

- 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:

TABLE D. PROHIBITED USES

Commented [PL2]: Original text: Made limited warehousing and distribution and horticulture prohibited uses.
Updated per PC Amendment:
Made limited warehousing and distribution and horticulture conditional uses.

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

TABLE E. CONDITIONAL USES

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|---|---|
| COMMERCIAL USES: Alternative Financial Services Automotive Washing 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 | Pawn Shop Services Pedicab Storage and Dispatch Special Use Historic INDUSTRIAL USES: Custom Manufacturing 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 and existing non-residential spaces, an
72 applicant must comply with Article 2 (*Density Bonus and Incentive*
73 *Programs*) of Chapter 4-18 before applying for a building permit or site plan
74 that relies on the regulations described in Subsections (G) and (H).
- 75 (D) Density bonus ETOD (DBETOD) combining district may only be combined with
76 equitable transit-oriented development (ETOD) combining district.
- 77 (E) Affordability Requirements – Dwelling Units.
- 78 (1) Affordability Minimums - Ownership Units. If an applicant develops
79 dwelling units for sale, this subdivision applies.
- 80 (a) A development must provide a minimum of 12 percent of the
81 residential units as affordable for ownership and occupancy by
82 households earning 80 percent or less of the current Austin-Round
83 Rock Metropolitan Statistical Area Median Family Income as
84 determined by the director of the Housing Department.
- 85 (b) An applicant for a proposed owner-occupied housing development
86 may elect to meet the affordability requirement without providing
87 income-restricted units onsite by paying a fee in-lieu to the Housing
88 Trust Fund. At a minimum, the fee-in-lieu shall be equivalent to 125
89 percent of the required percentage of the total residential units,
90 including the mix of bedrooms required. The fee-in-lieu shall be set
91 by separate ordinance. The amount of fee-in-lieu due is determined
92 using the fee schedule ordinance in effect at site plan submittal.

Commented [PL3]: Added per PC recommendation.

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

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

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

105 (F) Existing Non-Residential Spaces.

106 (1) In this subsection,

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

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

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

- 114 (i) adult care services use (general or limited) that has operated for
115 a minimum of 12 continuous months;
- 116 (ii) child care services use (general or limited) that has operated for
117 a minimum of 12 continuous months;
- 118 (iv) cocktail lounge use that has operated for a minimum of 12
119 continuous months;

- 120 (ii) counseling services use that has operated for a minimum of 10
121 consecutive years with a gross floor area of 5,000 square feet or
122 less;
- 123 (iii) creative space use that has operated for a minimum of 12
124 continuous months;
- 125 (iv) food sales use that has operated for a minimum of 12
126 continuous months with a gross floor area of 40,000 square feet
127 or less;
- 128 (v) medical office use that has operated for a minimum of 10
129 consecutive years with a gross floor area of 5,000 square feet or
130 less;
- 131 (vi) personal improvement services use that has operated for a
132 minimum of 12 continuous months; or
- 133 (vii) small format use that has operated for a minimum of five
134 continuous years with a gross floor area of 10,000 square feet
135 or less.
- 136 (c) SMALL FORMAT USE means a use described in Chapter 25-2
137 (*Zoning*) that allows one or more of the following occupancies:
- 138 (i) custom manufacturing;
- 139 (ii) general retail sales;
- 140 (iii) personal services;
- 141 (iv) pet services;
- 142 (v) restaurant (general or limited); or
- 143 (vi) veterinary services.
- 144 (2) If a site includes an existing non-residential space, the proposed
145 development must replace each existing non-residential space with a space
146 that is comparable in size for a period of 10 years.

147 (3) This subsection establishes an existing non-residential space subject to
148 Division 2 (*Redevelopment Requirements*), Article 2 of City Code Chapter
149 4-18.

150 (4) A non-conforming use is not discontinued or abandoned under Section 25-2-
151 945 (*Abandonment of Nonconforming Use*) if the non-conforming use
152 qualifies as an existing non-residential space and is required to be replaced
153 under this subsection.

Commented [PL4]: 5/9/2024: Added this text for clarity. Discontinued is the state law terminology for abandoning a use and uses 180 days as the standard. City Code uses 90 days as the standard.

154 (G) Development Standards and Mixed Use.

