

ORDINANCE NO. 20240516-005

AN ORDINANCE AMENDING TITLE 25 (*LAND DEVELOPMENT*) OF THE CITY CODE ESTABLISHING REGULATIONS APPLICABLE TO EQUITABLE-TRANSIT ORIENTED DEVELOPMENT (ETOD) ZONING AND A DENSITY BONUS PROGRAM EQUITABLE-TRANSIT ORIENTED DEVELOPMENT (DBETOD) ZONING.

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 new combining districts to read:

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

(22) equitable transit-oriented developmentETOD

(23) density bonus ETOD DBETOD

PART 2. Division 6, Article 2, Subchapter A of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-182 to read:

§ 25-2-182 EQUITABLE TRANSIT-ORIENTED DEVELOPMENT (ETOD) COMBINING DISTRICT PURPOSE AND BOUNDARIES.

(A) The purpose of the equitable transit-oriented development (ETOD) combining district is to enhance transit-supportive uses, encourage more intentional and equitable land stewardship with increased bicycle, pedestrian, and transit connectivity, housing options and opportunities, public realm activation, and new economic opportunities near public transit.

(B) The boundaries of the ETOD district are identified in Appendix G (*ETOD Boundaries*) of this chapter.

PART 3. Division 5, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-653 to read:

§ 25-2-653 EQUITABLE TRANSIT-ORIENTED DEVELOPMENT (ETOD) COMBINING DISTRICT REGULATIONS.

(A) This section applies to a property with equitable transit-oriented development (ETOD) combining district zoning.

- (B) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is more restrictive.
- (C) An ETOD combining district may not be combined with any special purpose base districts or with any of the following zoning districts:
 - (1) Lake Austin residence (LA);
 - (2) rural residence (RR);
 - (3) single-family residence large lot (SF-1);
 - (4) single-family residence standard lot (SF-2);
 - (5) family residence (SF-3);
 - (6) single-family residence small lot (SF-4A);
 - (7) single-family residence condominium site (SF-4B);
 - (8) urban family residence (SF-5);
 - (9) townhouse and condominium residence (SF-6);
 - (10) mobile home residence (MH);
 - (11) planned development area (PDA);
 - (12) East Sixth/Pecan Street Overlay (PS); or
 - (13) University Neighborhood Overlay (UNO).
- (D) The uses included in Table (D) are prohibited uses on a property with equitable transit-oriented development (ETOD) combining district zoning:

TABLE D. PROHIBITED USES	
COMMERCIAL USES:	Recreational Equipment Sales
Agricultural Sale and Services	Research Assembly Services
Automotive Sales	Research Testing Services
Automotive Rentals	

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

(E) Conditional Uses.

- (1) The uses included in Table (E) are conditional uses on property with equitable transit-oriented development (ETOD) combining district zoning if the use is permitted by the zoning that applies to the property.
- (2) If electric vehicle charging is permitted by the zoning that applies to the property, electric vehicle charging is a conditional use on a site that is not:
 - (a) an existing service station use; or

- (b) a discontinued service station use, if a subsequent use on the site did not include a restaurant (general) use, a restaurant (limited) use, or a residential use.

TABLE E. CONDITIONAL USES

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

PART 4. 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.

- (C) DBETOD Combining District allows residential uses, preserves certain existing residential and non-residential uses, modifies compatibility standards and site development regulations, and grants additional building height in exchange for income-restricted housing.

PART 5. Division 5, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-654 to read:

§ 25-2-654 DENSITY BONUS ETOD (DBETOD) COMBINING DISTRICT REGULATIONS.

- (A) This section applies to a property with density bonus ETOD (DBETOD) combining district zoning.
- (B) This section governs over a conflicting provision of this title or other ordinance.
- (C) Pre-Requisites.
 - (1) To utilize the regulations described in Subsection (G) and (H), the site's zoning must include density bonus ETOD (DBETOD) combining district zoning and applicant must comply with Subsections (E) and (F).
 - (2) To preserve reserved dwelling units and existing non-residential spaces, an applicant must comply with Article 2 (*Density Bonus and Incentive Programs*) of Chapter 4-18 before applying for a building permit or site plan that relies on the regulations described in Subsections (G) and (H).
- (D) Density bonus ETOD (DBETOD) combining district may only be combined with equitable transit-oriented development (ETOD) combining district.
- (E) Affordability Requirements – Dwelling Units.
 - (1) Affordability Minimums - Ownership Units. If an applicant develops dwelling units for sale, this subdivision applies.
 - (a) A development must provide 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 director of the Housing Department.
 - (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 125 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.

