

WORKING DRAFT FOR PLANNING COMMISSION - SUBJECT TO CHANGE
ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 TO CREATE NEW DENSITY BONUS COMBINING DISTRICTS AND ESTABLISH REGULATIONS AND REQUIREMENTS THAT APPLY TO THE NEW DENSITY BONUS COMBINING DISTRICTS AND RELATED PROGRAMS.

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

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

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

(25) citywide density bonus base...DBCBase

(26) citywide density bonus 15 DBC15

(27) citywide density bonus 30 DBC30

(28) citywide density bonus 45 DBC45

(29) citywide density bonus 60 DBC60

PART 2. City Code Section 25-2-33 (*Hierarchy of Base Districts*) is amended to add a new Subsection (D) to read:

(D) Hierarchy for Citywide Density Bonus (DBC) combining districts.

(1) The most restrictive citywide density bonus (DBC) combining district is DBCBase.

(2) The least restrictive citywide density bonus (DBC) combining district is DBC60.

(3) Council can approve a more restrictive citywide density bonus (DBC) combining district without additional notice.

(4) Nothing in this subsection impacts the hierarchy that applies to base districts.

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

(E) Citywide Density Bonus (DBC) Combining District.

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- 33 (1) A reference to citywide density bonus (DBC) combining district in Title 25
34 (*Land Development*) is the collective reference for two or more of the
35 combining districts described by this subsection.
- 36 (2) DBC combining district authorizes a particular site to participate in a
37 voluntary density bonus or incentive program that provides modifications
38 to site development regulations or other regulatory-related benefits in
39 exchange for community benefits. Generally, lower intensity DBC
40 combining districts are compatible with most eligible commercial zones;
41 while higher intensity DBC combining districts are more likely compatible
42 with pedestrian oriented, high-quality transit.
- 43 (3) DBCBase Combining District allows residential uses and commercial or
44 civic uses on sites with certain commercial base zoning districts and
45 modifies site development regulations and compatibility requirements in
46 exchange for income-restricted housing.
- 47 (4) DBC15 Combining District allows residential uses and commercial or
48 civic uses on sites with certain commercial base zoning districts, modifies
49 site development regulations and compatibility requirements, and grants an
50 additional 15 feet in building height in exchange for income-restricted
51 housing.
- 52 (5) DBC30 Combining District allows residential uses and commercial or
53 civic uses on sites with certain commercial base zoning districts, modifies
54 site development regulations and compatibility requirements, and grants an
55 additional 30 feet in building height in exchange for income-restricted
56 housing.
- 57 (6) DBC45 Combining District allows residential uses and commercial or
58 civic uses on sites with certain commercial base zoning districts, modifies
59 site development regulations and compatibility requirements, and grants an
60 additional 45 feet in building height in exchange for income-restricted
61 housing. In many instances, this height is compatible in more intense
62 commercial base zones located within ½ mile of high-quality transit.
- 63 (7) DBC60 Combining District allows residential uses and commercial or civic
64 uses on sites with certain commercial base zoning districts, modifies site
65 development regulations and compatibility requirements, and grants an
66 additional 60 feet in building height in exchange for income-restricted
67 housing. In many instances, this height is compatible in more intense
68 commercial base zones located within 1/4 mile of high-quality transit.
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PART 4. Division 6, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-656 to read:

§ 25-2-656 CITYWIDE DENSITY BONUS (DBC) COMBINING DISTRICT REGULATIONS.

- (A) This section establishes the applicable regulations for citywide density bonus combining districts.
- (B) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is less restrictive.
- (C) Combining Districts.
- (1) A DBC combining district may be combined with the following base districts:
- (a) Commercial Highway Services (CH);
 - (b) Commercial Liquor Sales (CS-1);
 - (c) General Commercial Services (CS);
 - (d) Community Commercial (GR);
 - (e) Neighborhood Commercial (LR);
 - (f) General Office (GO);
 - (g) Limited Office (LO); and
 - (h) Neighborhood Office (NO).
- (2) A DBC combining district cannot be combined with:
- (a) Vertical Mixed Use (VMU) overlay, which is designated as vertical mixed-use building (V); or
 - (b) other density bonus (DB) combining district.
- (3) A site's zoning cannot include more than one DBC combining district at a time.
- (D) Pre-Requisites.
- (1) To utilize the regulations described in this section, the site's zoning must include a DBC combining district and an applicant must comply with this subsection and Subsection (E).
- (2) An applicant must comply with Division 1 (*General Provisions*) in Article 2 (*Density Bonus and Incentive Programs*) of Chapter 4-18 and Section 4-18-

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32 (*Existing Multifamily Structure*) before applying for a building permit or site plan that relies on the regulations described in this Section.

- (3) An applicant must comply with sidewalk and pedestrian zone requirements the director of Austin Transportation and Public Works adopts by administrative rule.

(E) Affordability Requirements.

- (1) **Affordability Minimums - Ownership Units.** If an applicant develops dwelling units for sale, this subdivision applies.

