

**ORDINANCE NO. 20131003-096**

**AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE RELATING TO PLANNED UNIT DEVELOPMENT STANDARDS AND DECLARING AN EMERGENCY.**

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

**PART 1.** Subsection 1.3.3 (*Baseline for Determining Development Bonuses; Estimate of Development Under Existing Zoning*) of City Code Section 25-2, Division 5 (*Planned Unit Developments*) is repealed and replaced as follows:

**§ 1.3. PRE-APPLICATION FILING REQUIREMENTS AND REVIEW CRITERIA.**

**1.3.3. Baseline for Determining Development Bonuses**

- A. Unless the council establishes a different baseline as part of a comment under Section 1.3.2 (*Council Response*), the baseline for determining development bonuses under Section 2.5 (*Development Bonuses*) is determined by:
- (1) the regulations of the base zoning district, combining district, and overlay district; and
  - (2) any other applicable site development standards.
- B. The director may recommend an alternate baseline for the property. Council may approve the director's recommendation or other baseline it determines is appropriate.
- C. Any bonuses granted under a combining district or overlay district may only be used to determine the baseline if the project complies with the requirements for the bonuses and the bonuses can be achieved without violating any other applicable site development standards.
- D. The director shall provide an estimate of the property's baseline entitlements in the project assessment report. If an alternate baseline is recommended by the director, the director shall include any assumptions used to make the estimate baseline entitlements.

**PART 2.** Sections 2.5 (*Development Bonuses*) of City Code Section 25-2, Division 5 (*Planned Unit Developments*) is amended to read as follows and renumbered accordingly:

## §2.5 DEVELOPMENT BONUSES

**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).

**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. 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. makes donations for affordable housing under Section 2.5.5[6] (Alternative Affordable Housing Options).

**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 [~~rental units or rental habitable square footage~~] within the PUD must:

- A. be affordable to a household whose income is 60 percent or below the median family income in the Austin metropolitan statistical area [~~less than the affordability level established under Section 2.5.5 (Affordability Levels)~~];
- 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 [~~owner occupied units or owner occupied habitable 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 [~~less than the affordability level established under Section 2.5.5 (Affordability Levels)~~]; and
- B. transferred to the owner subject to a shared equity agreement approved by the Director of the Neighborhood Housing and Community Development Department.

~~[2.5.5][Affordability Levels. For purposes of this subchapter, the affordability level is:]~~

- ~~[A.] [for a portion of a PUD within the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), 80% of the median family income in the Austin metropolitan statistical area;]~~
- ~~[B.] [for a portion of a PUD outside the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), 60% of the median family income in the Austin metropolitan statistical area; or]~~
- ~~[C.] [if the Council finds that the prevailing level of affordability of housing in the vicinity of the PUD is lower than the level applicable under Paragraph A or B, any lesser percentage of the median family income in the Austin metropolitan statistical area established by the Council.]~~

**2.5.5[6] 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. 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. subject to approval by the city council, donates the amount established under Section 2.5.6[7] (In Lieu Donation) for each square foot of bonus square footage above baseline [~~of climate controlled space within the PUD to a~~] to the Affordable Housing Trust [~~Assistance~~] Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.

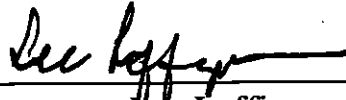
**2.5.6[7] In Lieu Donation.** The amount payable under Section 2.5.5[6].B (Alternative Affordable Housing Options) shall be \$6 for each square foot of bonus square footage above baseline [~~60 percent of the fee established under Section 25-2-586(I) (Affordable Housing Incentives in a Central Business District or Downtown Mixed Use Zoning District) or any successor fee established under the Austin Downtown Plan~~]. 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.

**PART 3.** The Council finds that the need to clarify the development bonuses in the PUD regulations constitutes an emergency. Because of this emergency, this ordinance takes effect at time it is approved by the City Council.

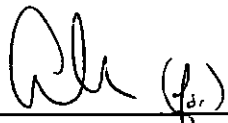
**PASSED AND APPROVED**

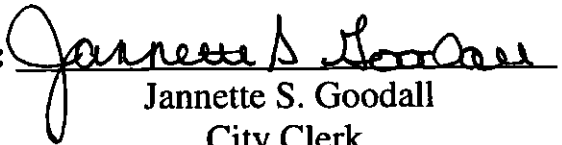
October 3, 2013

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Lee Leffingwell  
Mayor

**APPROVED:**   
Karen M. Kennard  
City Attorney

**ATTEST:**   
Jannette S. Goodall  
City Clerk