

## ORDINANCE AMENDMENT REVIEW SHEET

**Amendment:** C20-2013-014 Planned Unit Development Affordability

**Description:** Amend Title 25 of the City Code to clarify that the affordable housing requirement for Planned Unit Developments, and fee in lieu of, are calculated using the amount of building square footage in the proposed PUD that exceeds the baseline height or floor to area ratio.

**Proposed Language:** See attached draft language.

**Background:** Initiated by Council Resolution 20130606-51.

The intention of PUD zoning is to create superior projects that might not occur using conventional zoning and site development standards; certain superiority elements are typically used in a PUD development that provide greater environmental protections, connectivity, innovative design and affordable housing, and other community benefits in return for additional density and flexible site development regulations. The existing PUD regulations include a provision for establishing a baseline in order to calculate a density bonus; PUDs requesting height or floor to area ratios (FAR) above the baseline amount are required to contribute in some manner to affordable housing, either by providing units on site or by a payment of a fee in lieu of construction.

Recently, the interpretation of the density bonus section of the PUD ordinance that applies to the affordable housing requirement has been scrutinized. As a result, the City Council initiated amendments to the PUD section of the City Code such that the affordable housing requirement, and fee in lieu of, are calculated using the amount of building square footage in the proposed PUD that exceeds the baseline height or floor to area ratio.

**Staff Recommendation:** Staff recommends the proposed code amendment with the following concerns:

1. Staff does not support changing language to indicate that existing zoning shall prevail as the baseline for purposes of determining development bonuses. Staff feels that existing language in the PUD ordinance to establish the baseline for determining development bonuses and estimating development under existing zoning is appropriate. This proposed change was recommended by Planning Commission but was not part of Council Resolution 20130606-51.

### **Board and Commission Actions**

**August 20, 2013:** Recommended by the Community Development Commission on an 8-0 vote, with the following amendments:

1. The baseline zoning should be actual base zoning.

2. PUD zoning should not be used in downtown zoning cases.
3. PUD zoning should not be used on single buildings.

**September 17, 2013:** Recommended by the Codes and Ordinances Subcommittee on a 5-0 vote, with the following amendments:

1. Change language to clarify that existing zoning shall prevail as the baseline for purposes of determining development bonuses.

**September 24, 2013:** Recommended by the Planning Commission, on a 6-0 vote, the C&O Subcommittee recommendation.

**Council Action**

**October 3, 2013:** A public hearing has been set for City Council.

**Ordinance Number:** NA

<b><u>City Staff:</u></b> Greg Dutton	<b><u>Phone:</u></b> 974-3509	<b><u>Email:</u></b> greg.dutton@austintexas.gov
Jerry Rusthoven	974-3207	jerry.rusthoven@austintexas.gov