

**ORDINANCE NO. 20080618-098**

**AN ORDINANCE AMENDING DIVISION 5, SUBCHAPTER B, CHAPTER 25-2, OF THE CITY CODE AND SECTION 2-1-144(I) OF THE CITY CODE REGARDING THE PROCESS AND STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS.**

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

**PART 1.** Chapter 25-2, Subchapter B, Article 2, Division 5 (*Planned Unit Developments*) is amended to read as follows:

**Division 5. Planned Unit Developments.**

**Subpart A. General Provisions [~~Previous Approvals; Planned Unit Developments in the Extraterritorial Jurisdiction~~].**

**1.1. General Intent.**

This division provides the procedures and minimum requirements for a planned unit development (PUD) zoning district to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations.

**1.2. Council Authority.**

The council retains the legislative authority to determine whether PUD zoning is appropriate regardless of whether the proposed development meets the standards prescribed by this division.

**1.3. Pre-Application Filing Requirements and Review Criteria.**

**1.3.1. Report and Finding Required.** The requirements of this section must be fulfilled before the Neighborhood Planning and Zoning Department may accept an application for a PUD zoning district classification.

A. The applicant must obtain a project assessment report on the proposed development from the director of the Neighborhood Planning and Zoning Department. Not later than the 11<sup>th</sup> day after issuance of the report, the director shall mail notice of the report to the neighborhood plan contact

team and those entitled to notice under Section 25-1-133(A)(Notice of Applications and Administrative Decisions)

B The director of the Neighborhood Planning and Zoning Department must present the project assessment report at a council meeting and make recommendations regarding the requirements in Section 2 3 (Tier One Requirements), the criteria in Section 2 4 (Tier Two Requirements), and any other applicable requirements or criteria Not later than the 11<sup>th</sup> day before the date of the meeting, the director of the Neighborhood Planning and Zoning Department shall mail notice of the meeting to those entitled to receive notice of the project assessment report.

**1.3.2 Council Response.** The council or individual council members may supplement or respond to the recommendation of the director of the Neighborhood Planning and Zoning Department with comments identifying issues that should or must be addressed during subsequent review and consideration of the application A comment does not obligate council members to vote for or against approval of the proposed PUD district zoning

**1.3.3. Baseline for Determining Development Bonuses; Estimate of Development Under Existing Zoning.** The applicant must recommend and the director of the Neighborhood Planning and Zoning Department shall establish the following in the project assessment report

A. The zoning district or districts that would be most appropriate for the property if it were developed without PUD zoning The district or districts must be consistent with all applicable neighborhood plans or a neighborhood plan amendment initiated concurrently with the request for PUD zoning Unless the council establishes a different baseline as part of a comment under Section 1 3 2 (Council Response), the director's determination establishes the baseline for determining development bonuses under Section 2 5 (Development Bonuses)

B An estimate of the maximum extent of development allowable under the property's existing zoning, including any assumptions used to make the estimate

**1.3.5. Fee Credit.** The director of the Neighborhood Planning and Zoning Department shall credit the fee for the project assessment toward the zoning application fee if the zoning application is filed not later than one year after the applicant receives the assessment report

#### **1.4. Land Use Plan.**

**1.4.1. Application Requirements.** An application for a PUD zoning district classification must include a land use plan that contains each of the following.

- A a general land use map,
- B proposed site development regulations,
- C the baseline for determining development bonuses under Section 2.5. (Development Bonuses), if any,
- D a description of any bonuses requested under Section 2 5 (Development Bonuses) and the manner in which the bonus requirements are to be satisfied,
- E requested waivers from or modifications of the requirements of this code under Section 2 2 (Modification by Council), if any, and
- F any other information required by the director of the Neighborhood Planning and Zoning Department

**1.4.2. Ordinance Requirements.** An ordinance classifying land as a PUD zoning district must include a land use plan that meets the requirements of Section 1 4 1 (Application Requirements)

**1.4.3 Effect of Land Use Plan.** The land use plan included in the PUD ordinance establishes the use and site development regulations for development within a PUD zoning district

