

23-4D-8120 Planned Unit Development (PUD) Zone

A. General Intent

The PUD Zone is the designation for a large or complex single or multi-use development that is planned as a single contiguous development in compliance with unified control.

The purpose of a PUD Zone designation is to preserve the natural environment, encourage high quality development and innovative design, and ensure adequate public facilities and services for development within a PUD.

A PUD Zone designation provides greater design flexibility by permitting modifications of site development standards. Development in compliance with the site development standards applicable to a PUD must be superior to the development that would occur in compliance with conventional zoning and subdivision standards.

A PUD Zone must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

B. Sub-Zone(s)

None



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(C) **Applicability.** This Section applies to all proposed PUD Zones except:

(1) **Planned Unit Developments Approved Before the Effective Date of this Title.**

A PUD Zone approved in compliance with standards applicable before the effective date of this Title is governed by the previous standards, land use plan and adopting ordinance, and must be identified on the zoning map as a PUD Zone.

(2) **Planned Unit Developments In The Extraterritorial Jurisdiction**

- (a) The Council may designate a PUD in the extraterritorial jurisdiction in compliance with State law.
- (b) A planned development must comply with all standards applicable to a PUD Zone in the City's zoning jurisdiction, unless otherwise agreed by the City and the landowners.
- (c) Uses allowed in a PUD in the extraterritorial jurisdiction are the uses described in an approved development agreement.

(D) **Allowed Land Uses and Development Standards**

- (1) The allowed uses, conditional uses, and site development standards for a PUD Zone are established by the ordinance zoning the subject property as a PUD Zone, the accompanying land use plan, and this Section. The Council may require development phasing or the construction of off-site infrastructure.
- (2) Property in a PUD Zone is subject to all other applicable regulations of this Title (i.e. sign regulations, parking standards, landscaping standards, etc.) as they exist at the time of a PUD ordinance, except as otherwise set forth in the PUD ordinance, and as they may be amended in the future.
- (3) **Criteria for Approval of a PUD Zone.** All applications for PUD Zone designation must comply with the following criteria and standards:
 - (a) The PUD Zone is consistent with the Comprehensive Plan and the intent of the City Code as well as this Title by requiring adequate standards necessary to protect the public health, safety and general welfare;
 - (b) Establish development standards that achieve equal or greater consistency with the purpose of the PUD Zone stated in Subsection (A) through the application of superior development standards to those which would be applied in compliance with conventional zoning and subdivision standards;
 - (c) Provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that:
 - (i) A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity; and
 - (ii) The required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided;
 - (d) Provide a two-star Austin Energy Green Building Rating;
 - (e) Be consistent with applicable neighborhood plans, historic area and landmark standards, and compatible with adjacent property and land uses;

- (f) Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land;
 - (g) Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities;
 - (h) Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD Zone and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways;
 - (i) Prohibit gated roadways;
 - (j) Protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance;
 - (k) Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints;
 - (l) In addition, an applicant may propose additional benefits in support of the PUD Zone application such as, but not limited to, reductions in impervious cover, increased volumetric flood detention and drainage upgrades including rainwater harvesting, restoration of riparian vegetation, preservation of all heritage trees, compliance with the City's Great Streets Program or a successor program, installation of public art, or provides for or participates in programs to achieve affordable housing; and
 - (m) A PUD containing a retail, commercial, or mixed use development must contain pedestrian-oriented uses as defined in Division 23-4E-7 (Additional General Standards).
- (4) **Additional Standards.** In addition to the requirements contained in this Subsection, a PUD containing a retail, commercial, or mixed use development must:
- (a) Inside the urban roadway boundary, comply with the sidewalk standards in Section 23-9E-5050 (Sidewalk Requirements);
 - (b) Pay the tenant relocation fee established under Section 23-3E-3050 (Tenant Relocation Assistance - Developer Funded), if approval of the PUD would allow multi-family redevelopment that may result in tenant displacement; and
 - (c) Contain pedestrian-oriented uses, as defined in Division 23-2M-1 (Terms), on the first floor of a multi-story commercial or mixed use building.
- (E) **General Procedures**
- (1) **Compliance Required.** An applicant who is seeking designation of property as a PUD Zone must demonstrate that the proposed development complies with this Section.
 - (2) **Pre-Application Filing Procedures**
 - (a) **Development Assessment Report.** Prior to making an application for zone change approval for the proposed PUD Zone, the applicant must submit an application for a development assessment report in compliance with Section 23-2B-2050 (Development Assessment) with the Planning Director. Not later than the 11th day after issuance of the report, the Planning Director shall mail notice of the

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report to the Neighborhood Plan Contact Team and those entitled to notice in compliance with Section 23-2C-5020 (Notice of Administrative Decision).

