

ORDINANCE NO. _____

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

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

PART 1. Subsection (B) of Section 25-2-756 (*Height*) of the City Code is amended to read:

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

- (1) In this subsection, HISTORIC PROPERTY means property zoned historic or listed in the City's historic building survey on October 6, 2008.
- (2) Except as provided in Paragraph (3), a structure with a multi-family residential use or group residential use may exceed by 15 feet the maximum height prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*) if:
 - (a) the structure is located in an area for which the maximum height is at least 50 feet; and
 - (b) the multi-family residential use or group residential use, for a period of not less than 40 [15] years from the date a certificate of occupancy is issued, sets aside at least:
 - (i) 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below [less than] 60 [80] percent of the median income in the Austin statistical metropolitan area, as determined by the director of the [Austin] Neighborhood Housing and Community Development Office;[and]
 - (ii) 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below [less than] 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the [Austin] Neighborhood Housing and Community Development Office; and, [-]
 - (iii) The applicant:

1. Pays 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 or group residential use development; or,
2. Provides an additional 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 50 percent of the median income in the Austin statistical metropolitan area as determined by the director of the Neighborhood Housing and Community Development Office.

- (3) A building on a lot that has a common side lot line with a historic property may not exceed by more than 20 feet the maximum building height of the base district in which the historic property is located.
- (4) The fee in (b)(iii) above 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 in accordance with any other similar, 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.

PART 2. Section 25-2-765 (*Affordable Housing*) of the City Code is amended to read:

§ 25-2-765 AFFORDABLE HOUSING.

- (A) A multi-family residential use or a group residential use established after September 2, 2013 [~~September 2, 2004~~] must, for a period of not less than 40 [~~45~~] years from the date a certificate of occupancy is issued, set aside at least:
 - (1) 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below [~~less than~~] 60 [~~80~~] percent of the median income in the Austin statistical metropolitan area, as determined by the director of the [~~Austin~~] Neighborhood Housing and Community Development Office; and

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

(B) The University Neighborhood District Housing Trust Fund is established. Instead of complying with Paragraph (A)(2), a person may pay into the fund a fee of \$1.00 [0.50] for each square foot of net rentable floor area in the multi-family residential use or group residential use development and the 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 in accordance with any other similar, 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.

(C) The director of the [Austin] Neighborhood Housing and Community Development Office may allocate money from the University Neighborhood District Housing Trust Fund for housing development in the university neighborhood overlay district that provides at least 30 [40] percent of its dwelling units or bedrooms to persons whose household income is at or below ~~[less than]~~ 50 percent of the median income in the [Austin] statistical metropolitan area, as determined by the director of the [Austin] Neighborhood Housing and Community Development Office, for a period of not less than 40 [45] years from the date a certificate of occupancy is issued.

Projects qualifying for the University Neighborhood Overlay Affordable Trust Funds shall receive a 100 percent fee waiver as set forth in the S.M.A.R.T. Housing Policy.

(D) Rents will be established annually by the director of Neighborhood Housing and Community Development Office as follows:

(1) Rents for single occupancy rental units for households who are at or below 60 percent of the median family income may not exceed the Low HOME Rent Limit for one bedroom as established annually by the Texas Department of Housing and Community Affairs.

(2) Rents for single occupancy rental units for households who are at or below 50 percent median family income households may not exceed the 40 percent Median Family Income HOME Rent Limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs

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

- (1) the number of residential units associated with a hotel/motel use does not exceed 40% of the number of hotel/motel units; and
- (2) the net square footage of the residential units does not exceed 45% of the net square footage of hotel/motel units.

PART 3. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

_____, 2013 § _____
Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk