

TITLE 25. - LAND DEVELOPMENT.

CHAPTER 25-2. - ZONING.

SUBCHAPTER B. - ZONING PROCEDURES; SPECIAL REQUIREMENTS FOR CERTAIN DISTRICTS.

ARTICLE 2. - SPECIAL REQUIREMENTS FOR CERTAIN DISTRICTS.

Division 5. - Planned Unit Developments.

Subpart A. - General Provisions.

§ 1.1. - GENERAL INTENT.

This division provides the procedures and minimum requirements for a planned unit development (PUD) zoning district to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations.

Source: Ord. 20080618-098.

§ 1.2. - COUNCIL AUTHORITY.

The council retains the legislative authority to determine whether PUD zoning is appropriate regardless of whether the proposed development meets the standards prescribed by this division.

Source: Ord. 20080618-098.

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

1.3.1. Report and Finding Required.

The requirements of this section must be fulfilled before the Neighborhood Planning and Zoning Department may accept an application for a PUD zoning district classification.

- A. The applicant must obtain a project assessment report on the proposed development from the director of the Neighborhood Planning and Zoning Department. Not later than the 11th day after issuance of the report, the director shall mail notice of the report to the neighborhood plan contact team and those entitled to notice under Section 25-1-133(A) (*Notice of Applications and Administrative Decisions*).
- B. The director of the Neighborhood Planning and Zoning Department must present the project assessment report at a council meeting and make recommendations regarding the requirements in Section 2.3 (*Tier One Requirements*), the criteria in Section 2.4 (*Tier Two Requirements*), and any other applicable requirements or criteria. Not later than the 11th day before the date of the meeting, the director of the Neighborhood Planning and Zoning Department shall mail notice of the meeting to those entitled to receive notice of the project assessment report.

1.3.2. Council Response.

The council or individual council members may supplement or respond to the recommendation of the director of the Neighborhood Planning and Zoning Department 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 district zoning.

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.

1.3.4. Reserved.

1.3.5. Fee Credit.

The director of the Neighborhood Planning and Zoning Department shall credit the fee for the project assessment toward the zoning application fee if the zoning application is filed not later than one year after the applicant receives the assessment report.

Source: Ord. 20080618-098; Ord. 20131003-096.

§ 1.4. - LAND USE PLAN.

1.4.1. Application Requirements.

An application for a PUD zoning district classification must include a land use plan that contains each of the following:

- A. a general land use map;
- B. proposed site development regulations;
- C. the baseline for determining development bonuses under Section 2.5. (*Development Bonuses*), if any;
- D. a description of any bonuses requested under Section 2.5. (*Development Bonuses*) and the manner in which the bonus requirements are to be satisfied;

- E. requested waivers from or modifications of the requirements of this code under Section 2.2 (*Modification by Council*), if any; and
- F. any other information required by the director of the Neighborhood Planning and Zoning Department.

1.4.2. Ordinance Requirements.

An ordinance classifying land as a PUD zoning district must include a land use plan that meets the requirements of Section 1.4.1 (*Application Requirements*).

1.4.3. Effect of Land Use Plan.

The land use plan included in the PUD ordinance establishes the use and site development regulations for development within a PUD zoning district.

Source: Ord. 20080618-098.

§ 1.5. - PLANNED UNIT DEVELOPMENTS APPROVED BEFORE DECEMBER 15, 1988.

A PUD zoning district approved under regulations applicable before December 15, 1988 is governed by the previous regulations and shall be identified on the zoning map as a PUD district.

Source: Ord. 20080618-098.

§ 1.6. - PLANNED UNIT DEVELOPMENTS IN THE EXTRATERRITORIAL JURISDICTION.

- A. The council may designate a planned unit development in the extraterritorial jurisdiction in accordance with state law.
- B. Unless otherwise agreed by the City and the landowners, a planned unit development must comply with all requirements applicable to a PUD zoning district in the City's zoning jurisdiction.
- C. Uses allowed in a planned unit development in the extraterritorial jurisdiction are the uses described in the planned unit development agreement.

Source: Ord. 20080618-098.

Subpart B. - Planned Unit Development Standards.

§ 2.1. - COMPLIANCE REQUIRED.

An applicant who seeks to have property designated as a PUD zoning district must demonstrate that the proposed development complies with this division.

Source: Ord. 20080618-098.

§ 2.2. - MODIFICATION BY COUNCIL.

The proposed development must comply with the requirements of this code, except that:

- A. the council may modify a requirement in accordance with Section 2.5. (*Development Bonuses*); and
- B. the council may waive or modify a requirement if:
 - 1. the PUD ordinance identifies the waiver or modification; and
 - 2. the council finds that:
 - a. the resulting development would achieve greater consistency with the goals enumerated in Section 1.1 (*General Intent*) than development that would occur without the waiver or modification; and
 - b. the adverse effects of the waiver or modification are offset by other enforceable requirements; and
 - c. the objective of the waived or modified requirement is substantially achieved.

Source: Ord. 20080618-098.

§ 2.3. - TIER ONE REQUIREMENTS.

2.3.1. Minimum Requirements.

All PUDs must:

- A. meet the objectives of the City Code;
- B. provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 (*General Intent*) than development under the regulations in the Land Development Code;
- 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:
 - 1. a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity; and
 - 2. 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, neighborhood conservation combining district regulations, historic area and landmark regulations, 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. exceed the minimum landscaping requirements of the City Code;
- I. provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways;
- J. prohibit gated roadways;

- K. protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance; and
- L. include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

2.3.2. Additional Requirements.

In addition to the requirements contained in Section 2.3.1 (*Minimum Requirements*), a PUD containing a retail, commercial, or mixed use development must:

- A. comply with Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*);
- B. inside the urban roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (*Design Standards and Mixed Use*), comply with the sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2 (*Core Transit Corridors: Sidewalks And Building Placement*); and
- C. pay the tenant relocation fee established under Section 25-1-715 (*Tenant Relocation Assistance—Developer Funded*), if approval of the PUD would allow multi-family redevelopment that may result in tenant displacement; and
- D. contain pedestrian-oriented uses as defined in Section 25-2-691(C) (*Waterfront Overlay District Uses*) on the first floor of a multi-story commercial or mixed use building.

Source: Ord. 20080618-098; Ord. No. [20160901-050](#), Pt. 5, 9-12-16; [Ord. No. 20170615-102](#), Pt. 2, 6-15-17.

§ 2.4. - TIER TWO REQUIREMENTS.

This section contains criteria for determining the extent to which development proposed for a PUD district would be superior to that which would occur under conventional zoning and subdivision regulations as required under Section 1.1 (*General Intent*). A proposed PUD need not address all criteria in this section to achieve superiority, and the council may consider any other criteria the council deems appropriate.

Open Space	Provides open space at least 10% above the requirements of Section 2.3.1.A. (<i>Minimum Requirements</i>). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.
Environment/ Drainage	Complies with current code instead of asserting entitlement to follow older code provisions by application of law or agreement.
	Provides water quality controls superior to those otherwise required by code.
	Uses green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by code.

	Provides water quality treatment for currently untreated, developed off-site areas of at least 10 acres in size.
	Reduces impervious cover by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.
	Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres.
	Provides volumetric flood detention as described in the Drainage Criteria Manual.
	Provides drainage upgrades to off-site drainage infrastructure that does not meet current criteria in the Drainage or Environmental Criteria Manuals, such as storm drains and culverts that provide a public benefit.
	Proposes no modifications to the existing 100-year floodplain.
	Uses natural channel design techniques as described in the Drainage Criteria Manual.
	Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas.
	Removes existing impervious cover from the Critical Water Quality Zone.
	Preserves all heritage trees; preserves 75% of the caliper inches associated with native protected size trees; and preserves 75% of all of the native caliper inches.
	Tree plantings use Central Texas seed stock native and with adequate soil volume.
	Provides at least a 50 percent increase in the minimum waterway and/or critical environmental feature setbacks required by code.
	Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.
	Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas.
	Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian use.

	Provides rainwater harvesting for landscape irrigation to serve not less than 50% of the landscaped areas.
	Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.
	Employs other creative or innovative measures to provide environmental protection.
Austin Energy Green Building	Provides an Austin Energy Green Building Rating of three stars or above.
Art	Provides art approved by the Art in Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art in Public Places Program or a successor program.
Great Streets	Complies with City's Great Streets Program, or a successor program. Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>).
Community Amenities	Provides community or public amenities, which may include spaces for community meetings, community gardens or urban farms, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.
	Provides publicly accessible multi-use trail and greenway along creek or waterway.
Transportation	Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.
Building Design	Exceeds the minimum points required by the Building Design Options of Section 3.3.2. of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>).
Parking Structure Frontage	In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) in ground floor spaces.
Affordable Housing	Provides for affordable housing or participation in programs to achieve affordable housing.
Historic Preservation	Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.

Accessibility	Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.
Local Small Business	Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.

Source: Ord. 20080618-098; Ord. 20131017-046; [Ord. No. 20170615-102](#), Pt. 3, 6-15-17.

§ 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 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 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.

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 percent or below the median family income in the Austin metropolitan statistical area;
- 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 percent or below the median family income in the Austin metropolitan statistical area; and
- B. affordable in perpetuity from the date a certificate of occupancy is issued; and
- C. 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.

2.5.5. Alternative Affordable Housing Options.

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 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; or
- B. Subject to approval by the city council, the developer may provide all or a portion of 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 Section 2.5.5.B above.
- D. Regardless of whether a developer requests an exception under this section, the Director of Neighborhood Housing and Community Development may recommend that a developer be allowed to pay a fee in lieu in order to comply with the contract commitments and performance guarantees in Section 2.5.3 (*Requirements for Rental Housing*) and Section 2.5.4 (*Requirements for Ownership Housing*). The recommendation must be in writing, supported by the Director's reasons as to why the fee in lieu option is appropriate, and approved by city council to be effective.
- E. Council approval of any alternative affordable housing project shall expire 36 months after the date of approval if the project has not been initiated.

2.5.6. In Lieu Donation.

The amount payable under Section 2.5.5.B (*Alternative Affordable Housing Options*) 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 (1982-84100), 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.

Source: Ord. 20080618-098; Ord. 20131003-096; [Ord. No. 20151119-092, Pts. 1—4, 11-30-15.](#)

Subpart C. - Land Use Plan; Regulations; Variances.

§ 3.1. - LAND USE PLAN EXPIRATION AND AMENDMENT.

3.1.1. Expiration.

A land use plan does not expire unless the property is rezoned to a district other than PUD.

3.1.2. Substantial Amendment.

A substantial amendment to a land use plan is a rezoning of the affected portion of the PUD zoning district and requires council approval. The following are substantial amendments:

- A. adding a land use that is more intense than the existing permitted uses;
- B. amending a site development regulation;
- C. increasing the intensity of a land use adjacent to a platted single family residential tract;
- D. amending a condition of approval of the PUD zoning district;
- E. 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;
- F. 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 governing the PUD; and
- G. amending a phasing schedule to establish a non-residential land use before establishing the residential development supported by the non-residential use.

3.1.3. Approval By Director.

The director of the Neighborhood Planning and Zoning Department may approve an amendment to a land use plan that is not a substantial amendment described under Subsection 3.1.2 (*Substantial Amendment*).

- A. An applicant must submit a proposed amendment to the director of the Neighborhood Planning and Zoning Department with an application for approval of an administrative site plan.

- B. The director of the Neighborhood Planning and Zoning Department's decision on an amendment may be appealed to the Land Use Commission. The Land Use Commission's decision may be appealed to the council.

3.1.4. Increased Intensity.

A substantial amendment based on increased land use intensity occurs if:

- A. most restrictive base zoning district in which the proposed use is permitted is less restrictive than most restrictive base zoning district in which the existing use is permitted;
- B. residential density is higher than authorized in the existing land use plan; or
- C. a multifamily use is proposed along the periphery of the project.

Source: Ord. 20080618-098.

§ 3.2. - PLANNED UNIT DEVELOPMENT REGULATIONS.

3.2.1. Uses and Regulations.

The permitted uses, conditional uses, and site development regulations for a planned unit development (PUD) district are established by the ordinance zoning property as a PUD district, the accompanying land use plan, and this section. The council may require development phasing or the construction of off-site infrastructure.

3.2.2. Residential Uses.

For residential uses, a land use plan must include:

- A. the type and location of each use;
- B. the maximum density;
- C. for multifamily development, the maximum floor to area ratio;
- D. the maximum building height;
- E. the minimum lot size and width; and
- F. other site development regulations that may be required by the council.

3.2.3. Nonresidential Uses.

For non-residential uses, a land use plan must include:

- A. the type and location of each use;
- B. the maximum floor area ratio, which may not be greater than the maximum floor to area ratio permitted in the most restrictive base zoning district in which proposed use is permitted;
- C. the maximum building height;
- D. the minimum front yard and street side yard setbacks, which must be not less than the greater of:

1. 25 feet for a front yard, and 15 feet for a street side yard; or
 2. those required by Subchapter C, Article 10 (*Compatibility Standards*);
- E. the number of curb cuts or driveways, which must be the minimum necessary for adequate access to the site; and
- F. other site development regulations that may be required by the council.

3.2.4. Industrial Uses.

An industrial use must comply with the performance standards established by Section 25-2-648 (*Planned Development Area (PDA) Performance Standards*).

Source: Ord. 20080618-098.

Subpart D. - Development Applications.

§ 4.1. - CONCURRENT CONSIDERATION OF DEVELOPMENT APPLICATIONS.

The council may consider a preliminary plan or final plat processed concurrently with an application requesting a PUD zoning district classification for a property.

Source: Ord. 20080618-098.

§ 4.2 - RESERVED.

Editor's note— Ord. No. [20190822-117](#), Pt. 17, effective September 1, 2019, repealed § 4.2, which pertained to development applications must comply with land use plan and derived from Ord. No. 20080618-098.

§ 4.3. - REZONING IF DEVELOPMENT APPLICATIONS EXPIRE OR ARE NOT APPROVED.

The director of the Neighborhood Planning and Zoning Department shall request that the council initiate the rezoning of property in a PUD zoning district if:

- A. 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 zoning classification for the property; or
- B. an approved preliminary plan or site plan expires.

Source: Ord. 20080618-098.