

**Planned Unit Development Ordinance
Staff Recommendations
May 27, 2015 (Revised May 28, 2015)**

Current Ordinance Language	Proposed Amendments	Comments
<p>2.5.1. Limitation on Development. Except as provided in Section 2.5.2 (<i>Requirements for Exceeding Baseline</i>), 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 (<i>Baseline for Determining Development Bonuses</i>).</p>	<p>2.5.1. Limitation on Development. Except as provided in Section 2.5.2 (<i>Requirements for Exceeding Baseline</i>), 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 (<i>Baseline for Determining Development Bonuses</i>).</p>	<p>Strike “with residential uses”. A development accessing the density bonus should pay a fee in exchange for the benefit received.</p>
<p>2.5.2. Requirements for Exceeding Baseline. Development in a PUD with residential uses may exceed the baseline established under Section 1.3.3 (<i>Baseline for Determining Development Bonuses</i>) for maximum height, maximum floor area ratio, and maximum building coverage if:</p>	<p>2.5.2. Requirements for Exceeding Baseline. Development in a PUD with residential uses may exceed the baseline established under Section 1.3.3 (<i>Baseline for Determining Development Bonuses</i>) for maximum height, maximum floor area ratio, and maximum building coverage if:</p>	<p>Strike “with residential uses”. A development accessing the density bonus should pay a fee in exchange for the benefit received.</p>
<p>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</p>	<p>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</p>	<p>This section was tied to language previously removed through the 2013 ordinance amendment process and the requirement is no longer relevant.</p>

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B. the developer either:	B. the developer either:	
1. provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (<i>Requirements for Rental Housing</i>) and Section 2.5.4 (<i>Requirements for Ownership Housing</i>); or	1A. <u>Developments with residential units</u>, provide contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (<i>Requirements for Rental Housing</i>) and Section 2.5.4 (<i>Requirements for Ownership Housing</i>); or	
2. makes donations for affordable housing under Section 2.5.5 (<i>Alternative Affordable Housing Options</i>).	2B. <u>Developments with no residential units, donate the amount established under Section 2.5.6 (<i>In Lieu Donation</i>) 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.</u> makes donations for affordable housing under Section 2.5.5 (<i>Alternative Affordable Housing Options</i>).	
2.5.3 Requirements for Rental Housing. If rental housing units are included in a PUD, dwelling units equal to at least 10 percent of the bonus area square footage within the PUD must:		
A. be affordable to a household whose income is 60% or below the median family income in the Austin metropolitan statistical area;		

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B. remain affordable for 40 years from the date a certificate of occupancy is issued; and		
C. be eligible for federal housing choice vouchers.		
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% or below the median family income in the Austin metropolitan statistical area;	A. affordable to a household whose income is 80% or below the median family income in the Austin metropolitan statistical area;	
	B. remain affordable for 99 years from the date a certificate of occupancy is issued; and	
B. transferred to the owner subject to a shared equity agreement approved by the Director of the Neighborhood Housing and Community Development Department.	CB. transferred to the owner subject to a shared equity agreement, <u>land trust, or restrictive covenant</u> approved by the Director of the Neighborhood Housing and Community Development Department.	

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<p>2.5.5 Alternative Affordable Housing Options. Development within a PUD may exceed baseline standards as provided in Section 2.5.2.B.2 (<i>Requirements for Exceeding Baseline</i>) if the developer:</p>	<p>2.5.5 Alternative Affordable Housing Options. Development within a PUD may exceed baseline standards as provided in Section 2.5.2-B.2 (<i>Requirements for Exceeding Baseline</i>) if the developer: <u>Exceptions to contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (<i>Requirements for Rental Housing</i>) and Section 2.5.4 (<i>Requirements for Ownership Housing</i>) may be formally requested as follows:</u></p>	
<p>A. 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</p>	<p>A. <u>Subject to approval by the Director of the Neighborhood Housing and Community Development Department, the developer may</u> 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</p>	

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<p>B. subject to approval by the city council, donates the amount established under Section 2.5.6 (<i>In Lieu Donation</i>) 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.</p>	<p>B. Subject to approval by the city council, in developments with residential units, the developer may donate the amount established under Section 2.5.6 (<i>In Lieu Donation</i>) 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.</p>	
<p>2.5.6. In Lieu Donation. The amount payable under Section 2.5.5.B (<i>Alternative Affordable Housing Options</i>) shall be \$6 for each square foot of bonus square footage above baseline. Such 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 other 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.</p>		

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