

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, Article 2, Division 5 (*Planned Unit Developments*) 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, Article 2, Division 5 (*Planned Unit Developments*) 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:
 - 1. for 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
 - 2. for developments with no residential units, provides the amount established under Section 2.5.6 (*In Lieu Donation*) for each square foot of bonus square footage above the 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, Article 2, Division 5 (*Planned Unit Developments*) 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, Article 2, Division 5 (*Planned Unit Developments*) 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:]~~ A developer of a residential project may request an exception to the contract commitments and performance guarantees in Section 2.5.3 (Requirements for Rental Housing) and Section 2.5.4 (Requirements for Ownership Housing) as follows:

- A. Subject to approval by the Director of the Neighborhood Housing and Community Development Department, the developer may provide ~~[donates]~~ 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 2/3 of the members of the city council, the developer may provide ~~[donates]~~ 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.

- C. A request to pay a fee in lieu to meet all or a portion of the residential affordability requirement in Section 2.5.2.B must be submitted in writing to the Director of Neighborhood Housing and Community Development Department, must include supporting documentation sufficient to demonstrate the infeasibility of compliance with Section 2.5.2.B., and must be approved by city council as provided in 2.5.5.B above.

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