



# ETOD/DBETOD Combining Districts

## [Ordinance No. 20240516-005](#)

On May 16, 2024, City Council adopted, as amended, the ETOD/DBETOD Combining Districts (collectively referred to as the ETOD Overlay).

### Summary:

- The ETOD Overlay consists of two combining districts:
  - **ETOD Overlay Combining District (ETOD)** restricts non-transit-supportive uses
  - **ETOD Density Bonus District (DBETOD)** establishes a new density bonus program
- **Council also approved a City-initiated rezoning** via Ordinance No. 20240516-03 applying ETOD/DBETOD to certain non-single-family lots (rezoning approximately 850 acres).  
**\*Only eligible land areas that were entirely (100%) within the ½-mile area were rezoned.** Areas partially within the boundary were not rezoned *but are eligible for future rezoning.*
- The ETOD Overlay and related City-initiated rezoning will be effective July 15, 2024.

### -ETOD Combining District (§ 25-2-182 and § 25-2-653):

- **Applicable within a ½-mile of the Phase 1 Austin Light Rail project and Priority Extensions (See Map 1):**
  - Boundaries identified in Appendix G of the ordinance (ETOD Boundaries)
- **Governs in the case of conflict unless the conflicting provision is more restrictive**
- **Cannot be combined with:**
  - Any special purpose base zone (NBG, ERC, TOD, PUD, P, AG, etc.)
  - Any Single-Family base zone (SF-1 through SF-6) or similar (MH, LA, RR)
  - Certain other combining districts such as PDA, PS, or UNO
- **Prohibits or makes conditional some otherwise-permitted land uses:**
  - List of use restrictions included in tables § 25-2-653 (D) and (E)

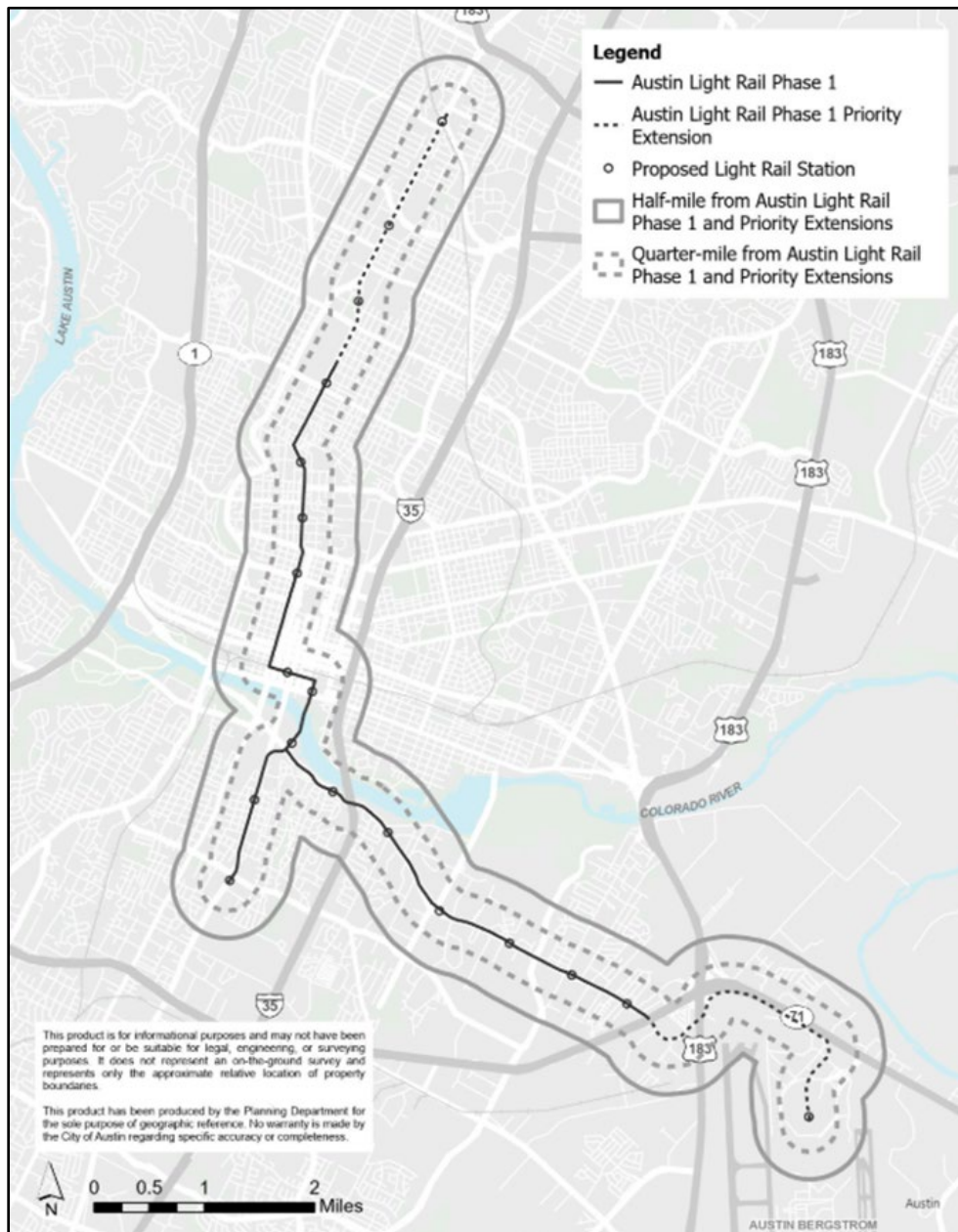
***Note: Existing or former service stations that have not subsequently included a restaurant use or a residential use are governed by the principal use regulations for EV Charging use; EV Charging on all other sites within -ETOD is conditional***



## -DBETOD Combining District Summary (§ 25-2-181 and § 25-2-654):

- -DBETOD combining district can only be combined on sites with -ETOD combining district.
- -DBETOD governs over conflicting provisions.
- To utilize any regulations in the -DBETOD program, an applicant must:
  - Comply with Article 2 (*Density Bonus and Incentive Programs*) of §4-18 before submitting a site plan or building permit that relies on the bonus program, and
  - Comply with § 25-2-654 subsection (E) (*Affordability Requirements – Dwelling Units*) and subsection (F) (*Existing Non-Residential Spaces*).

### MAP 1 – APPLICABILITY MAP





## DBETOD Program Requirements:

Residential and Non-Residential Redevelopment Requirements (see [Ordinance No. 20240229-070](#), [No. 20240506-001](#), and No. 20240516-005).

- **When are redevelopment requirements triggered?**
  - Existing multi-family units rented at rates affordable to households earning 70% Median Family Income (MFI) and below **trigger residential requirements**.
    - Replacement of existing units via this requirement is capped at 2 times what is otherwise required by the bonus program.
  - **Specific existing uses trigger non-residential redevelopment requirements:**
    - **Creative spaces** (see § 25-2-654(F) for definition) operating for ≥ 3 years
    - **Adult care services (general or limited)** operating for ≥ 12 months
    - **Child care services (general or limited)** operating for ≥ 12 months
    - **Cocktail lounges** operating for ≥ 10 years
    - **Food sales** operating for ≥ 10 years w/ gross floor area of ≤ 20,000 sq ft
    - **General retail sales** operating for ≥ 10 years w/ a gross floor area of ≤ 5,000 sq ft
    - **Personal services** operating for ≥ 10 years w/ a gross floor area of ≤ 5,000 sq ft
    - **Restaurant (general or limited)** operating for ≥ 10 years w/ gross floor area of ≤ 5,000 sq ft
- **When the redevelopment requirements are triggered, what is required?**
  - Replacement of qualifying physical spaces (and income-restriction of those units in the case of residential redevelopment),
  - Notice and relocation benefits paid to existing tenants, and
  - The right of first refusal on new leases after redevelopment.



# PLANNING DEPARTMENT

## Affordability Requirements (see § 25-2-654(E)):

- On-site and off-site options for affordability requirements in ownership projects (regardless of project height):

**TABLE 1 – AFFORDABILITY REQUIREMENTS – OWNERSHIP PROJECTS**

Option 1 Requirement - Onsite Set Aside	Option 2 Requirement - Offsite Fee-in-Lieu
At least 12% of the total units must be affordable to households earning 80% MFI or less	A fee-in-lieu equivalent to 125% of the required onsite percentage based on the fee schedule in effect at site plan submittal.

- Tiered approach to affordability requirements for rental projects (must be on-site):

**TABLE 2 – AFFORDABILITY REQUIREMENTS – RENTAL PROJECTS**

Desired Height to be Achieved	Required Set Aside Match
<b>60 Feet</b> (or utilize a non-height related DBETOD development standard modification)	Vertical Mixed-Use (VMU) <b>10% of the total units must be affordable to households earning 60% MFI or less</b>
<b>90 Feet</b>	DB90 <b>12% of the total units must be affordable to households earning 60% MFI or less <i>OR</i> 10% of the total units must be affordable to households earning 50% MFI or less</b>
<b>120 Feet*</b> (*only available in Subdistrict 1)	DBETOD <b>15% of the total units must be affordable to households earning 60% MFI or less <i>OR</i> 12% of the total units must be affordable to households earning 50% MFI or less</b>

- **Transit-Supportive Infrastructure** (§ 25-2-654(E)(3)): Allows for affordability requirements to be reduced if the development provides certain transit-supportive infrastructure.

## Development Standards and Mixed-Use Requirements (see § 25-2-654(G)):

- **Similar but not identical requirements to VMU bonus program:**
  - Must comply with Subchapter E Article 2 (*Site Development Standards*) and Article 3 (*Design Standards and Mixed Use*).
  - Non-residential base zoned sites must provide 75% of the building frontage along a principal street as commercial or civic uses and must comply with dimensional requirements found in Section 4.3.3.C of Subchapter E.
    - The ordinance rezoning a site DBETOD may modify this requirement.
    - *Residential base zoned sites do not have to provide any non-residential uses.*
  - No more than two floors can include non-residential uses.
  - Cocktail lounges and performance venues may only be on the first or second floor of a building, and a residential use may not be below either of those uses.



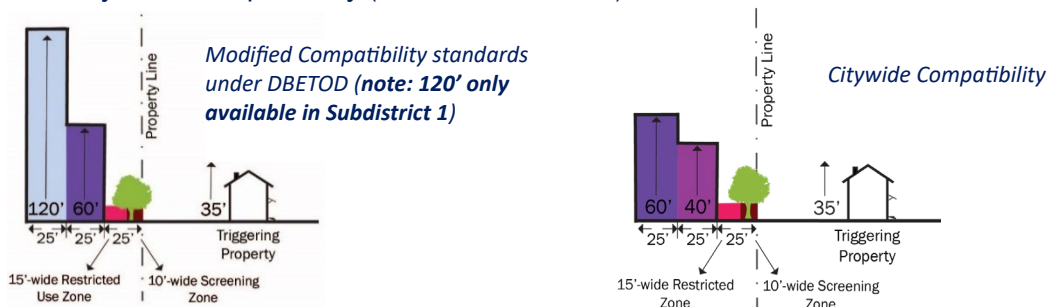
## Additional Entitlements Available (for participating in DBETOD):

- Residential uses added for participating DBETOD projects.
- Maximum height increases. There are two height subdistricts within the DBETOD:

TABLE 3 – DBETOD HEIGHT SUBDISTRICTS

SUBDISTRICT	DISTANCE FROM THE TRANSIT ALIGNMENT	HEIGHT MAXIMUM
1	Within a ¼-mile of the transit alignment	May exceed the base zone’s maximum height by <b>60 feet</b> except that no building may exceed <b>120 feet</b> .
2	Between a ¼-mile and ½ a mile from the transit alignment	May exceed the base zone maximum height by <b>30 feet</b> except that no building may exceed <b>90 feet</b> .

- Waives site development standards for:
  - Minimum site area requirements (if applicable)
  - Maximum FAR (floor area ratio)
  - Maximum building coverage
  - Maximum number of stories
  - Minimum street side yard and interior yard setbacks
  - Minimum front yard setback
    - (except if the right-of-way is less than 60 feet wide, the minimum front yard setback for a building three or more stories in height shall be 30 feet from the centerline of the street)
- Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) in Subchapter E apply to DBETOD sites.
- Modified Compatibility Standards:
  - Compatibility under DBETOD differs from Citywide Compatibility
    - Any DBETOD structure or part of a structure located less than 50 feet from any part of a triggering property may not exceed 60 feet in height. After 50 feet from any part of a triggering property, buildings can reach their maximum allowed height (up to 120 feet in some cases).
  - Follows the same compatibility buffer and screening/shielding requirements as Citywide Compatibility (Section 25-8-700).



\*Note: See executed ordinances for all adopted requirements.