#### **1.5. [~~§ 25-2-391~~] Planned Unit Developments Approved Before December 15, 1988.**

A PUD zoning district approved under regulations applicable before December 15, 1988 is governed by the previous regulations and shall be identified on the zoning map as a PUD district

#### **1.6. [~~§ 25-2-392~~] Planned Unit Developments in the Extraterritorial Jurisdiction.**

A [~~(A)~~] The council may designate a planned unit development in the extraterritorial jurisdiction in accordance with state law

B [~~B~~] Unless otherwise agreed by the City and the landowners, a planned unit development must comply with all requirements applicable to a PUD zoning district in the City's zoning jurisdiction

C [~~C~~] Uses allowed in a planned unit development in the extraterritorial jurisdiction are the uses described in the planned unit development agreement

## **Subpart B. Planned Unit Development Standards [~~Project Assessment; Land Use Plan~~].**

### **2.1. Compliance Required.**

An applicant who seeks to have property designated as a PUD zoning district must demonstrate that the proposed development complies with this division.

### **2.2. Modification By Council.**

The proposed development must comply with the requirements of this code, except that

A the council may modify a requirement in accordance with Section 2 5 (*Development Bonuses*), and

B the council may waive or modify a requirement if

1 the PUD ordinance identifies the waiver or modification, and

2 the council finds that:

a. the resulting development would achieve greater consistency with the goals enumerated in Section 1 1 (*General Intent*) than development that would occur without the waiver or modification, and

b. the adverse effects of the waiver or modification are offset by other enforceable requirements, and

c. the objective of the waived or modified requirement is substantially achieved

### **2.3. Tier One Requirements.**

**2.3.1. Minimum Requirements.** All PUDs must

A meet the objectives of the City Code,

- B provide for development standards that achieve equal or greater consistency with the goals in Section 11 than development under the regulations in the Land Development Code,
- C provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that:
  - 1 a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and
  - 2. the required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided;
- D comply with the City's Planned Unit Development Green Building Program;
- E be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses;
- F provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land,
- G. provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities,
- H. exceed the minimum landscaping requirements of the City Code,
- I. provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways,
- J prohibit gated roadways,
- K protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance; and

L include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints

**2.3.2. Additional Requirements.** In addition to the requirements contained in Section 2.3 1 (Minimum Requirements), a PUD containing a retail, commercial, or mixed use development must

A comply with Chapter 25-2, Subchapter E (Design Standards And Mixed Use)

B inside the urban roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (Design Standards and Mixed Use), comply with the sidewalk standards in Section 2 2 2 , Subchapter E, Chapter 25-2 (Core Transit Corridors Sidewalks And Building Placement), and

C. contain pedestrian-oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building.

**2.4. Tier Two Requirements.**

This section contains criteria for determining the extent to which development proposed for a PUD district would be superior to that which would occur under conventional zoning and subdivision regulations as required under Section 1 1, General Intent A proposed PUD need not address all criteria in this section to achieve superiority, and the council may consider any other criteria the council deems appropriate.

<u>Open Space</u>	<u>Provides open space at least 10% above the requirements of Section 2 3 1 A (Minimum Requirements) Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department</u>
<u>Environment</u>	<u>Does not request exceptions to or modifications of environmental regulations.</u>
	<u>Provides water quality controls superior to those otherwise required by code</u>
	<u>Uses innovative water quality controls that treat at least 25 percent additional water quality volume and provide 20 percent greater pollutant removal, in addition to the minimum water quality volume</u>

	<u>required by code</u>
	<u>Provides water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25 percent of the subject tract</u>
	<u>Reduces impervious cover or single-family density by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code</u>
	<u>Provides minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater</u>
	<u>Provides at least a 50 percent increase in the minimum waterway and critical environmental feature setbacks required by code.</u>
	<u>Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected</u>
	<u>Provides pervious paving for at least 50 percent or more of all paved areas in non-aquifer recharge areas</u>
	<u>Prohibits uses that may contribute to air or water quality pollutants</u>
	<u>Employs other creative or innovative measures</u>
<u>Austin Green Builder Program</u>	<u>Provides a rating under the Austin Green Builder Program of three stars or above</u>
<u>Art</u>	<u>Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art in Public Places Program or a successor program</u>
<u>Great Streets</u>	<u>Complies with City's Great Streets Program, or a successor program Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (Design Standards And Mixed Use)</u>
<u>Community amenities</u>	<u>Provides community or public amenities, which may include spaces for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need</u>
<u>Transportation</u>	<u>Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code</u>

<u>Building Design</u>	<u>Exceeds the minimum points required by the Building Design Options of Section 3 3 2 of Chapter 25-2, Subchapter E (<i>Design Standards And Mixed Use</i>)</u>
<u>Parking structure frontage</u>	<u>In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) in ground floor spaces</u>
<u>Affordable Housing</u>	<u>Provides for affordable housing or participation in programs to achieve affordable housing.</u>
<u>Historic Preservation</u>	<u>Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements</u>
<u>Accessibility</u>	<u>Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements</u>
<u>Local Small Business</u>	<u>Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area</u>

## **2.5. Development Bonuses.**

**2.5.1. Limitation on Development.** Except as provided in Section 2.5 2 (*Requirements for Exceeding Baseline*), 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 (*Baseline for Determining Development Bonuses*)

**2.5.2. Requirements for Exceeding Baseline.** Development in a PUD with residential uses may exceed the baseline established under Section 1 3 3 (*Baseline for Determining Development Bonuses*) 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
- B. the developer either

- 1 provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2 5 3 (*Requirements for Rental Housing*) and Section 2 5 4 (*Requirements for Ownership Housing*); or
- 2 makes donations for affordable housing under Section 2 5 6 (*Alternative Affordable Housing Options*)

**2.5.3. Requirements for Rental Housing.** 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

- A be affordable to a household whose income is less than the affordability level established under Section 2 5 5 (*Affordability Levels*),
- B remain affordable for 40 years from the date a certificate of occupancy is issued, and
- C be eligible for federal housing choice vouchers

**2.5.4. Requirements for Ownership Housing.** 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:

- A affordable to a household whose income is less than the affordability level established under Section 2.5 5 (*Affordability Levels*), and
- B. transferred to the owner subject to a shared equity agreement approved by the Director of the Neighborhood Housing and Community Development Department

**2.5.5. Affordability Levels.** 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 (*Design Standards and Mixed Use*), 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 (*Design Standards and Mixed Use*), 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

**2.5.6 Alternative Affordable Housing Options.** Development within a PUD may exceed baseline standards as provided in Section 2 5 2 B 2 (*Requirements for Exceeding Baseline*) 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

B. subject to approval by the city council, donates the amount established under Section 2 5.7 (*In Lieu Donation*) 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

**2.5.7. In Lieu Donation.** The amount payable under Section 2 5 6 B (*Alternative Affordable Housing Options*) shall be 60 percent of the fee established under Section 25-2-586(1) (*Affordable Housing Incentives in a Central Business District or Downtown Mixed Use Zoning District*) or any successor fee established under the Austin Downtown Plan.

**~~§ 25-2-401 PROJECT ASSESSMENT REQUIRED.~~**

~~—(A)— An applicant may not file an application for a PUD zoning district classification until the applicant obtains a project assessment report on the proposed development from the director of the Neighborhood Planning and Zoning Department~~

~~—(B)— The director of the Neighborhood Planning and Zoning Department shall credit the fee for the project assessment toward the zoning application fee if the zoning application is filed not later than one year after the applicant receives the assessment report~~

**~~§ 25-2-402 LAND USE PLAN REQUIRED.~~**

~~—(A)— An applicant shall include a proposed land use plan in an application for a PUD zoning district classification. The proposed land use plan must include~~

- ~~— (1) a general land use map,~~
- ~~— (2) the proposed site development regulations;~~
- ~~— (3) requested waivers from the requirements of this title, if any, and~~
- ~~— (4) other information required by the director of the Neighborhood Planning and Zoning Department~~

~~— (B) A land use plan must be included in the ordinance classifying land as a PUD zoning district~~

~~(C) The land use plan in the ordinance establishes the use and site development regulations for development within a PUD zoning district~~

### Subpart C. Land Use Plan; Regulations; Variances.

#### **3.1. [~~§ 25-2-403~~] Land Use Plan Expiration and Amendment.**

**3.1.1. Expiration.** [~~(A)~~] A land use plan does not expire unless the property is rezoned to a district other than PUD

**3.1.2. Substantial Amendment.** [~~(B)~~] A substantial amendment to a land use plan is a rezoning of the affected portion of the PUD zoning district and requires council approval. The following are substantial amendments:

- A. [~~(1)~~] adding a land use that is more intense than the existing permitted uses,
- B. [~~(2)~~] amending a site development regulation,
- C. [~~(3)~~] increasing the intensity of a land use adjacent to a platted single family residential tract;
- D. [~~(4)~~] amending a condition of approval of the PUD zoning district,
- E. [~~(5)~~] increasing land use intensity in a phase of development of the PUD without decreasing land use intensity an equivalent amount in the phase of development,
- F. [~~(6)~~] shifting development intensity in a manner that results in an “E” or “F” level of service on a roadway segment or intersection included in the traffic impact analysis governing the PUD, and
- G. [~~(7)~~] amending a phasing schedule to establish a non-residential land use before establishing the residential development supported by the non-residential use

**3.1.3. Approval By Director.** ~~[(C)]~~ The director of the Neighborhood Planning and Zoning Department may approve an amendment to a land use plan that is not a substantial amendment described under Subsection 3 1.2 (*Substantial Amendment*) ~~[(B)]~~.

A ~~[(1)]~~ An applicant must submit a proposed amendment to the director of the Neighborhood Planning and Zoning Department with an application for approval of an administrative site plan

B ~~[(2)]~~ The director of the Neighborhood Planning and Zoning Department's decision on an amendment may be appealed to the Land Use Commission The Land Use Commission's decision may be appealed to the council

**3.1.4. Increased Intensity.** ~~[(D)]~~ A substantial amendment based on increased land use intensity occurs if:

A ~~[(1)]~~ most restrictive base zoning district in which the proposed use is permitted is less restrictive than most restrictive base zoning district in which the existing use is permitted,

B ~~[(2)]~~ residential density is higher than authorized in the existing land use plan, or

C ~~[(3)]~~ a multifamily use is proposed along the periphery of the project

#### **~~Subpart C. Regulations; Variances.~~**

### **3.2. ~~[\S 25-2-411]~~ Planned Unit Development Regulations.**

**3.2.1. Uses and Regulations.** ~~[(A)]~~ The permitted uses, conditional uses, and site development regulations for a planned unit development (PUD) district are established by the ordinance zoning property as a PUD district, the accompanying land use plan, and this section ~~[The council may modify a requirement of this title by identifying and approving the modification-~~

~~(B) Except for requirements applicable to specific zoning districts, the requirements of this title apply to development in a PUD district-~~

~~(C) Public facilities and services that are adequate to support the proposed development are required.]~~ The council may require development phasing or the construction of off-site infrastructure

~~[(D) The natural topography, soils, critical environmental features, waterways, and vegetation must be incorporated into the design of a PUD district, if practicable Buffer zones and greenbelt areas are required In intensively developed areas, landscaping that exceeds the minimum requirements of this title is required-~~

~~[(E) — The design of a local street must discourage through traffic and provide convenient accessibility to the parking areas that serve each use. Collector streets must be designed so that future development will not require the conversion of a collector street to an arterial street.~~

~~(F) — The design of a parking area must prevent the backing of vehicles onto a collector or arterial street.~~

~~(G) — Vehicular and pedestrian passageways must be separated from public rights-of-way. If appropriate, walkways and bicycle paths connecting buildings, common open spaces, recreation areas, community facilities, and parking areas must be provided and lighted for night use.~~

**3.2.2 Residential Uses.** [(H)] For residential uses, a land use plan must include

A [(1)] the type and location of each use;

B [(2)] the maximum density,

C [(3)] for multifamily development, the maximum floor to area ratio,

D [(4)] the maximum building height,

E [(5)] the minimum lot size and width; and

F [(6)] other site development regulations that may be required by the council

**3.2.3 Nonresidential Uses.** [(H)] For nonresidential uses, a land use plan must include

A [(1)] the type and location of each use;

B [(2)] the maximum floor area ratio, which may not be greater than the maximum floor to area ratio permitted in the most restrictive base zoning district in which proposed use is permitted;

C [(3)] the maximum building height,

D [(4)] the minimum front yard and street side yard setbacks, which must be not less than the greater of.

1 [(a)] 25 feet for a front yard, and 15 feet for a street side yard, or

2 ~~[(b)]~~ those required by Subchapter C, Article 10 (*Compatibility Standards*),

E. ~~[(5)]~~ the number of curb cuts or driveways, which must be the minimum necessary for adequate access to the site, and

F. ~~[(6)]~~ other site development regulations that may be required by the council.

**3.2.4. Industrial Uses.** ~~[(H)]~~ An industrial use must comply with the performance standards established by Section 25-2-648 (*Planned Development Area (PDA) Performance Standards*)

~~[(K)] This subsection provides open space requirements~~

~~— (1) Except as otherwise provided in this subsection~~

~~— (a) for a nonresidential use, not less than 20 percent of a tract must be open space, and~~

~~— (b) or an industrial use, not less than 15 percent of a tract must be open space~~

~~— (2) Not less than 10 percent of a tract must be open space if, excluding the tract, at least 10 percent of the PUD district is open space~~

~~(3) A greenbelt or buffer zone may be included as open space, but a detention or filtration area is excluded unless the area is designed and maintained as an amenity to the site~~

#### ~~§ 25-2-412 VARIANCES~~

~~— A variance from the requirements of Chapter 25-8 (*Environment*) or Subchapter C, Article 10 (*Compatibility Standards*) for development in a PUD may only be granted~~

~~— (1) by the land use plan,~~

~~— (2) by amendment of the land use plan, or~~

~~— (3) for variances from subdivision or site plan engineering or design requirements, through the process established in Chapter 25-1, Article 7, Division 2 (*Variances*)]~~

## Subpart D. Development Applications.

### **4.1. [~~§25-2-421~~] Concurrent Consideration of Development Applications.**

The council may consider a preliminary plan or final plat processed concurrently with an application requesting a PUD zoning district classification for a property.

### **4.2. [~~§25-2-422~~] Development Applications Must Comply with Land Use Plan.**

**4.2.1. Approval.** [~~(A)~~] The council, Land Use Commission, or director of the Neighborhood Planning and Zoning Department may approve a preliminary subdivision plan, final plat, site plan, or building permit for development in a PUD zoning district only if the proposed development complies with the requirements of the land use plan.

**4.2.2. Director's Report.** [~~(B)~~] The director of the Neighborhood Planning and Zoning Department's report on a development application considered by the Land Use Commission or council must include a determination of whether the application complies with the requirements of the land use plan

### **4.3. [~~§25-2-423~~] Rezoning if Development Applications Expire or Are Not Approved.**

The director of the Neighborhood Planning and Zoning Department shall request that the council initiate the rezoning of property in a PUD zoning district if:

A [~~(1)~~] a preliminary plan or site plan for a portion of the property is not approved within three years after the effective date of the ordinance approving the PUD zoning classification for the property, or

B [~~(B)~~] an approved preliminary plan or site plan expires.

**PART 2.** Section 2-1-144(I) (*Environmental Board*) of the City Code is amended to read as follows

(I) The board shall

(1) review all variances to requirements for water quality related to environmentally sensitive areas;

(2) review the monitoring of storm water runoff in developed and undeveloped areas;

(3) review the efficiency of existing and proposed structural and nonstructural controls;

- (4) periodically review the effectiveness of Chapter 25-4 (Subdivision);
- (5) review waste treatment permits within the city's extraterritorial jurisdiction;
- (6) review programs and policies for flood control, erosion control, and water quality;
- (7) review capital improvement projects;
- (8) review municipal utility district proposals and amendments;
- (9) review roadway plan amendments; [~~and~~]
- (10) recommend urban runoff standards, and
- (11) review planned unit developments.

**PART 3.** Requests for PUD district zoning initiated before the adoption of this ordinance shall be processed and reviewed under the standards in effect on the date of adoption of this ordinance and those standards are continued in effect for that purpose only.

**PART 4.** This ordinance takes effect on June 29, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_ June 18 \_\_\_\_\_, 2008

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§ \_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk