

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY BOUNDED BY LOYOLA LANE ON THE NORTH BETWEEN
3 JOHNNY MORRIS ROAD AND DECKER LANE AND CHANGING THE
4 ZONING MAP FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2)
5 DISTRICT, FAMILY RESIDENCE (SF-3) DISTRICT AND MULTIFAMILY
6 RESIDENCE LOW DENSITY (MF-2) DISTRICT TO PLANNED UNIT
7 DEVELOPMENT (PUD) DISTRICT.

8
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base districts from single family residence standard lot (SF-2) district, family
13 residence (SF-3) district and multifamily residence low density (MF-2) district to planned
14 unit development (PUD) district on the property described in Zoning Case No. C814-2014-
15 0110.SH, on file at the Planning and Development Review Department, consisting of
16 approximately 203.629 acres in Travis County, Texas, shown in Exhibit "A" (the
17 "Property"). The Property is locally known as the area bounded by Loyola Lane on the
18 north between Johnny Morris Road and Decker Lane and generally identified in the map
19 attached as Exhibit "B".
20

21 **PART 2.** This ordinance and the attached Exhibits A through ____ are the land use plan
22 (the "Land Use Plan") for the Colony Park Sustainable Community Initiative planned unit
23 development district (the "PUD") created by this ordinance. Development of and uses
24 within the PUD shall conform to the limitations and conditions set forth in this ordinance
25 and the Colony Park Sustainable Communities Initiative Master Plan, Design Guidelines
26 and Implementation Plan that is contained within the Land Use Plan, attached as Exhibit
27 "C". If this ordinance and the attached exhibits conflict, this ordinance controls. Except as
28 otherwise provided by this ordinance, development within the PUD is subject to the
29 ordinances, regulations, and rules in effect.
30

31 **PART 3.** The attached exhibits are incorporated into this ordinance in their entirety as
32 though set forth fully in the text of this ordinance. The exhibits are as follows:
33

- 34 Exhibit A: Legal description of the Property
35 Exhibit B: Zoning Map
36 Exhibit C: Land Use Plan
37 Exhibit D: Site Development Standards by Building Type

- Exhibit E. Implementation and Master Development Agreement
- Exhibit F. Utility Compatible Shade Tree List
- Exhibit G. Zoning Use Summary Table
- Exhibit H. Site Development Regulations by Neighborhood
- Exhibit I. Site Development Standards by Building Type
- Exhibit J. Street Sections
- Exhibit K.
- Exhibit L. Off Street Parking Requirements
- Exhibit M. Allowed vs. Proposed Impervious Cover

PART 4. Definitions.

A. In this ordinance

1. **ACCESSORY DWELLING UNIT** is a land use that is permitted in the Neighborhood Residential land use category. An accessory dwelling unit is a secondary residential structure that may be attached or detached from the primary structure on the property.
2. **AFFORDABLE** means a household spends no more than 30 percent of their income towards rent or mortgage (PITI) and utilities.
3. **ATTACHED RESIDENTIAL** is a land use zone. The primary building types permitted in Attached Residential are Single Family Attached (Duplex) and Multifamily Attached (Townhouse).
4. **BUNDLED / UNBUNDLED PARKING** are methods of allocating parking spaces. Bundled parking method directly assigns parking to dwelling units or building square footage. Unbundled parking allows for parking to be allocated separate from each dwelling unit or unit of building square footage.
5. **CAR SHARE** is a transportation option that may allow flexibility in parking requirements for the PUD. Examples of car share programs include but are not limited to Car2Go and ZipCar. If car share stations are provided in the vicinity of a proposed development, parking reductions may be administratively determined by City staff.
6. **COURTYARD** is a building type that features a courtyard at ground level.

7. ECO-COTTAGE is a land use zone. Eco-cottage is also used to describe the only building type permitted in the zone. Structures shall be developed as attached or detached condominiums, as defined in the Texas Property Code. The eco-cottage building type and land use zone provide for small structures that allow low intensity land uses.
8. GROUND FLOOR RETAIL is a land use zone. Retail and Vertical Mixed Use building types are permitted in this zone which is intended primarily for commercial land uses.
9. INSET LOTS are corner lots that do not have a driveway connection to the alley.
10. INSTITUTIONAL / CIVIC is a land use zone. Institutional / Civic is also used to describe the only building type permitted in the zone. Institutional / Civic building type and land use zone allow for community based land uses.
11. LIVE/WORK is a land use that allows for both living and work uses.
12. LIVE/WORK ENABLED is a building required to be equipped with a structure that has a front facade and that allows future redevelopment to include a storefront.
13. LIVE/WORK PERMITTED signifies that a Live/Work land use is permitted in an Attached Residential land use zone when abutting a Neighborhood Center land use zone. A Live/Work Permitted structure is not required to provide a structure within the front facade to allow future redevelopment to include a storefront.
14. MIXED USE / MIXED USE 2 are land use zones intended to allow a mix of building types and land uses to be developed in close proximity to each other. Mixed Use 2 allows a less intense mix of building types and land uses than Mixed Use.
15. MULTI-FAMILY ATTACHED (TOWNHOMES) is a building type intended for townhouse / condominium scale development.

16. NATURAL AREA is a subset of the Open Space land use zone. A natural area is intended to maintain environmental features, and has limited land uses and development options.
17. NEIGHBORHOOD CENTER is a land use zone that is the focal point of a neighborhood and includes a mix of building types and land uses.
18. NEIGHBORHOOD RESIDENTIAL is a land use zone primarily intended to allow residential land uses. This zone provides access to lots through an alley.
19. NEIGHBORHOOD RESIDENTIAL-FRONT SERVED is a land use zone primarily intended to allow residential land uses. Alley access is not available in this zone.
20. OPEN SPACE is a land use zone comprised of Park Area and Natural Area.
21. PARK AREA is a subset of the Open Space land use zone. Park Area is intended to allow moderate and active recreation activities, and allows some land uses and development options.
22. RETAIL is a building type intended primarily for commercial land uses.
23. SHARED PARKING permits multiple land uses to use a single parking area, based on peak areas of demand or allocating parking spaces to each land use.
24. SINGLE FAMILY ATTACHED (DUPLEX) is a building type containing two dwelling units.
25. SINGLE FAMILY DETACHED is a building type that allows residential land uses as the primary land use, and does not allow multiple dwellings in one structure.
26. STACKED MULTIFAMILY is a building type primarily intended to allow residential land uses in a multi-story structure.
27. TOWN CENTER is a land use zone that is a main focal point of the PUD and the surrounding vicinity. A Town Center zone include a mix of

1 building types and land uses, and are typically more intensive in nature
2 than Neighborhood Centers.

- 3
4 28. VERTICAL MIXED USE is a building type primarily intended to allow
5 a mix of land uses occupy one or more multi-story buildings on a single
6 site.
7

8
9 **PART 5. Site development regulations**

- 10
11 1. Development in the PUD is regulated by land use zones and building type. Site
12 development standards are determined by building type as shown on Exhibit
13 "D".
14
15 2. The following materials are prohibited on the visible exterior of any primary,
16 accessory or other support structure: vinyl siding, aluminum siding, plywood,
17 pressure treated wood, split timber or rough-hewn wood.
18
19 3. Porches are required in the front of all single-family residences, minimum
20 porch depth shall be 8 feet, minimum porch width shall be 10 feet and must be
21 a minimum of 12 inches above grade of an adjacent public sidewalk. A porch
22 must include railing, balusters or screening to define the area.
23
24 4. Porches may extend into building setbacks unless under a second floor portion
25 of the house. The second story of a residence may not overhang beyond a
26 porch. The allowance of porches into building setbacks in this ordinance does
27 not waive any requirement for doing so in the City Code.
28
29 5. Buildings must be a minimum 10 feet apart or they must be fire protected.
30
31 6. Exterior walls less than 5 feet from the property line must have a 1-HR fire
32 rating and are limited to 25 percent of the area for wall openings. Walls less
33 than 3 feet from the property line must have a 1-HR fire rating and may not
34 have any wall openings.
35
36 7. Roof overhangs less than 5 feet from the property line must have a 1-HR fire
37 rating and cannot project closer than 2 feet from the property line, with the
38 following exception: a garage roof overhang located within 2 feet of a property
39 line may have a 4 inch projection.
40

- 1 8. Gated roadways are prohibited within the PUD.

