

PROPOSAL FOR A CITYWIDE AFFORDABLE HOUSING DENSITY BONUS PROGRAM

AUSTIN
LAND
DEVELOPMENT
CODE

Summer 2017

WHAT'S INSIDE

1. Policy proposal overview

- Learn how density bonuses work and what the proposed affordability policy will require of developments

2. Base and bonus zoning

- See all of the proposed base and bonus entitlements for each CodeNEXT zone

3. Example zoning code text

- Find out how the proposed affordability policies will be included in the draft code text

4. Draft affordability policy chapter

- Read the full proposed affordability policy chapter

inclusive + AFFORDABLE AUSTIN

More Diverse
Housing Choice



Solution:
The new code allows, and sometimes requires, more diversity in housing types, such as duplex, multiplex, cottage courts, courtyard buildings, rowhouses, live/work spaces, and accessory dwelling units.

More Units
By Right



Solution:
By allowing more units and incentivizing a range of unit sizes, the new code makes it easier to develop more housing to suit a range of space and economic needs while ensuring it is built in a context-sensitive manner to work within the character of the neighborhood.

Affordability
Incentives



Solution:
A new city-wide incentive framework that can be adjusted over time will help to stimulate the production of affordable homes.

Flexible Live/
Work Places



Solution:
A greater range of building types, such as live/work, and new uses that are compatible with neighborhoods, main streets, and light industrial areas, allow Austin to provide more housing and job choices.

Connected
Communities



Solution:
Strengthening existing regulations for subdivisions, including street, sidewalk, and trail connectivity, and encouraging a diverse mix of housing types, creates development that connects with surrounding communities and improves walkability.

HOW THE DENSITY BONUS PROGRAM WOULD WORK

Developers always have the option to build a project that conforms to the base entitlements on a site. However, in many zones, developers would have the option to take a density bonus that allows them to build more than the base entitlements.

Sites subject to legacy code, regulating plans (NBG, ERC, TODs), and PUDs will remain subject to those policies, including pre-existing affordable housing requirements.

For sites outside of those areas, the Citywide Affordable Housing Density Bonus Program would apply. The Downtown Density Bonus and UNO programs will remain in effect and be integrated into CodeNEXT codes.

If developers choose to build bonus area on a site, the City of Austin's Neighborhood Housing and Community Development Department will be informed and will ensure adherence to the density bonus program's requirements.

Commercial developers utilizing the citywide bonus program will pay a fee based on the size of the bonus area.

Residential developers utilizing the citywide bonus program have three options:

- 1 Make a % of the bonus units available as affordable units to renters at 60% of median family income (MFI) or owners at 80% of MFI, or
- 2 Seek approval to pay a fee based on the size of the bonus area, or
- 3 Seek approval to build affordable units off site.

Help us get it right.

Austin's Land Development Code is getting its most significant update in thirty years. As we work toward adoption of the new code, we invite you to review and comment on the draft code document, ask questions, and stay connected.

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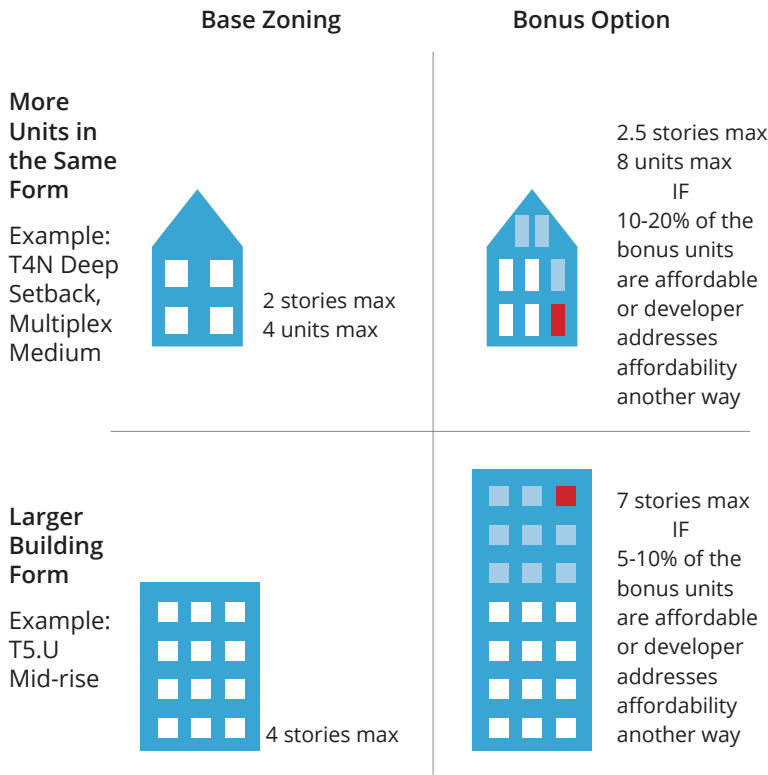
austintexas.gov/codenext

codenext@austintexas.gov

CODENEXT
SHAPING THE AUSTIN WE IMAGINE

HOW DENSITY BONUSES WORK

Density bonuses allow developers to build more intensely on a site in exchange for public benefits. Under the Citywide Affordable Housing Density Bonus Program, when a developer chooses to build bonus units or bonus area greater than the base entitlements, they will be required to address affordable housing.



OTHER ADDITIONAL INCENTIVES

In addition to the bonus area, applicants can receive:

- Parking requirement waivers for affordable units**
A development's total required parking will be reduced by 0.6 stalls per qualifying affordable unit; To be included in code section 23-4E-3
- Ongoing Smart Housing policy revisions will address expedited application processing and fee waivers for qualified affordable developments**

BONUS AVAILABILITY

Zone Category	Zones	Density Bonus Applies
Low to Medium Intensity Residential	RR, VLDR, LDR, LMDR, LMDR-SL	X
Medium to High Intensity Residential	MDR, MHDR, HDR, VHDR	✓
Transect	MHP	X
	T3NE.WL, T3NE, T3N.DS, T3N.IS	X
	T4N.DS, T4N.IS, T4N.SS	✓
	T4NC	✓
	T5N.SS	✓
Restricted Commercial	NC, LC	X
Retail and Office Commercial	GC, RC, SC, HC	✓
	HC	X
Mixed-Use	CC, DC	Downtown Bonus
Special Commercial	CR, WC	X
Transect Main Street and Urban	T3MS, T4MS	X
	T5U.SS, T5U, T5MS, T6U, T6UC	✓

PROPOSED REQUIREMENTS

Section 4. Draft Affordability Chapter (included in this packet) defines the density bonus-related affordability requirements.

Affordability

The required affordability levels and time periods are:

	Afford. Period	Target Depth	2017 Income Limit for 3-person HH*	Income toward Housing Costs
Ownership	99 years	80% MFI	\$58,600	30%
Rental	40 years	60% MFI	\$43,950	30%

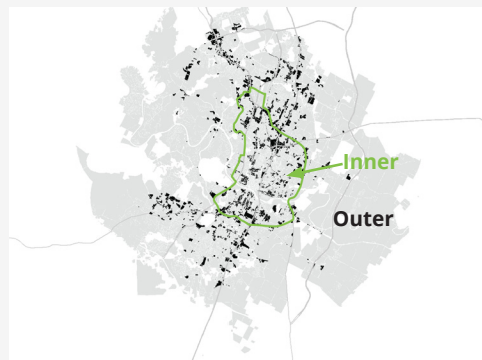
*Assumes 2-bedroom unit

Set-aside of Affordable Units

The required proportion of units that would be set aside as affordable units varies by geography (inner or outer Austin), building type, and tenure.

	Multiplex Building Type (T4 Zones)		All Other Zones and Building Types	
	Inner	Outer	Inner	Outer
Ownership	10%	5%	5%	5%
Rental	20%	10%	10%	10%

Potential Density Bonus Geographies



2. Proposed Base and Bonus Zoning Entitlements

BASE / BONUS ZONING ENTITLEMENTS

This section of the document provides detailed zone-by-zone information on how the proposed base entitlements and bonus entitlements differ.

What types of density bonuses would be available?

The table below provides an overview of this information. A checkmark indicates the types of bonuses that apply to each zone type. For example, in some zones, a developer can build additional units within the same building envelope. In other zones, developers can build additional height and/or additional units.

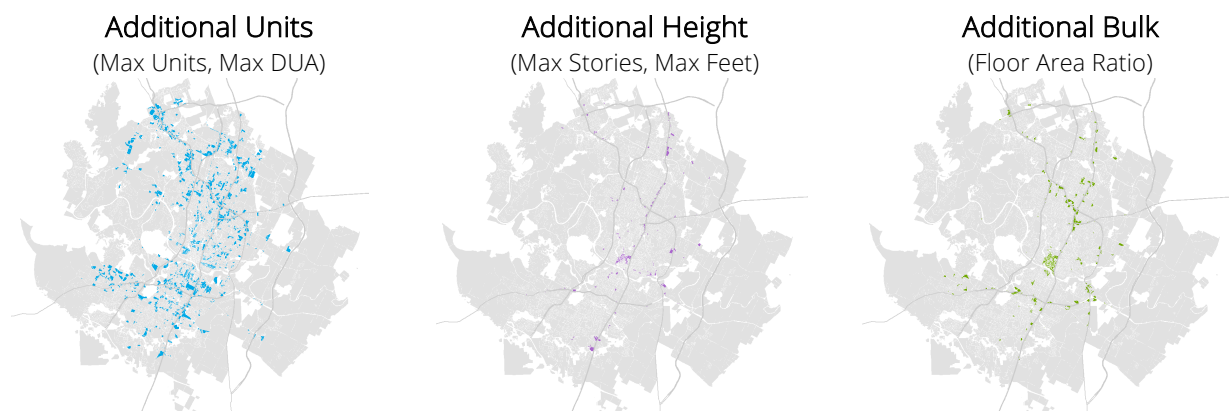
Potential Available Bonuses by Zones and Building Type

	T4 (Multiplex building type only)	T5	T6*	Residential Non-Transect Zone	Neighborhood Commercial	General & Service Commercial	Regional Commercial	Core (CC & DC)
Max Units	✓	✓						
Max Dwelling Units Per Acre			TBD	✓	✓	✓		
Max Floor Area Ratio						✓		✓
Max Height (Stories/Ft.)	✓	✓	TBD				✓	✓

Note (*): T6 has not been mapped on the draft CodeNEXT zoning map and, therefore, a density bonus has not been calibrated for the T6 zones

Where would bonuses of different types be available?

The most prevalent form of proposed density bonus would allow more units within the same building form. The maps below show the areas within the City of Austin where the new density bonuses of different types would be available. Overall, the proposed Citywide Affordable Housing Density Bonus Program would offer bonuses over 300% more land area than current density bonus programs.



HOW TO USE THIS DOCUMENT

The following pages show how the proposed Citywide Affordable Housing Density Bonus Program would apply to each CodeNEXT zone, including which type of density bonus applies (if any). The example below describes how to read the tables.

Example: T4N Zone

Zone Name	T4N
Applicable Building Prototype(s)	Multiplex: Medium
Category full name	Neighborhood Core
Section of draft code	23-4D-21**
PDF Page # of draft code	New Zone Appendix
Sub-zone	"Open" option
Residential Bonus?	Yes
Office Bonus?	No
Bonus Levers - Value in Most Recent Draft Code	
Max Units in Main Building	6-12 Units
Max DUA	NA
Max FAR	NA
Max Height (ft)	45 Ft
Max Height (stories)	3 Stories
Base Entitlement Values	
Max Units in Main Building	8 Units
Max DUA	NA
Max FAR	NA
Max Height (ft)	45 Ft
Max Height (stories)	3 Stories
Bonus Entitlement Values	
Max Units in Main Building	18 Units
Max DUA	NA
Max FAR	NA
Max Height (ft)	45 Ft
Max Height (stories)	3.5 Stories
Bonus proposes an increase in building envelope compared to the draft code text?	No

Zones. This section identifies each CodeNEXT zone and where comprehensive descriptions of these zones can be found in draft CodeNEXT documents.

