall that faces a street must be a minimum of 24 feet in height.

(b) An exterior wall of a building that is adjacent to a street other than an alley, at a height of 65 feet, the upper portion of the wall must stepback from the property line by a distance of at least 12 feet.

(c) A parapet may not extend more than five feet above the 65-foot stepback.

(5) This subsection prescribes requirements for the ground floor of a building, including a parking garage:

(a) The ground floor must include occupant space along not less than 75 percent of the net length of street frontage. Net length of street frontage is calculated by determining the cumulative length of the building at ground level adjacent to each street other than an alley, and then deducting the cumulative width of driveways, exit stairs, elevators, and utility equipment space.

(b) For a site with frontage on more than one street, driveways, exit stairs and elevators must be located on a street that runs north and south, unless the director of the Planning Department determines that those features cannot reasonably be located along that street.

(c) The ground floor of a building may not be more than five feet higher or lower than an adjacent public street sidewalk. This does not apply to the ground floor adjacent to an alley.

(d) The minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 10 feet.

- (e) The minimum depth of occupant space is 18 feet, measured from the outside face of the front exterior wall to the outside face of the rear interior wall.
- (a) A minimum of 10 percent of the residential units must be accessible for a person with a mobility impairment.
- (b) A minimum of two percent of the dwelling units must be accessible for a person with a hearing or visual disability.
- (6) Screening Requirements. Utility equipment, mechanical equipment, solid waste collection areas, loading docks, truck parking, outdoor storage, trash collection, trash compaction and other service functions:
- (a) are prohibited in the area between a building and a street;
- (b) must not be visible from a street, adjacent property line, and the property line on the far side of an adjacent public street; and
- (c) must be screened or located in a public alley.
- (d) Above-ground parking must be screened so that vehicles are concealed from view from a public street or adjacent property.
- (e) Screening materials shall be the same as, or of equal quality to, material used for the principal building.
- (7) This subsection applies to a site with frontage on an alley 20 feet or more wide.
- (a) A transformer room or utility vault must be located adjacent to and accessible from the alley.
- (b) A pump room, sprinkler room, or other utility or mechanical room must be adjacent to and accessible from the alley unless an alternative location is required by the Austin Fire Department.
- (8) Multifamily Residential Use.
- (c) All ground floor residential units must be adaptable for use by a person with a disability; and accessible by a person with a disability from the on-site parking, pedestrian path, and common area building facilities.

(d) A multistory building containing residential use must be served by an elevator, unless:

- (i) 25 percent of the residential units within the multistory building are located on the ground floor; or
- (ii) five percent of the residential units within the multistory building with less than 20 residential units are located on the ground floor.

(e) Except as modified by this section, a site with a residential base zoning district shall follow development standards applicable to the site's residential base zoning district and the residential use.

(9) Parking.

(a) A development is limited to 40 percent of spaces allowed by Appendix A – *Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements* of Chapter 25-6 (Transportation).

(b) A development is limited to 60 percent of spaces allowed by Appendix A – *Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements* of Chapter 25-6 (Transportation) if located in an underground facility.

(10) Bicycle Parking.

(a) A development shall provide the greater of

- (i) five spaces, or
- (ii) spaces equal to 15 percent of the proposed motor vehicle parking spaces.

(11) Streetscape Improvements.

1. Street Trees.

- (i) must be spaced to create a nearly contiguous canopy when the trees reach maturity;

- (ii) must be in scale with the adjacent building;
- (iii) must have a tree grating; and
- (iv) shall be installed at-grade.

(12) Setbacks.

- (a) Except as provided in (12)(e), there are no minimum front yard or street side yard setbacks.
 - (i) the maximum setbacks are 10 feet for a public plaza or private common open space;
 - (ii) there are no maximum setbacks for a pedestrian entry court or an outdoor café;
- (b) No minimum or maximum interior side yard setback.
- (c) No minimum or maximum rear yard setback.
- (d) A building must be at least 12 feet from the front face of the curb of the adjacent street and at least 30 feet from the centerline of the adjacent street.
- (e) If the width of the right-of-way is less than 60 feet, the minimum front yard setback for a buildings with three or more stories in height shall be 30 feet from the centerline of the street.
- (f) A building or a solid masonry wall that is at least six feet high is required between a public or common open space and the property that triggers the compatibility standards.

(13) Tower Spacing.

- (a) A 40 foot building step-back above 120 in height is required from existing building above 120 feet in height; or
- (b) A 20 foot building step-back above 120 in height is required from a site with a zoning district allowing a maximum building height greater than 120 feet.

- (14) A site is not required to comply with the base zoning district's:
- (a) minimum site area requirements (if applicable);
 - (b) maximum floor area ratio;
 - (c) maximum building coverage;
 - (d) Article 9 (Landscaping);
 - (e) Private Common Open Space requirements in Subchapter E (*Design Standards and Mixed Use*)
- (15) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) in Subchapter E apply to a site developed under this section.
- (16) This subsection governs over a conflicting provision of this title or other ordinance unless the provision is less restrictive.

(K) Transit Core Subdistrict Regulations (Subdistrict 1).

