

SEC. 31.725. PLANNED UNIT DEVELOPMENTS

31.726 STATEMENT OF PURPOSE

Planned Unit Developments may be established for the following purposes:

- To provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties.
- To encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape and size; and to provide for a minimum amount of open space.
- To provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure.
- To encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or topography.
- To allow for private streets and gated entrances for new subdivisions.

31.727 LOCATION

Planned Unit Developments may be located in the Apartment Districts and in the Local Retail Districts.

31.728 EVALUATION CRITERIA

In order to foster the attractiveness of a Planned Unit Development (“PUD”) and its surrounding neighborhoods and thereby preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning, and better serve the public health, safety, and general welfare, the following criteria shall be utilized by the Planning & Zoning Commission and the City Council in reviewing PUD plans. These criteria shall neither be regarded as inflexible requirements nor are they intended to discourage creativity or innovation.

- (1) Insofar as practicable, the landscape shall be equal or better to what is being replaced.
- (2) Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.
- (3) With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and

access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed structures and neighboring properties.

31.729 USES AND DENSITY

(1) Uses. A PUD may include single family residential, apartments/multi-family, office, and local retail uses. The uses permitted in a specific PUD are those designated in the PUD plan. Density limits are used to determine the maximum number of permitted dwelling units.

Planned unit developments containing one (1) single zoning district shall be annotated with the zoning district (e.g., PUD "Apartment District" or PUD "Local Retail District" and may be developed to the density indicated in the maximum density table in subsection (2) of this section.

Planned unit developments which contain more than one (1) zoning district shall have each zoning district annotated as (e.g., PUD "Apartment District" and PUD "Local Retail District" and each individual district may be developed to the density indicated in the maximum density table in subsection (2) of this section unless otherwise modified by the City Council.

(2) Density Table. The PUD plan shall divide the PUD into land use categories and shall indicate the uses permitted in each category. Where apartment and or multifamily use is allowed, the maximum number of dwelling units permitted per acre for each land use category is as follows:

TABLE INSET:

Land Use Category	Maximum Density
"Apartment District"	_____
"Local Retail District"	_____

Total allowable density is calculated by multiplying the amount of net usable acres times the appropriate number above.

(3) Attached Dwelling Units. Dwelling units may be attached in all PUD districts.

(4) Lots. There is no minimum area requirement for lots and lots need not front onto a street. Lot boundaries may coincide with structure boundaries except where perimeter lot setbacks are required.

31.730 HEIGHT AND YARD REQUIREMENTS

(1) Height Limitation. The maximum height of structures shall be as prescribed below; however, any portion of a structure may exceed this limit provided such portion is set

back from the side and rear lot lines, or setbacks if required, one (1) foot for each two (2) feet of height in excess of the maximum building height. Distance credit shall be permitted for space occupied by structures of conforming height extending from the lot lines or setbacks as applicable.

TABLE INSET:

Structures devoted to the following uses:	Shall be restricted to the following maximum height:
Single-Family Residence	35 feet
Apartments	___ feet
Local Retail Uses described in Sections 31.601.2 through 31.601.8	___ feet

31.731 FENCES

A. The requirements of Sections 30.100 through 30.102 shall apply to fences in a PUD.

B. In addition to the requirements of Sections 30.100 through 30.102, no fence or wall, or portion thereof in a PUD, shall exceed one hundred (100) horizontal feet in length unless one (1) of the following architectural features visible from the paved surface of the street is provided as part of the fence:

1. A column or pillar; or
2. Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance not less than three (3) or more than twenty (20) feet.

C. All fences must be described in the PUD Plan and all fencing is subject to approval of the City Council.

31.732 REQUIRED SETBACKS

(1) Residential Uses.

(a) Front yards shall have a depth of not less than _____ feet from the front property line.

(b) Rear yards shall have a depth of not less than _____ feet from the rear property line.

(2) Nonresidential Uses. Required perimeter setbacks for a PUD shall be the same as for the Local Retail District.

(3) If access to a garage is provided from the front or side of a lot, then the garage shall maintain a minimum setback of twenty (20) feet between the back of a sidewalk or the property line and a front or side entry garage. If alley of at least 15 feet exists then setback may be reduced to 10 feet.

(4) The perimeter setback lines shall be indicated on the PUD Plan. The City Council may approve lesser setbacks after considering architectural merit, compatibility of the PUD with adjacent land uses as well as physical features such as the lot shape, location of trees, waterways, steep slopes, and other buffers provided such setbacks meet the requirements of the current adopted International Building Code.

31.733 INFRASTRUCTURE REQUIREMENTS

(1) Streets and Sidewalks. Streets within a PUD may be public or private. Vehicular circulation may also be provided by internal private drives. Private drives must meet the requirements for fire lanes as per the International Fire Code as adopted by the City for width, lengths turnarounds, and parking requirements whether for a commercial or residential base zoning. A building permit must be obtained for private drives, and would include site plan review and inspection for flatwork/civil work within the public right-of-way. The City Council may require dedication and construction of public streets through or into a PUD. Public or private streets shall conform to the construction and transportation standards of the City of Olmos Park.

