

Austin Oaks Planned Unit Development

The Truth about PUD's

11.17.2014

The Truth about PUDs

Statement: *"The developers can do whatever they want."*

False. Austin has a detailed PUD Ordinance, which provides additional requirements, above and beyond traditional zoning categories, in exchange for specific, agreed-upon variances to code.

- PUDs are required to meet specific "Tier I" requirements, including providing additional open space, environmental preservation and protection, and heightened design standards from those required in conventional zoning.
- PUDs are subject to specific "Tier II" criteria for determining the extent to which the proposed development is superior to that which would occur under conventional zoning or subdivision regulations. These include items such as community amenities, transportation facilities or features, building design, affordable housing, inclusion of local small businesses, and accessibility.
- PUDs are considered "bonus" entitlements, allowing the City to require items not legally available to cities via conventional zoning, such as affordable housing contributions or off-site improvements that are beyond the direct impact of the development.
- PUDs also provide a mechanism to address, in a much more detailed manner, specific aspects of the proposed development, including design and aesthetics, which are not addressed in conventional zoning.

Statement: *"PUDs don't have to meet environmental standards."*

False. PUDs have to meet environmental standards that exceed those required by conventional zoning.

- PUDs generally cannot assert entitlement to follow older code provisions by application of law or agreement ("grandfathering").
- PUDs are judged based upon superior water quality controls and treatment, reductions in impervious cover from that otherwise allowed by code, removal of existing impervious cover from critical water quality zones, restoration of riparian vegetation in critical water quality zones, utilization of rainwater harvesting for landscape irrigation, and use of other creative or innovative measures to provide environmental protection.
- All PUDs are also subject to review and recommendation by environmental review staff and the Environmental Board before the PUD may be considered by a land use commission – a review not required of conventional zoning cases.

Statement: *"PUDs can't be changed; they allow developers to 'lock-in' zoning forever."*

False. The PUD zoning designation on a property, just like any other conventional zoning category, can be changed at any time through the public zoning process.

- In fact, many PUDs contain provisions requiring that they must be developed by a certain date, or the PUD will be required to be reassessed by Council.

Statement: *"PUDs are a 'loophole' for developers."*

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False. PUDs require additional processes and additional scrutiny, both by decision-making bodies and staff, then conventional zoning cases.

- A PUD applicant must pre-application filing requirements, including a project assessment report from staff, and presentation of the report to Council for response and comment.
- PUD applications must also include detailed information regarding uses and site development regulations for development within the proposed PUD.
- In addition to Land Use Commission review and recommendation, PUDs must be reviewed by the Environmental Commission and PUDs are subject to specific vote thresholds.
- All of these requirements are above and beyond those of conventional zoning cases.
- The PUD ordinance itself, and it's standards, are Austin-specific, and it has been regularly revised by Council to produce development reflecting Austin's values.

Statement: *"PUDs are used to skirt affordable housing requirements."*

False. Every PUD that includes residential development is required to meet some level of affordable housing.

- Due to limitations imposed by the Texas Legislature, no conventional zoning case in Texas can contain a mandatory requirement for affordable housing.
- Because PUDs are considered "bonus" entitlements, Austin can and does require PUD developments that include residential development to address affordable housing.
- To date, PUDs have produced millions of dollars of funds employed to address affordable housing in Austin.
- Conventional zoning cases have not produced any enforceable requirement, either on-site or fee, to address affordable housing.