2
3 **PART 6. Open Space and Parkland.**

- 4
5 1. All natural areas and parkland will be open to the public.
- 6
7 2. Development and maintenance of open space areas and dedication and
8 development of parkland shall be accomplished as part of the Implementation
9 Plan and Master Developer Agreement, attached as Exhibit "E" for the PUD.
- 10
11 3. Improved-surface trails shall connect the open space areas to Colony Park
12 District Park. The trails shown are graphic representations and are not exact.
13 The developer will finalize the exact locations and specifications for trails in
14 consultation with the City Parks and Recreation and Public Works departments
15 as development occurs.
- 16
17 4. Open space designated as "Natural Area" include paths/trails, non-conditional
18 community facilities (boardwalks, decks, pavilions, gazebos, etc.), stormwater
19 quality and detention facilities, community gardening, urban farming and
20 grazing, park facilities, community solar, community supportive facilities
21 (benches, drinking fountains, fire hydrants, etc.), access and utility easements,
22 navigational signage and wildlife crossings.
- 23
24 5. Reference notes on sheet titled "Proposed CEF Setbacks" for specific
25 restrictions, requirements and allowances within designated CEF setbacks in the
26 open space.
- 27
28 6. Improved surface trails shall connect the open space areas to Colony Park
29 District Park. The trails shown are graphic representations are not exact. The
30 developer will finalize the exact locations and specifications for trails in
31 consultation with the City Parks and Recreation and Public Works Departments
32 as development occurs.
- 33
34 7. Unless otherwise indicated on the LUP, the following are prohibited in open
35 space areas: off-street parking, streetlights and streets.
- 36
37 8. Improved-surface trails shall connect the open space areas to Colony Park
38 District Park and the developer will finalize. The exact locations and
39 specifications for trails in consultation with the Parks and Recreation
40 Department and the Public Works Department.

1
2 **PART 7. Environmental.**
3

- 4 1. Development of the Property shall comply with the requirements of the Austin
5 Energy Green Building Program (GBP) multifamily, single family, or
6 commercial rating system for a minimum two-star rating. Certification from
7 the GBP shall be based on the version in effect at the time ratings applications
8 are submitted for individual buildings.
9
- 10 2. Trees are prohibited within 25 feet of the base of transmission structures and on
11 either side of the transmission line. Only trees from the Utility Compatible
12 Shade Trees List, attached as Exhibit “___” are permitted to be planted within
13 30-40 feet from any overhead transmission conductor.
14
- 15 3. Shrubbery shall not obstruct access to the base of a transmission structure.
16 Climbing vegetation on electric facilities is prohibited. Compost and mulch are
17 prohibited around the base of a transmission structure.
18
- 19 4. Full mitigation area has been provided for critical environmental features
20 (“CEF”) 3, 4 and 5 on the LUP. CEFs 3 and 4 are in the existing right-of-way
21 of Colony Loop Drive. Existing water and wastewater utilities were previously
22 constructed along this alignment, and this segment of Colony Loop Drive is
23 required for street connectivity. CEF 5 was not found, but appears to be
24 associated with the eroded road cut of Valleyfield Drive extension from
25 previously uncompleted site activity. Setbacks from CEFs 1 and 2 have been
26 modified and redistributed to protect an additional 11.7 acres of unclassified
27 headwaters.
28
- 29 5. The critical water quality zone setback area is 9.07 acres (on site).
30
- 31 6. The natural area open space adjacent to CEF setbacks and critical water quality
32 zones are 23.6 acres.
33
- 34 7. The CEF setback at the southeastern corner of the site may be utilized as a
35 biofiltration detention pond. Natural topography and shape shall be utilized to
36 the maximum extent possible. During permitting review of pond construction
37 plans, the COA ERM wetland biologist shall determine the revegetation
38 requirements of disturbed areas and shall determine if the pond is designed to
39 minimize disturbance and retain the natural shape and character as much as
40 possible.

8. Utilities shall be bored under CEF setbacks to maintain the integrity of the setback areas.
9. Pedestrian trails crossing the CEF setback areas shall be allowed to the extent that disturbance is minimal and limited to the trail itself. Elevated boardwalks or other minimal construction technique shall be used. During the review of any trail construction plan, the COA ERM wetback biologist shall review and approve optimal trail crossings locations, trail construction requirements and revegetation requirements of disturbed areas.
10. Upon approval from the City Watershed Protection Department, structural modifications to the existing man-made stock pond berm shall be allowed as required for health and safety reasons. COA wetland biologist shall review and approve to determine compliance with wetland requirements and that disturbance is minimal and mitigated.
11. Degraded riparian areas and creek buffers that have limited existing trees will be targeted for restoration with native trees or other vegetation.

