



1 **§2.5 DEVELOPMENT BONUSES**

2 **2.5.1. Limitation on Development.** Except as provided in Section 2.5.2  
3 (Requirements for Exceeding Baseline), site development regulations for maximum  
4 height, maximum floor area ratio, and maximum building coverage in a PUD with  
5 residential uses may not exceed the baseline established under Section 1.3.3 (Baseline  
6 for Determining Development Bonuses).

7  
8 **2.5.2. Requirements for Exceeding Baseline.** Development in a PUD with residential  
9 uses may exceed the baseline established under Section 1.3.3 (Baseline for Determining  
10 Development Bonuses) for maximum height, maximum floor area ratio, and maximum  
11 building coverage if:

- 12  
13 A. the application for PUD zoning includes a report approved by the Director  
14 of the Neighborhood Housing and Community Development Department  
15 establishing the prevailing level of affordability of housing in the vicinity  
16 of the PUD, expressed as a percentage of median family income in the  
17 Austin metropolitan statistical area; and  
18  
19 B. the developer either:  
20  
21 1. provides contract commitments and performance guarantees that  
22 provide affordable housing meeting or exceeding the requirements  
23 of Section 2.5.3 (Requirements for Rental Housing) and Section  
24 2.5.4 (Requirements for Ownership Housing); or  
25  
26 2. makes donations for affordable housing under Section 2.5.5[6]  
27 (Alternative Affordable Housing Options).

28  
29 **2.5.3. Requirements for Rental Housing.** If rental housing units are included in a  
30 PUD, dwelling units equal to at least 10 percent of the bonus area square footage [~~rental~~  
31 ~~units or rental habitable square footage~~] within the PUD must:

- 32  
33 A. be affordable to a household whose income is 60 percent or below the  
34 median family income in the Austin metropolitan statistical area [~~less than~~  
35 ~~the affordability level established under Section 2.5.5 (Affordability~~  
36 ~~Levels)];~~
- 37  
38 B. remain affordable for 40 years from the date a certificate of occupancy is  
39 issued; and

1  
2 C. be eligible for federal housing choice vouchers.  
3

4 **2.5.4. Requirements for Ownership Housing.** If owner occupied housing is included  
5 in a PUD, dwelling units equal to at least five percent of the bonus area square footage  
6 [~~owner occupied units or owner occupied habitable square footage~~] within the PUD  
7 must be:  
8

- 9 A. affordable to a household whose income is 80 percent or below the median  
10 family income in the Austin metropolitan statistical area [~~less than the~~  
11 ~~affordability level established under Section 2.5.5 (Affordability Levels)~~];  
12 and  
13  
14 B. transferred to the owner subject to a shared equity agreement approved by  
15 the Director of the Neighborhood Housing and Community Development  
16 Department.  
17

18 [~~2.5.5~~][**Affordability Levels.** For purposes of this subchapter, the affordability level  
19 is:]  
20

21 [~~A.] [for a portion of a PUD within the urban roadway boundary depicted in~~  
22 ~~Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed~~  
23 ~~Use), 80% of the median family income in the Austin metropolitan~~  
24 ~~statistical area;]~~  
25

26 [~~B.] [for a portion of a PUD outside the urban roadway boundary depicted in~~  
27 ~~Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed~~  
28 ~~Use), 60% of the median family income in the Austin metropolitan~~  
29 ~~statistical area; or]~~  
30

31 [~~C.] [if the Council finds that the prevailing level of affordability of housing in~~  
32 ~~the vicinity of the PUD is lower than the level applicable under Paragraph~~  
33 ~~A or B, any lesser percentage of the median family income in the Austin~~  
34 ~~metropolitan statistical area established by the Council.]~~  
35

36 **2.5.5[6] Alternative Affordable Housing Options.** Development within a PUD may  
37 exceed baseline standards as provided in Section 2.5.2.B.2 (Requirements for  
38 Exceeding Baseline) if the developer:  
39

- 1 A. donates to the Austin Housing Finance Corporation land within the PUD  
2 that is appropriate and sufficient to develop 20 percent of the residential  
3 habitable square footage planned for the PUD, as determined by the  
4 Director of the Neighborhood Housing and Community Development  
5 Department; or  
6  
7 B. subject to approval by the city council, donates the amount established  
8 under Section 2.5.6[7] (In Lieu Donation) for each square foot of bonus  
9 square footage above baseline [~~of climate controlled space within the PUD~~  
10 ~~to a~~] to the Affordable Housing Trust [Assistance] Fund to be used for  
11 producing or financing affordable housing, as determined by the Director  
12 of the Neighborhood Housing and Community Development Department.  
13

14 **2.5.6[7] In Lieu Donation.** The amount payable under Section 2.5.5[6].B (Alternative  
15 Affordable Housing Options) shall be \$6 for each square foot of bonus square  
16 footage above baseline [~~60 percent of the fee established under Section 25-2-~~  
17 ~~586(I) (Affordable Housing Incentives in a Central Business District or~~  
18 ~~Downtown Mixed Use Zoning District) or any successor fee established under~~  
19 ~~the Austin Downtown Plan]. Such fee will be adjusted annually in accordance  
20 with the Consumer Price Index all Urban Consumers, US City Average, All  
21 Items (1982-84=100), as published by the Bureau of Labor Statistics of the  
22 United States Department of Labor or other applicable standard as defined by  
23 the director of the Neighborhood Housing and Community Development  
24 Office. The city manager shall annually determine the new fee amounts for  
25 each fiscal year, beginning October 1, 2014 and report the new fee amounts to  
26 the city council.  
27~~

28 **PART 3.** The Council finds that the need to clarify the development bonuses in the PUD  
29 regulations constitutes an emergency. Because of this emergency, this ordinance takes  
30 effect at time it is approved by the City Council.  
31

