



ETOD/DBETOD Combining Districts

[Ordinance No. 20240516-005](#)

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

Summary:

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

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

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

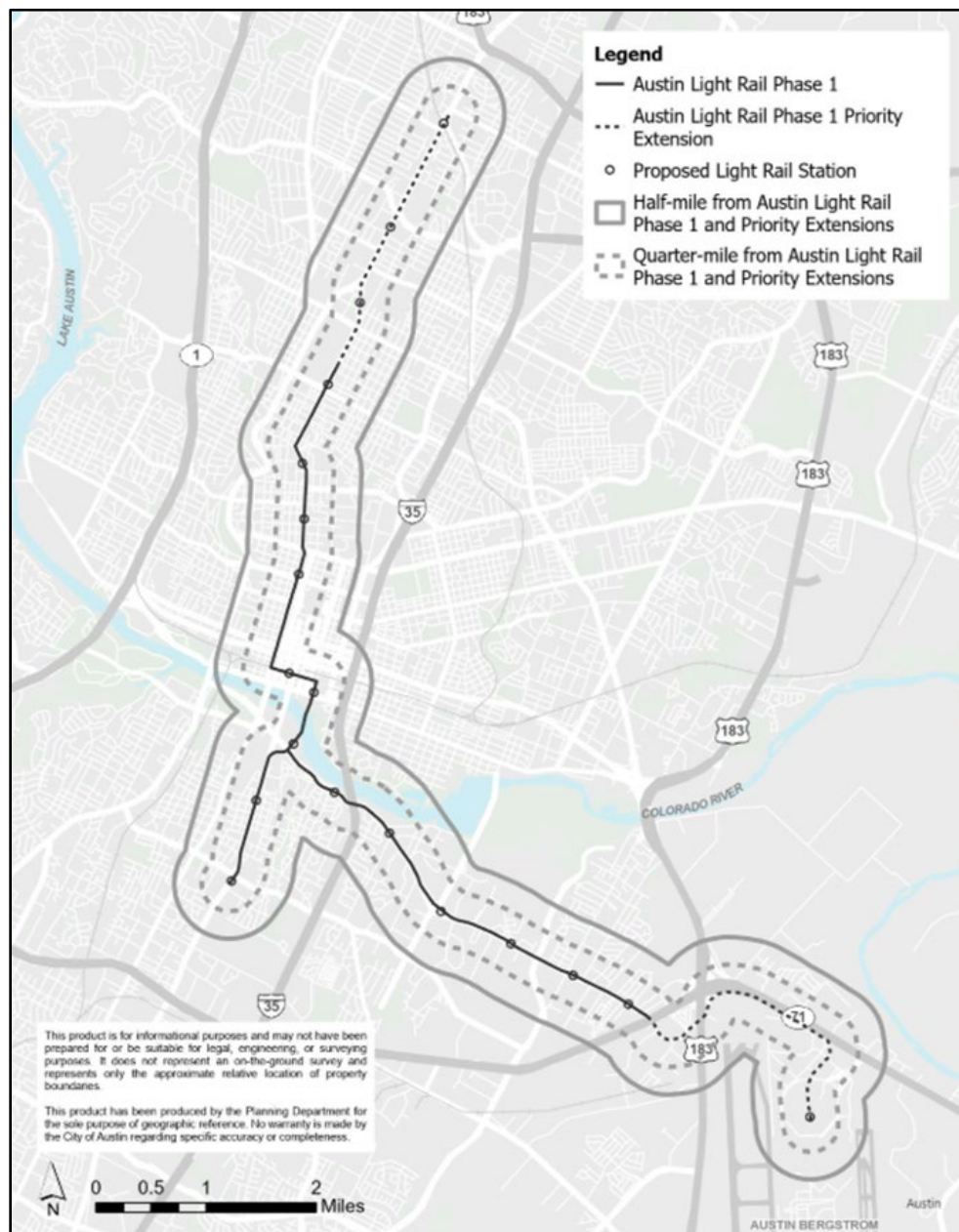
Note: *Existing or former service stations that have not subsequently included a restaurant use or a residential use are governed by the principal use regulations for EV Charging use; EV Charging on all other sites within -ETOD is conditional*



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

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

MAP 1 – APPLICABILITY MAP





DBETOD Program Requirements:

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

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



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

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

TABLE 1 – AFFORDABILITY REQUIREMENTS – OWNERSHIP PROJECTS

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

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

TABLE 2 – AFFORDABILITY REQUIREMENTS – RENTAL PROJECTS

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

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

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

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



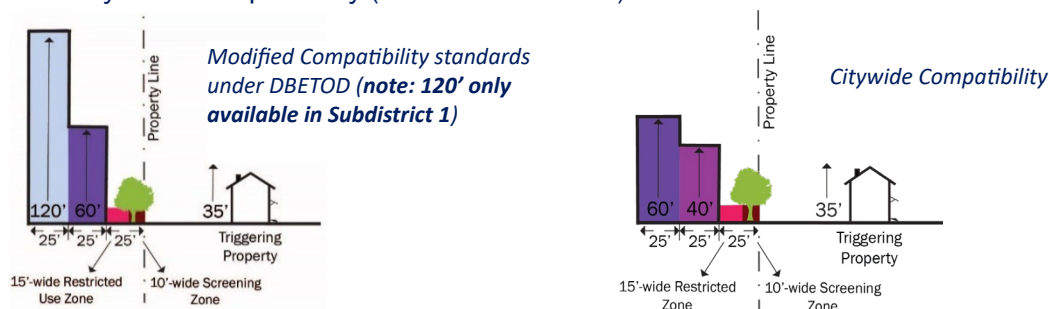
Additional Entitlements Available (for participating in DBETOD):

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

TABLE 3 – DBETOD HEIGHT SUBDISTRICTS

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

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



*Note: See executed ordinances for all adopted requirements.