

What is a PUD?

Ben Luckens, May 13, 2015

PUD stands for Planned Unit Development. A PUD is both a planning concept and a zoning classification. As a concept, it was developed in the 1960s as a way to give developers the flexibility to work around zoning regulations that did not permit mixed-use projects and development standards that did not allow for innovative site design. The PUD was/is a way to customize regulations to fit a site while staying within the intent of the city's regulations. PUDs are especially useful for large multi-phase mixed-use suburban developments and for in-fill projects on difficult sites. Modern land development codes now include mixed-use zoning districts and provide more flexibility in site development standards but the PUD concept still has its value as a development tool.

PUD is also a zoning classification; the PUD district. Every proposed PUD may be different but the criteria by which they will be evaluated are the same; and because PUD is a zoning classification, requests for re-zoning to PUD follow the same general procedures as do all rezoning requests. 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.

Austin has a long history with PUDs; some of it good and some not. In 2008, reacting to the problems associated with PUDs, Council amended the PUD regulations. The process and standards for approving a PUD are outlined in Chapter 25-2, Subchapter B, Article 2, Division 5 (*Planned Unit Developments*) in the City code at this link: <https://www.municode.com/library/tx/austin> or you can see a copy in the Resources Library of Zoning Files at www.nwaca.org as "Planned Unit Development Standards."

The bar now set for developers seeking PUD zoning is to demonstrate that their project achieves the "goals of preserving the natural environment, encouraging high quality development and innovative design, and ensure adequate public facilities and services" to a greater degree, and is therefore superior to, development under conventional zoning and subdivision regulations.

As part of the current process, City staff prepares 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 by either building units or donating money. Affordable housing requirements are described in greater detail in the City's PUD regulations.

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.

At this point, there are at least 16 PUDs in the NWACA area, located approximately where marked in the diagram below, or you can explore by using the City's Geographic Information System Viewer at this link:

<http://www.austintexas.gov/GIS/DowntownWebMap/>

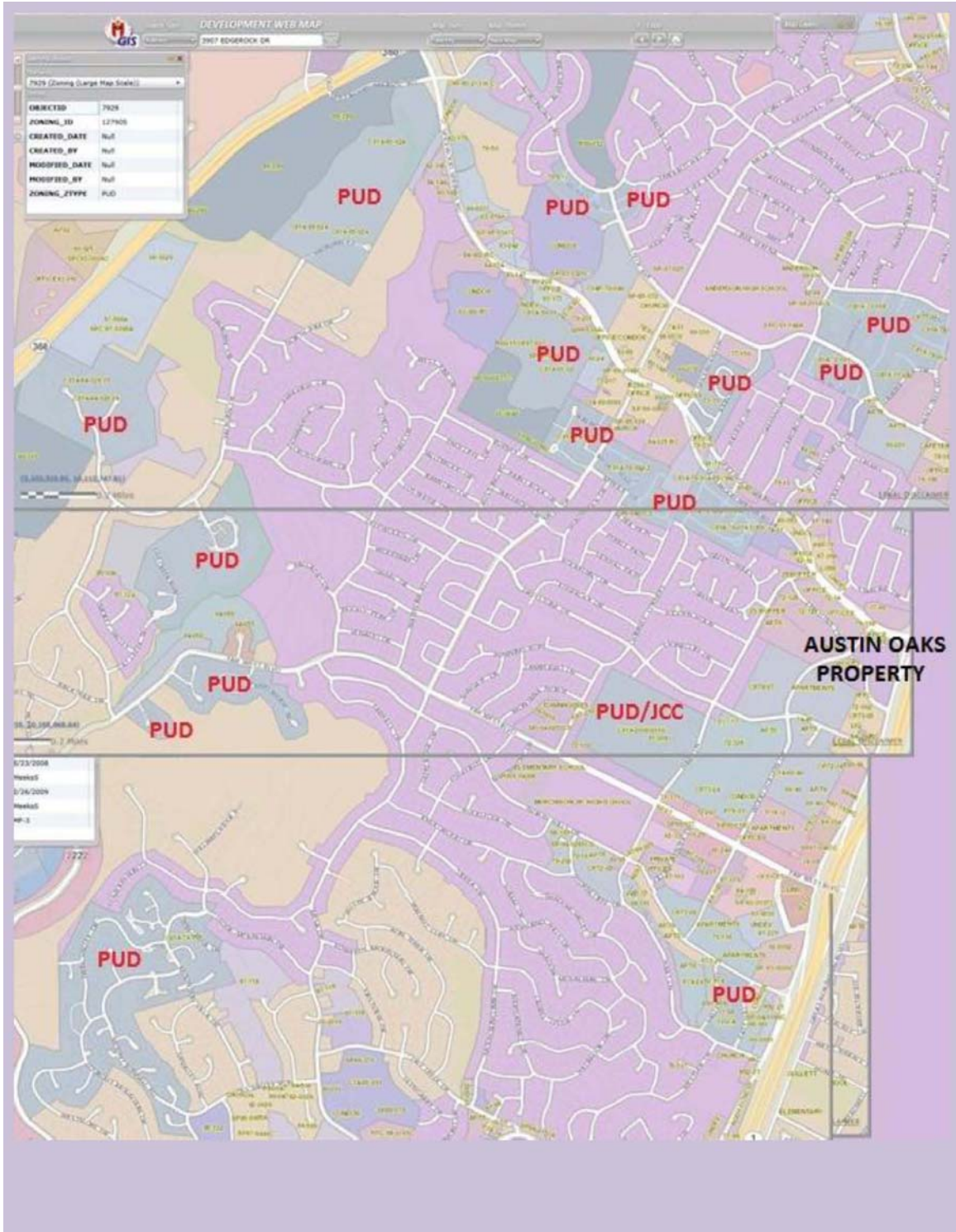
With one exception, these PUDs are all residential and most of these residential PUDs are single family in nature. Typically, residential PUDs are used to modify lot size and setback requirements, approve variance requests concurrently and, in some cases, to avoid establishing a precedent regarding multi-family zoning in otherwise single family areas. The one non-residential PUD in the neighborhood is the Dell Jewish Community Center.

Arguably, the Dell JCC is the type of project for which PUD zoning was intended. It is a large multi-phase project that allows for a number of civic uses not permitted in a Single Family (SF) district but maintains SF development standards. And, because of the required TIA, development on the site gets capped out by the traffic. All site plans and building permits on the Dell site are checked against the PUD ordinance/site plan to ensure compliance. The PUD ordinance for this site and related documents are on the NWACA web site in the Zoning library under the Resources tab. The City's case details are available here:

https://www.austintexas.gov/devreview/b_showpublicpermitfolderdetails.jsp?FolderRSN=10107726

Evaluating a PUD is a bit different than evaluating conventional zoning. Unlike conventional zoning that is judged purely on its merits, a PUD invites deal-making between a developer and the City 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. As always, the devil is in the details.



Graphic courtesy of David Whitworth, using City of Austin GIS System.