

What is a Planned Unit Development (PUD)?

Ben Luckens, May 27, 2015

A PUD is both a planning concept and a zoning classification. As a concept, it is a way to give developers the flexibility to customize a city's zoning regulations while staying within or exceeding the intent of the regulations. PUDs are especially useful for large multi-phase mixed-use suburban developments and for in-fill projects on difficult sites.

PUD is also a zoning classification; the PUD district. Because PUD is a zoning classification, requests for re-zoning to PUD follow the same general procedures as do all rezoning requests. However, because, PUD zoning gives a developer flexibility not otherwise available, many cities, including Austin, require developers to demonstrate how the flexibility being granted through the PUD will result in development that is *superior* to what could be achieved through conventional development regulations.

The PUD process in Austin begins with City staff preparing a project assessment specifying how the proposed PUD meets Tier One Requirements (minimum standards all PUDs must meet), and Tier Two Requirements, which are the criteria by which superiority to conventional regulations is demonstrated.

The project assessment also includes a baseline for determining development bonuses for PUDs that include residential uses. The baseline is based on an estimate of the maximum amount of development allowable under the site's existing zoning. The baseline also establishes recommended appropriate zoning for the site if it is not rezoned PUD. Without bonuses, development within a PUD that includes residential uses may not exceed the building height, coverage and floor area ratios established by the baseline unless the developer provides for affordable housing.

As part of the request for PUD zoning, developers must provide a land use plan showing the location and type of each land use proposed for the PUD, a list of proposed land uses, site development standards for each use including maximum height, density, floor area ratios and lot size and setbacks. The developer must also list all proposed variances and Code modifications otherwise applicable to the site. A traffic impact analysis is also typically required and in some cases, an environmental report is required.

By its very nature, a PUD invites deal-making between the developer, the City, and adjacent neighborhoods as the developer offers up items that the City may not otherwise require as a condition of zoning. The results of those negotiations appear in the PUD Ordinance that is adopted by City Council, many times with an accompanying restrictive covenant between the developer and the City. In addition, the neighborhood can negotiate a restrictive covenant with the developer. Agreements between the developer and the City are monitored by the City's Planning and Zoning Department, while a restrictive covenant between the developer and the neighborhood must be monitored by a neighborhood organization. Each of these documents is legally binding on the developer. All the players in this game get to weigh the costs and benefits of granting development rights not otherwise available in return for proffers also not otherwise available.