(Extracted from City of Austin Codes and Ordinances at Chapter 25-2, Subchapter B, Article 2, Division 5 (*Planned Unit Developments*)]

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. comply with the City's Planned Unit Development Green Building Program;

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. 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.

§ 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.

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| Open Space | Provides open space at least 10% above the requirements of Section 2.3.1.A. (Minimum Requirements). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), 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 Green Builder Program | Provides a rating under the Austin Green Builder Program 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 (Design Standards and Mixed Use).  |
| 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 (Design Standards and Mixed Use).  |
| 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) (Waterfront Overlay District Uses) 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.

§ 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 with residential uses 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 with residential uses 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. 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. makes donations for affordable housing under Section 2.5.6 (Alternative Affordable Housing Options).

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. transferred to the owner subject to a shared equity agreement approved by the Director of the Neighborhood Housing and Community Development Department.

2.5.5. Alternative Affordable Housing Options.

Development within a PUD may exceed baseline standards as provided in Section 2.5.2.B.2 (Requirements for Exceeding Baseline) if the developer:

A. donates 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, as determined by the Director of the Neighborhood Housing and Community Development Department; or

B. subject to approval by the city council, donates 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.

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.