Bonus Levers in CodeNEXT Draft Code. This section shows the values that can be found in the CodeNEXT draft codes released in January 2017 and April 2017. The proposed density bonus policy would modify values highlighted in gray.

For Example, in T4N, the density bonus proposal would modify the maximum number of units and the maximum number of stories allowed.

Base Entitlement Values. This section describes the proposed number of units, FAR, and height that would be allowed as-of-right in each zone under the new density bonus proposal. If the value is green, it would be lower than the value shown in the draft code documents.

For example, for T4N, a developer could build 8 units as-of-right and without a bonus, compared to the 12-unit maximum stated in the January 2017 Draft Codes.

Bonus Entitlement Values.

For example, for T4N, a developer could build up to 18 units with a density bonus.

Bonus-related Building Envelope Changes.

For example, for T4N, the bonus does not change the overall building envelope defined by the base zoning entitlements.

T3 Zones *(No density bonuses apply)*

In the T3 zones, there are no proposed density bonuses.

Zone Name	T3NE.WL	T3NE	T3N.DS	T3N.IS	T3MS
Applicable Building Prototype(s)	Various	Various	Various	Various	Various
Category full name	Neighborhood Edge Wide Lot	Neighborhood Edge	Neighborhood Deep Setback	Neighborhood Intermediate Setback	Main Street
Section of draft code	23-4D-2080	23-4D-2090	23-4D-2100	23-4D-2110	23-4D-21**
PDF Page # of draft code	479	485	491	499	New Zone Appendix
Sub-zone	-	-	-	-	"Open" option
Residential Bonus?	No	No	No	No	No
Office Bonus?	No	No	No	No	No
Bonus Levers - Value in Most Recent Draft Code					
Max Units in Main Building	1 or 2	1 or 2	1 or 2	1 or 2	NA
Max DUA	NA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	32 Ft	32 Ft	22 Ft or 32 Ft	22 Ft or 32 Ft	38 Ft
Max Height (stories)	2 Stories	2 Stories	1 1/2 or 2	1 1/2 or 2	2 Stories
Base Entitlement Values <i>(Proposed Entitlement without Bonus)</i>					
Max Units in Main Building	1 or 2	1 or 2	1 or 2	1 or 2	NA
Max DUA	NA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	32 Ft	32 Ft	22 Ft or 32 Ft	22 Ft or 32 Ft	38 Ft
Max Height (stories)	2 Stories	2 Stories	1 1/2 or 2	1 1/2 or 2	2 Stories
Bonus Entitlement Values <i>(Proposed Entitlement with Bonus)</i>					
Max Units in Main Building	1 or 2	1 or 2	1 or 2	1 or 2	NA
Max DUA	NA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	32 Ft	32 Ft	22 Ft or 32 Ft	22 Ft or 32 Ft	38 Ft
Max Height (stories)	2 Stories	2 Stories	1 1/2 or 2	1 1/2 or 2	2 Stories
Bonus proposes an increase in building envelope compared to the draft code text?	No	No	No	No	No

TBD	Modified by bonus proposal	Lower than draft code	Higher than draft code
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Based on:
 ALDC_PRD_23_LandDevelopmentCode_Combined_2017_0130_wm.pdf
 ALDC_PRD_23-4_ZoningCode_NewZoneAppendix_041417.pdf

T4 Zones

In most T4 zones, the proposed program would allow developers of a Multiplex building type to build more units, so long as (1) the building conformed to all other building envelope and site restrictions and (2) provided affordability benefits according to the Citywide Affordable Housing Density Bonus Program. There would also be a maximum height adjustment allowing a developer to build units within the roofline of a Multiplex building type. In some zones, the proposed base or bonus entitlements vary from the values found in the January draft code.

Zone Name	T4N.DS	T4N.IS	T4N.SS	T4MS	T4N	T4N
Applicable Building Prototype(s)	Multiplex: Medium	Multiplex: Medium	Multiplex: Medium	Various	Multiplex: Medium	Multiplex: Large
Category full name	Neighborhood Deep Setback	Neighborhood Intermediate Setback	Neighborhood Shallow Setback	Main Street	Neighborhood Core	Neighborhood Core
Section of draft code	23-4D-21**	23-4D-2120	23-4D-2130	23-4D-2140	23-4D-21**	23-4D-21**
PDF Page # of draft code	New Zone Appendix	507	515	523	New Zone Appendix	New Zone Appendix
Sub-zone	"Open" option	"Open" option	"Open" option	"Open" option	"Open" option	"Open" option
Residential Bonus?	Yes	Yes	Yes	No	Yes	Yes
Office Bonus?	No	No	No	No	No	No
Bonus Levers - Value in Most Recent Draft Code						
Max Units in Main Building	4 Units	4 Units	3-8 Units	NA	6-12 Units	9-15 Units
Max DUA	NA	NA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA	NA	NA
Max Height (ft)	32 Ft	32 Ft	32 Ft	55 Ft	45 Ft	45 Ft
Max Height (stories)	2 Stories	2 Stories	2 Stories	3 Stories	3 Stories	3 Stories
Base Entitlement Values (Proposed Entitlement without Bonus)						
Max Units in Main Building	4 Units	4 Units	4 Units	NA	8 Units	12 Units
Max DUA	NA	NA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA	NA	NA
Max Height (ft)	32 Ft	32 Ft	32 Ft	55 Ft	45 Ft	45 Ft
Max Height (stories)	2 Stories	2 Stories	2 Stories	3 Stories	3 Stories	3 Stories
Bonus Entitlement Values (Proposed Entitlement with Bonus)						
Max Units in Main Building	8 Units	8 Units	8 Units	NA	18 Units	24 Units
Max DUA	NA	NA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA	NA	NA
Max Height (ft)	32 Ft	32 Ft	32 Ft	55 Ft	45 Ft	45 Ft
Max Height (stories)	2.5 Stories	2.5 Stories	2.5 Stories	3 Stories	3.5 Stories	3.5 Stories
Bonus proposes an increase in building envelope compared to the draft code text?	No	No	No	No	No	No

TBD	Modified by bonus proposal	Lower than draft code	Higher than draft code
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Based on:
 ALDC_PRD_23_LandDevelopmentCode_Combined_2017_0130_wm.pdf
 ALDC_PRD_23-4_ZoningCode_NewZoneAppendix_041417.pdf

T5 Zones

In some T5 zones, the proposed program would allow developers to build more units and a taller structure, so long as (1) the building conformed to all other building envelope and site restrictions and (2) provided affordability benefits according to the Citywide Affordable Housing Density Bonus Program. The base entitlement values for stories are lower than the January draft code values. Also, to reflect new building codes being applied in Austin, the maximum stories changed from six to seven stories in some cases. While seven stories may be allowed, the maximum height in feet remains the same as the values in the January draft code.

Zone Name	T5N.SS	T5N.SS	T5N.SS	T5U.SS	T5U.SS
Applicable Building Prototype(s)	Multiplex: Medium	Multiplex: Large	Rowhouse: Medium	Courtyard Building	Mid-Rise
Category full name	Neighborhood-Shallow Setback	Neighborhood-Shallow Setback	Neighborhood-Shallow Setback	Urban-Shallow Setback	Urban-Shallow Setback
Section of draft code	23-4D-2150	23-4D-2150	23-4D-2150	23-4D-2160	23-4D-2160
PDF Page # of draft code	531	531	531	539	539
Sub-zone	"Open" option	"Open" option	"Open" option	"Open" option	"Open" option
Residential Bonus?	Yes	Yes	Yes	Yes	Yes
Office Bonus?	No	No	No	No	No
Bonus Levers - Value in Most Recent Draft Code					
Max Units in Main Building	4-8 Units	6-12 Units	3 Units	NA	NA
Max DUA	NA	NA	NA	175 DUA	200 DUA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	65 Ft	65 Ft	65 Ft	85 Ft	85 Ft
Max Height (stories)	4 Stories	4 Stories	4 Stories	6 Stories	6 Stories
Base Entitlement Values <i>(Proposed Entitlement without Bonus)</i>					
Max Units in Main Building	8 Units	12 Units	3 Units	NA	NA
Max DUA	NA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	65 Ft	65 Ft	65 Ft	85 Ft	85 Ft
Max Height (stories)	3 Stories	3 Stories	3 Stories	4 Stories	4 Stories
Bonus Entitlement Values <i>(Proposed Entitlement with Bonus)</i>					
Max Units in Main Building	24 Units	36 Units	3 Units	NA	NA
Max DUA	NA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	65 Ft	65 Ft	65 Ft	80 Ft to Eave	80 Ft to Eave
Max Height (stories)	4.5 Stories	4.5 Stories	4 Stories	7 Stories	7 Stories
Bonus proposes an increase in building envelope compared to the draft code text?	No	No	No	Eave height increase	Eave height increase

TBD	Modified by bonus proposal	Lower than draft code	Higher than draft code
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Based on:
 ALDC_PRD_23_LandDevelopmentCode_Combined_2017_0130_wm.pdf
 ALDC_PRD_23-4_ZoningCode_NewZoneAppendix_041417.pdf

T5 Zones, continued

In some T5 zones, the proposed program would allow developers to build more units and a taller structure, so long as (1) the building conformed to all other building envelope and site restrictions and (2) provided affordability benefits according to the Citywide Affordable Housing Density Bonus Program.

Zone Name	T5U	T5U	T5MS	T5MS
Applicable Building Prototype(s)	Courtyard Building	Mid-Rise	Main Street	Mid-Rise
Category full name	Urban	Urban	Main Street	Main Street
Section of draft code	23-4D-2170	23-4D-2170	23-4D-2180	23-4D-2180
PDF Page # of draft code	547	547	555	555
Sub-zone	"Open" option	"Open" option	"Open" option	"Open" option
Residential Bonus?	Yes	Yes	Yes	Yes
Office Bonus?	Yes	Yes	Yes	Yes
Bonus Levers - Value in Most Recent Draft Code				
Max Units in Main Building	NA	NA	NA	NA
Max DUA	175 DUA	200 DUA	275 DUA	275 DUA
Max FAR	NA	NA	NA	NA
Max Height (ft)	85 Ft	85 Ft	85 Ft	85 Ft
Max Height (stories)	6 Stories	6 Stories	6 Stories	6 Stories
Base Entitlement Values <i>(Proposed Entitlement without Bonus)</i>				
Max Units in Main Building	NA	NA	NA	NA
Max DUA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA
Max Height (ft)	85 Ft	85 Ft	85 Ft	85 Ft
Max Height (stories)	4 Stories	4 Stories	4 Stories	4 Stories
Bonus Entitlement Values <i>(Proposed Entitlement with Bonus)</i>				
Max Units in Main Building	NA	NA	NA	NA
Max DUA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA
Max Height (ft)	80 Ft to Eave	80 Ft to Eave	80 Ft to Eave	80 Ft to Eave
Max Height (stories)	7 Stories	7 Stories	7 Stories	7 Stories
Bonus proposes an increase in building envelope compared to the draft code text?	Eave height increase	Eave height increase	Eave height increase	Eave height increase

TBD	Modified by bonus proposal	Lower than draft code	Higher than draft code
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Based on:
 ALDC_PRD_23_LandDevelopmentCode_Combined_2017_0130_wm.pdf
 ALDC_PRD_23-4_ZoningCode_NewZoneAppendix_041417.pdf

T6 Zones *(Not currently mapped in CodeNEXT Draft Map)*

T6 has not been mapped on the draft CodeNEXT zoning map. Therefore, a density bonus has not yet been calibrated for the T6 zones.

Zone Name	T6U	T6U-R	T6UC
Applicable Building Prototype(s)	Various	Various	Various
Category full name	Urban	Urban	Urban Core
Section of draft code	23-4D-2190	23-4D-2190	23-4D-2200
PDF Page # of draft code	563	563	571
Sub-zone	-	Restricted	-
Residential Bonus?	TBD	No	TBD
Office Bonus?	TBD	TBD	TBD
Bonus Levers - Value in Most Recent Draft Code			
Max Units in Main Building	NA	NA	NA
Max DUA	600 DUA	600 DUA	NA
Max FAR	NA	NA	NA
Max Height (ft)	NA	NA	NA
Max Height (stories)	16 Stories	16 Stories	NA
Base Entitlement Values <i>(Proposed Entitlement without Bonus)</i>			
Max Units in Main Building	NA	NA	NA
Max DUA	TBD	TBD	NA
Max FAR	NA	NA	NA
Max Height (ft)	NA	NA	NA
Max Height (stories)	TBD	TBD	NA
Bonus Entitlement Values <i>(Proposed Entitlement with Bonus)</i>			
Max Units in Main Building	NA	NA	NA
Max DUA	TBD	TBD	NA
Max FAR	NA	NA	NA
Max Height (ft)	NA	NA	NA
Max Height (stories)	TBD	TBD	NA
Bonus proposes an increase in building envelope compared to the draft code text?	TBD	TBD	TBD

TBD	Modified by bonus proposal	Lower than draft code	Higher than draft code
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Based on:
 ALDC_PRD_23_LandDevelopmentCode_Combined_2017_0130_wm.pdf
 ALDC_PRD_23-4_ZoningCode_NewZoneAppendix_041417.pdf

Residential Non-Transect Zones

In the lower-intensity conventional residential zones, there are no proposed density bonuses.

Zone Name	RR	VLDR	LDR	LMDR	LMDR-SL
Applicable Building Prototype(s)	Various	Various	Various	Various	Various
Category full name	Rural Residential	Very Low Density Residential	Low Density Residential	Low Medium Density Residential	Low-Medium Density Residential -
Section of draft code	23-4D-3060	23-4D-3070	23-4D-3080	23-4D-3090	23-4D-3100
PDF Page # of draft code	593	594	595	597	599
Sub-zone	-	-	-	-	-
Residential Bonus?	No	No	No	No	No
Office Bonus?	No	No	No	No	No
Bonus Levers - Value in Most Recent Draft Code					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	NA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	35 Ft	35 Ft	35 Ft	35 Ft	35 Ft
Max Height (stories)	2 Stories	2 Stories	2 Stories	2 Stories	2 Stories
Base Entitlement Values <i>(Proposed Entitlement without Bonus)</i>					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	NA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	35 Ft	35 Ft	35 Ft	35 Ft	35 Ft
Max Height (stories)	2 Stories	2 Stories	2 Stories	2 Stories	2 Stories
Bonus Entitlement Values <i>(Proposed Entitlement with Bonus)</i>					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	NA	NA	NA	NA	NA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	35 Ft	35 Ft	35 Ft	35 Ft	35 Ft
Max Height (stories)	2 Stories	2 Stories	2 Stories	2 Stories	2 Stories
Bonus proposes an increase in building envelope compared to the draft code text?	No	No	No	No	No

TBD	Modified by bonus proposal	Lower than draft code	Higher than draft code
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Based on:
 ALDC_PRD_23_LandDevelopmentCode_Combined_2017_0130_wm.pdf
 ALDC_PRD_23-4_ZoningCode_NewZoneAppendix_041417.pdf

Residential Non-Transect Zones, continued

In some of the higher-intensity conventional residential zones, the proposed program would allow developers to build more units, so long as (1) the building conformed to all other building envelope and site restrictions and (2) provided affordability benefits, according to the Citywide Affordable Housing Density Bonus Program.

Zone Name	MDR	MHDR	HDR	VHDR	MHP
Applicable Building Prototype(s)	Various	Various	Various	Various	Various
Category full name	Medium Density Residential	Medium-High Density Residential	High Density Residential	Very High Density Residential	Manufactured Home Parks
Section of draft code	23-4D-3110	23-4D-3120	23-4D-3130	23-4D-3140	23-4D-3150
PDF Page # of draft code	600	601	602	603	604
Sub-zone	-	-	-	-	-
Residential Bonus?	Yes	Yes	Yes	Yes	No
Office Bonus?	No	No	No	No	No
Bonus Levers - Value in Most Recent Draft Code					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	12 DUA	18 DUA	24 DUA	54 DUA	NA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	35 Ft	40 Ft	60 Ft	90 Ft	NA
Max Height (stories)	NA	NA	NA	NA	NA
Base Entitlement Values <i>(Proposed Entitlement without Bonus)</i>					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	12 DUA	18 DUA	24 DUA	54 DUA	NA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	35 Ft	40 Ft	60 Ft	90 Ft	NA
Max Height (stories)	NA	NA	NA	NA	NA
Bonus Entitlement Values <i>(Proposed Entitlement with Bonus)</i>					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	30 DUA	45 DUA	64 DUA	150 DUA	NA
Max FAR	NA	NA	NA	NA	NA
Max Height (ft)	35 Ft	40 Ft	60 Ft	90 Ft	NA
Max Height (stories)	NA	NA	NA	NA	NA
Bonus proposes an increase in building envelope compared to the draft code text?	No	No	No	No	No

TBD	Modified by bonus proposal	Lower than draft code	Higher than draft code
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Based on:
 ALDC_PRD_23_LandDevelopmentCode_Combined_2017_0130_wm.pdf
 ALDC_PRD_23-4_ZoningCode_NewZoneAppendix_041417.pdf

Commercial Non-Transect Zones

In the commercial non-transect zones, a variety of density bonuses would be offered. In many cases, these would allow developers to build more units, so long as (1) the building conformed to all other building envelope and site restrictions and (2) provided affordability benefits, according to the Citywide Affordable Housing Density Bonus Program. Additionally, the existing Downtown Density Bonus Program, would apply to all core zones.

Zone Name	NC	LC	GC	RC	CC
Applicable Building Prototype(s)	Various	Various	Various	Various	Various
Category full name	Neighborhood Commercial	Local Commercial	General Commercial	Regional Commercial	Commercial Core
Section of draft code	23-4D-4060	23-4D-4070	23-4D-4080	23-4D-4090	23-4D-4100
PDF Page # of draft code	635	637	638	639	640
Sub-zone	"Open" option	"Open" option	"Open" option	-	-
Residential Bonus?	Yes when "Open"	Yes when "Open"	Yes when "Open"	No	Yes
Office Bonus?	No	No	Yes	Yes	Yes
Bonus Levers - Value in Most Recent Draft Code					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	12 DUA	18 DUA	36 DUA	NA	NA
Max FAR	0.5	1	1	2	5
Max Height (ft)	35 Ft	40 Ft	60 Ft	60 Ft	120 Ft
Max Height (stories)	2 Stories	3 Stories	NA	NA	NA
Base Entitlement Values (Proposed Entitlement without Bonus)					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	12 DUA	18 DUA	36 DUA	NA	NA
Max FAR	0.5	1	1	2	5
Max Height (ft)	35 Ft	40 Ft	60 Ft	60 Ft	120 Ft
Max Height (stories)	2 Stories	3 Stories	NA	NA	NA
Bonus Entitlement Values (Proposed Entitlement with Bonus)					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	36 DUA	54 DUA	54 DUA	NA	NA
Max FAR	0.5	1	2	2	See Dwtn Bonus
Max Height (ft)	35 Ft	40 Ft	60 Ft	75 Ft	See Dwtn Bonus
Max Height (stories)	2 Stories	3 Stories	NA	NA	NA
Bonus proposes an increase in building envelope compared to the draft code text?	No	No	FAR increase	No	See Dwtn Bonus

TBD	Modified by bonus proposal	Lower than draft code	Higher than draft code
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Based on:
 ALDC_PRD_23_LandDevelopmentCode_Combined_2017_0130_wm.pdf
 ALDC_PRD_23-4_ZoningCode_NewZoneAppendix_041417.pdf

Commercial Non-Transect Zones, continued

In the core commercial zones, which have only been mapped in Downtown Austin, the Downtown Density Bonus Program would apply. This program currently exists and would persist as part of the proposed Citywide Affordable Housing Density Bonus Program. The Downtown Density Bonus program unit set-asides and fees will be re-calibrated.

Zone Name	CC40	CC60	CC80	CC120	DC
Applicable Building Prototype(s)	Various	Various	Various	Various	Various
Category full name	Commercial Core	Commercial Core	Commercial Core	Commercial Core	Downtown Core
Section of draft code	23-4D-4100	23-4D-4100	23-4D-4100	23-4D-4100	23-4D-4110
PDF Page # of draft code	640	640	640	640	641
Sub-zone	40	60	80	120	-
Residential Bonus?	Yes	Yes	Yes	Yes	Yes
Office Bonus?	Yes	Yes	Yes	Yes	Yes
Bonus Levers - Value in Most Recent Draft Code					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	NA	NA	NA	NA	NA
Max FAR	5	5	5	5	8
Max Height (ft)	40 Ft	60 Ft	80 Ft	120 Ft	NA
Max Height (stories)	NA	NA	NA	NA	NA
Base Entitlement Values <i>(Proposed Entitlement without Bonus)</i>					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	NA	NA	NA	NA	NA
Max FAR	5	5	5	5	8
Max Height (ft)	40 Ft	60 Ft	80 Ft	120 Ft	NA
Max Height (stories)	NA	NA	NA	NA	NA
Bonus Entitlement Values <i>(Proposed Entitlement with Bonus)</i>					
Max Units in Main Building	NA	NA	NA	NA	NA
Max DUA	NA	NA	NA	NA	NA
Max FAR	See Dwtn Bonus	See Dwtn Bonus	See Dwtn Bonus	See Dwtn Bonus	See Dwtn Bonus
Max Height (ft)	See Dwtn Bonus	See Dwtn Bonus	See Dwtn Bonus	See Dwtn Bonus	NA
Max Height (stories)	NA	NA	NA	NA	NA
Bonus proposes an increase in building envelope compared to the draft code text?	See Dwtn Bonus	See Dwtn Bonus	See Dwtn Bonus	See Dwtn Bonus	See Dwtn Bonus

TBD	Modified by bonus proposal	Lower than draft code	Higher than draft code
-----	----------------------------	-----------------------	------------------------

Based on:
 ALDC_PRD_23_LandDevelopmentCode_Combined_2017_0130_wm.pdf
 ALDC_PRD_23-4_ZoningCode_NewZoneAppendix_041417.pdf

Commercial Non-Transect Zones, continued

In the commercial non-transect zones, a variety of density bonuses would be offered. In many cases, these would allow developers to build more units so long as (1) the building conformed to all other building envelope and (2) site restrictions and provided affordability benefits according to the Citywide Affordable Housing Density Bonus Program.

Zone Name	WC	SC	HC	CR
Applicable Building Prototype(s)	Various	Various	Various	Various
Category full name	Warehouse Commercial	Service Commercial	Highway Commercial	Commercial Rec
Section of draft code	23-4D-4120	23-4D-4130	23-4D-4140	23-4D-4150
PDF Page # of draft code	642	643	644	645
Sub-zone	-	"Open" option	-	-
Residential Bonus?	No	Yes when "Open"	No	No
Office Bonus?	No	Yes	No	No
Bonus Levers - Value in Most Recent Draft Code				
Max Units in Main Building	NA	NA	NA	NA
Max DUA	NA	36 DUA	54 DUA	NA
Max FAR	0.5	2	3	0.25
Max Height (ft)	25 Ft	60 Ft	80 Ft	40 Ft
Max Height (stories)	NA	NA	NA	NA
Base Entitlement Values <i>(Proposed Entitlement without Bonus)</i>				
Max Units in Main Building	NA	NA	NA	NA
Max DUA	NA	36 DUA	54 DUA	NA
Max FAR	0.5	1	3	0.25
Max Height (ft)	25 Ft	60 Ft	80 Ft	40 Ft
Max Height (stories)	NA	NA	NA	NA
Bonus Entitlement Values <i>(Proposed Entitlement with Bonus)</i>				
Max Units in Main Building	NA	NA	NA	NA
Max DUA	NA	64 DUA	54 DUA	NA
Max FAR	0.5	2	3	0.25
Max Height (ft)	25 Ft	60 Ft	80 Ft	40 Ft
Max Height (stories)	NA	NA	NA	NA
Bonus proposes an increase in building envelope compared to the draft code text?	No	No	No	No

TBD	Modified by bonus proposal	Lower than draft code	Higher than draft code
-----	----------------------------	-----------------------	------------------------

Based on:
 ALDC_PRD_23_LandDevelopmentCode_Combined_2017_0130_wm.pdf
 ALDC_PRD_23-4_ZoningCode_NewZoneAppendix_041417.pdf

3. Example Zoning Code Text

Draft Zoning Code Text Incorporating the Citywide Affordable Housing Density Bonus Program

Example: T4N.IS

This page shows an example of how the density bonus would be incorporated into the zoning code for the T4N.IS zone. It shows the adjustment in the number of units allowed per building by building type. In this zone, with the affordable housing incentive, the *Multiplex: Medium* building type can have up to eight units. In addition, with the affordable housing incentive, the area below the roof and above the second floor of a *Multiplex: Medium* could be used as occupied space. Other building parameters remain the same, including setbacks, building uses, impervious cover, etc.

T4N.IS Zoning Table – Lot Size and Building Types¹

C. Lot Size and Building Types											
Building Type	Lot					Building Envelope (max.)					
	Units per Building (max.)			Width (min.) A	Depth (min.) B	Main		Rear		Side	
	Buildings per Lot (max.)	Without Affordable Housing Incentives	With Affordable Housing Incentives			Width C	Depth D	Width E	Depth F	Width, combined G	Depth H
Small House Form 1											
Cottage House	1	1	1	35' ¹	100' ²	24'	36'	16'	18'	N/A	N/A
Small House	1	1	1	40' ¹	100' ²	28'	42'	20'	16'	8'	24'
Duplex: Stacked	1	2	2								
Medium House Form											
Wide House	1	1	1	60'	100' ²	48'	32'	8'	24'		
Duplex: Side-by-side	1	2	1							N/A	N/A
Multiplex: Medium	1	4	8 ³	60'	100' ²	46'	46'	32'	12'		
Multiple House Form 2											
Cottage Court	6	1	1	100'	125'	24'	32'	N/A	N/A	4'	16'
Accessory Building Form 2											
Accessory Dwelling Unit	1	1	1	—	—	28'	24'	N/A	N/A	N/A	N/A

Notes

Rear and side building envelopes shall be set back from the ROW/lot line farther than the main building envelope by 4' min. I

¹ 25' for lots existing at time of adoption of this Land Development Code.

² 75' when adjacent to alley.

³ To receive density bonus, project must comply with Division 23-3E (Affordable Housing Incentives).

¹ This table can be found in 23-4D-2110 (4D-2 p.48) of the Draft CodeNEXT code released in January, 2017

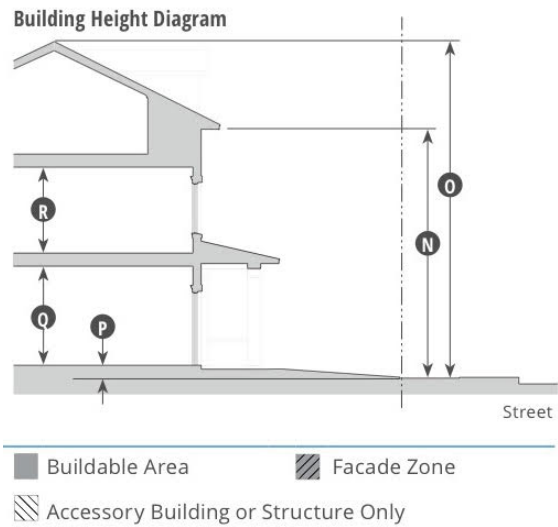
T4N.IS Zoning Table – Height²

F. Height			
Building Height	Stories (max.)	To Eave/ Parapet (max.) N	Overall (max.) O
Primary Building, except:	2 ³	22'	32'
Cottage Types	1½	14'	22'
Accessory Dwelling Unit	2	22'	28'
Accessory Structure	1	—	—
Primary Building			
Ground Floor Finish Level ^{4, 5}			
Height above Curb	6" min.		P
Floor-to-Ceiling ⁶			
Ground Floor	9' min.		Q
Upper Floor(s)	8' min.		R

³ Height limit of 2 and one half stories for Primary buildings when project complies with Division 23-3E (Affordable Housing Incentives).

⁴ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁵ Primary buildings located on lots sloping down and away from the street are exempt.



² This table can be found in 23-4D-2110 (4D-2 p.49) of the Draft CodeNEXT code released in January, 2017

Draft Zoning Code Text Incorporating the Citywide Affordable Housing Density Bonus Program

Example: Neighborhood Commercial (NC)

This page shows an example of how the density bonus would be presented in the zoning chapter for the Neighborhood Commercial (NC) zone. It shows the variation in allowed dwelling units per acre from 12 units without the affordable housing incentive to 36 units with the incentive. All other building envelope parameters, including the floor area ratio and site constraints, remain the same under the affordable housing incentive.

NC Zoning Table³

C. Lot Size and Intensity		
Lot Size		
Lot Size	5,750 sf min.	
Intensity	Dwelling Units per Acre	Floor Area Ratio
Limited Subzone	n/a	0.5
Open Subzone without Affordable Housing Incentive	12	0.5
Open Subzone with Affordable Housing Incentive ²	36	0.5

¹ Residential uses are not included in the calculation of a building FAR. Residential units are allowed in addition to maximum FAR.

² To receive density bonus, project must comply with Division 23-3E (Affordable Housing Incentives).

³ This table can be found in 23-4D-4060 (4D-4 p.23) of the Draft CodeNEXT code released in January

4. Draft Affordability Policy Chapter

Division 23-3E-1: Citywide Affordable Housing Density Bonus Program

Contents

- 23-3E-1010 Purpose and Intent 1
- 23-3E-1020 Applicability 1
- 23-3E-1030 General Provisions for the Affordable Housing Density Bonus Program 2
- 23-3E-1040 Density Bonus Calculation 2
- 23-3E-1050 Alternatives to On-site Production of Density Bonus Units. 4
- 23-3E-1060 Fee-in-lieu. 5
- 23-3E-1070 Application Procedures 5
- 23-3E-1080 Land Use Restrictions. 6
- 23-3E-1090 Compliance and Enforcement. 7
- 23-3E-1100 Additional Developer Incentives. 7

23-3E-1010 Purpose and Intent

- (A) The purpose of this Division is to establish the general provisions, requirements, and procedures for the submittal and review of an application for the Citywide Affordable Housing Density Bonus Program.
- (B) The intent of the Affordable Housing Density Bonus Program is to:
 - (1) Implement the goals and policies of the Austin Comprehensive Plan and the Austin Strategic Housing Blueprint.
 - (2) Increase housing supply, diversity, and affordability while preserving and enhancing the unique character of the City’s neighborhoods.
 - (3) Narrow the housing deficit for households that cannot afford market-priced rental or for-sale housing.

23-3E-1020 Applicability

- (A) The density bonus applies citywide and is determined based on the Zone in which the development is proposed (see Article 23-4D (Specific to Zones) for the applicability per Zone):
 - (1) **Downtown Zones.** A density bonus request in the Downtown Core (DC) Zone and Commercial Core (CC) Zone shall meet the requirements of Division 23-3E-2 (Downtown Density Bonus Program).
 - (2) **University Neighborhood Overlay Zone.** A density bonus request in the University Neighborhood Overlay (UNO) Zone shall meet the requirements of Section 23-4D-7110 (University Neighborhood Overlay (UNO) Zone).

23-3E-1030 General Provisions for the Affordable Housing Density Bonus Program

- (A) **Approval.** The granting of a Density Bonus shall not, in and of itself, be interpreted to require a General Plan or Code amendment, or any other discretionary approval.
- (B) **Source of Income.** An applicant cannot deny a prospective tenant affordable rental housing based solely on the prospective tenant's participation in the Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.
- (C) **Availability.** All affordable housing units shall be made available concurrently with the market rate units within the same development except as provided in Section 23-3E-1050 (Alternatives to On-site Production of Density Bonus Units).
- (D) **Proportional Bedroom Count.** Affordable units must be delivered such that the mix of the number of bedrooms in the affordable units is the same as the mix of the number of bedrooms in the market rate units.

23-3E-1040 Density Bonus Calculation

- (A) **Density Bonus Incentives**
 - (1) As an incentive to provide affordable housing, an applicant may apply for a density bonus in compliances with this Division.
 - (2) Density bonuses include additional:
 - (a) Units in a main building;
 - (b) Dwelling units per acre
 - (c) Floor area ratio; and
 - (d) Height.
 - (3) A residential density bonus area is calculated as indicated in Table 23-3E-1040(A) (Residential Density Bonus Area Calculation).

Table 23-3E-1040(A): Density Bonus Area Calculation¹

Incentive	Bonus Square Feet (Used to determine a fee-in-lieu) ²	Density Bonus ³
Additional Units in Main Building	Building square feet above grade X [(Proposed Units – Base Units) / Proposed Units]	Proposed Units – Base Units
Additional Dwelling Units per Acre (DUA)	Building square feet above grade X [(Proposed Development DUA – Base DUA) / Proposed Development DUA]	Proposed Units X [(Proposed Development DUA – Base DUA) / Proposed Development DUA]
Additional Floor Area Ratio (FAR)	Building square feet above grade X [(Proposed Development FAR – Base FAR) / Proposed Development FAR]	Proposed Units X [(Proposed Development FAR – Base FAR) / Proposed Development FAR]
Additional Height (Stories/Feet)	Total floor area of space above base height limit	Proposed Units X [(Proposed Development Height – Base Height) / Proposed Development Height]
Parcels Designated “-A”	All residential area above grade	All residential units in building

1. Where multiple bonuses are applicable, the maximum calculated bonus area/bonus units apply.
2. An applicant may pay a fee-in-lieu of providing on-site affordable units in compliance with Section 23-3E-1060 (Fee In-Lieu).
3. Bonus unit calculations round up to the nearest whole number of units.

Example Calculation to be Inserted Here

- (B) **Affordable Unit Set Aside.** The number of units set aside as affordable is determined in compliance with Table 23-3E-1040(B) (Affordable Unit Set Asides Requirements).
- (1) **Location.** The required set aside of affordable units is determined based a development's location – inner or outer Austin based on proximity to the urban core.
 - (2) **Affordability Designation.** For a parcel zoned with the “-A” affordability designation, the Density Bonus Program is applied in compliance with the standards specific to the parcel's base zone (as described in Article 23-4D (Specific to Zones)), except that the set-aside of affordable units required to achieve the density bonus must be calculated as a percentage of the entire residential development.

- (3) **Calculate.** The number of affordable residential units (set aside) is calculated using the density bonus determined by Table 23-3E-1040(A) (Residential Density Bonus Calculation): *Density Bonus x Unit Set Aside % = Number of Affordable Units (round up to the nearest whole number of units).*

Table 23-3E-1040(B): Affordable Unit Set Aside Requirements						
Tenure	Threshold	Units Set Aside ^{1,2}				Affordability Period (years)
		Multiplex Building Type (% of Bonus Units)		Multiplex Building Type (% of Bonus Units)		
		Inner Austin	Outer Austin	Inner Austin	Outer Austin	
Ownership Units	Households at or below 80% of Median Family Income (MFI)	10%	5%	5%	5%	99
Rental Units	Households at or below 60% of Median Family Income (MFI)	20%	10%	10%	10%	40

1. For a dwelling unit to qualify as "affordable" no more than 30 percent of a household's income can be spent on housing costs which includes the monthly rent for rental units and the monthly mortgage payments and, if applicable, condominium/homeowner association dues for ownership units. Up to 35 percent of a household's income can be spent on housing costs for ownership units if a household member has completed a City-approved homebuyer counseling or education class.

2. All unit set-aside calculations resulting in fractional units shall be rounded up the next whole number.

(C) Affordability Periods

- (1) **Rental Units.** An applicant shall agree to, and the City shall ensure, continued affordability of all affordable rental units for 40 years. The affordability period for rental projects begins on the issuance of the last final Certificate of Occupancy for the development.
- (2) **Ownership Units.** An applicant shall agree to, and the City shall ensure, continued affordability of all affordable ownership units for 99 years. The affordability period for ownership units begins on the date of sale for each affordable ownership unit to an eligible buyer.

23-3E-1050 Alternatives to On-site Production of Density Bonus Units

- (A) **Purpose.** This Section describes potential alternatives to on-site production of affordable units in the residential development.
- (B) **Review Authority.** Any request to meet the density bonus affordability requirements through an alternative under this Section, requires review by the designated review group in compliance with Subsection 23-3E-1070(B) (Density Bonus Affordable Housing Review).
- (C) **Housing Fee-in-lieu.** An applicant may pay a fee-in-lieu of providing the affordable units in compliance with Section 23-3E-1060 (Fee-in-Lieu).

- (D) **Off-site Production.** Off-site production of affordable units may be proposed if the off-site production of affordable units produces more affordable units or a greater community benefit. Off-site affordable units:
- (1) May include any combination of deed-restricted new units or deed-restricted units in an existing structure.
 - (2) Include the same number of units and same bedroom count mix as would be required in the bonus.
 - (3) Must be within one mile of the property seeking the bonus.
 - (4) Must include the payment of a fee, which is held in escrow, until a final certificate of occupancy is issued for the off-site units.
- (E) **Land Dedications.** Land dedication may be proposed as an alternative to on-site production of affordable units. The applicant may donate to the City land within the full purpose jurisdiction of the City that the Housing Director determines is suitable for the construction of affordable units and is of equivalent or greater value than is produced by applying the Housing Fee-in-lieu.

23-3E-1060 Fee-in-Lieu

- (A) **Application of Housing Fee-in-lieu.** An applicant may pay a fee-in-lieu instead of providing on-site affordable units in compliance with this Section.
- (1) The total fee-in-lieu of affordable units required for a development is determined by multiplying the bonus square feet by the corresponding fee-in-lieu as published in the City's fee schedule at the time the project's site plan is submitted.

$$\text{Bonus Square Feet} \times \text{Housing Fee-in-Lieu per Square Foot} = \text{Total Fee}$$
 - (2) The bonus square feet shall be calculated in compliance with Table 23-3E-1040(A) (Density Bonus Calculation).
- (B) **Fee Adjustment and Update.** The fee-in-lieu may be adjusted annually as determined by the Housing Director and adopted by the Council to the City's fee schedule. The designated review group may provide recommendations to the Housing Director on adjustments to the fee-in-lieu rate.

23-3E-1070 Application Procedures

- (A) **Application Requirements.** The applicant must submit a Density Bonus application to the Housing Director in compliance with Division 23-2B-1 (Application Requirements).
- (B) **Density Bonus Affordable Housing Review.** Any applications requesting to meet the density bonus affordability requirements through a fee-in-lieu, provision of affordable units off-site, or land dedication in compliance with Section 23-3E-1050 (Alternatives to On-Site Production of Density Bonus Units) must be reviewed by a designated review group, prior to application approval by the Housing Director.
- (C) **Housing Director's Approval.** Following the submittal of an application in compliance with this Division, the Housing Director shall issue an Affordability Certification Letter to the applicant.

- (D) **Applicant's Obligation.** Before the Building Official may issue a Certificate of Occupancy in compliance with Section 23-2H-4020 (Certificate of Occupancy), the applicant must fulfill all obligations including but not limited to the payment of all fees and execution of land use restrictions to ensure that the applicant meets all applicable Affordable Housing Density Bonus Program requirements.

23-3E-1080 Land Use Restrictions

(A) Affordable Ownership Units

- (1) The landowner must enter into a Declaration of Restrictive Covenant Regarding Affordable Housing Requirements, as amended at the time of the receipt of the Affordability Certification Letter, unless the landowner is required to comply with Division 23-3E-1080(C), the Declaration must include, but is not limited to the following:
 - (a) The affordability period;
 - (b) The agreement that the unit must be sold to an income eligible household at or below 80% MFI. The income determination is conducted by the Housing Director; and
 - (c) The agreement that the purchase price of an affordable unit to an eligible buyer, must not be for more than 30% of the MFI, per household size, as amended.
- (2) The landowner must include Housing Director approved language regarding the affordable units in the Condominium Declaration or Homeowners Association document.
- (3) At the time of the sale of an affordable ownership unit, the buyer enters into a Resale Restriction Agreement and a Covenant Limitations on Resale Price and Buyer Income, as amended.
- (4) Other agreements may be entered into, if needed, in order to sell an affordable ownership unit to an eligible buyer.

(B) Affordable Rental Units

- (a) The landowner must enter into a Restrictive Covenant prior to the release of the final Certificate of Occupancy, unless the landowner has to comply with Subsection 23-3E-1080(C). The restrictive covenant must include, but is not limited to the following:
 - (i) The affordability period;
 - (ii) The units must be rented to an income eligible household at or below 60% MFI; and
 - (iii) The rental rate must comply with the Housing Director's published rates, as amended.
- (C) **Secure the Affordability Restrictions.** Other agreements may be entered into as needed to secure the affordability restrictions of the project.
- (D) **Restrictive Covenant for Zone Change.** If the applicant is requesting a zone change that is required for the delivery of affordable units, the landowner is required to enter into a

restrictive covenant or other form of land use restriction at the time of the zone change approval by Council.

23-3E-1090 Compliance and Enforcement

- (A) The Housing Director shall establish processes, compliance, and monitoring criteria for implementing the affordability requirements of this Division.
- (B) For rental units, affordability compliance and monitoring requirements must include the submission of initial occupancy income certifications within 30 days of initial lease-up of all required affordable units. The Housing Director shall perform monitoring of affordability requirements for the duration of the required affordability period for rental units.
- (C) For ownership units, affordability compliance and monitoring will be conducted with the eligible buyer and the Housing Director.
- (D) For developments that have received a Letter of Affordability Certification, the developer or property owner must notify the Housing Director when Building Permits are issued for the development.

23-3E-1100 Additional Developer Incentives

- (A) An applicant who provides income-restricted affordable units as verified by the Housing Director may request a parking adjustment in compliance with Article 23-4D (Specific to Zones) from the Planning Director to be made prior to Site Plan approval.
- (B) Fee waivers can be accessed for a development under the S.M.A.R.T. Housing Program in Division 23-3E-4.

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Division 23-3E-2: Downtown Density Bonus Program

Contents

- 23-3E-2010 Purpose and Applicability 1
- 23-3E-2020 Application Requirements 1
- 23-3E-2030 Downtown Density Bonus Gatekeeper Requirements 1
- 23-3E-2040 Changes in Design of Proposed Building 2
- 23-3E-2050 Community Benefits 2

23-3E-2010 Purpose and Applicability

- (A) **Purpose.** The purpose of this Division is to provide the procedures for density bonus developments in the Downtown.
- (B) **Applicability.** The Division applies to developments applying for a density bonus within the Downtown Core (DC) and Commercial Core (CC) Zones.

23-3E-2020 Application Requirements

- (A) Downtown Density Bonus Program rules shall be adopted and implemented in compliance with City Code Chapter 1-2 (Adoption of Rules).
- (B) The Planning Director administers the Downtown Density Bonus Program.
- (C) Applications for the Downtown Density Bonus Program affordability component shall be submitted to the Housing Director for the initial review and processing procedures in compliance with Section 23-3E-1070 (Application Procedures).
- (D) The Planning Director is responsible for updating the guidelines for the Downtown Density Bonus Program, with the exception of the affordability component, which is the responsibility of the Housing Director.

23-3E-2030 Downtown Density Bonus Gatekeeper Requirements

- (A) To receive a density bonus, the Planning Director must determine that the development meets the following findings:
 - (1) The applicant must submit to the Planning Director a schematic level site plan, building elevations, and other drawings, simulations or other documents necessary to fully describe the urban design character of the development and relationship of the development to its surroundings.
 - (2) The Design Commission shall evaluate and make recommendations regarding whether the development complies with the City's *Urban Design Guidelines* and the Planning Director shall consider comments and recommendations of the Design Commission.

- (3) The applicant shall execute a restrictive covenant committing to provide streetscape improvements along all public street frontages, consistent with the City's *Great Streets Standards*.
- (4) The applicant shall execute a restrictive covenant committing to achieve a minimum two star rating under the Austin Energy Green Building program using the ratings in effect at the time the development is registered with the Austin Energy Green Building Program. The applicant shall also provide the Planning Director with a copy of the development's signed Austin Energy Green Building Letter of Intent before the Planning Director may approve a Downtown Density Bonus for a site.

23-3E-2040 Changes in Design of Proposed Building

If the design of a building changes after a density bonus is approved under this Section, the Planning Director shall review the new design for compliance with this Section prior to Building Permit approval. A Building Permit for a final design will not be approved until the design complies with this Section and the restrictive covenants are amended to reflect new or revised community benefits.

23-3E-2050 Community Benefits

- (A) **Affordable Housing Community Benefit.** An applicant may achieve a density bonus by providing community benefits outlined in this Section.
- (B) **Administrative Approval.** If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (E), the Planning Director may approve the density bonus administratively.
- (C) **Affordable Housing Community Benefit.** An applicant may use one or more of the following:
 - (1) **On-site Affordable Housing.** A development may achieve a density bonus by providing on-site affordable housing. The density bonus shall be calculated in compliance with Table 23-3E-1040(A) (Density Bonus Area Calculation) and Table 23-3E-1040(B) (Affordable Unit Set Aside Requirements). The maximum floor-to-area ratio and height that may be achieved by a downtown density bonus is identified on Figure 2.

-Figure 23-2050(A)- Figure 2. from 25-2-586 to be include here-

- (2) **Family-friendly Housing.** A development providing on-site affordable housing may achieve additional density bonus by providing one or more family-friendly eligible bedrooms. The amount of density bonus that may be achieved for each family-friendly eligible bedroom is established by ordinance.
- (3) **Housing Fee in-lieu for Affordable Housing.** The development may achieve a density bonus by paying a fee in lieu of affordable units at the dollar per square foot of density bonus amount established in compliance with Section 23-3E-1060 (Fee-in-lieu).

(D) Affordable Housing Community Benefit Percentages

- (1) A development must achieve at least 50 percent of the desired density bonus by providing affordable housing.
- (2) For any portion of the desired density bonus not achieved by providing affordable housing, the applicant must achieve the density bonus by providing one or more of the community benefits provided in Subsections (E) and (F).

(E) Additional Community Benefit Options

- (1) **Day Care Services Community Benefit.** A development may achieve density bonus by providing on-site day care services within the development. The amount of density bonus that may be achieved for each square foot of day care services that are provided is established by ordinance.
 - (a) The applicant must execute a restrictive covenant that requires compliance with all relevant requirements of this Section and that ensures continuation of operations and maintenance of the facility with the specified community benefit use for a period of at least 10 years, which is the life of the agreement.
 - (b) City of Austin must approve of the operator and the lease terms, which shall be for no less than ten years.
 - (c) The facility must comply with applicable state and local codes.
 - (d) The facility must be open during normal business hours at least five days each week and fifty weeks each calendar year.
 - (e) The facility must be maintained and kept in a good state of repair throughout the life of the agreement.
 - (f) If the day care services use is non-operational for more than 180 consecutive days or for 180 days in any 365 day period, the applicant must pay into the Affordable Housing Trust Fund the applicable housing fee-in-lieu for the density bonus initially granted for this community benefit. The payment will be a pro-rated amount based on the time left in the term of the agreement and based on the housing fee-in-lieu in effect when the applicant pays.
- (2) **Cultural Uses Community Benefit.** A development may achieve density bonus by providing on-site cultural uses within the development. The amount of density bonus that may be achieved for each square foot of cultural uses provided is established by ordinance.
 - (a) The applicant must execute a restrictive covenant that requires compliance with all requirements of this Section and that ensures continuation of operations and maintenance of the facility with the specified community benefit use for a period of at least 10 years, which is the life of the agreement.
 - (b) Planning Director shall approve the operator and the lease terms, which shall be for no less than ten years.
 - (c) Use must meet the definition of cultural uses and the space must be leased to a 501(c) organization.
 - (d) If the required use is non-operational for more than 180 consecutive days or for 180 days in any 365 day period, the applicant must pay into the Affordable Housing Trust Fund the applicable housing fee-in-lieu for the density bonus initially granted for this community benefit. The payment will be a pro-rated

amount based on the time left in the term of the agreement and based on the housing fee-in-lieu in effect when the applicant pays.

- (3) **Live Music Community Benefit.** A development may achieve density bonus by providing an on-site live music use. The amount of density bonus that may be achieved for each square foot of live music use is established by ordinance.
 - (a) The applicant must ensure continuation of operations and maintenance of the facility with the specified community benefit use for a period of at least 10 years, which is the life of the agreement.
 - (b) Planning Director shall approve the operator and the lease terms, which shall be for no less than ten years.
 - (c) The operator of the facility must maintain proper permitting and documentation to play amplified music in said space.
 - (d) The space must meet the City's sound-proofing specifications.
 - (e) If the required use is non-operational for more than 180 consecutive days or for 180 days in any 365 day period, the applicant must pay into the Affordable Housing Trust Fund the applicable housing fee-in-lieu for the density bonus initially granted for this community benefit. The payment will be a pro-rated amount based on the time left in the term of the agreement and based on the housing fee-in-lieu in effect when the applicant pays.
 - (f) Venues may not charge an up-front fee to performing artists for the use of their facilities or require performing artists to guarantee a minimum attendance through pre-show ticket sales.
- (4) **On-Site Improvements for Historic Preservation Community Benefit.** A development may achieve density bonus by providing on-site improvements for historic preservation. The amount of density bonus that may be achieved for on-site improvements for historic preservation is established by ordinance.
 - (a) Buildings Eligible for On-Site Improvements for Historic Preservation Community Benefit include:
 - (i) Buildings designated as City landmarks, Recorded Texas Historic Landmarks, State Antiquities Landmarks, or listed on the National Register of Historic Places;
 - (ii) Contributing properties within National Register or Local Historic Districts;
 - (iii) Buildings determined by the City's Historic Preservation Officer to be historically significant; or
 - (iv) Buildings determined eligible for listing on the National Register of Historic Places by the State Historic Preservation Officer.
 - (b) Requirements for the community benefit include:
 - (i) Development using this community benefit option for on-site improvements shall maintain the architectural integrity of the building, as determined by the Historic Landmark Commission whether or not the building is zoned as a Historic Landmark (H) or Historic Area (HD) Overlay Zone.

- (ii) The Historic Landmark Commission must review and approve modifications to a building before the Planning Directory may grant a density bonus.
 - (iii) A development may be granted a density bonus for on-site improvements for historic preservation only in cases where a substantial percentage of the external walls and internal structure remain intact at development completion.
 - (iv) Applicant must provide a description of rehabilitation that describes the existing condition of the building and the proposed work. The applicant must submit photographs showing the major character-defining features of the building prior to the start of work.
 - (v) Before the Building Official may issue any type of Certificate of Occupancy, an applicant must submit documents verifying that the work has been completed as proposed. The documents must be submitted in a format similar to the Description of Rehabilitation portion of the United States Department of the Interior National Park Service Historic Preservation Certification Application.
 - (vi) If restoration cannot be completed as proposed, the applicant must pay into the Historic Preservation Fund the applicable housing fee-in-lieu for the density bonus initially granted for this community benefit. The applicant's payment will be based on the housing fee-in-lieu in effect at the time the applicant pays the fee.
- (5) **Fee In-Lieu for Off-Site Historic Preservation Community Benefit.** The development may achieve a density bonus by paying a fee-in-lieu in compliance with Subsection 23-3E-1060(A)(1) (Application of Housing Fee-in-lieu). The fee is paid into the Historic Preservation Fund.
- (a) The Planning Director will administer the Historic Preservation Fund.
 - (b) This option cannot be used if developer is proposing to demolish all or a substantial percentage of a building the Historic Preservation Officer deems historically significant.
- (6) **Green Building Community Benefit.** An applicant may achieve a density bonus by constructing a development to green building standards that exceed the Gatekeeper requirements. The amount of density bonus that may be achieved for constructing a development to green building standards is established by ordinance and shall meet the following requirements:
- (a) The applicant shall execute a restrictive covenant committing to achieve a specified rating under the Austin Energy Green Building (AEGB) program using the ratings in effect at the time the ratings application is submitted for the development or Leadership in Energy & Environmental Design (LEED) program using the most recently launched version of the LEED for New Construction rating at the time of the development's registration.
 - (b) The applicant shall also provide the Planning Director with a copy of the development's signed Austin Energy Green Building Letter of Intent for developments seeking AEGB rating or a copy of the completed LEED registration for developments seeking LEED rating before the Housing Director may approve the density bonus for a site.

- (c) An applicant must submit an AEGB or LEED checklist indicating the measures the development intends to complete to meet the applicable green building requirement before the Housing Director may approve a density bonus for a site.
- (d) A development seeking an AEGB rating will be subject to at least one inspection during construction and an inspection at substantial completion. A development seeking LEED certification must submit the LEED design review results and an updated LEED checklist or scorecard indicating the development will be able to obtain LEED certification by substantial completion.
 - (i) If the specified AEGB rating or LEED certification is not achieved within nine months from time of occupancy, an applicant must pay into the Affordable Housing Trust Fund the applicable housing fee in-lieu for the density bonus initially granted for this community benefit. The applicant's payment will be based on the housing fee in-lieu in effect when the applicant pays.
- (7) **Publicly Accessible On-Site Plaza Community Benefit.** A development may achieve density bonus by providing a publicly accessible on-site plaza. The amount of the density bonus that may be achieved by providing a publicly accessible on-site plaza is established by ordinance.
 - (a) Requirements for the community benefit includes:
 - (i) If the required plaza is non-operational for more than 180 consecutive days or for 180 days in any 365 day period, the applicant must pay into the Downtown Open Space Fund the applicable housing fee in-lieu for the density bonus initially granted for this community benefit. The payment will be based on the housing fee in-lieu in effect when the applicant pays.
- (8) **Off-Site Open Space Housing Fee In-lieu Community Benefit.** The development may achieve a density bonus by paying a fee in-lieu of off-site open space at the dollar per square foot in compliance with Subsection 23-3E-1060(A)(1) (Application of Housing Fee-in-lieu). The fee will be paid into the Downtown Open Space Fund.
 - (a) Planning Director will administer the Downtown Open Space Fund.
 - (b) The housing fee in-lieu option is only available for open space beyond what is already required by the Land Development Code.
 - (c) The applicant must deposit a nonrefundable cash payment with the City.
- (9) **Green Roof Community Benefit.** A development may achieve a density bonus by providing green roofs. The amount of the density bonus that may be achieved for the construction of green roofs is established by ordinance.
 - (a) Green Roofs must be built to the Vegetated ("Green") Roof Performance Standards in Appendix W of the Environmental Criteria Manual. The percent of vegetated roof cover is calculated as a portion of total roof area excluding mechanical equipment, photovoltaic panels, swimming pools, and skylights.
 - (b) If the green roof fails to meet the Vegetated ("Green") Roof Performance Standards for more than 180 consecutive days or for 180 days in any 365 day period, the applicant must pay into the Downtown Open Space Fund the applicable housing fee in-lieu for the density bonus initially granted for this community benefit. The payment will be based on the housing fee in-lieu in effect when the applicant pays.

- (c) Green roof areas used to achieve a density bonus through the Green Roof Community Benefit may not be used to achieve a density bonus through the Publicly Accessible On-Site Plaza Community Benefit.
- (F) **Other Community Benefits.** An applicant may offer to provide other community benefits not described in the above Subsections. The applicant must provide sufficient information about the other community benefits for the Planning Director to determine whether the other community benefits serve a public and municipal purpose considering the criteria listed below.
- (1) The Planning Director will consider the following to make a determination:
 - (a) If members of the general public will be able to enjoy the proposed other community benefit without paying for its access, use or enjoyment;
 - (b) If the proposed other community benefit will connect to and be accessible from public right-of-way or other publicly-accessible space;
 - (c) If the proposed other community benefit will provide a public amenity that is particularly lacking in the proposed location;
 - (d) If the proposed other community benefit will impose a significant burden on public resources for maintenance, management, policing, or other reasons; and,
 - (e) Any other information provided by the applicant that shows the other community benefit serves a public and municipal purpose and furthers the City's comprehensive planning goals.
 - (2) If a proposed other community benefit provides a partial benefit to a development, it will not be disqualified; the Planning Director will allocate only the cost of the public portion of the benefit to the other community benefits.
 - (3) If the Planning Director determines that the proposed benefit qualifies as a community benefit, the Director shall:
 - (a) Quantify the monetary cost for the proposed other community benefit by using standard industry sources as well as locally based data on development costs to quantify the monetary cost, without mark-up, for the proposed other community benefit; and
 - (b) Determine the cost to be applied towards achieving the desired density bonus.
 - (4) The amount determined by the Planning Director may be applied to achieve a density bonus on the same basis as the housing fee-in-lieu rate applicable to the type and location of the development.
 - (5) The Planning Director's recommendation concerning the proposed other community benefit and the monetary value that is applied to achieve the density bonus shall be presented to the Commission for recommendation and the Council for approval.
 - (6) If the applicant proposes to achieve a density bonus by providing other community benefits, the value of the public portion of the proposed other community benefits must be equal to or greater than the total dollar amount the applicant would pay if the payment were based on the applicable housing fee in-lieu required to earn that requested bonus area.

- (G) **Community Benefit Calculations for Mixed-Use Developments.** Mixed-use developments shall provide community benefits in proportion to the amount of floor area in the development that is devoted to different use categories.
- (H) **Affordability Requirements.** For purposes of this Section, a unit is affordable for purchase or rental if, in addition to the other requirements of this Section, the household is required to spend no more than 30 percent of its gross monthly income on mortgage or rental payments for the unit.
- (1) **Affordability Requirements for Owner-occupied Units**
- (a) On-site for sale affordable housing units shall be reserved, sold and transferred to an income eligible buyer subject to a resale restricted, shared equity agreement approved by the Housing Director, for not less than 99 years from the date the unit is sold to an eligible buyer.
 - (b) The units shall be made available for ownership and occupancy by households earning no more than 80 percent of the Median Family Income HOME Limits, as amended per household size, and as defined by the U.S. Department of Housing and Urban Development for the Austin-Round Rock Metropolitan Statistical Area.
- (2) **Affordability Requirements for Rental Units**
- (a) On-site rental affordable housing units shall be reserved as affordable for a minimum of 40 years following the issuance of the Certificate of Occupancy.
 - (b) The units shall be made available for rental by households earning no more than 60 percent of the Median Family Income HOME Limits, as amended per household size, and as defined by the U.S. Department of Housing and Urban Development for the Austin-Round Rock Metropolitan Statistical Area.
 - (c) An applicant may not deny a prospective tenant affordable rental housing based solely on the prospective tenant's participation in the Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.

Division 23-3E-3: Tenant Notification and Relocation

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23-3E-3010 Purpose and Applicability

- (A) The purpose of this Division is to mitigate, through notification requirements and relocation assistance, the impacts of tenant displacement resulting from multifamily redevelopment and the demolition or change in use of multifamily buildings and manufactured home parks. This Division does not regulate or affect the landlord-tenant relationship.
- (B) Except where otherwise provided, the requirements of this Division do not apply to any dwelling unit:
 - (1) Demolished or vacated because of damage caused by the tenant or by other events beyond the owner’s control, including fire, civil commotion, malicious mischief, vandalism, tenant waste, natural disaster or other destruction;
 - (2) Owned by a public housing agency;
 - (3) Located inside the boundaries of an educational facility that is occupied by students, faculty, or staff of the institution;
 - (4) For which relocation assistance is required to be paid to the tenants under federal or state law; or
 - (5) That is operated as emergency or temporary shelter for homeless persons and owned or administered by a nonprofit organization or public agency.

23-3E-3020 Tenant Notification Required

- (A) **Applicability.** The tenant notification requirements of this Section apply to an application to:
 - (1) Demolish or partially demolish a multifamily building consisting of five or more occupied residential units, including a Demolition Permit or a Building Permit that authorizes demolition;
 - (2) Approve a Site Plan or a land use approval for an existing manufactured home park; or
 - (3) Rezone a property within the Manufactured Home Park (MHP) Zone designation that contains an existing manufactured home park.

Tenant Notification Required

- (B) **Timing.** An applicant must provide tenant notification either prior to, or concurrent with, submittal of the application. To demonstrate that the required notification was provided in compliance with this Subsection, the applicant must include a certified statement, on a form approved by the Housing Director, confirming that all tenants entitled to a notice under Subsection (C) received notification within the following timeframes:
- (1) **Multifamily Building.** A minimum of 120 days prior to the date that an application for a Building Permit or a Demolition Permit can be approved; or
 - (2) **Manufactured Home Park.** A minimum of 270 days prior to the date that an application for a rezone, Site Plan, or land use approval can be approved.
- (C) **Noticing Delivery Procedures.** The notification required by this Section must be on a form approved by the Housing Director and comply with the following noticing procedures:
- (1) Notice must be delivered by the applicant, or the applicant's representative, or by registered or certified mail, with return receipt requested.
 - (2) Notice must be delivered to all units:
 - (a) Proposed for demolition in a multifamily building under a permit application for which notice is required under Subsection (A)(1); or
 - (b) Located in a manufactured home park included in a rezone, land use approval, or Site Plan application for which notice is required under Subsection (A)(2) through (A)(3); and
 - (3) Notice must include the following information, in English, Spanish, and any other language as may be required by the Housing Director:
 - (a) The applicant's name and contact information;
 - (b) A description of the development application for which notification is required under Subsection (A);
 - (c) A statement that application may be approved on or after the 120th or 270th day, whichever applies, following receipt of the notice and may result in displacement of tenants;
 - (d) A description of any tenant relocation assistance that may be available under Section 23-3E-3040 (Tenant Relocation Program), including income eligibility requirements and forms of requesting assistance;
 - (e) Information regarding applicable school district policies relating to district residency requirements;
 - (f) Information regarding the requirements of state law for return of security deposits;
 - (g) Information regarding the availability of fee waivers from Austin Energy for obtaining utility service at a new residence where relocation is required due to displacement;
 - (h) Other information as may be required by the Housing Director, including programs and services to assist displaced tenants; and
 - (4) The Notice must be on a form provided by the Housing Director, which shall be uniform for all applicants except that the Director may require an additional language as provided under Subsection (C)(3).

- (D) **Re-notification.** If an applicant requests an extension of a demolition permit for which notification under this Section is required, the applicant must provide re-notification to tenants consistent with the requirements for a new application.

23-3E-3030 Additional Notice Requirements

- (A) At the time that notification is provided under Section 23-3E-3020 (Tenant Notification Required), the owner or operator of a multifamily building or manufactured home park must post one or more signs in compliance with this Section.
- (B) The sign must be on a form approved by the Housing Director and must:
- (1) Describe the application for which notification is required and state that any new or existing tenants may be required to relocate from the site as a result of proposed demolition or redevelopment; and
 - (2) to the greatest extent feasible:
 - (a) For a multifamily building, be posted at the front of the leasing office or other primary building entrance as determined by the Housing Director.
 - (b) For a manufactured home park, be posted at the main entrance in a location visible to the public from the adjacent public right-of-way or private drive; or
- (C) A sign, required under this Section, must remain on the property until:
- (1) For a multifamily building, the date that the demolition activity begins; and
 - (2) For a manufactured home park, the earlier of:
 - (a) The date that the property ceases to be used as a manufactured home park, or
 - (b) If applicable, the date that the Site Plan approval or land use approval expires.
- (D) If a landowner or a landowner's agent rents a unit to a new tenant following application for a permit requiring notice under Section 23-3E-3020 (Tenant Notification Required), the landowner or landowner's agent must provide the tenant with notification that includes the information required under Subsection 23-3E-3020(C) (Noticing Delivery Procedures).

23-3E-3040 Tenant Relocation Program

- (A) The Housing Director shall adopt a tenant relocation program by administrative rule for the purpose of mitigating the impacts of tenant displacement resulting from multifamily redevelopment within the City.
- (B) The tenant relocation program must, at a minimum, include each of the following:
- (1) **Tenant Relocation Fee.** The program must include a methodology to be used by the Housing Director in recommending to the Council the amount of the fee required under Section 23-3E-3050 (Tenant Relocation Assistance – Developer Funded). The methodology must include a nexus study that accounts for the impacts of displacement to tenant communities directly affected by multifamily redevelopment and to the community as a whole. The fee must be consistently calculated and uniformly applied, but may vary based on number of units, bedrooms, and other objective criteria identified by the nexus study.

- (2) **Eligibility for Tenant Relocation Assistance.** The program shall establish eligibility requirements that a tenant must meet in order to receive tenant relocation assistance in compliance with Section 23-3E-3050 (Tenant Relocation Assistance – Developer Funded) or Section 23-3E-3060 (Tenant Relocation Assistance – City Funded). At a minimum, the eligibility requirements must:
- (a) Require that a tenant have a household income at or below 70 percent of median family income or, for residents of a manufactured home park, 80 percent of median family income;
 - (b) Require that a tenant reside at the property on the date that the initial notification required under Section 23-3E-3020 (Tenant Notification Required) is delivered;
 - (c) Require a tenant to submit a claim form documenting income eligibility no later than the deadline established by the Housing Director;
 - (d) Prohibit participation by tenants of multifamily redevelopment that is exempt from this Division under Subsection 23-3E-3010(B), except that the Housing Director may allow use of funds under Section 23-3E-3060 (Tenant Relocation Assistance – City Funded) to provide relocation assistance for tenant displacement resulting from fire, civil commotion, malicious mischief, vandalism, natural disaster, or other destruction beyond the control of the owner or tenant.
- (3) **Use of Tenant Relocation Assistance.** The program must specify the types of expenses for which tenant relocation assistance may be provided. Eligible expenses paid using funds collected under Section 23-3E-3050 (Tenant Relocation Assistance – Developer Funded) must be reasonably attributable to tenant displacement based on the nexus study required under Subsection (B)(1).
- (4) **Refund Procedures.** The program shall establish procedures by which an applicant who paid a tenant relocation fee under Section 23-3E-3050 (Tenant Relocation Assistance – Developer Funded) may request a refund of any fees not spent for an authorized purpose within ten years after approval of an application for which notification is required.
- (C) The Housing Director may include additional elements in the tenant relocation program, including but not limited to notification forms and other documents relevant to meeting the requirements of this Division.

23-3E-3050 Tenant Relocation Assistance – Developer Funded

- (A) An applicant for a multifamily redevelopment must pay a tenant relocation fee established by separate ordinance as a condition of approval of:
- (1) A Planned Unit Development (PUD) Zone, as required under Section 23-4D-6130 (Planned Unit Development (PUD)); or
 - (2) A rezone or other discretionary land use approval that requires approval by the Council and is reasonably likely to result in tenant displacement, unless waived by the Council.

- (B) The Housing Director shall deposit a fee imposed under this Section into the Developer Fund for Tenant Relocation Assistance, which is established under this Section. The Housing Director shall use the fund to provide tenant relocation assistance to eligible tenants at the development or site for which the payment was made, consistent with requirements adopted in compliance with Section 23-3E-3040 (Tenant Relocation Program).

23-3E-3060 Tenant Relocation Assistance – City Funded

- (A) The City of Austin Tenant Relocation Fund is established for use in providing relocation assistance to tenants displaced by multifamily redevelopment.
- (B) The Housing Director shall administer the fund consistently with guidelines established under Section 23-3E-3040 (Tenant Relocation Program) and may use the fund to provide relocation assistance to any tenant displaced due to:
 - (1) Development activity for which notification is required by this Division, whether or not the applicant was required to pay a fee under Section 23-3E-3050 (Tenant Relocation Assistance – Developer Funded);
 - (2) Emergency orders to vacate based on health and safety concerns;
 - (3) Fire, civil commotion, malicious mischief, vandalism, natural disaster, or other destruction beyond the control of the owner or tenant; or
 - (4) Major repairs or renovations of multifamily buildings.

23-3E-3070 Offenses

- (A) Failure to deliver the notification required by this Division to one or more units within a multifamily building or manufactured home park, is considered an offense. It is a separate offense for each day the applicant fails to deliver required notification to an individual unit within a multifamily building or manufactured home park for which notification is required.
- (B) Each offense is punishable by a fine not to exceed \$500 and requires proof of a culpable mental state.