- (b) Council Hearing. The Planning Director shall present the development assessment report at a Council meeting. The development assessment report shall include the Director's recommendations regarding the criteria in Subsection (D)(3) and any other applicable standards or criteria. No later than the 11th day before the date of the meeting, the Planning Director shall mail notice of the meeting to those entitled to receive notice of the development assessment report.
- (c) Council Response. The Council or individual Council members may supplement or respond to the recommendation of the Planning Director with comments identifying issues that should or must be addressed during subsequent review and consideration of the application. A comment does not obligate Council members to vote for or against approval of the proposed PUD Zone.
- (d) Fee Credit. The Planning Director shall credit the fee for the development assessment toward the zoning application fee if the zoning application is filed not later than one year after the applicant receives the development assessment report.
- (e) After the Council has provided recommendations on the development assessment report for a proposed PUD Zone application, the applicant may file an application for rezoning of the property to a PUD Zone in compliance with Article 23-4B (Zoning Administration and Procedures).

(3) Application and Approval Procedures

- (a) An application for a rezoning to a PUD Zone shall be filed and processed in compliance with Article 23-2B (Application Review and Fees). The application shall include the information and materials specified in the handout for Planned Unit Development (PUD) applications, including a land use plan, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the required findings provided below.
- (b) An application for a rezoning to a PUD Zone shall be reviewed in compliance with Division 23-4B-3 (Zoning Map Designations and Amendments).
- (c) Review Authority
 - (i) Land Use Commission hearing and recommendation. The Land Use Commission shall hold a noticed public hearing to consider the application. The Commission shall recommend to the Council either approval, conditional approval or disapproval of the application.
 - (ii) Council hearing and decision. The Council shall hold a noticed public hearing to consider the application and the Commission's recommendation. The Council shall by ordinance approve subject to conditions or deny the application. The Director shall notify the applicant in writing of the Council's decision.
 - (iii) The proposed development must comply with the standards of this Title, except that the Council may waive or modify a standard if the PUD ordinance identifies the waiver or modification; and the Council finds that the resulting development would achieve greater consistency with the purpose enumerated in Subsection (C) than development that would occur without the waiver or modification; the adverse effects of the waiver or modification

are offset by other enforceable standards; and the objective of the waived or modified standard is substantially achieved.

- (d) Application Review and Approval
 - (i) Concurrent consideration of development applications. A preliminary plan or final plat may be processed concurrently with an application requesting a PUD Zone classification for a property.
 - (ii) Approval. The Council, Land Use Commission, or Planning Director may approve a preliminary subdivision plan, final plat, Site Plan, or Building Permit for development in a PUD Zone only if the proposed development complies with the standards of the land use plan associated with the PUD Zone designation.
 - (iii) Director's report. The Planning Director's report on a development application considered by the Land Use Commission or Council must include a determination of whether the application complies with the standards of the land use plan.

(4) Land Use Plan Expiration and Amendment

- (a) Expiration. A land use plan does not expire unless the property is rezoned to a zone other than PUD.
- (b) Substantial Amendment. A substantial amendment to a land use plan is a rezoning of the affected portion of the PUD Zone and requires Council approval. The following are substantial amendments:
 - (i) Adding a land use that is more intense than the existing allowed uses. An increase in land use intensity occurs if residential density is higher than authorized in the existing land use plan or a multi-family use is proposed along the periphery of the development;
 - (ii) Amending a site development standard;
 - (iii) Increasing the intensity of a land use adjacent to a platted single-family residential tract;
 - (iv) Amending a condition of approval of the PUD Zone;
 - (v) Increasing land use intensity in a phase of development of the PUD without decreasing land use intensity an equivalent amount in the phase of development;
 - (vi) Shifting development intensity in a manner that results in an "E" or "F" level of service on a roadway segment or intersection included in the traffic impact analysis for the PUD Zone; and
 - (vii) Amending a phasing schedule to establish a non-residential land use before establishing the residential development supported by the non-residential use.
- (c) Approval by Director. The Planning Director may approve an amendment to a land use plan that is not a substantial amendment described in Subsection (E)(4)(b).
 - (i) An applicant must submit a proposed amendment to the Planning Director with an application for approval of a Site Plan.

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- (ii) The Planning Director's decision on an amendment may be appealed to the Land Use Commission, and the Land Use Commission's decision may be appealed to the Council in compliance with Article 23-2I (Appeals).
- (d) Rezoning If Development Applications Expire or Are Not Approved. If a preliminary plan or Site Plan for a portion of the property is not approved within three years after the effective date of the ordinance approving the PUD Zone classification for the property or an approved preliminary plan or Site Plan expires, the Planning Director shall request that the Council take action to extend, remove, determine compliance with the schedule for development, or set a public hearing to consider a reversion of the property to its former zoning through legislative action.
- (e) Exceptions for Affordable Units. Developments in the PUD Zone may qualify for a density bonus or other incentives if the development meets the applicable provisions of Article 23-3E (Affordable Housing).