- (2) Affordability Minimums - Rental Units. If an applicant develops dwelling units for lease, this subdivision applies.
- (a) To achieve 60 feet or to utilize a development standard under DBETOD 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 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.
 - (b) To utilize 90 feet in height, a development must provide:
 - (i) 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 Median Family Income as determined by the director of the Housing Department; or
 - (ii) 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.
 - (c) To utilize 120 feet in height, a development must provide:
 - (i) 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; or
 - (ii) a minimum of 12 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.
- (3) Transit Supportive Infrastructure.
- (a) In this subdivision, TRANSIT SUPPORTIVE INFRASTRUCTURE includes appurtenances, facilities, and amenities related to a transit system project as defined in Ordinance No.20221115-048.

- (b) If an applicant provides transit supportive infrastructure, the affordability requirement is reduced by two percent.
- (c) It is presumed that the value of the transit supportive infrastructure equals at least two percent of the minimum affordability.
 - (i) 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 Project Connect mobility officer agree that the value of the transit supportive infrastructure is greater than or equal to the value of the reduction.
 - (ii) 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.
- (d) An applicant must submit a written request to the Project Connect mobility officer to provide transit supportive infrastructure.
- (e) If the applicant proposes transit supportive infrastructure that serves a community benefit, the Project Connect mobility officer must approve a request.
- (f) Before approving a request to provide transit supportive infrastructure, the Project Connect mobility officer must adopt rules under Chapter 1-2 (*Administrative Rules*) that establish when transit supportive infrastructure serves a community benefit.

(F) 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) performance venue; or

- (iv) 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 10 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.

(G) Development Standards and Mixed Use.

- (1) The following uses are permitted on a property with density bonus ETOD (DBETOD) combining district zoning zoning:
 - (a) uses permitted by the zoning that applies to the property;
 - (b) uses not prohibited by the equitable transit-oriented development (ETOD) combining district zoning; and
 - (c) residential uses.
- (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*) except when those provisions conflict with this section.
- (3) 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.
- (4) Mix of Uses
 - (a) This subdivision does not apply to a property with a residential base zoning district.
 - (b) In this subdivision, PRINCIPAL STREET has the same meaning as principal street in and is applied consistent with Article 5 (*Definitions*) of Subchapter E.
 - (c) Pedestrian-Oriented Commercial Spaces. When a site abuts a principal street, 75 percent of the building frontage along the principal street must contain one or more commercial 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*).
 - (d) Limitation on Mix of Uses.
 - (i) The maximum number of floors that can include non-residential uses is two.

- (ii) A cocktail lounge or performance venue may only be located on the first or second story of the building.
 - (iii) A residential use may not be located below a cocktail lounge or performance venue.
 - (e) An on-site amenity is a residential use when provided solely for use by the occupant, or the occupant's guests.
 - (f) The ordinance zoning or rezoning a site as density bonus ETOD (DBETOD) combining district may modify the requirements in Subdivision (4)(c).
- (5) Maximum Height.
- (a) Subdistricts.
 - (i) In Subdistrict 1, a building may exceed the maximum building height in the base zoning district by 60 feet except that no building may exceed 120 in height.
 - (ii) In Subdistrict 2, a building may exceed the maximum building height in the base zoning district by 30 feet except that no building may exceed 90 in height.
 - (b) A building may exceed the maximum building height in the base zoning district but no building may exceed 60 feet if the minimum affordability requirements in Subsection (E)(2)(a) are met;
 - (c) A building may exceed the maximum building height in the base zoning district but no building may exceed 90 feet if the minimum affordability requirements in Subsection (E)(2)(b) are met; or
 - (d) A building may exceed the maximum building height in the base zoning district by 60 feet but no building may exceed 120 feet in height if the minimum affordability requirements in Subsection (E)(1) or Subsection (E)(2)(c) are met.
- (6) 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) maximum number of stories;
 - (e) minimum street side yard setback and interior yard setback; and
 - (f) 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 three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.
- (7) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) in Subchapter E apply to a site developed under this section.
- (8) This subsection governs over a conflicting provision of this title or other ordinance unless the provision is less restrictive.

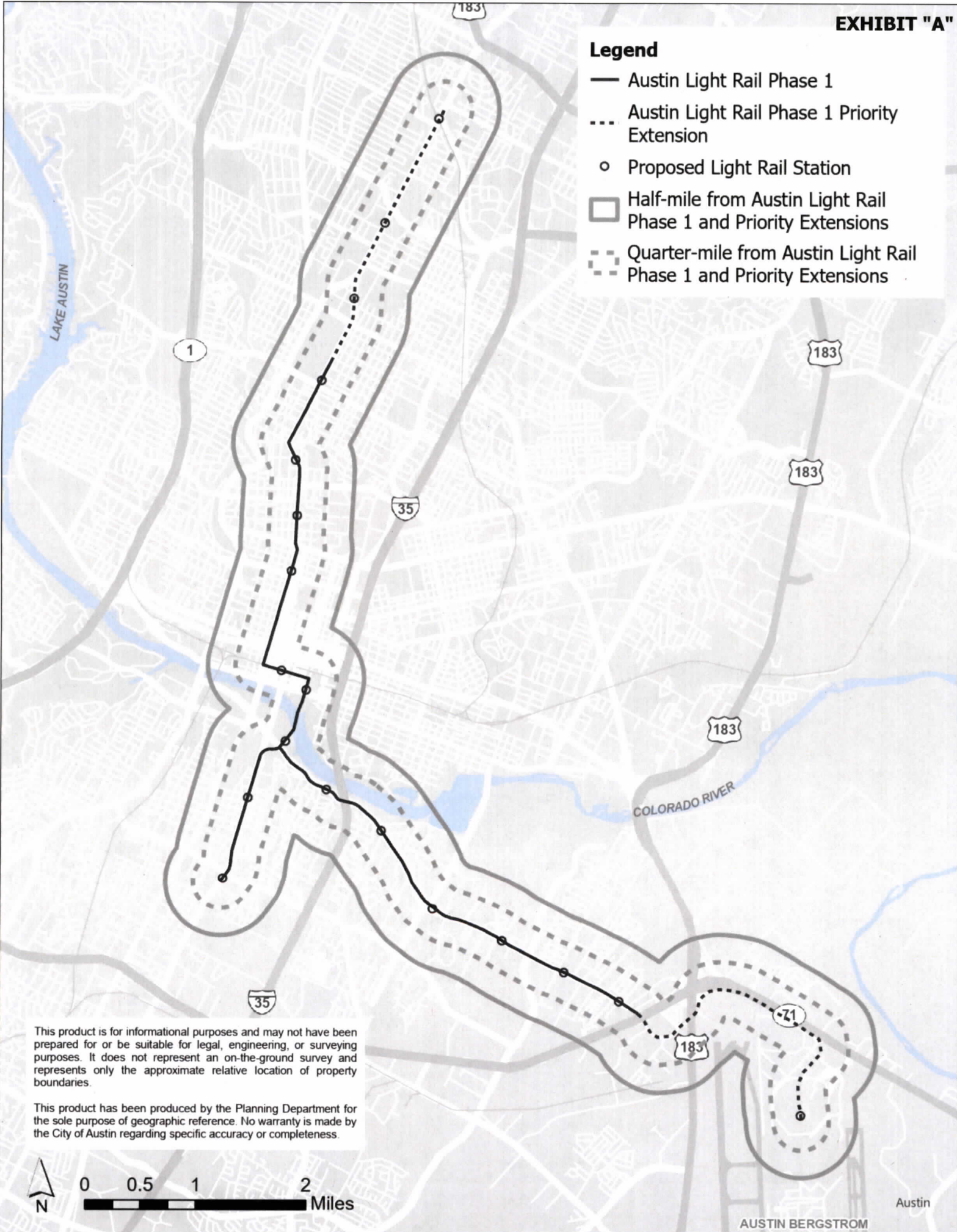
(H) Compatibility Requirements.

- (1) A building is not required to comply with Article 10 (*Compatibility Standards*) in Subchapter C.
- (2) In this subsection,
- (a) TRIGGERING PROPERTY means a site:
 - (i) with at least one dwelling unit but less than four dwelling units; and
 - (ii) is zoned urban family residence (SF-5) district or more restrictive; and
 - (b) STRUCTURE includes a portion of a structure.
- (3) Any structure that is located less than 50 feet from any part of a triggering property may not exceed 60 feet.
- (4) 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 Compatibility Buffers*).

- (5) Exterior lighting must be hooded or shielded so that the light source is not visible from the site's property line or alleyway that is shared with a triggering property.
- (6) Mechanical equipment may not produce sound in excess of 70 decibels measured at the site's property line or alleyway that is shared with a triggering property.
- (7) A concrete slab used for a refuse receptacle may not be placed within 15 feet of triggering property.
- (8) 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.
- (9) Screening Requirements. Except when visible from or through a pedestrian or bicycle access point, the following objects shall be screened and may not be visible at the site's property line or alleyway that is shared with a triggering property:
 - (a) vehicle lights from vehicles that use or are parked on a parking lot or in a parking structure located on the site;
 - (b) ground floor and rooftop mechanical equipment;
 - (c) outdoor storage;
 - (d) refuse receptacles and collection areas; and
 - (e) common areas for amenities, including outdoor decks, patios, and pools.
- (10) The screening required in Subdivision (H)(9) may not impede pedestrian or bicycle access points.
- (11) Rooftop mechanical and equipment may be screened by a parapet.
- (12) Except for Subdivision (H)(4), this subsection governs over a conflicting provision of this title or other ordinance unless the provision is less restrictive.

Legend

- Austin Light Rail Phase 1
- - - Austin Light Rail Phase 1 Priority Extension
- Proposed Light Rail Station
- Half-mile from Austin Light Rail Phase 1 and Priority Extensions
- ⊞ Quarter-mile from Austin Light Rail Phase 1 and Priority Extensions



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