- (1) A building may exceed the maximum building height in the base zoning district by 540 feet except that no building may exceed 600 feet in height.
- (2) Hotel-motel use is a permitted use on a site utilizing DBUNO if permitted by the zoning district that applies to the property.
- (3) For hotel-motel use to utilize a bonus height or to utilize a development standard under DBUNO shall pay a fee in-lieu to the University Neighborhood District Housing Trust Fund for each hotel-motel room as a bedroom described in Subdivision (G)(4)(f). At a minimum, the fee-in-lieu shall be equivalent to 100 percent of the total hotel-motel rooms in the bonus area.
- (4) Impervious coverage maximum shall be 90 percent.
- (5) Three-stories maximum for an above-ground parking structure.

(6) In addition to the Affordable Housing in Subsection (G), unless a minimum of 50 percent of the residential units are affordable unit, a building in Subdistrict 1 may only utilize the regulations described in Subsection (J) by satisfying one additional requirement in this subsection (5)(a) through (5)(e):

(a) Transit Supportive Infrastructure.

- (i) In this subdivision, TRANSIT SUPPORTIVE INFRASTRUCTURE includes appurtenances, facilities, and amenities related to a transit system project as defined in Ordinance No.20221115-048.
- (ii) If an applicant provides transit supportive infrastructure, the affordability requirement is reduced by two percent.
- (iii) It is presumed that the value of the transit supportive infrastructure equals at least two percent of the minimum affordability.
- (iv) The director of the Housing Department is authorized to reduce the affordability requirement by more than two percent if the director of the Housing Department and the director of Transportation and Public Works agree that the value of the transit supportive infrastructure is greater than or equal to the value of the reduction.
- (v) The director of the Housing Department may not reduce the affordability requirement to less than one residential unit or the equivalent of the fee-in-lieu for one ownership unit.
- (vi) An applicant must submit a written request to the Director of Transportation and Public Works Department to provide transit supportive infrastructure.
- (vii) If the applicant proposes transit supportive infrastructure that serves a community benefit, the Director of Transportation and Public Works must approve a request.

(viii) Before approving a request to provide transit supportive infrastructure, the Director of Transportation and Public Works must adopt rules under Chapter 1-2 (*Administrative Rules*) that establish when transit supportive infrastructure serves a community benefit.

(b) Green Roof. A site shall comply with Vegetative Roof Performance standards as outlined in Environmental Criteria Manual Appendix W – Vegetated (“Green”) Roof Performance Standards.

(c) Grocery Store. A site shall contain a food sale use, limited to a grocery store satisfying the following requirements

- (i) provide pedestrian access on the ground floor of the building; and
- (ii) provide a minimum gross area of 2,500 square feet

(d) Water Reuse System. Each building shall provide an onsite water reuse system and a site plan application submitted under Chapter 25-5 (*Site Plans*) as specified in Chapter 15-13 (*Regulation of Onsite Water Reuse Systems*) without option to pay fee in-lieu.

(e) Pedestrian-Oriented Local Uses.

(i) In this subdivision, PRINCIPAL STREET has the same meaning as principal street in and is applied consistent with Article 5 (*Definitions*) of Subchapter E.

(ii) Pedestrian-Oriented Local Use. At least 75 percent of the building frontage along the principal street and on the ground floor must be designed for one or more local uses and must comply with the dimensional requirements found in Section 4.3.3.C in Subchapter E (*Design Standards and Mixed Use*). A lobby serving a use other than a pedestrian-oriented local use is not counted as a pedestrian-oriented local use.

(iii) Limitation on Mix of Uses.

1. The maximum number of floors that can include non-residential uses is two.
2. A cocktail lounge or performance venue may only be located on the first or second story of the building.
3. A residential use may not be located below a cocktail lounge or performance venue.
4. An on-site amenity is a residential use when provided solely for use by the occupant, or the occupant's guests.

(L) Inner West Subdistrict Regulations (Subdistrict 2).

- (1) In addition to the Affordable Housing in Subsection (G), unless a minimum of 50 percent of the residential unit are affordable units, a building in Subdistrict 2 may only utilize the regulations described in Subsection (J) by satisfying one additional requirement in Subsection (5)(b) through (5)(e).
- (2) A building may exceed the maximum building height in the base zoning district by 360 feet except that no building may exceed 420 feet in height.
- (3) On site with 100 feet or less the maximum building coverage above 120 feet is 65 percent.
- (4) Three-stories maximum for an above-ground parking structure.
- (5) Impervious coverage maximum shall be 90 percent.

(M) Outer West Subdistrict Regulations (Subdistrict 3).

- (1) A building may exceed the maximum building height in the base zoning district by 30 feet except that no building may exceed 90 feet in height.
- (2) Street Furnishings are not required on sites with less than 150 feet cumulative street frontage.

- 748 (3) Impervious coverage maximum shall be 90% or the maximum
749 Impervious coverage allowed in the base zoning district, whichever is
750 greater.
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- 752 (4) Two-stories maximum for an above-ground parking structure.
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755 **PART 5.** Chapter 25-2 (*Zoning*) is amended to add a new Appendix H (*DBUNO*
756 *Boundaries and Subdistrict Map*) attached to this ordinance as **Exhibit “A”**.
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758 **PART 6.** References made to *University Neighborhood Overlay (UNO) District* in City
759 Code Title 25 (Land Development) and Section 12 Building Criteria Manual (BCM) shall
760 include *density bonus university neighborhood overlay (DBUNO) combining district*.
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762 **PART 7.** This ordinance takes effect on _____, 2025.
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