

ORDINANCE NO. 20080618-__

1 AN ORDINANCE AMENDING DIVISION 5, SUBCHAPTER B, CHAPTER 25-2,
2 OF THE CITY CODE AND SECTION 2-1-144(I) OF THE CITY CODE
3 REGARDING THE PROCESS AND STANDARDS FOR APPROVAL OF
4 PLANNED UNIT DEVELOPMENTS.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
7

8 **PART 1.** Chapter 25-2, Subchapter B, Article 2, Division 5 (*Planned Unit*
9 *Developments*) is amended to read as follows:

10 **Division 5. Planned Unit Developments.**

11 **Subpart A. General Provisions [~~Previous Approvals; Planned Unit Developments in~~**
12 **~~the Extraterritorial Jurisdiction~~].**

13 **1.1. General Intent.**

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

21 **1.2. Council Authority.**

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

25 **1.3. Pre-Application Filing Requirements and Review Criteria.**

26 **1.3.1. Report and Finding Required.** The requirements of this section must be
27 fulfilled before the Neighborhood Planning and Zoning Department may
28 accept an application for a PUD zoning district classification.

29 A. The applicant must obtain a project assessment report on the proposed
30 development from the director of the Neighborhood Planning and Zoning
31 Department. Not later than the 11th day after issuance of the report, the
32 director shall mail notice of the report to the neighborhood plan contact

1 team and those entitled to notice under Section 25-1-133(A)(Notice of
2 Applications and Administrative Decisions).

3 B. The director of the Neighborhood Planning and Zoning Department must
4 present the project assessment report at a council meeting and make
5 recommendations regarding the requirements in Section 2.3 (Tier One
6 Requirements), the criteria in Section 2.4 (Tier Two Requirements), and
7 any other applicable requirements or criteria. Not later than the 11th day
8 before the date of the meeting, the director of the Neighborhood
9 Planning and Zoning Department shall mail notice of the meeting to
10 those entitled to receive notice of the project assessment report.

11 **1.3.2 Council Response.** The council or individual council members may
12 supplement or respond to the recommendation of the director of the
13 Neighborhood Planning and Zoning Department with comments identifying
14 issues that should or must be addressed during subsequent review and
15 consideration of the application. A comment does not obligate council
16 members to vote for or against approval of the proposed PUD district
17 zoning.

18 **1.3.3. Baseline for Determining Development Bonuses; Estimate of**
19 **Development Under Existing Zoning.** The applicant must recommend
20 and the director of the Neighborhood Planning and Zoning Department
21 shall establish the following in the project assessment report.

22 A. The zoning district or districts that would be most appropriate for the
23 property if it were developed without PUD zoning. The district or
24 districts must be consistent with all applicable neighborhood plans or a
25 neighborhood plan amendment initiated concurrently with the request for
26 PUD zoning. Unless the council establishes a different baseline as part of
27 a comment under Section 1.3.2 (Council Response), the director's
28 determination establishes the baseline for determining development
29 bonuses under Section 2.5 (Development Bonuses).

30 B. An estimate of the maximum extent of development allowable under the
31 property's existing zoning, including any assumptions used to make the
32 estimate.

33 **1.3.5. Fee Credit.** The director of the Neighborhood Planning and Zoning
34 Department shall credit the fee for the project assessment toward the zoning
35 application fee if the zoning application is filed not later than one year after
36 the applicant receives the assessment report.

37 **1.4. Land Use Plan.**

1 **1.4.1. Application Requirements.** An application for a PUD zoning district
2 classification must include a land use plan that contains each of the
3 following:

4 A. a general land use map;

5 B. proposed site development regulations;

6 C. the baseline for determining development bonuses under Section 2.5.
7 (Development Bonuses), if any;

8 D. a description of any bonuses requested under Section 2.5.
9 (Development Bonuses) and the manner in which the bonus
10 requirements are to be satisfied;

11 E. requested waivers from or modifications of the requirements of this code
12 under Section 2.2 (Modification by Council), if any; and

13 F. any other information required by the director of the Neighborhood
14 Planning and Zoning Department.

15 **1.4.2. Ordinance Requirements.** An ordinance classifying land as a PUD zoning
16 district must include a land use plan that meets the requirements of Section
17 1.4.1 (Application Requirements).

