

Planned Unit Development Ordinance

Current Ordinance Language	Proposed Amendments	Comments
<b>2.5.1. Limitation on Development.</b> Except as provided in Section 2.5.2 ( <i>Requirements for Exceeding Baseline</i> ), site development regulations for maximum height, maximum floor area ratio, and maximum building coverage in a PUD with residential uses may not exceed the baseline established under Section 1.3.3 ( <i>Baseline for Determining Development Bonuses</i> ).	<b>2.5.1. Limitation on Development.</b> Except as provided in Section 2.5.2 ( <i>Requirements for Exceeding Baseline</i> ), site development regulations for maximum height, maximum floor area ratio, and maximum building coverage in a PUD with residential uses may not exceed the baseline established under Section 1.3.3 ( <i>Baseline for Determining Development Bonuses</i> ).	
<b>2.5.2. Requirements for Exceeding Baseline.</b> Development in a PUD with residential uses may exceed the baseline established under Section 1.3.3 ( <i>Baseline for Determining Development Bonuses</i> ) for maximum height, maximum floor area ratio, and maximum building coverage if:	<b>2.5.2. Requirements for Exceeding Baseline.</b> Development in a PUD with residential uses may exceed the baseline established under Section 1.3.3 ( <i>Baseline for Determining Development Bonuses</i> ) for maximum height, maximum floor area ratio, and maximum building coverage if:	
A. the application for PUD zoning includes a report approved by the Director of the Neighborhood Housing and Community Development Department establishing the prevailing level of affordability of housing in the vicinity of the PUD, expressed as a percentage of median family income in the Austin metropolitan statistical area; and	A. the application for PUD zoning includes a report approved by the Director of the Neighborhood Housing and Community Development Department establishing the prevailing level of affordability of housing in the vicinity of the PUD, expressed as a percentage of median family income in the Austin metropolitan statistical area; and	
B. the developer either:	B. the developer either:	

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1. provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 ( <i>Requirements for Rental Housing</i> ) and Section 2.5.4 ( <i>Requirements for Ownership Housing</i> ); or	1. provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 ( <i>Requirements for Rental Housing</i> ) and Section 2.5.4 ( <i>Requirements for Ownership Housing</i> ); or	
2. makes donations for affordable housing under Section 2.5.6 ( <i>Alternative Affordable Housing Options</i> ).	2. makes donations for affordable housing under Section 2.5.6 ( <i>Alternative Affordable Housing Options</i> ).	
<b>2.5.3 Requirements for Rental Housing.</b> If rental housing units are included in a PUD, at least 10 percent of the rental units or rental habitable square footage within the PUD must:	<b>2.5.3 Requirements for Rental Housing.</b> If rental housing units are included in a PUD, <u>dwelling units equal to</u> at least 10 percent of the <u>bonus area square footage</u> <del>rental units or rental habitable square footage</del> within the PUD must:	
A. be affordable to a household whose income is less than the affordability level established under Section 2.5.5 ( <i>Affordability Levels</i> );	A. be affordable to a household whose income is less than the affordability level established under Section 2.5.5 ( <i>Affordability Levels</i> );	
B. remain affordable for 40 years from the date a certificate of occupancy is issued; and	B. remain affordable for 40 years from the date a certificate of occupancy is issued; and	
C. be eligible for federal housing choice vouchers.	C. be eligible for federal housing choice vouchers.	
<b>2.5.4 Requirements for Ownership Housing.</b> If owner occupied housing is included in a PUD, at least five percent of the owner occupied units or owner occupied habitable square footage within the PUD must be:	<b>2.5.4 Requirements for Ownership Housing.</b> If owner occupied housing is included in a PUD, <u>dwelling units equal to</u> at least five percent of the <u>bonus area square footage</u> <del>owner occupied units or owner occupied habitable square footage</del> within the PUD must be:	

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A. affordable to a household whose income is less than the affordability level established under Section 2.5.5 ( <i>Affordability Levels</i> ); and	A. affordable to a household whose income is less than the affordability level established under Section 2.5.5 ( <i>Affordability Levels</i> ); and	
B. transferred to the owner subject to a shared equity agreement approved by the Director of the Neighborhood Housing and Community Development Department.	B. transferred to the owner subject to a shared equity agreement approved by the Director of the Neighborhood Housing and Community Development Department.	
<b>2.5.5. Affordability Levels.</b> For purposes of this subchapter, the affordability level is:	<b>2.5.5. Affordability Levels.</b> For purposes of this subchapter, the affordability level is:	
A. for a portion of a PUD within the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2 ( <i>Design Standards and Mixed Use</i> ), 80% of the median family income in the Austin metropolitan statistical area;	A. for a portion of a PUD within the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2 ( <i>Design Standards and Mixed Use</i> ), 80% of the median family income in the Austin metropolitan statistical area;	
B. for a portion of a PUD outside the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2 ( <i>Design Standards and Mixed Use</i> ), 60% of the median family income in the Austin metropolitan statistical area; or	B. for a portion of a PUD outside the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2 ( <i>Design Standards and Mixed Use</i> ), 60% of the median family income in the Austin metropolitan statistical area; or	
C. if the Council finds that the prevailing level of affordability of housing in the vicinity of the PUD is lower than the level applicable under Paragraph A or B, any lesser percentage of the median family income in the Austin metropolitan statistical area established by the Council.	C. if the Council finds that the prevailing level of affordability of housing in the vicinity of the PUD is lower than the level applicable under Paragraph A or B, any lesser percentage of the median family income in the Austin metropolitan statistical area established by the Council.	

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<b>2.5.6 Alternative Affordable Housing Options.</b> Development within a PUD may exceed baseline standards as provided in Section 2.5.2.B.2 ( <i>Requirements for Exceeding Baseline</i> ) if the developer:	<b>2.5.6 Alternative Affordable Housing Options.</b> Development within a PUD may exceed baseline standards as provided in Section 2.5.2.B.2 ( <i>Requirements for Exceeding Baseline</i> ) if the developer:	
A. donates to the Austin Housing Finance Corporation land within the PUD that is appropriate and sufficient to develop 20 percent of the residential habitable square footage planned for the PUD, as determined by the Director of the Neighborhood Housing and Community Development Department; or	A. donates to the Austin Housing Finance Corporation land within the PUD that is appropriate and sufficient to develop 20 percent of the residential habitable square footage planned for the PUD, as determined by the Director of the Neighborhood Housing and Community Development Department; or	
B. subject to approval by the city council, donates the amount established under Section 2.5.7 ( <i>In Lieu Donation</i> ) for each square foot of climate controlled space within the PUD to a Housing Assistance Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.	B. subject to approval by the city council, donates the amount established under Section 2.5.7 ( <i>In Lieu Donation</i> ) for each square foot <u>of bonus square footage above baseline of climate-controlled space within the PUD to a</u> <u>to the Affordable Housing Assistance-Trust</u> Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.	<u>This should be the Housing Trust Fund</u>

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<b>2.5.7. In Lieu Donation.</b> The amount payable under Section 2.5.6.B ( <i>Alternative Affordable Housing Options</i> ) shall be 60 percent of the fee established under Section 25-2-586(I) ( <i>Affordable Housing Incentives in a Central Business District or Downtown Mixed Use Zoning District</i> ) or any successor fee established under the Austin Downtown Plan.	<b>2.5.7. In Lieu Donation.</b> The amount payable under Section 2.5.6.B ( <i>Alternative Affordable Housing Options</i> ) shall be <u>\$6 for each square foot of bonus square footage above baseline. 60 percent of the fee established under Section 25-2-586(I) (<i>Affordable Housing Incentives in a Central Business District or Downtown Mixed Use Zoning District</i>) or any successor fee established under the Austin Downtown Plan.</u> 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 applicable standard as defined by the director of the Neighborhood Housing and Community Development Office. The city manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2014, and report the new fee amounts to the city council.	

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