

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 114
Customer RID	<input type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input type="checkbox"/>	10 working days	<input type="checkbox"/>
		As time available	<input type="checkbox"/>

1. Project Name: PUD uses and density

2. Project Number: n/a
(Plat #, Zoning Case #, etc.)

3. Project Street Address: n/a
(If not available nearest intersection of two public streets)

4. Applicant Name: n/a

5. Applicant Address: n/a

6. Applicant Telephone #: n/a

7. Applicant e-mail Address: n/a

8. Rule in Question:
(Section and/or policy of UDC, Sign Code, etc)

Calculation of allowable Planned Unit Development (PUD) residential densities, and conflicts between understanding of PUD flexibility and code provisions for unique situations such as setbacks and supplemental use regulations.

9. Applicant's Position:
(Including date position presented and name of city staff point of contact)

n/a

10. Staff Finding:
(Including date of finding and name of city staff person formulating finding)

Date: 9-14-12 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

Unified Development Code (UDC) Table 310-1 establishes residential densities for conventional zoning districts. Per the footnote for Column (D), the densities are gross densities. Gross density is defined in Appendix A of the UDC as follows:

Density, gross. The number of dwelling units divided by the total land area subject to an application for development approval, stated as dwelling units per acre.

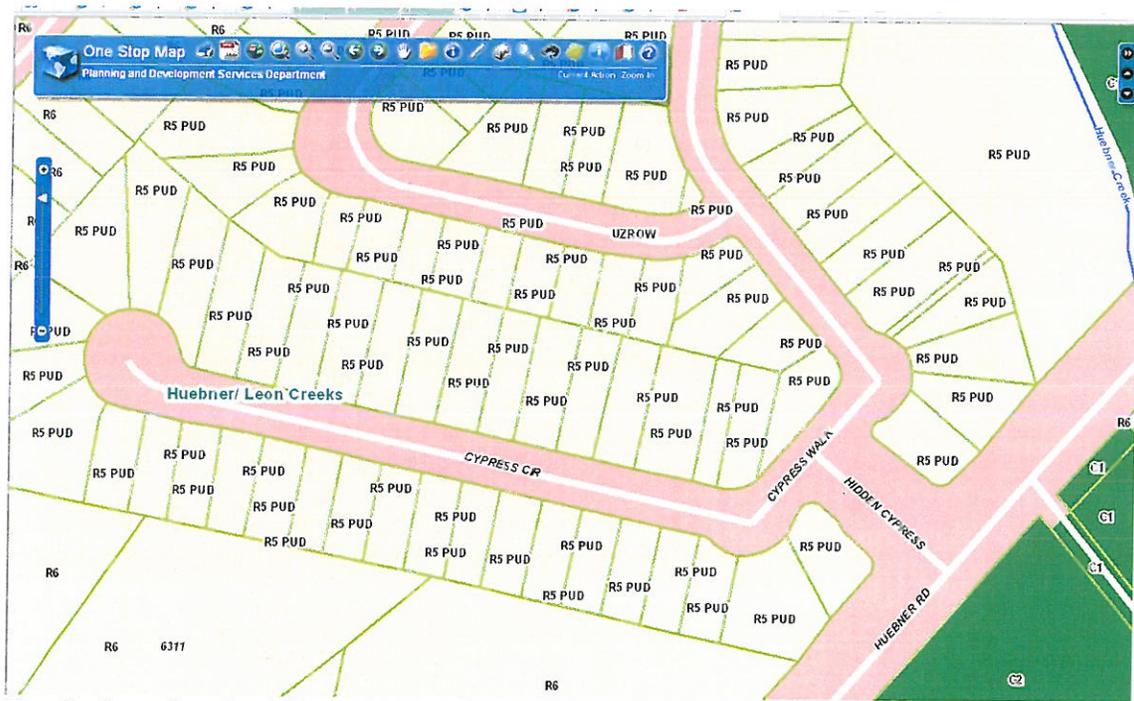
The PUD District is a special district adopted as part of UDC Article III, Division 5. It functions neither as an overlay district, which are Division 4 of Article III, nor as a base zoning district, which are part of Division 3 of Article III. The permitted uses and density for a PUD District are identified in Section 35-344(c) of the UDC as follows:

(c) Permitted Uses and Density.

(1) Uses. A planned unit development may include residential, commercial and industrial uses; cluster housing; common areas; unusual arrangements of structures on-site; or other combinations of structures and uses that depart from standard development. The uses permitted in a "PUD" are those designated in the approved 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 (PUD "RE", PUD "R-20", etc.) and may be developed to the density indicated in the maximum density table in subsection (2) below.

Planned unit developments which contain more than one (1) zoning district shall have each zoning district annotated as (PUD "RE", PUD "R-20", etc.) and each individual district may be developed to the density indicated in the maximum density table in subsection (2) below.



For the benefit of public understanding of allowable uses, the City of San Antonio has elected to include and identify on the online zoning maps the allowable uses of a PUD

District (see example above). For example, PUD R-5 is for a PUD with residential uses to be developed at six (6) dwelling units per acre. The code also provides that a PUD may allow more than one (1) use (base zoning district) as indicated above. This is supported by UDC Section 35-381 that provides for mixed use buildings and live work units in PUD districts.

The code sections identified above make additional reference to the allowable density which is further modified by the specific density table in Section 35-344(c)(2).

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

<i>Land Use Category</i>	<i>Maximum Density</i>
"RE"	1
"R-20"	2
"R-6"	5
"RM-6"	5
"R-5"	6
"RM-5"	6
"R-4"	7
"R-3"	10
"RM-4"	7
"MF-18"	18
"MF-25"	25
"MF-33"	33
"MF-40"	40
"MF-50"	50

Total allowable density is calculated by multiplying the amount of net usable acres times the appropriate number above. Floodplains (100-year), steep slopes, non-buildable areas and existing easements are not used to determine net acreage.

Example: On a twelve (12) acre tract with one and one-half (1½) acres of unusable space, with an "R-6" zoning district. Usable acreage ten and one-half (10½) times table number (5) allows fifty-two and one-half (52½) units. The

maximum number of units that may be built may not be further increased by using the provisions of division 6 flexible zoning of this article.

The language in Section 35-344(c)(2) provides a different approach to density calculation from either “gross density” or from the definition of “net density” as defined in Appendix A of the UDC. Net density is defined as follows:

Density, net. The number of dwelling units divided by the net developable area. The "net developable area" means the land area of the site after deducting unbuildable areas including road rights-of-way, open space, and environmentally sensitive areas, stated as dwelling units per net acre.

The amendments to Section 35-344(c)(2) that included the net density calculation for the PUD District were adopted on December 9, 2004; however, stakeholder discussion of the change occurred mainly in the second half of 2002 through the UDC Technical Advisory Committee (“TAC”) held on August 9, 2002, November 22, 2002, December 6, 2002, and December 20, 2002.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 9-14-12 Contact: Andrew Spurgin Contact Telephone #: 207-8229

Based on the review of the TAC meeting minutes, notes of the previous UDC Planning Manager, and staff recollection of discussions in 2002, it is the position of Development Services staff that Section 35-344(c)(2) is to be used during the due diligence review stage to determine the net developable land by removing unbuildable property such as floodplains, steep slopes and *existing* easements. This will determine the total number of dwelling units that could be developed on the subject property, as a project feasibility calculation. The net developable land calculation is intended to be on the front of the development stage, and was not intended to be done at the tail end of the platting process after deduction of common areas created by the subdivision plat such as streets and parks. It is staff’s opinion that the inclusion of streets and parks/open spaces in net density calculations in a PUD penalizes an applicant who is seeking to create additional parks or streets by decreasing their allowable density.

The provisions of the PUD district waive minimum lot size requirements per Section 35-344 (c)(4), and interior setbacks per Section 35-344(e)(1). Establishment of a PUD zoning district does not waive supplemental use standards found in Article III, Division 7, such as provisions relative to accessory uses, attached dwellings, home occupations, mixed use buildings or other supplemental use regulations. Also the PUD designation does not waive the lot layout requirements, special setbacks and determination of height requirements of Article V, Division 4, Sections 35-515 through 517.

The UDC also offers the Master Planned Community District (“MPCD”) for development sites with at least twenty-five (25) contiguous acres. The MPCD functions similar to PUD ordinances found in other cities.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action: 9/18/12

Effective Date of policy/action: Immediate

The Department supports staff’s position more fully explained in Section 11 above. In summary:

1. The PUD District is a special district that establishes the use or uses on a property, which may include uses from one (1) or more conventional “base” zoning district.
2. The density in a PUD District is calculated by the unique provision in Section 35-344(e)(2) that fits neither the definition of gross density nor net density.
3. The PUD District designation does not waive supplemental use regulations nor the lot layout, height, density/intensity provisions of Article V, Division 4, Sections 35-515 through 517.
4. The MPCD is an alternative available in the UDC for sites with at least twenty-five (25) acres of contiguous property.



Roderick Sanchez, AICP, C.B.O
Director



Date