Neighborhood Housing and Community Development

University Neighborhood Overlay Ordinance Amendments
May 09, 2013

Recommended Code Amendments

1. Change fee in-lieu to $1.00 per square foot. Add: *and such fee will be adjusted annually in accordance with the Consumer Price Index all Urban Consumers, US City Average, All Items (1982-84 = 100), as published by the Bureau of Labor Statistics of the United States Department of Labor or other appropriate standard as determined by the director of Austin Neighborhood Housing and Community Development.*

2. Change dwelling unit to *dwelling unit or bedroom.*

3. Change 80% MFI to 60% MFI.

4. Change 65% MFI to 50% MFI.

5. Rents will be established annually by the director of the Austin Neighborhood Housing and Community Development Office as follows:

    a. Single occupancy 60% MFI rents may not exceed the Low HOME Rent Limit for one bedroom as established annually by the Texas Department of Housing and Community Affairs.

    b. Single occupancy 50% MFI rents may not exceed the 40% MFI HOME Rent Limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs.

6. On site affordability period change from 15 years to 40 years.

Additional Stakeholder recommendations not currently in the proposed ordinance:

1. Add group residential to affordability requirements when opting into UNO: group residential would be treated as multi-family developments.

2. Increase requirements under Height to include: Pay into the University Neighborhood District Housing Trust Fund a fee of $0.50 for each square foot of net rentable floor area in the multi-family residential use development. This fee would be in addition to providing 10% of the units at 60% MFI and 10% of the units at 50% MFI.

ORDINANCE NO. _____

1 **AN ORDINANCE AMENDING CHAPTER 25-2 (ZONING) OF THE CITY CODE**
2 **RELATING TO THE UNIVERSITY NEIGHBORHOOD OVERLAY (UNO).**

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

4 **PART 1.**   City Code Section 25-2-756 (*Height*) is amended to read as follows:

5 **§ 25-2-756 HEIGHT.**

6   (A)   Except as provided in Subsection (B), maximum heights for structures are
7   prescribed by Appendix C (*University Neighborhood Overlay District*
8   *Boundaries, Subdistrict Boundaries, And Height Limits*).

9   (B)   This subsection applies in the outer west campus subdistrict.

10   (1)   In this subsection, HISTORIC PROPERTY means property zoned
11   historic or listed in the City's historic building survey on October 6,
12   2008.

13   (2)   Except as provided in Paragraph (3), a structure with a multi-family
14   residential use may exceed by 15 feet the maximum height prescribed
15   by Appendix C (*University Neighborhood Overlay District*
16   *Boundaries, Subdistrict Boundaries, And Height Limits*) if:

17   (a)   the structure is located in an area for which the maximum height
18   is at least 50 feet; and

19   (b)   the multi-family residential use, for a period of not less than 15
20   years from the date a certificate of occupancy is issued, sets
21   aside at least:

22   (i)   10 percent of the dwelling units or bedrooms on the site
23   to house persons whose household income is [less than]
24   60 [80] percent or below [of] the median income in the
25   Austin statistical metropolitan area, as determined by the
26   director of the Austin Neighborhood Housing and
27   Community Development Office; and

28   ii)   10 percent of the dwelling units or bedrooms on the site
29   to house persons whose household income is [less than]
30   50 percent or below [of] the median income in the Austin
31   statistical metropolitan area, as determined by the

<div style="text-align: right;">

1   director of the Austin Neighborhood Housing and
2   Community Development Office.

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3   (3)   A building on a lot that has a common side lot line with a historic
4   property may not exceed by more than 20 feet the maximum building
5   height of the base district in which the historic property is located.

6 **PART 2.** City Code Section 25-2-765 (*Affordable Housing*) is amended to read
7 as follows:

8 **§ 25-2-765 AFFORDABLE HOUSING.**

9   (A)   A multi-family residential use established after September 2, 2004 must, for
10   a period of not less than <u>40</u> [15] years from the date a certificate of
11   occupancy is issued, set aside at least:

12   (1)   10 percent of the dwelling units <u>or bedrooms</u> on the site to house
13   persons whose household income is [less than] <u>60</u> [80] percent <u>or</u>
14   <u>below</u> [of] the median income in the Austin statistical metropolitan
15   area, as determined by the director of the Austin Neighborhood
16   Housing and Community Development Office; and

17   (2)   except as provided in Subsection (B), an additional 10 percent of the
18   dwelling units <u>or bedrooms</u> on the site to house persons whose
19   household income is [less than] <u>50</u> [65] percent <u>or below</u> [of] the
20   median income in the Austin statistical metropolitan area, as
21   determined by the director of the Austin Neighborhood Housing and
22   Community Development Office.

23   (B)   The University Neighborhood District Housing Trust Fund is established.
24   Instead of complying with Paragraph (A)(2), a person may pay into the fund
25   a fee of $<u>1.00</u> [.50] for each square foot of net rentable floor area in the
26   multi-family residential use development. <u>Such fee will be adjusted</u>
27   <u>annually in accordance with the Consumer Price Index all Urban</u>
28   <u>Consumers, US City Average, All Items (1982-84=100), as published by the</u>
29   <u>Bureau of Labor Statistics of the United States Department of Labor. The</u>
30   <u>city manager shall annually determine the new fee amounts for each fiscal</u>
31   <u>year, beginning October 1, 2013, and report the new fee amounts to the city</u>
32   <u>council.</u>

33   (C)   The director of the Austin Neighborhood Housing and Community
34   Development Office may allocate money from the University Neighborhood
35   District Housing Trust Fund for housing development in the university
36   neighborhood overlay district that provides at least <u>40</u> [10] percent of its
37   dwelling units <u>or bedrooms</u> [units] to persons whose household income is

1 [less than] 50 percent <u>or below</u> [of] the median income in the Austin
2 statistical metropolitan area, as determined by the director of the Austin
3 Neighborhood Housing and Community Development Office, for a period of
4 not less than 15 years from the date a certificate of occupancy is issued.

5 (D) For a hotel/motel use that has an associated condominium residential use,
6 multifamily residential use, retirement housing (small site) use, or retirement
7 housing (large site) use, instead of complying with Subsection (A) a person
8 may pay into the University Neighborhood Housing Trust Fund a fee of
9 $2.00 for each square foot of the combined net square footage of the
10 residential units and the hotel/motel units, if:

11 (1) the number of residential units associated with a hotel/motel use does
12 not exceed 40% of the number of hotel/motel units; and

13 (2) the net square footage of the residential units does not exceed 45% of
14 the net square footage of hotel/motel units.

15 (E) <u>Rents will be established annually by the director of the Austin</u>
16 <u>Neighborhood Housing and Community Development Office as follows:</u>

17 <u>(1)</u> <u>Single occupancy 60% of the medium family income rents may not</u>
18 <u>exceed the Low HOME Rent Limit for one bedroom as established</u>
19 <u>annually by the Texas Department of Housing and Community</u>
20 <u>Affairs.</u>

21 <u>(2)</u> <u>Single occupancy 50% of the medium family income rents may not</u>
22 <u>exceed the 40% medium family income HOME Rent Limit for an</u>
23 <u>efficiency as established annually by the Texas Department of</u>
24 <u>Housing and Community Affairs.</u>

PART 3. This ordinance takes effect on _____, 2012.

PASSED AND APPROVED

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_____, 2012   § _____
                                        Lee Leffingwell
                                        Mayor

APPROVED: _____   **ATTEST:** _____
         Karen M. Kennard   Shirley A. Gentry
         City Attorney   City Clerk