18 **1.4.3 Effect of Land Use Plan.** The land use plan included in the PUD
19 ordinance establishes the use and site development regulations for
20 development within a PUD zoning district.

21 **1.5. [~~§ 25-2-391~~] Planned Unit Developments Approved Before December 15, 1988.**

22 A PUD zoning district approved under regulations applicable before December 15,
23 1988 is governed by the previous regulations and shall be identified on the zoning
24 map as a PUD district.

25 **1.6. [~~§ 25-2-392~~] Planned Unit Developments in the Extraterritorial Jurisdiction.**

26 A. [~~(A)~~] The council may designate a planned unit development in the
27 extraterritorial jurisdiction in accordance with state law.

28 B. [~~(B)~~] Unless otherwise agreed by the City and the landowners, a planned unit
29 development must comply with all requirements applicable to a PUD zoning
30 district in the City's zoning jurisdiction.

31 C. [~~(C)~~] Uses allowed in a planned unit development in the extraterritorial
32 jurisdiction are the uses described in the planned unit development agreement.

- 1 1. a detention or filtration area is excluded from the calculation
2 unless it is designed and maintained as an amenity; and
- 3 2. the required percentage of open space may be reduced for urban
4 property with characteristics that make open space infeasible if
5 other community benefits are provided;

6 D. comply with the City’s Planned Unit Development Green Building
7 Program;

8 E. be consistent with applicable neighborhood plans, neighborhood
9 conservation combining district regulations, historic area and
10 landmark regulations, and compatible with adjacent property and land
11 uses;

12 F. provide for environmental preservation and protection relating to air
13 quality, water quality, trees, buffer zones and greenbelt areas, critical
14 environmental features, soils, waterways, topography, and the natural
15 and traditional character of the land;

16 G. provide for public facilities and services that are adequate to support
17 the proposed development including school, fire protection,
18 emergency service, and police facilities;

19 H. exceed the minimum landscaping requirements of the City Code;

20 I. provide for appropriate transportation and mass transit connections to
21 areas adjacent to the PUD district and mitigation of adverse
22 cumulative transportation impacts with sidewalks, trails, and
23 roadways;

24 J. prohibit gated roadways;

25 K. protect, enhance and preserve areas that include structures or sites that
26 are of architectural, historical, archaeological, or cultural significance;
27 and

28 L. include at least 10 acres of land, unless the property is characterized
29 by special circumstances, including unique topographic constraints.

30 **2.3.2. Additional Requirements.** In addition to the requirements contained in
31 Section 2.3.1 (*Minimum Requirements*), a PUD containing a retail,
32 commercial, or mixed use development must:

33 A. comply with Chapter 25-2, Subchapter E (*Design Standards And*
34 *Mixed Use*).

- 1 B. inside the urban roadway boundary depicted in Figure 2, Subchapter
 2 E, Chapter 25-2 (*Design Standards and Mixed Use*), comply with the
 3 sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2
 4 (*Core Transit Corridors: Sidewalks And Building Placement*); and
- 5 C. contain pedestrian-oriented uses as defined in Section 25-2-691(C)
 6 (*Waterfront Overlay District Uses*) on the first floor of a multi-story
 7 commercial or mixed use building.

8 **2.4. Tier Two Requirements.**

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

<u>Open Space</u>	<u>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.</u>
<u>Environment</u>	<u>Does not request exceptions to or modifications of environmental regulations.</u> <u>Provides water quality controls superior to those otherwise required by code.</u> <u>Uses innovative water quality controls that treat at least 25 percent additional water quality volume and provide 20 percent greater pollutant removal, in addition to the minimum water quality volume required by code.</u> <u>Provides water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25 percent of the subject tract.</u> <u>Reduces impervious cover or single-family density 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</u>