(a) An applicant must reserve a minimum of 10 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 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 Housing director

(F) Uses, Development Standards, and Compatibility.

- (1) In a DBC 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 site;
- (b) residential uses; and
- (c) uses described in Table F (*Additional Permitted Uses*).

TABLE F. ADDITIONAL PERMITTED USES.

Adult care services (limited or general)	Custom manufacturing
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Art gallery	Financial services (without drive through services)
Art workshop	Food sales
Business or trade school	Guidance services
Child care services (limited or general)	General retail sales (convenience or general)
Consumer repair services	Personal services
Consumer convenience services	Restaurant (limited or general) without drive-in service
Counseling services	Theater
Cultural services	

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- (2) A development must comply with Article 2 (*Site Development Standards*) and Article 3 (*Building Design Standards*) in Subchapter E (*Design Standards and Mixed Use*) of this chapter except when those provisions conflict with this section.
- (3) Mix of Uses.
- (a) In this subdivision, PRINCIPAL STREET has the same meaning as principal street in and is applied consistent with Article 5 (*Definitions*) of Subchapter E (*Design Standards and Mixed Use*).
- (b) Pedestrian-Oriented Commercial Spaces. When a site abuts a principal street, 75 percent of the ground floor building frontage must contain one or more commercial uses or civic uses and must comply with the dimensional requirements found in Section 4.3.3.C in Subchapter E (*Design Standards and Mixed Use*) of this chapter.
- (c) The maximum amount of non-residential uses allowed on a site with DBC combining district zoning is 35 percent.
- (d) An on-site amenity is a residential use when provided solely for use by the occupant, or the occupant's guests.
- (e) The ordinance zoning or rezoning a site to include DBC combining district may modify the requirements in Subdivision (3)(b).
- (4) Modification of Maximum Height and Stories.

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- 155 (a) A building is not required to comply with maximum number of
156 stories.
- 157 (b) A building may exceed the maximum building height in the base
158 district by a maximum of 15 feet if the site is zoned with DBC15
159 combining district.
- 160 (c) A building may exceed the maximum building height in the base
161 district by a maximum of 30 feet if the site is zoned with DBC30
162 combining district.
- 163 (d) A building may exceed the maximum building height in the base
164 district by a maximum of 45 feet if the site is zoned with DBC45
165 combining district.
- 166 (e) A building may exceed the maximum building height in the base
167 district by a maximum of 60 feet if the site is zoned with DBC60
168 combining district
- 169 (5) A site is not required to comply with the base zoning district's:
- 170 (a) minimum site area requirements (if applicable);
- 171 (b) maximum floor area ratio;
- 172 (c) maximum building coverage;
- 173 (d) maximum density;
- 174 (e) minimum street side yard setback and interior yard setback; and
- 175 (f) minimum front yard setback; provided, however, that if the right-of-
176 way is less than 60 feet in width, the minimum front yard setback for
177 buildings three or more stories in height shall be 30 feet from the
178 centerline of the street to ensure adequate Fire Department access.
- 179 (6) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent*
180 *Compliance*) in Subchapter E (*Design Standards and Mixed Use*) of this
181 chapter apply to a site developed under this section.
- 182 (7) Compatibility Requirements.
- 183 (a) A building is not required to comply with Article 10 (*Compatibility*
184 *Standards*), Subchapter C.
- 185 (b) In this subsection, a triggering property:
- 186 (i) includes at least one dwelling unit but less than four dwelling
187 units; and

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188 (ii) is zoned Urban Family Residence (SF-5) or more restrictive.

189 (c) Any structure that is located less than 50 feet from any part of a
190 triggering property may not exceed 90 feet.

191 (d) Compatibility Buffer. A compatibility buffer is required along a site's
192 property line that is shared with a triggering property.

193 (i) The minimum width of a compatibility buffer is 25 feet.

194 (ii) A compatibility buffer must comply with Section 25-8-700
195 (*Minimum Requirements for a Compatibility Buffer*).

196 (e) Exterior lighting must be hooded or shielded so that the light source is
197 not visible from the site's property line that is shared with a triggering
198 property.

199 (f) Mechanical Equipment.

200 (i) Mechanical equipment must be screened. When located on the
201 rooftop of the building, mechanical equipment may be screened
202 by a parapet.

203 (ii) Mechanical equipment may not produce sound in excess of 70
204 decibels measured at the site's property line that is shared with
205 a triggering property.

206 (g) A concrete slab used for a refuse receptacle may not be placed within
207 15 feet of triggering property.

208 (h) Except for a multi-use trail, an on-site amenity that is available only to
209 residents and occupants of the site and their guests may not be located
210 within 25 feet of a triggering property.

211 (i) Screening Requirements. The following objects may not be visible at
212 the site's property line or alleyway that is shared with a triggering
213 property. These objects must be screened in a manner that does not
214 impede pedestrian or bicycle access points:

215 (i) vehicle lights from vehicles that use or are parked on a parking
216 lot or in a parking structure located on the site;

217 (ii) outdoor storage;

218 (iii) refuse receptacles and collection areas; or