155 (1) The following uses are permitted on a property with density bonus ETOD
156 (DBETOD) combining district zoning zoning:

Commented [PL5]: Original text: Made limited warehousing and distribution and horticulture prohibited uses. Updated per PC Amendment: Made limited warehousing and distribution and horticulture conditional uses.

157 (a) uses permitted by the zoning that applies to the property;

158 (b) uses not prohibited by the equitable transit-oriented development
159 (ETOD) combining district zoning; and

160 (c) residential uses.

161 (2) A development must comply with Article 2 (*Site Development*
162 *Standards*) and Article 3 (*Building Design Standards*) in Subchapter E
163 (*Design Standards and Mixed Use*) except when those provisions conflict
164 with this section.

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

168 (4) Mix of Uses

169 (a) This subdivision does not apply to a property with a residential base
170 zoning district.

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

- 174 (c) Pedestrian-Oriented Commercial Spaces. When a site abuts a
175 principal street, 75 percent of the building frontage along the
176 principal street must contain one or more commercial uses and must
177 comply with the dimensional requirements found in Section 4.3.3.C
178 in Subchapter E (*Design Standards and Mixed Use*).
- 179 (d) **Limitation on Mix of Uses.**
- 180 (i) The maximum number of floors that can include non-
181 residential uses is two.
- 182 (ii) A cocktail lounge or performance venue may only be
183 located on the first or second story of the building.
- 184 (iii) A residential use may not be located below a cocktail lounge
185 or performance venue.
- 186 (e) An on-site amenity is a residential use when provided solely for use
187 by the occupant, or the occupant's guests.
- 188 (f) The ordinance zoning or rezoning a site as density bonus ETOD
189 (DBETOD) combining district may modify the requirements in
190 Subdivision (4)(c).
- 191 (5) A building may exceed the maximum building height in the base zoning
192 district by a maximum of 60 feet except that no building may exceed 120
193 feet in height.
- 194 (6) A site is not required to comply with the base zoning district's:
- 195 (a) minimum site area requirements (if applicable);
- 196 (b) maximum floor area ratio;
- 197 (c) maximum building coverage
- 198 (d) maximum number of stories;
- 199 (e) minimum street side yard setback and interior yard setback; and

Commented [PL6]: 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.

200 (f) minimum front yard setback; provided, however, that if the right-of-
201 way is less than 60 feet in width, the minimum front yard setback for
202 buildings three or more stories in height shall be 30 feet from the
203 centerline of the street to ensure adequate Fire Department access.

204 (7) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent*
205 *Compliance*) in Subchapter E apply to a site developed under this section.

206 (H) Compatibility Requirements.

207 (1) A building is not required to comply with Article 10 (*Compatibility*
208 *Standards*) in Subchapter C.

209 (2) In this subsection,

210 (a) TRIGGERING PROPERTY means a site:

211 (i) with at least one dwelling unit but less than four dwelling units;
212 and

213 (ii) is zoned urban family residence (SF-5) district or more
214 restrictive; and

215 (b) STRUCTURE includes a portion of a structure.

216 (3) Any structure that is located less than 50 feet from any part of a triggering
217 property may not exceed 90 feet.

218 (4) Compatibility Buffer. A compatibility buffer is required along a site's
219 property line that is shared with a triggering property.

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

221 (b) A compatibility buffer must comply with Section 25-8-700
222 (*Minimum Requirements for Compatibility Buffers*).

223 (5) Exterior lighting must be hooded or shielded so that the light source is not
224 visible from the site's property line that is shared with a triggering
225 property.

226 (6) Mechanical equipment may not produce sound in excess of 70 decibels
227 measured at the site's property line that is shared with a triggering
228 property.

229 (7) A concrete slab used for a refuse receptacle may not be placed within 15
230 feet of triggering property.

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

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

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

240 (b) ground floor and rooftop mechanical equipment;

241 (c) outdoor storage;

242 (d) refuse receptacles and collection areas; and

243 (e) common areas for amenities, including outdoor decks, patios, and
244 pools.

245 (10) The screening required in Subdivision (H)(9) may not impede pedestrian
246 or bicycle access points.

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

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

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

Commented [PL7]: 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 [PL8]: Added in lieu of PC recommendation related to modifying the decibel limit.

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

Commented [PL10]: 5/9/2024: Originally, included within Part 16. Now is a standalone provision.

Commented [PL11]: 5/9/2024: Added per PC recommendation.