	<u>percent below that allowed by code.</u>
	<u>Provides minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater.</u>
	<u>Provides at least a 50 percent increase in the minimum waterway and critical environmental feature setbacks required by code.</u>
	<u>Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.</u>
	<u>Provides pervious paving for at least 50 percent or more of all paved areas in non-aquifer recharge areas.</u>
	<u>Prohibits uses that may contribute to air or water quality pollutants.</u>
	<u>Employs other creative or innovative measures.</u>
<u>Austin Green Builder Program</u>	<u>Provides a rating under the Austin Green Builder Program of three stars or above.</u>
<u>Art</u>	<u>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.</u>
<u>Great Streets</u>	<u>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>).</u>
<u>Community amenities</u>	<u>Provides community or public amenities, which may include spaces for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.</u>
<u>Transportation</u>	<u>Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.</u>
<u>Building Design</u>	<u>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>).</u>
<u>Parking structure frontage</u>	<u>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.</u>

<u>Affordable Housing</u>	<u>Provides for affordable housing or participation in programs to achieve affordable housing.</u>
<u>Historic Preservation</u>	<u>Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.</u>
<u>Accessibility</u>	<u>Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.</u>
<u>Local Small Business</u>	<u>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.</u>

1
2 **2.5. Development Bonuses.**

3 **2.5.1. Limitation on Development.** Except as provided in Section 2.5.2
4 (Requirements for Exceeding Baseline), site development regulations for
5 maximum height, maximum floor area ratio, and maximum building
6 coverage in a PUD with residential uses may not exceed the baseline
7 established under Section 1.3.3 (Baseline for Determining Development
8 Bonuses).

9 **2.5.2. Requirements for Exceeding Baseline.** Development in a PUD with
10 residential uses may exceed the baseline established under Section 1.3.3
11 (Baseline for Determining Development Bonuses) for maximum height,
12 maximum floor area ratio, and maximum building coverage if:

13 A. the application for PUD zoning includes a report approved by the
14 Director of the Neighborhood Housing and Community Development
15 Department establishing the prevailing level of affordability of
16 housing in the vicinity of the PUD, expressed as a percentage of
17 median family income in the Austin metropolitan statistical area; and

18 B. the developer either:

19 1. provides contract commitments and performance guarantees
20 that provide affordable housing meeting or exceeding the
21 requirements of Section 2.5.3 (Requirements for Rental
22 Housing) and Section 2.5.4 (Requirements for Ownership
23 Housing); or

24 2. makes donations for affordable housing under Section 2.5.6
25 (Alternative Affordable Housing Options).

1 **2.5.3. Requirements for Rental Housing.** Any rental units included in a PUD
2 must be provided on the site receiving the development bonus, except that
3 rental units may be provided at another site within the PUD if:

4 A. the site constitutes at least 10 percent of the rental habitable square
5 footage within the PUD;

6 B. the rental units provided at the site:

7 1. are affordable to a household whose income is less than the
8 affordability level established under Section 2.5.5 (*Affordability*
9 *Levels*);

10 2. will remain affordable for 40 years from the date a certificate of
11 occupancy is issued; and

12 3. are eligible for federal housing choice vouchers.

13 **2.5.4. Requirements for Ownership Housing.** Any owner occupied housing
14 included in a PUD must be provided on the site receiving the development
15 bonus, except that owner occupied units may be provided at another site
16 within the PUD if:

17 A. the site constitutes at least five percent of the owner occupied
18 habitable square footage within the PUD;

19 B. the owner occupied units provided at the site are affordable to a
20 household whose income is less than the affordability level
21 established under Section 2.5.5 (*Affordability Levels*); and

22 C. the owner occupied units provided at the site are transferred to the
23 owner subject to a shared equity agreement approved by the Director
24 of the Neighborhood Housing and Community Development
25 Department.

26 **2.5.5. Affordability Levels.** For purposes of this subchapter, the affordability
27 level is:

28 A. for a portion of a PUD within the urban roadway boundary depicted in
29 Figure 2 of Subchapter E of Chapter 25-2 (*Design Standards and*
30 *Mixed Use*), 80% of the median family income in the Austin
31 metropolitan statistical area;

32 B. for a portion of a PUD outside the urban roadway boundary depicted
33 in Figure 2 of Subchapter E of Chapter 25-2 (*Design Standards and*

1 Mixed Use), 60% of the median family income in the Austin
2 metropolitan statistical area; or

3 C. if the Council finds that the prevailing level of affordability of
4 housing in the vicinity of the PUD is lower than the level applicable
5 under Paragraph A or B, any lesser percentage of the median family
6 income in the Austin metropolitan statistical area established by the
7 Council.

