

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2, SUBCHAPTER B, REGARDING PLANNED UNIT DEVELOPMENTS.

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

PART 1. Section 2.5.1 of City Code Chapter 25-2, Subchapter B (*Zoning Procedures*) is amended to read as follows:

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*).

PART 2. Section 2.5.2 of City Code Chapter 25-2, Subchapter B (*Zoning Procedures*) is amended to read as follows:

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:
 - A. [1-] Developments with residential units, 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
 - B. [2-] Developments with no residential units, donate the amount established under Section 2.5.6 (*In Lieu Donation*) for each square foot of bonus square footage above baseline to the Affordable Housing Trust Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development

Department. [~~makes donations for affordable housing under Section 2.5.6 (Alternative Affordable Housing Options).~~]

PART 3. Section 2.5.4 of City Code Chapter 25-2, Subchapter B (*Zoning Procedures*) is amended to read as follows:

2.5.4. Requirements for Ownership Housing.

If owner occupied housing is included in a PUD, dwelling units equal to at least five percent of the bonus area square footage within the PUD must be:

- A. affordable to a household whose income is 80 percent or below the median family income in the Austin metropolitan statistical area; and
- B. remain affordable for 99 years from the date a certificate of occupancy is issued; and
- C. [~~B.~~] transferred to the owner subject to a shared equity agreement, land trust, or restrictive covenant approved by the Director of the Neighborhood Housing and Community Development Department.

PART 4. Section 2.5.5 of City Code Chapter 25-2, Subchapter B (*Zoning Procedures*) is amended to read as follows:

2.5.5. 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~~]: Exceptions to 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*) may be formally requested as follows:

- A. Subject to approval by the Director of the Neighborhood Housing and Community Development Department, the developer may donate[s] 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. S[s]ubject to approval by the city council, in developments with residential units, the developer may donate[s] the amount established under Section 2.5.6 (*In Lieu Donation*) for each square foot of bonus square footage above baseline to the Affordable Housing Trust Fund to be used for producing or financing affordable housing, as determined by the

Director of the Neighborhood Housing and Community Development Department. A request for in lieu donation for all or a portion of the affordability requirement in Section 2.5.2.A must be submitted in writing to the Director of Neighborhood Housing and Community Development Department. The request must include supporting documentation sufficient to demonstrate the infeasibility of compliance with Section 2.5.2.A. Any request for fee in lieu must be presented to and approved by city council.

PART 5. This ordinance takes effect on _____, 2015.

PASSED AND APPROVED

_____, 2015

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Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
Interim City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk