
23-3C-9130 Planned Unit Development (PUD) Zone**(A) Purpose and Overview.**

- (1) The Planned Unit Development (PUD) zone is intended to preserve the natural environment, encourage high quality development and innovative design, and ensure adequate public facilities and services.
- (2) The council intends a PUD to produce a development that achieves a superior development compared to development under base zoning and subdivision regulations.
- (3) The PUD Zone is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a base zone is necessary, this includes:
 - (a) A development site with special physical characteristics, such as properties with significant topographical or environmental barriers to standard development or construction practices;
 - (b) A development site subject to an existing PUD and rezoning to a new PUD zone will bring the site closer to conformance with current zoning regulations and adopted plans; and
 - (c) Where the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful phased development.
- (4) This zone is intended for large or complex single or multi-use development that is planned as a single contiguous development under unified control.
- (5) This zone provides greater design flexibility by authorizing modifications of site development requirements.
- (6) 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 section.
- (7) In return for the flexibility in site design with respect to the arrangement of buildings, heights, setbacks, densities, open space and circulation elements, development under a PUD zone should provide significant public benefit not achievable through application of a base zone, including significant affordable housing, greater diversification of land uses, innovation in development, more efficient use of land and energy, exemplary pedestrian amenities, and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.
- (8) A PUD zone is not intended as a vehicle to solely enhance a proposed development's economic feasibility.



PUD

(B) Applicability in the Extraterritorial Jurisdiction.

- (1) A PUD zone may be designated in the City's extraterritorial jurisdiction in accordance with state law.
- (2) Unless otherwise agreed by the City and the landowners, a PUD shall comply with the requirements applicable to a PUD zone in the City's zoning jurisdiction.
- (3) The uses allowed in a PUD zone located in the extraterritorial jurisdiction are the uses described in the planned unit development agreement.

(C) 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) Unless modified by the ordinance zoning the property as a PUD zone, the property shall comply with all other applicable requirements in this Title.

(D) Tier 1 Criteria for Approval of a PUD Zone. An application for a PUD zone designation or substantial amendment to an existing PUD shall comply with the requirements in this subsection.

- (1) The proposed PUD zone is consistent with the Comprehensive Plan and meets the objectives of the City Code.
- (2) Provide development standards that achieve equal or greater consistency with the purpose of the PUD zone described in Subsection (A) than development under the regulations in the Land Development Code.
- (3) 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:
 - (a) An area used for stormwater detention or water quality treatment is excluded from the calculation unless it is designed and maintained as an amenity; and
 - (b) 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.
- (4) Provide a two-star Austin Energy Green Building Rating.
- (5) Be consistent with applicable neighborhood plans, historic district and landmark standards, and compatible with adjacent property and land uses.
- (6) 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.
- (7) Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities.
- (8) Exceed the minimum landscaping requirements of the City Code.
- (9) Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD zone and mitigation of adverse cumulative transportation effects with sidewalks, trails, and roadways.

- (10) Prohibit gated roadways.
 - (11) Protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance.
 - (12) Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.
 - (13) Provides for affordable housing or participation in programs to achieve affordable housing.
 - (14) A PUD containing a retail, commercial, or mixed-use development must contain pedestrian-oriented uses as defined in Division 23-12A-1 (General Definitions).
- (E) **Tier 2 Criteria for Superiority.** This section contains criteria for determining the extent to which development proposed for a PUD zone would be superior to that which would occur under conventional zoning and subdivision regulations as required under Subsection (A). A proposed PUD need not address all criteria in this subsection to achieve superiority, and the council may consider any other criteria the council deems appropriate.
- (1) **Open Space.** Provides open space at least 10 percent above the requirements of Subsection (D)(3).
 - (2) **Environment/Drainage.**
 - (a) Complies with current code instead of asserting an entitlement to follow older code provisions by application of law or agreement.
 - (b) Provides water quality controls superior to those otherwise required by this Title.
 - (c) Provides water quality treatment for currently untreated, developed off-site areas of at least 10 acres in size.
 - (d) Reduces impervious cover by five percent below the maximum otherwise allowed by this Title or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by this Title.
 - (e) Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres.
 - (f) Provides volumetric flood detention as described in the Drainage Criteria Manual.
 - (g) 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.
 - (h) Proposes no modifications to the existing 100-year floodplain.
 - (i) Uses natural channel design techniques as described in the Drainage Criteria Manual.
 - (j) Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas.
 - (k) Removes existing impervious cover from the Critical Water Quality Zone.
 - (l) Preserves all heritage trees; preserves 75 percent of the caliper inches associated with native protected size trees; and preserves 75 percent of all of the native caliper inches.

- (m) Tree plantings use Central Texas seed stock native and with adequate soil volume.
 - (n) Provides at least a 50 percent increase in the minimum waterway or critical environmental feature setbacks required by this Title.
 - (o) Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.
 - (p) Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas.
 - (q) Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian use.
 - (r) Provides rainwater harvesting for landscape irrigation to serve not less than 50 percent of the landscaped areas.
 - (s) Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.
 - (t) Employs other creative or innovative measures to provide environmental protection.
- (3) **Austin Energy Green Building.** Provides an Austin Energy Green Building Rating of three stars or above.
 - (4) **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.
 - (5) **Great Streets.** Complies with City's Great Streets Program, or a successor program.
 - (6) **Community Amenities.**
 - (a) 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.
 - (b) Provides publicly accessible multi-use trail and greenway along creek or waterway.
 - (7) **Transportation.** Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.
 - (8) **Building Design.** Exceeds the minimum points required by Division 23-3D-6 (Building Design Standards).
 - (9) **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 23-3C-10140 (Waterfront Overlay) in ground floor spaces.
 - (10) **Historic Preservation.** Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.
 - (11) **Accessibility.** Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.
 - (12) **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.

- (13) **Affordable Housing.** Provide for affordable housing beyond what would be required in a similar development under other land development code affordable housing bonus programs without the use of public financing, including providing the following, at a minimum:
- (a) Not less than 10 percent of the total rental units and 5 percent of the total owner-occupied units developed within the PUD leased or sold in compliance with the terms defined in Subdivision 23-4E-1090 of this Title, and;
 - (b) A fee paid to the Neighborhood Housing and Community Development Department not less than the Planned Unit Development Affordable Housing Fee Rate times the total non-residential gross floor area developed within the PUD.
 - (c) The applicant may propose alternative means of compliance to the Housing Director other than those described in Subsections (a) and (b). The Housing Director shall evaluate and report to Council whether the applicant's proposal meets or exceeds the community benefit that would be required by complying with Subsections (a) and (b).
- (F) **Additional Standards.** In addition to the requirements contained in this subsection, a PUD containing a retail, commercial, or mixed-use development must:
- (1) Comply with the sidewalk requirements in Division 23-8E-6 (Sidewalks, Urban Trails, and Street Trees) and building design requirements of Division 23-3D-6 (Building Design Standards);
 - (2) Pay the tenant relocation fee established under Section 23-4E-3050 (Tenant Relocation Assistance - Developer Funded), if approval of the PUD would allow multi-family redevelopment that may result in tenant displacement; and
 - (3) Contain pedestrian-oriented uses, as defined in Division 23-12A-1 (General Definitions), on the first floor of a multi-story commercial or mixed-use building.
- (G) **General Procedures.**
- (1) **Compliance Required.** An applicant who seeks to designate property as a PUD zone or to substantially amend an existing PUD must demonstrate that the proposed development complies with this section.
 - (2) **Pre-Application Filing Procedures.**
 - (a) **Development Assessment Report.**
 - (i) Before a person may submit an application for a PUD zone, the applicant must request a development assessment that complies with Section 23-2C-1060 (Project Assessment).
 - (ii) Not later than the 11th day after the assessment is issued, the director shall mail notice of the assessment to the Neighborhood Plan Contact Team and those entitled to notice under Section 23-2D-5020 (Notice of Administrative Decision).
 - (b) **Council Hearing.**
 - (i) The director must present the development assessment at a council meeting and make recommendations regarding the requirements in Subsections (D) and (E) and any other applicable requirements or criteria.

- (ii) Not later than the 11th day before the date of the council meeting, the director shall mail notice of the meeting to those entitled to receive notice of the development assessment.
 - (c) **Council Response.** The council or individual council members may supplement or respond to the recommendation of the 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 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 provides comments on the development assessment, the applicant may submit an application to zone or re-zone the property to a PUD zone that complies with Article 23-3B (Zoning Administration and Procedures).
- (3) **Application and Approval Procedures.**
- (a) An application to zone or re-zone a property to a PUD zone shall be filed and processed under Article 23-2C (Application Review and Process). The application must include:
 - (i) A land use plan;
 - (ii) The required fee;
 - (iii) The proposed site development regulations;
 - (iv) The baseline for determining development bonuses;
 - (v) A description of any bonuses requested and the manner in which the bonus requirements are to be satisfied;
 - (vi) Requested waivers from or modifications to the requirements of this Title; and
 - (vii) Any other information required by the director.
 - (b) An application to re-zone to a PUD zone shall be reviewed under Division 23-3B-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, 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 (B) 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.** A preliminary subdivision plan, final plat, site plan or building permit required to develop property subject to a PUD zone must comply with the land use plan associated with the PUD zone.
- (iii) **Director's report.** The 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, which includes an increase in residential density or the addition of a multi-family use 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 director may approve an amendment to a land use plan that is not a substantial amendment described in Subsection (I)(4)(b).
 - (i) An applicant must submit a proposed amendment to the director with an application for approval of a site plan.
 - (ii) The 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 under Article 23-2I (Appeals).
- (d) **Rezoning If Development Applications Expire or Are Not Approved.** The director must request council initiate the rezoning of property in a PUD zone if:
 - (i) 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 for the property; or
 - (ii) An approved preliminary plan or site plan expires.