PART 8. Affordable Housing Program.

1. The PUD shall provide 20 percent of the total residential units to households whose income is less than 80 percent of the median income of the Austin metropolitan statistical area for ownership units and 60 percent or below the Austin metropolitan statistical area for rental units.
2. Income limits are established annually as determined by the director of the Neighborhood Housing and Community Development Office (NHCD) and the United State Department of Housing and Urban Development (HUD).
3. The affordability period for affordable housing units provided in this ordinance shall be 40 years for rental housing and 99 years for on-site for sale housing. The affordability period begins on the date a certificate of occupancy is issued for rental and upon sale of the first unit for ownership.
4. Rents will be established annually based on the 60 percent annual income times 28 percent divided by 12 (60 percent of annual income x 28% ÷ 12).

5. On-site affordable housing units offered for sale shall be sold at a price affordable to persons whose household income is 80 percent or below the median family come in the Austin metropolitan statistical area. The affordable sales price shall be established and approved by NHCD.
6. On-site affordable housing unit offered for sale shall be reserved, sold and transferred to an income eligible buyer subject to a resale restricted, shared equity agreement approved by the Neighborhood Housing and Community Development and in compliance with Austin Housing Finance Corporation (AHFC) land trust policies. To ensure long term affordability, AHFC shall hold the shared equity agreement and/or ground lease for the affordable units. AHFC shall also have a Right of First Refusal and may also elect to purchase the homes at the affordable price and resell the units to an income eligible buyer.
7. Compliance and monitoring of these affordability housing provisions shall be performed by the Neighborhood Housing and Community Development Office. The director of NHCD will establish rules and criteria for implementation for the affordability section.
8. Per City Code Section 25-1-704(B)(2)(b), the development may be eligible for a waiver of 100 percent of the fees as provided by the SMART Housing program provided that the applicant complies with the SMART housing Code provisions. Participation is subject to application approval and certification by NHCD.

PART 9. Code Modifications. In accordance with Chapter 25-2, Subchapter B, Article 2, Division 5 (Planned Unit Development) of the Code, the following site development regulations supersede City regulations indicated in this part:

A. Zoning

1. Section 25-2-491 (*Permitted, Conditional and Prohibited Uses*) does not apply to the PUD; such regulations are controlled by Exhibit "G" of this ordinance.
2. Section 25-2-492 (Site Development Regulations) of the City Code does not apply to the PUD; such regulations are controlled by Exhibits "H" and Exhibit "I" of this ordinance.

3. Section _____, Subchapter E (Design Standards and Mixed-Use) of the City Code is modified to require _____.
4. Section 25-2-1006 (Visual Screening) does not apply to development within the PUD. Screening shall be required adjacent to properties used or in a Urban Family Residence (SF-5) district zoning.
5. Section 25-2-1007 (Parking Lots) is modified so that a parking area with 12 motor vehicle parking spaces or less is not required to have landscaped islands, peninsulas or medians.
6. Section 25-6-171(A) (*Standards for Design and Construction*) is modified to allow roadways to be designed and constructed in accordance with the Street Sections chart attached as Exhibit "J". This modification does not extend to 25-6-171(B)-(C).
7. 25-6, Article 7 (Off-Street Parking and Loading) does not apply to the PUD. Such regulations are controlled by Exhibit "K" of this ordinance.
8. 25-6, Appendix A (Tables of Off Street Parking and Loading Requirements) does not apply to the PUD. Such regulations are controlled by Exhibit "L" of this ordinance.

B. Environmental

1. 25-8-64 (Impervious Cover Assumptions) does not apply to duplexes within the PUD.
2. 25-8-392 (Uplands Zone) does not apply to the PUD. Such regulations are controlled by Exhibit "M" in this ordinance.

PART 10. This ordinance takes effect on _____, 2014.

PASSED AND APPROVED

_____, 2014 § _____
 § _____
 § _____

Lee Leffingwell
Mayor

APPROVED: _____ **ATTEST:** _____
Karen M. Kennard Jannette S. Goodall
City Attorney City Clerk