

**ORDINANCE NO. 20080618-098**

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

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

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

**Division 5. Planned Unit Developments.**

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

**1.1. General Intent.**

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

**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 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.

#### **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.

<u>Open Space</u>	<u>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.</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</u>
	<u>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 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>