



26 § 25-2-653 EQUITABLE TRANSIT-ORIENTED DEVELOPMENT (ETOD)  
27 COMBINING DISTRICT REGULATIONS.

- 28 (A) This section applies to a property with equitable transit-oriented development  
29 (ETOD) combining district zoning.
- 30 (B) This section governs over a conflicting provision of this title or other ordinance  
31 unless the conflicting provision is more restrictive.
- 32 (C) An ETOD combining district may not be combined with any special purpose base  
33 districts or with any of the following zoning districts:
- 34 (1) Lake Austin residence (LA);
  - 35 (2) rural residence (RR);
  - 36 (3) single-family residence large lot (SF-1);
  - 37 (4) single-family residence standard lot (SF-2);
  - 38 (5) family residence (SF-3);
  - 39 (6) single-family residence small lot (SF-4A);
  - 40 (7) single-family residence condominium site (SF-4B);
  - 41 (8) urban family residence (SF-5);
  - 42 (9) townhouse and condominium residence (SF-6);
  - 43 (10) mobile home residence (MH);
  - 44 (11) planned development area (PDA);
  - 45 (12) East Sixth/Pecan Street Overlay (PS); or
  - 46 (13) university neighborhood overlay (UNO).
- 47 (D) The uses included in Table (D) are prohibited uses on a property with equitable  
48 transit-oriented development (ETOD) combining district zoning;

**Commented [PL2]:** Original text: Made automotive sales, automotive rentals, automotive repair services, limited warehousing and distribution and horticulture prohibited uses.  
Updated per PC Amendment:  
Made automotive sales, automotive rentals, automotive repair services, limited warehousing and distribution and horticulture conditional uses.  
Staff does not recommend making automotive sales, automotive rentals, or automotive repair services conditional uses.

**TABLE D. PROHIBITED USES**

<p><b>COMMERCIAL USES:</b></p> <ul style="list-style-type: none"> <li>Agricultural Sale and Services</li> <li>Building Maintenance Services</li> <li>Campground</li> <li>Carriage Stable</li> <li>Convenience Storage</li> <li>Drop-off Recycling Collection Facility</li> <li>Electronic Prototype Assembly</li> <li>Electronic Testing</li> <li>Equipment Repair Services</li> <li>Equipment Sales</li> <li>Exterminating Services</li> <li>Funeral Services</li> <li>Marina</li> <li>Recreational Equipment Maintenance &amp; Storage</li> <li>Recreational Equipment Sales</li> <li>Research Assembly Services</li> </ul>	<ul style="list-style-type: none"> <li>Research Testing Services</li> <li>Research Warehousing Services</li> <li>Scrap and Salvage</li> <li>Service Station</li> <li>Stables</li> <li>Vehicle Storage</li> </ul> <p><b>INDUSTRIAL USES:</b></p> <ul style="list-style-type: none"> <li>Basic Industry</li> <li>General Warehousing and Distribution</li> <li>Recycling Center</li> <li>Resource Extraction</li> </ul> <p><b>AGRICULTURAL USES:</b></p> <ul style="list-style-type: none"> <li>Animal Production</li> <li>Crop Production</li> <li>Indoor Crop Production</li> </ul>
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(E) The uses included in Table (E) are conditional uses on a property with equitable transit-oriented development (ETOD) combining district zoning if the use is permitted by the zoning that applies to the property.

**TABLE E. CONDITIONAL USES**

<p><b>COMMERCIAL USES:</b></p> <ul style="list-style-type: none"> <li>Alternative Financial Services</li> <li>Automotive Sales</li> <li>Automotive Rentals</li> <li>Automotive Repair Services</li> <li>Automotive Washing</li> </ul>	<ul style="list-style-type: none"> <li>Pawn Shop Services</li> <li>Pedicab Storage and Dispatch</li> <li>Special Use Historic</li> </ul> <p><b>INDUSTRIAL USES:</b></p> <ul style="list-style-type: none"> <li>Custom Manufacturing</li> </ul>
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**Commented [PL3]:** Original text: Made automotive sales, automotive rentals, automotive repair services, limited warehousing and distribution and horticulture prohibited uses.  
Updated per PC Amendment:  
Made automotive sales, automotive rentals, automotive repair services, limited warehousing and distribution and horticulture conditional uses.  
Staff does not recommend making automotive sales, automotive rentals, or automotive repair services conditional uses.

Bail Bond Services  
Commercial Blood Plasma Center  
Commercial Off-Street Parking  
Communications Services  
Construction Sales and Services  
Electric Vehicle Charging  
Kennels  
Monument Retail Sales  
Off-Site Accessory Parking

Light Manufacturing  
Limited Warehousing and  
Distribution

**AGRICULTURAL USES:**  
Horticulture

52 **PART 4.** City Code Section 25-2-181 (*Density Bonus Combining District Purpose*) is  
53 amended to add a new Subsection (C) to read:

54 **§ 25-2-181 DENSITY BONUS COMBINING DISTRICT PURPOSE.**

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

59 **PART 5.** Division 6, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is  
60 amended to add a new Section 25-2-654 to read:

61 **§ 25-2-654 DENSITY BONUS ETOD (DBETOD) COMBINING DISTRICT**  
62 **REGULATIONS.**

63 (A) This section applies to a property with density bonus ETOD (DBETOD)  
64 combining district zoning.

65 (B) This section governs over a conflicting provision of this title or other ordinance  
66 unless the conflicting provision is less restrictive.

67 (C) Pre-Requisites.

68 (1) To utilize the regulations described in Subsection (G) and (H), the site's  
69 zoning must include density bonus ETOD (DBETOD) combining district  
70 zoning and applicant must comply with Subsections (E) and (F).

71 (2) To preserve reserved dwelling units, an applicant must comply with Division  
72 1 (*General Provisions*) and Section 4-18-32 (*Existing Multi-Family*  
73 *Structure*) in Article 2 (*Density Bonus and Incentive Programs*) of Chapter  
74 4-18 before applying for a building permit or site plan that relies on the  
75 regulations described in Subsections (G) and (H).

**Commented [PL4]:** This text is modified from the original text. The modification aligns with PC's recommended changes to the preservation requirements for existing non-residential spaces.

76 (D) Density bonus ETOD (DBETOD) combining district may only be combined with  
77 equitable transit-oriented development (ETOD) combining district.

**Original Text:**  
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).

78 (E) Affordability Requirements – Dwelling Units.

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

81 (a) A development must provide a minimum of 12 percent of the  
82 residential units as affordable for ownership and occupancy by  
83 households earning 80 percent or less of the current Austin-Round  
84 Rock Metropolitan Statistical Area Median Family Income as  
85 determined by the director of the Housing Department.

86 (b) An applicant for a proposed owner-occupied housing development  
87 may elect to meet the affordability requirement without providing  
88 income-restricted units onsite by paying a fee in-lieu to the Housing  
89 Trust Fund. At a minimum, the fee-in-lieu shall be equivalent to 125  
90 percent of the required percentage of the total residential units,  
91 including the mix of bedrooms required. The fee-in-lieu shall be set  
92 by separate ordinance. The amount of fee-in-lieu due is determined  
93 using the fee schedule ordinance in effect at site plan submittal.

**Commented [PL5]:** Added per PC recommendation.

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

96 (a) A development must provide a minimum of 15 percent of the  
97 residential units as affordable for lease and occupancy by households  
98 earning 60 percent or less of the current Austin-Round Rock  
99 Metropolitan Statistical Area Median Family Income as determined  
100 by the director of the Housing Department.

- 101 (b) A development must provide a minimum of 12 percent of the  
102 residential units as affordable for lease and occupancy by households  
103 earning 50 percent or less of the current Austin-Round Rock  
104 Metropolitan Statistical Area Median Family Income as determined  
105 by the director of the Housing Department.

106 (F) Existing Non-Residential Spaces.

107 (1) In this subsection,

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

- 110 (i) art gallery;  
111 (ii) art workshop;  
112 (iii) performance venue; or  
113 (iv) theater.

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

- 115 (i) adult care services use (general or limited) that has operated for  
116 a minimum of 12 continuous months  
117 (ii) child care services use (general or limited) that has operated for  
118 a minimum of 12 continuous months;  
119 (iii) cocktail lounge use that has operated for a minimum of 12  
120 continuous months;  
121 (iv) counseling services use that has operated for a minimum of 10  
122 consecutive years with a gross floor area of 5,000 square feet or  
123 less;  
124 (v) creative space use that has operated for a minimum of 12  
125 continuous months;

- 126 (vi) food sales use that has operated for a minimum of 12  
127 continuous months with a gross floor area of 40,000 square feet  
128 or less;
- 129 (vii) medical office use that has operated for a minimum of 10  
130 consecutive years with a gross floor area of 5,000 square feet or  
131 less;
- 132 (viii) personal improvement services use that has operated for a  
133 minimum of 12 continuous months; or
- 134 (ix) small format use that has operated for a minimum of five  
135 continuous years with a gross floor area of 10,000 square feet  
136 or less.
- 137 (c) SMALL FORMAT USE means a use described in Chapter 25-2  
138 (*Zoning*) that allows one or more of the following occupancies:
- 139 (i) custom manufacturing;
- 140 (ii) general retail sales;
- 141 (iii) personal services;
- 142 (iv) pet services;
- 143 (v) restaurant (general or limited); or
- 144 (vi) veterinary services.

145 (2) If a site includes an existing non-residential space, an applicant must:

- 146 (a) provide current non-residential space operators with notice and  
147 information about the proposed development on a form approved by  
148 the director of the Economic Development Department; and
- 149 (b) grant a non-residential space operator the option to lease a non-  
150 residential space following the completion of redevelopment.

151 (G) Development Standards and Mixed Use.

**Commented [PL6]:** PC recommended this text instead of the original text.  
Staff recommends including the original text that would preserve existing non-residential uses within the DBETOD. Original text:  
(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 10 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 if the non-conforming use qualifies as an existing non-residential space and is required to be replaced under this subsection.

- 152 (1) The following uses are permitted on a property with density bonus ETOD  
153 (DBETOD) combining district zoning:
- 154 (a) uses permitted by the zoning that applies to the property;
- 155 (b) uses not prohibited by equitable transit-oriented development (ETOD)  
156 combining district zoning; and
- 157 (c) residential uses.
- 158 (2) A development must comply with Article 2 (*Site Development*  
159 *Standards*) and Article 3 (*Building Design Standards*) in Subchapter E  
160 (*Design Standards and Mixed Use*) except when those provisions conflict  
161 with this section.
- 162 (3) Except as modified by this section, a site with a residential base zoning  
163 district shall follow development standards applicable to the site's  
164 residential base zoning district and the residential use.
- 165 (4) Mix of Uses.
- 166 (a) This subdivision does not apply to a property with a residential base  
167 zoning district.
- 168 (b) In this subdivision, PRINCIPAL STREET has the same meaning as  
169 principal street in and is applied consistent with Article 5  
170 (*Definitions*) of Subchapter E.
- 171 (c) Pedestrian-Oriented Commercial Spaces. When a site abuts a  
172 principal street, 75 percent of the building frontage along the  
173 principal street must contain one or more commercial uses and must  
174 comply with the dimensional requirements found in Section 4.3.3.C  
175 in Subchapter E (*Design Standards and Mixed Use*).
- 176 (d) **Limitation on Mix of Uses.**
- 177 (i) The maximum number of floors that can include non-  
178 residential uses is two.

**Commented [PL7]:** Modified language to follow PC recommendation. Cocktail lounges and performance venues are not allowed above a residential use or on or above the third floor.



- 179 (ii) A cocktail lounge or performance venue may only be  
180 located on the first or second story of the building.
- 181 (iii) A residential use may not be located below a cocktail lounge  
182 or performance venue.
- 183 (e) An on-site amenity is a residential use when provided solely for use  
184 by the occupant, or the occupant's guests.
- 185 (f) The ordinance zoning or rezoning a site as density bonus ETOD  
186 (DBETOD) combining district may modify the requirements in  
187 Subdivision (4)(c).
- 188 (5) A building may exceed the maximum building height in the base zoning  
189 district by a maximum of 60 feet except that no building may exceed 120  
190 feet in height.
- 191 (6) A site is not required to comply with the base zoning district's:
- 192 (a) minimum site area requirements (if applicable);
- 193 (b) maximum floor area ratio;
- 194 (c) maximum building coverage
- 195 (d) maximum number of stories;
- 196 (e) minimum street side yard setback and interior yard setback; and
- 197 (f) minimum front yard setback; provided, however, that if the right-of-  
198 way is less than 60 feet in width, the minimum front yard setback for  
199 buildings three or more stories in height shall be 30 feet from the  
200 centerline of the street to ensure adequate Fire Department access.
- 201 (7) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent*  
202 *Compliance*) in Subchapter E apply to a site developed under this section.
- 203 (H) Compatibility Requirements.
- 204 (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 90 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 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 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.

231 (9) Screening Requirements. Except when visible from or through a  
232 pedestrian or bicycle access point, the following objects shall be  
233 screened and may not be visible at the site's property line that is shared  
234 with a triggering property:

- 235 (a) vehicle lights from vehicles that use or are parked on a parking lot or  
236 in a parking structure located on the site;
- 237 (b) ground floor and rooftop mechanical equipment;
- 238 (c) outdoor storage;
- 239 (d) refuse receptacles and collection areas; or
- 240 (e) common areas for amenities, including outdoor decks, patios, or  
241 pools.

242 (10) The screening required in Subdivision (9) may not impede pedestrian or  
243 bicycle access points.

244 (11) Rooftop mechanical and equipment may be screened by a parapet.

245 **PART 6.** Chapter 25-2 (*Zoning*) is amended to add a new Appendix G (*ETOD*  
246 *Boundaries*) attached to this ordinance as Exhibit "A".

247 **PART 7.** A fee-in-lieu collected under Subsection (E) of Section 25-2-654 (*Density*  
248 *Bonus ETOD (DBETOD) Combining District Regulations*) is to be utilized within the  
249 ETOD boundaries found in Appendix G of Chapter 25-2 (*Zoning*).

250 **PART 8.** This ordinance takes effect on \_\_\_\_\_, 2024.

251 **PASSED AND APPROVED**

252 \_\_\_\_\_ §  
253 \_\_\_\_\_ §  
254 \_\_\_\_\_, 2024 § \_\_\_\_\_  
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Kirk Watson  
Mayor

**Commented [PL8]:** 5/9/2024; Rearranged the text for clarity. Original text: "following objects may not be visible from the site's property line that is shared with a trigger property and shall be screened."

**Commented [PL9]:** Added in lieu of PC recommendation related to modifying the decibel limit.

**Commented [PL10]:** Added in lieu of the PC recommendation related to modifying decibel limit.

**Commented [PL11]:** 5/9/2024; Originally, included within Part 16. Now is a standalone provision.

**Commented [PL12]:** Added per PC recommendation. (In the coming days, this text will be added to a Version 2 of the Staff Version.)

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan Myrna Rios  
City Attorney City Clerk

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