(2) Utilities. All utility systems shall comply with the utilities standards of the City of Olmos Park. Water and sanitary sewer systems within a PUD may be publicly or privately owned; however, the maintenance of private systems shall be the responsibility of the PUD community association. Public utility systems shall be approved by the applicable agency or city department.

(3) Easements. Publicly owned and/or maintained utilities shall be placed in public streets or easements which are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless a city approved vehicular turnaround is provided at the end of each such easement.

(4) Garbage Collection. If in the opinion of the City Manager, private streets in a PUD are arranged so that garbage may be collected without creating a safety hazard, the City will collect the garbage provided proper indemnification is received from the community association or individual property owners. Garbage collection locations shall be subject to the approval of the City Manager.

(5) Parking Requirements. Off-street parking for residential uses shall conform to Section 31.504. Off-street parking for non-residential uses shall conform to Section 31.604. Alternative parking requirements may be considered based on specified project use or if contracted offsite parking is available.

31.734 COMMON AREAS AND FACILITIES

(1) Common Areas and Facilities. Provisions shall be made for a property owners' association that is designated as the representative of the owners of property in a PUD. The property owners' association shall have the direct responsibility to provide for the operation and maintenance of all common areas and facilities, including private streets and sidewalks, which are a part of the PUD. The applicant shall submit the dedicatory instrument(s) covering the establishment, maintenance, and operation of a PUD. The dedicatory instrument(s) shall establish a plan for the use and permanent maintenance of the common areas/facilities and demonstrate that the property owners' association is self-perpetuating and adequately funded by regular assessment and/or special assessment to accomplish its purposes. The dedicatory instrument(s) shall include provisions that provide the City with permission for access at any time without liability when on official business, and further, to permit the City to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction. The dedicatory instrument(s) must be approved by the city attorney as to legal form prior to any plat recordation and shall be recorded at the same time as the plat.

"Property owners' association" means an incorporated or unincorporated association that:

- A. is designated as the representative of the owners of property in a PUD;
- B. has a membership primarily consisting of the owners of property covered by the dedicatory instrument for the PUD; and
- C. manages or regulates the PUD for the benefit of the owners of property in the subdivision.

"Dedicatory instrument" means each governing instrument covering the establishment, maintenance, and operation of a PUD. The term includes restrictions or other similar instruments that subject property to restrictive covenants, bylaws, or similar instruments governing the administration or operation of a property owners' association; allow for properly adopted rules and regulations of the property owners' association; and authorize enactment of lawful amendments to the covenants, bylaws, rules, or regulations.

"Property owners' association" means the designated representative of the owners of property in a PUD and may be referred to as a "homeowners association," "community association," "civic association," "owners association," or similar term contained in the dedicatory instrument.

"Regular assessment" means an assessment, a charge, a fee, or dues that each owner of property within a PUD is required to pay to the property owners' association on a regular basis and that is designated for use by the property owners' association for the benefit of the PUD as provided by the dedicatory instrument.

"Special assessment" means an assessment, a charge, a fee, or dues, other than a regular assessment, that each owner of property within a PUD is required to pay to the property owners' association, according to the procedures required by the dedicatory instrument, for:

A. Defraying, in whole or part, the cost whether incurred before or after the assessment, of any construction or reconstruction, unexpected repair, or replacement of a capital improvement in common areas owned by the property owners' association, including the necessary fixtures and personal property related to the common areas;

B. Maintenance and improvement of common areas owned by the property owners' association;
or

C. Other purposes of the property owners' association as stated in its articles of incorporation or the dedicatory instrument for the residential subdivision.

Notwithstanding the foregoing provisions, the City shall not be liable for any fees to or assessments by the Property Owners' Association or in regard to the PUD.

31.735 PUD PLAN

(1) After the PUD zoning is granted, a PUD Plan shall be submitted to the Planning and Zoning Commission, which shall make a recommendation to the City Council as to approval or disapproval of the PUD Plan. The PUD Plan must be approved by the City Council prior to approval of any plats or the issuance of any building permits or certificates of occupancy.

(2) The PUD plan shall incorporate any conditions imposed with the granting of the PUD zoning.

(3) The PUD plan shall also delineate the measures that will be taken by the developer and/or owner to disclose to buyers of properties within PUDs of the increased financial responsibilities for the cost and responsibility for the maintenance of private streets and other commonly owned facilities.

(4) The PUD Plan must include the following:

(a) A detailed description of the proposed use of the subject property.

(b) A site plan showing the location of all buildings and improvements, all off-street parking, all fencing and screening devices, all exterior lighting, all means of ingress and egress to public streets and adjacent properties, all drainage facilities, all setbacks, all landscaping, all signs, and any dumpsters.

(c) The density of any buildings or improvements.

(d) The height of any buildings or improvements.

(e) A description of proposed construction materials.

(f) Any other items required by the City Council when the PUD zoning was approved.

(g) Any other matters as may be required by the Planning and Zoning Commission or the City Council in review and evaluation of the project and the PUD Plan.

31.736 TIME LIMIT

An approved PUD plan shall remain valid for a period of three (3) years from the date of the last recorded plat or the date of City Council approval if no plats are recorded. Time extensions may be granted by the City Council if it finds that additional time is warranted. Failure to initiate development within the approved time period shall void the PUD plan and no building permits or utility connections shall be issued until a new or revised plan has been resubmitted and approved by the City Council.