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Division 23-3E-4: S.M.A.R.T. Housing

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23-3E-4010 Administration

- (A) The Housing Director shall administer the S.M.A.R.T. Housing program and may adopt and implement program guidelines or rules and establish the requirements for an application under the program.
 - (B) The Housing Director shall notify the Public Works Director and Transportation Director of proposed S.M.A.R.T. Housing developments within a half mile of an existing or planned transit route or stop.
-

23-3E-4020 Program Requirements

- (A) S.M.A.R.T. Housing is housing that is safe, mixed-income, accessible, reasonably priced, transit-oriented, and compliant with the City’s Green Building Standards.
 - (B) S.M.A.R.T. Housing must:
 - (1) Be safe by providing housing that complies with this Land Development Code;
 - (2) Provide mixed-income housing by including dwelling units that are reasonably-priced, as described in Subsection (C);
 - (3) Provide for accessibility for a development of more than three dwelling units by providing at least 10 percent of the dwelling units that comply with the accessibility requirements of the Building Code;
 - (4) Provide for visitability for a development with three or fewer dwelling units by either:
 - (a) Complying with the design and construction requirements of City Code Chapter 5-1, Article 3, Division 2 (Design and Construction Requirements); or
 - (b) Complying with the local visitability amendment of the International Residential Code.
 - (5) Be located within one-half mile walking distance of a local public transit route at the time of application, except as provided in Subsection (E); and
 - (6) Achieve at least a one star rating under the Austin Green Building Program.
 - (C) A reasonably-price dwelling unit is one that is affordable for:
-

- (1) Purchase by a household that meets the following housing costs and income qualifications:
 - (a) Housing costs of a household may not exceed 30 percent of its gross monthly income, except as provided by Subsection (C)(1)(b) and (c).
 - (b) A household may spend up to 35 percent of its gross monthly income on housing costs if a household member receives City-approved homebuyer counseling or education.
 - (c) A household that complies with other federal, state, or local income eligibility standards is not subject to the expenditure qualifications of Subsection (C)(1)(a) and (b).
 - (d) The household income may not exceed the percentage of median family income required by Section 23-3E-4030 (Affordability Requirements).
- (2) Rental by a household that meets the following housing costs and income qualifications:
 - (a) Housing costs of a household may not exceed 30 percent of its gross monthly income, except as provided by Subsection (C)(2)(b).
 - (b) A household that complies with other federal, state, or local income eligibility standards is not subject to the expenditure qualifications of Subsection (C)(2)(a).
 - (c) The household income may not exceed the percentage of median family income required by Section 23-3E-4030 (Affordability Requirements).
- (D) The Housing Director may waive the transit-oriented requirement in Subsection (B)(5) if the development meets one of the following criteria:
 - (1) The development will be located in a high opportunity area as identified by the Housing Director or established in the program guidelines;
 - (2) The applicant applies for State or Federal Government funds, including the Low Income Housing Tax Credit Program, related to the development;
 - (3) The development affirmatively furthers fair housing as determined by the Housing Director and in consideration of the City's Analysis of Impediments or Assessment of Fair Housing; or
 - (4) The development is within one half-mile of a planned local public transit route documented in a plan approved by the Capital Metropolitan Transportation Authority.
- (E) An applicant may not deny a prospective tenant affordable rental housing based solely on the prospective tenant affordable rental housing based solely on the prospective tenant's participation in the Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.

23-3E-4030 Affordability Requirements

- (A) To be eligible for the S.M.A.R.T. Housing Program a housing development must comply with the requirements of this Section.

- (1) For ownership dwelling units within the Urban Roadway Boundary:
 - (a) Five percent of dwelling units must be available to households at 80 percent of the median family income; and
 - (b) Five percent of dwelling units must be available to households at 100 percent of the median family income.
- (2) For ownership dwelling units outside the Urban Roadway Boundary, ten percent of dwelling units must be available to households at 80 percent of the median family income.
- (3) For rental dwelling units, ten percent of dwelling units must be available to households at 60 percent of the median family income.

23-3E-4040 Required Affordability Period

- (A) To be eligible for the S.M.A.R.T. Housing Program, unless a longer term is required by law, private agreement, or another provision of this Code, all reasonably-priced dwelling units in a S.M.A.R.T. Housing development must remain reasonably-priced for the following affordability periods commencing on the date the final Certificate of Occupancy is issued:
 - (1) For ownership dwelling units, a period of at least 99 years; and
 - (2) For rental dwelling units, a period of at least 49 years.
- (B) If a reasonably-priced dwelling unit within a S.M.A.R.T. Housing development is converted from a rental unit to an owner-occupied dwelling unit during the applicable affordability period, the dwelling unit shall be subject to the affordability period and affordability requirements applicable to an owner-occupied dwelling unit. The new affordability period begins on the date that the converted dwelling unit is available for owner occupancy.
- (C) If the development does not comply with the requirements to maintain the applicable percentage of dwelling units as reasonably-priced for the duration of the applicable affordability period, the developer shall reimburse the City for all fees waived plus a penalty charge equal to the total amount of fees waived.
- (D) The applicant is required to execute an agreement, restrictive covenant, or other binding restriction on land use that preserves affordability in compliance with the S.M.A.R.T. Housing Program.

23-3E-4050 Fee Waivers and Exemptions

- (A) A developer is eligible for a 100 percent waiver of the fees if the Housing Director determines that the housing development meets the requirements of Section 23-3E-4030 (Affordability Requirements) and Section 23-3E-4040 (Required Affordability Period). The fees that can be waived include:
 - (1) Construction Inspection Fee;
 - (2) Development Assessment Fee;
 - (3) Traffic Impact Analysis Fee;
 - (4) Traffic Impact Analysis Revisions Fee;

- (5) Regular Zoning Fee;
- (6) Interim to Permanent Zoning Fee;
- (7) Miscellaneous Zoning Fee;
- (8) Zoning Verification Letter Fee;
- (9) Board of Adjustment Fee;
- (10) Board of Adjustment Fee;
- (11) Managed Growth Agreement Fee;
- (12) Planned Development Area Fee;
- (13) Preliminary Subdivision Fee;
- (14) Final Subdivision Fee;
- (15) Final Without Preliminary Subdivision Fee;
- (16) Miscellaneous Subdivision Fee;
- (17) Consolidated Site Plan Fee;
- (18) Miscellaneous Site Plan Fee;
- (19) Site Plan Revision Fee;
- (20) Site Plan - Construction Element Fee;
- (21) Building Review Plan Fee;
- (22) Building Review Plan Fee;
- (23) Building Permit Fee;
- (24) Electric Permit Fee;
- (25) Mechanical Permit Fee;
- (26) Plumbing Permit Fee;
- (27) Concrete Permit Fee;
- (28) Demolition Permit Fee;
- (29) Electric Service Inspection Fee;
- (30) Move House Onto Lot Fee;
- (31) Move House Onto City Right-of-Way Fee; and
- (32) Neighborhood Plan Amendment Fee.

23-3E-4060 Reporting, Compliance, and Enforcement

- (A) The Housing Director shall establish reporting, compliance, monitoring, and enforcement mechanisms and procedures for implementing the S.M.A.R.T. Housing Policy and Program.

23-3E-4070 **Offenses**

- (A) Failure to deliver the notification required by this Division to one or more units within a multifamily building or manufactured home park, is considered an offense. It is a separate offense for each day the applicant fails to deliver required notification to an individual unit within a multifamily building or manufactured home park for which notification is required.
- (B) Each offense is punishable by a fine not to exceed \$500 and requires proof of a culpable mental state.

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Division 23-3E-5: Affordability Impact Statements

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Division 23-3E-6: Definitions

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23-3E-6010 Purpose

(A) This Division provides definitions of housing specific terms and phrases used in Article 23-3E.

23-3E-6020 Applicability

(A) The definitions in Section 23-3E-6030 (Housing Terms and Phrases) apply to all Divisions of Article 23-3E, unless otherwise specified. If any of the definitions in this Division conflict with definitions in other provisions of the Land Development Code, these definitions shall control for the purposes of this Title. If a word is not defined in this Division, in Article 23-2M (Definitions and Measurements), or in other provisions of the Land Development Code, the responsible director shall determine the correct definition.

23-3E-6030 Housing Terms and Phrases

A. Definitions

No specialized terms beginning with the letter A are defined at this time.

B. Definitions

BONUS AREA. The greater of:

1. The gross floor area that exceeds the maximum allowable floor-to-area ratio allowed with the site's primary entitlements; or
2. The gross floor area contained within the portion of a structure that exceeds the maximum height allowed under the site's primary entitlements.

C. Definitions

COMMUNITY BENEFIT. A public amenity that exceeds the Gatekeeper Requirements of the Downtown Density Bonus Program and that is provided by an applicant in order to obtain bonus area.

CULTURAL USES. Uses that are eligible to participate in the City of Austin Core Cultural Funding Program.

D. Definitions

DAY CARE SERVICES. The provisions of one or more of the three day care services defined in Section 23-2M-2030 (Land Uses).

E. Definitions

No specialized terms beginning with the letter E are defined at this time.

F. Definitions

FAMILY-FRIENDLY ELIGIBLE BEDROOM. Any bedroom over one bedroom within a dwelling unit that provides on-site affordable housing.

G. Definitions

No specialized terms beginning with the letter G are defined at this time.

H. Definitions

HIGH OPPORTUNITY AREA. An area that provides certain conditions that places individuals in a position to be more likely to succeed to excel. This area must include one or more of the following conditions:

1. Racial and economic integration;
2. Access to employment;
3. High performing schools;
4. Access to fresh and healthy foods;
5. Low levels of poverty;
6. Low crime rate;
7. Access to parks;
8. Minimal environmental hazards; or
9. Is identified in the Austin Comprehensive Plan as a center.

HOUSING COSTS:

1. For an owner-occupied dwelling unit, the average monthly cost for mortgage and, if applicable, condominium dues; or
2. For a dwelling unit for lease, the average monthly cost for rent.

HOUSING VOUCHER. A voucher issued by, or under the auspices of, an agency of the United States Government that provides a rental subsidy to the landlord for a particular rental housing unit in an amount equal to or exceeding the difference between 30 percent of the resident's income and the market rate for the residential housing unit.

I. Definitions

No specialized terms beginning with the letter I are defined at this time.

J. Definitions

No specialized terms beginning with the letter J are defined at this time.

K. Definitions

No specialized terms beginning with the letter K are defined at this time.

L. Definitions

LIVE MUSIC USE. The performance of live music in an indoor public or private facility that is open to the general public and readily equipped with sound, staging, lighting and

safety accoutrements to accommodate professional and semi-professional live music needs on a daily basis.

M. Definitions

MEDIAN FAMILY INCOME. The annual median family income for the Austin-Round Rock Metropolitan Statistical Area as determined by the Housing Director.

MULTIFAMILY REDEVELOPMENT. The demolition, partial demolition, redevelopment, rezoning, or change in use of a multi-family building, or any portion of a multi-family building, or a manufactured home park.

N. Definitions

No specialized terms beginning with the letter N are defined at this time.

O. Definitions

No specialized terms beginning with the letter O are defined at this time.

P. Definitions

PRIMARY ENTITLEMENT. The height and floor-to-area ratio entitlement that a site derives from its current zoning. That entitlement may be derived from the base zoning or from a previous modification to the base zoning.

PUBLICLY ACCESSIBLE ON-SITE PLAZA. A publicly-accessible area that complies with the Downtown Public Plaza Standards adopted by administrative rule.

Q. Definitions

No specialized terms beginning with the letter Q are defined at this time.

R. Definitions

No specialized terms beginning with the letter R are defined at this time.

S. Definitions

No specialized terms beginning with the letter S are defined at this time.

T. Definitions

TENANT. Any person who occupied a residential unit primarily for living or dwelling purposes under a rental agreement or lease, including those persons who are considered to be tenants under § 92.001 or 94.001 of the Texas Property Code. For the purposes of this Article, “tenant” does not include owner of a dwelling unit or manufactured home lot, or member of the owner’s’ immediate family.

TENANT DISPLACEMENT. Any condition that requires a tenant to vacate a multi-family building or manufactured home park due to multifamily redevelopment, where a tenant will not be relocated to another comparable sized unit within the same building or site.

U. Definitions

No specialized terms beginning with the letter U are defined at this time.

V. Definitions

No specialized terms beginning with the letter V are defined at this time.

W. Definitions

No specialized terms beginning with the letter W are defined at this time.

X. Definitions

No specialized terms beginning with the letter X are defined at this time.

Y. Definitions

No specialized terms beginning with the letter Y are defined at this time.

Z. Definitions

No specialized terms beginning with the letter Z are defined at this time.