

**ORDINANCE NO. 20240829-158**

**AN ORDINANCE AMENDING CITY CODE SECTION 25-2-652 RELATED TO REGULATIONS THAT APPLY TO DENSITY BONUS 90 (DB90) COMBINING DISTRICT.**

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

**PART 1.** Section 25-2-652 (*Density Bonus 90 (DB90) Combining District*) is amended to amend Subsections (B), (C), (F), and (G) and to delete Subsection (H) to read:

- (B) This section governs over a conflicting provision of this title or other ordinance [~~unless the conflicting provision is less restrictive~~].
- (C) Pre-Requisites.
  - (1) To utilize the regulations described in Subsections (F) and (G), the site's zoning must include DB90 and an applicant must comply with Subsection (E).
  - (2) To preserve reserved dwelling units, an applicant must comply with Division 1 (General Provisions), Article 2 (Density Bonus and Incentive Programs) of Chapter 4-18 and, when applicable, Section 4-18-32(A)(2)-(5) (Existing Mult-Family Structure) before applying for a building permit or site plan that relies on the regulations described in Subsections (F) and (G).
  - (3) An applicant can request a waiver of the replacement requirement in accordance with Section 4-18-33 (Waiver of Replacement Requirement).
- (F) Development Standards and Mixed Use.
  - (1) In a DB90 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 property; [~~and~~]
    - (b) residential uses; and
    - (c) in general office (GO) and limited office (LO) base zoning districts, the following additional uses are allowed:
      - (i) consumer convenience services;
      - (ii) food sales;
      - (iii) general retail sales (convenience or general); and
      - (iv) restaurant (limited or general) without drive-in service.

- (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 and Civic Spaces. At least [When a site abuts a principal street,] 75 percent of the building frontage along the principal street and on the ground floor of the building must be designed for [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*) of this chapter. A lobby serving a use other than a pedestrian-oriented commercial or civic space is not counted as a pedestrian-oriented commercial or civic space.
  - (c) If a building includes a mix of uses, a non-residential use:
    - (i) may not be located above a residential use; and
    - (ii) may not be located on or above the third story of the building.
  - (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 as DB90 may modify the requirements in Subdivision (3)(b) if the site abuts one of the following roadways defined in Article 5 (*Definitions*) of Subchapter E (*Design Standards and Mixed Use*):
    - (i) urban roadway;
    - (ii) suburban roadway;
    - (iii) highway; or
    - (iv) hill country.
- (4) A building may exceed the maximum building height in the base zoning district by a maximum of 30 feet except that no building may exceed 90 feet in height.

- (5) 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) minimum street side yard setback and interior yard setback; and
  - (e) 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.
- (6) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) in Subchapter E (*Design Standards and Mixed Use*) of this chapter apply to a site developed under this section.
- (G) Compatibility Requirements.
  - (1) A building is not required to comply with Article 10 (*Compatibility Standards*), Subchapter C.
  - (2) In this subsection, a triggering property:
    - (a) includes at least one dwelling unit but less than four dwelling units; and
    - (b) is zoned Urban Family Residence (SF-5) or more restrictive.
  - (3) 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 a Compatibility Buffer*).
  - (4) 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.
  - (5) 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.



- (6) A concrete slab used for a refuse receptacle may not be placed within 15 feet of triggering property.
- (7) 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.
- (8) 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 [~~and shall be screened~~]:
  - (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; or
  - (e) common areas for amenities, including outdoor decks, patios, or pools.
- (9) The screening required in Subdivision (8[9]) may not impede pedestrian or bicycle access points.
- (10) Rooftop mechanical equipment may be screened by a parapet.

~~[(H) To preserve reserved dwelling units, an applicant must comply with Division 1 (General Provisions), 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 (F) and (G).]~~

**PART 2. Delayed Implementation.**

- (A) Except as provided in Section (B) of this part, Section 4-18-32 (*Existing Multi-Family Structure*) only applies to a property that is rezoned density bonus 90 (DB90) combining district and the rezoning application was submitted on or after October 1, 2024.

- (B) Section 4-18-32 (*Existing Multi-Family Structure*) does not apply to a property if the property was rezoned density bonus 90 (DB90) combining district, the rezoning was initiated in Part 5 of Ordinance No. 20240229-073, and the rezoning application was submitted before December 31, 2024.

**PART 3.** This ordinance takes effect on September 9, 2024.

**PASSED AND APPROVED**

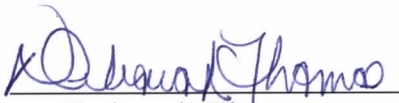
\_\_\_\_\_, August 29, 2024

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Kirk Watson  
Mayor

**APPROVED:**



Deborah Thomas  
Acting City Attorney

**ATTEST:**



Myrna Rios  
City Clerk