8 **2.5.6 Alternative Affordable Housing Options.** Development within a PUD may
9 exceed baseline standards as provided in Section 2.5.2.B.2 (*Requirements for*
10 *Exceeding Baseline*) if the developer:

11 A. donates to the Austin Housing Finance Corporation land within the
12 PUD that is appropriate and sufficient to develop 20 percent of the
13 residential habitable square footage planned for the PUD, as
14 determined by the Director of the Neighborhood Housing and
15 Community Development Department; or

16 B. subject to approval by the city council, donates the amount established
17 under Section 2.5.7 (*In Lieu Donation*) for each square foot of climate
18 controlled space within the PUD to a Housing Assistance Fund to be
19 used for producing or financing affordable housing, as determined by
20 the Director of the Neighborhood Housing and Community
21 Development Department.

22 **2.5.7. In Lieu Donation.** The amount payable under Section 2.5.6.B (*Alternative*
23 *Affordable Housing Options*) shall be 60 percent of the fee established under
24 Section 25-2-586(I) (*Affordable Housing Incentives in a Central Business*
25 *District or Downtown Mixed Use Zoning District*) or any successor fee
26 established under the Austin Downtown Plan.

27 **§ 25-2-401 PROJECT ASSESSMENT REQUIRED.**

28 ~~—(A)— An applicant may not file an application for a PUD zoning district classification~~
29 ~~until the applicant obtains a project assessment report on the proposed development from~~
30 ~~the director of the Neighborhood Planning and Zoning Department.~~

31 ~~—(B)— The director of the Neighborhood Planning and Zoning Department shall credit~~
32 ~~the fee for the project assessment toward the zoning application fee if the zoning~~
33 ~~application is filed not later than one year after the applicant receives the assessment~~
34 ~~report.~~

35 **§ 25-2-402 LAND USE PLAN REQUIRED.**

1 — ~~(A)~~ An applicant shall include a proposed land use plan in an application for a PUD
2 zoning district classification. The proposed land use plan must include:

3 — ~~(1)~~ a general land use map;

4 — ~~(2)~~ the proposed site development regulations;

5 — ~~(3)~~ requested waivers from the requirements of this title, if any; and

6 — ~~(4)~~ other information required by the director of the Neighborhood Planning and
7 Zoning Department.

8 — ~~(B)~~ A land use plan must be included in the ordinance classifying land as a PUD
9 zoning district.

10 ~~(C)~~ The land use plan in the ordinance establishes the use and site development
11 regulations for development within a PUD zoning district.

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

13 3.1. [~~§ 25-2-403~~] Land Use Plan Expiration and Amendment.

14 3.1.1. Expiration. [~~(A)~~] A land use plan does not expire unless the property is rezoned
15 to a district other than PUD.

16 3.1.2. Substantial Amendment. [~~(B)~~] A substantial amendment to a land use plan is a
17 rezoning of the affected portion of the PUD zoning district and requires council
18 approval. The following are substantial amendments:

19 A. [~~(1)~~] adding a land use that is more intense than the existing permitted uses;

20 B. [~~(2)~~] amending a site development regulation;

21 C. [~~(3)~~] increasing the intensity of a land use adjacent to a platted single family
22 residential tract;

23 D. [~~(4)~~] amending a condition of approval of the PUD zoning district;

24 E. [~~(5)~~] increasing land use intensity in a phase of development of the PUD without
25 decreasing land use intensity an equivalent amount in the phase of development;

26 F. [~~(6)~~] shifting development intensity in a manner that results in an “E” or “F” level
27 of service on a roadway segment or intersection included in the traffic impact analysis
28 governing the PUD; and

1 G. ~~[(7)]~~ amending a phasing schedule to establish a non-residential land use before
2 establishing the residential development supported by the non-residential use.

3 **3.1.3. Approval By Director.** ~~[(C)]~~ The director of the Neighborhood Planning and
4 Zoning Department may approve an amendment to a land use plan that is not a
5 substantial amendment described under Subsection 3.1.2 (*Substantial Amendment*) ~~[(B)]~~.

6 A. ~~[(1)]~~ An applicant must submit a proposed amendment to the director of the
7 Neighborhood Planning and Zoning Department with an application for approval of an
8 administrative site plan.

9 B. ~~[(2)]~~ The director of the Neighborhood Planning and Zoning Department's
10 decision on an amendment may be appealed to the Land Use Commission. The Land Use
11 Commission's decision may be appealed to the council.

12 **3.1.4. Increased Intensity.** ~~[(D)]~~ A substantial amendment based on increased land
13 use intensity occurs if:

14 A. ~~[(1)]~~ most restrictive base zoning district in which the proposed use is permitted
15 is less restrictive than most restrictive base zoning district in which the existing use is
16 permitted;

17 B. ~~[(2)]~~ residential density is higher than authorized in the existing land use plan;
18 or

19 C. ~~[(3)]~~ a multifamily use is proposed along the periphery of the project.

20 ~~**Subpart C. Regulations; Variances.**~~

21 **3.2. [§ 25-2-411] Planned Unit Development Regulations.**

22 **3.2.1. Uses and Regulations.** ~~[(A)]~~ The permitted uses, conditional uses, and site
23 development regulations for a planned unit development (PUD) district are
24 established by the ordinance zoning property as a PUD district, the accompanying
25 land use plan, and this section. ~~[The council may modify a requirement of this title~~
26 ~~by identifying and approving the modification.~~

27 ~~(B) — Except for requirements applicable to specific zoning districts, the~~
28 ~~requirements of this title apply to development in a PUD district.~~

29 ~~(C) — Public facilities and services that are adequate to support the proposed~~
30 ~~development are required.]~~ The council may require development phasing or the
31 construction of off-site infrastructure.

1 ~~[(D) The natural topography, soils, critical environmental features, waterways,~~
2 ~~and vegetation must be incorporated into the design of a PUD district, if~~
3 ~~practicable. Buffer zones and greenbelt areas are required. In intensively developed~~
4 ~~areas, landscaping that exceeds the minimum requirements of this title is required.~~

5 ~~[(E) The design of a local street must discourage through traffic and provide~~
6 ~~convenient accessibility to the parking areas that serve each use. Collector streets~~
7 ~~must be designed so that future development will not require the conversion of a~~
8 ~~collector street to an arterial street.~~

9 ~~[(F) The design of a parking area must prevent the backing of vehicles onto a~~
10 ~~collector or arterial street.~~

11 ~~[(G) Vehicular and pedestrian passageways must be separated from public rights-~~
12 ~~of way. If appropriate, walkways and bicycle paths connecting buildings, common~~
13 ~~open spaces, recreation areas, community facilities, and parking areas must be~~
14 ~~provided and lighted for night use.~~

15 **3.2.2 Residential Uses.** ~~[(H)]~~ For residential uses, a land use plan must include:

16 A. ~~[(1)]~~ the type and location of each use;

17 B. ~~[(2)]~~ the maximum density;

18 C. ~~[(3)]~~ for multifamily development, the maximum floor to area ratio;

19 D. ~~[(4)]~~ the maximum building height;

20 E. ~~[(5)]~~ the minimum lot size and width; and

21 F. ~~[(6)]~~ other site development regulations that may be required by the
22 council.

23 **3.2.3 Nonresidential Uses.** ~~[(I)]~~ For nonresidential uses, a land use plan must
24 include:

25 A. ~~[(1)]~~ the type and location of each use;

26 B. ~~[(2)]~~ the maximum floor area ratio, which may not be greater than the
27 maximum floor to area ratio permitted in the most restrictive base zoning
28 district in which proposed use is permitted;

29 C. ~~[(3)]~~ the maximum building height;

1 D. [(4)] the minimum front yard and street side yard setbacks, which must be
2 not less than the greater of:

3 1. [(a)] 25 feet for a front yard, and 15 feet for a street side yard; or

4 2. [(b)] those required by Subchapter C, Article 10 (*Compatibility*
5 *Standards*);

6 E. [(5)] the number of curb cuts or driveways, which must be the minimum
7 necessary for adequate access to the site; and

8 F. [(6)] other site development regulations that may be required by the
9 council.

10 **3.2.4. Industrial Uses.** [(J)] An industrial use must comply with the performance
11 standards established by Section 25-2-648 (*Planned Development Area (PDA)*
12 *Performance Standards*).

13 ~~[(K) This subsection provides open space requirements.~~

14 ~~— (1) Except as otherwise provided in this subsection:~~

15 ~~— (a) for a nonresidential use, not less than 20 percent of a tract must be~~
16 ~~open space; and~~

17 ~~— (b) or an industrial use, not less than 15 percent of a tract must be open~~
18 ~~space.~~

19 ~~— (2) Not less than 10 percent of a tract must be open space if, excluding the~~
20 ~~tract, at least 10 percent of the PUD district is open space.~~

21 ~~(3) A greenbelt or buffer zone may be included as open space, but a detention or~~
22 ~~filtration area is excluded unless the area is designed and maintained as an amenity to the~~
23 ~~site.~~

24 ~~§ 25-2-412 VARIANCES.~~

25 ~~— A variance from the requirements of Chapter 25-8 (*Environment*) or Subchapter C,~~
26 ~~Article 10 (*Compatibility Standards*) for development in a PUD may only be granted:~~

27 ~~— (1) by the land use plan;~~

28 ~~— (2) by amendment of the land use plan; or~~

1 — ~~(3)~~ for variances from subdivision or site plan engineering or design requirements,
2 through the process established in Chapter 25-1, Article 7, Division 2 (*Variances*).]

3 **Subpart D. Development Applications.**

4 **4.1. [~~§25-2-421~~] Concurrent Consideration of Development Applications.**

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

7 **4.2. [~~§25-2-422~~] Development Applications Must Comply with Land Use Plan.**

8 **4.2.1. Approval.** [~~(A)~~] The council, Land Use Commission, or director of the
9 Neighborhood Planning and Zoning Department may approve a
10 preliminary subdivision plan, final plat, site plan, or building permit for
11 development in a PUD zoning district only if the proposed development
12 complies with the requirements of the land use plan.

13 **4.2.2. Director's Report.** [~~(B)~~] The director of the Neighborhood Planning and
14 Zoning Department's report on a development application considered by
15 the Land Use Commission or council must include a determination of
16 whether the application complies with the requirements of the land use
17 plan.

18 **4.4. [~~§25-2-423~~] Rezoning if Development Applications Expire or Are Not Approved.**

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

21 A. [~~(1)~~] a preliminary plan or site plan for a portion of the property is not
22 approved within three years after the effective date of the ordinance
23 approving the PUD zoning classification for the property; or

24 B. [~~(B)~~] an approved preliminary plan or site plan expires.

25 **PART 2.** Section 2-1-144(I) (*Environmental Board*) of the City Code is amended to read
26 as follows:

27 (I) The board shall:

28 (1) review all variances to requirements for water quality related to
29 environmentally sensitive areas;

30 (2) review the monitoring of storm water runoff in developed and
31 undeveloped areas;

1 (3) review the efficiency of existing and proposed structural and
2 nonstructural controls;

3 (4) periodically review the effectiveness of Chapter 25-4 (Subdivision);

4 (5) review waste treatment permits within the city's extraterritorial
5 jurisdiction;

6 (6) review programs and policies for flood control, erosion control, and
7 water quality;

8 (7) review capital improvement projects;

9 (8) review municipal utility district proposals and amendments;

10 (9) review roadway plan amendments; ~~and~~

11 (10) recommend urban runoff standards; and

12 (11) review planned unit developments.

13 **PART 3.** This ordinance takes effect on _____, 2008.

14 **PASSED AND APPROVED**

15
16
17
18 _____, 2008

§
§
§

19 _____
20 Will Wynn
21 Mayor

22
23 **APPROVED:** _____
24 David Allan Smith
25 City Attorney

23 **ATTEST:** _____
24 Shirley A. Gentry
25 City Clerk