

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 15201, 15810, AND 16070 PEARCE LANE, AND 7910 WOLF LANE AND CHANGING THE ZONING MAP FROM INTERIM-SINGLE-FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT AND INTERIM-SINGLE-FAMILY RESIDENCE SMALL LOT (I-SF-4A) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ZONING.

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

PART 1. Sun Chase Planned Unit Development (Sun Chase PUD) is comprised of approximately 1,604 acres of land located at 15201, 15810, and 16070 Pearce Lane, and 7910 Wolf Lane, and more particularly described by metes and bounds in Exhibit A incorporated into this ordinance (the “Property”).

PART 2. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim-single-family residence standard lot (I-SF-2) district and interim-single-family residence small lot (I-SF-4A) district to planned unit development (PUD) district zoning on the property described in Zoning Case No. C814-2012-0163, on file at the Planning and Zoning Department, and locally known 15201, 15810, 16070 Pearce Lane, and 7910 Wolf Lane, and generally identified in the map attached as Exhibit B.

PART 3. This ordinance and the attached Exhibits A through S are the land use plan (the “Land Use Plan”) for the Sun Chase PUD created by this ordinance. Development of and uses within the Sun Chase PUD shall conform to the limitations and conditions set forth in this ordinance and in the Land Use Plan. If this ordinance and the attached exhibits conflict, this ordinance controls. Except for regulations adopted in this PUD ordinance, or as otherwise provided by state law, development within a PUD is subject to provisions of the Land Development Code (or its successor Code) in effect on the date a permit application is submitted to the City of Austin.

PART 4. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A. Legal Description of the Sun Chase PUD

Exhibit B. Zoning Map

Exhibit C. Land Use Plan

Exhibit D. Parks and Open Space Master Plan

1 Exhibit E. Parks and Open Space - ¼ Mile Radius
2 Exhibit F. Land Use Zoning Table
3 Exhibit G. Site Development Regulations
4 Exhibit H. Subchapter E Roadway Classification
5 Exhibit I. Environmental
6 Exhibit J. Stormwater, Drainage and Water Quality and Environmental Protection
7 Requirements
8 Exhibit J-1. Typical Modified Channel Cross-Section
9 Exhibit J-2. Proposed Biofiltration Ponds
10 Exhibit J-3. Headwater Buffer Plan
11 Exhibit J-4. Prohibited Land Uses
12 Exhibit K. Offsite Untreated Runoff
13 Exhibit L. Critical Water Quality Zone Detention Pond A
14 Exhibit M. Slope Map
15 Exhibit N. Proposed Critical Environmental Feature Mitigation
16 Exhibit O. Transportation Requirements
17 Exhibit O-1. Connectivity
18 Exhibit O-2. Trail and Accessibility
19 Exhibit P. Conceptual Public Art Master Plan
20 Exhibit Q. Tree Planting Detail and Specifications
21 Exhibit R. Tree Exhibit
22 Exhibit S. Project Map

23 **PART 5. Open Space and Parkland Requirements.**

24 A. The provision of open space and parkland within the Sun Chase PUD is generally
25 shown in Exhibit D: Parks and Open Space Master Plan and Exhibit E: Parks and
26 Open Space – ¼ Mile Radius attached hereto, and detailed in the *Consent*
27 *Agreement Southeast Travis County Municipal Utility District Nos, 1, 2, 3 and 4,*

1 *Article VIII. Parks and Recreational Facilities and other Community Amenities*
2 (the "Consent Agreement") between the City of Austin and Qualico CR, L.P.,
3 dated April 18, 2012.

- 4 B. A minimum of ten miles of public trails shall be provided throughout the Sun
5 Chase PUD as generally shown in the approximate locations on Exhibit D: Parks
6 and Open Space Master Plan. The following requirements shall pertain to plats
7 and site plans.
- 8 1. The land area that forms the Sun Chase PUD trail or greenbelt system, as
9 shown on Exhibit D, shall be included with each final plat that abuts the
10 corresponding trail system. The lot will be labeled Greenbelt Park and Access
11 Easement.
 - 12 2. Required trail segments shall be shown on the final plat construction
13 documents or site plan.
 - 14 3. Fiscal surety for the construction of the trail shall be posted with the City of
15 Austin prior to plat recordation.
 - 16 4. Specific trail alignments, designs and specifications will be approved by the
17 City of Austin during the subdivision construction or site plan approval
18 process.
- 19
- 20 C. The athletic field and community gardens shown in MUD 1 of Exhibit D: Parks
21 and Open Space Master Plan, shall be fully constructed no later than 1,000 single
22 family lots within the Sun Chase PUD have been final platted. The community
23 gardens shown in MUD 2 of Exhibit D: Parks and Open Space Master Plan shall
24 be constructed no later than 1 year after the westernmost public school located
25 within the Sun Chase PUD has opened.

26 **PART 6. Environmental.**

27 A. Green Building Rating

- 28 1. All commercial buildings within the Districts shall be constructed in a
29 manner that achieves an Energy Star rating and all residential buildings
30 within the Districts shall be constructed in a manner that achieves a rating of
31 two stars or greater under the City's Austin Energy Green Building Program
32 or;
- 33 2. All commercial and residential buildings shall be constructed in a manner
34 that achieves a reasonably equivalent rating under a program approved by
35 the City.

- 1 B. The Sun Chase PUD will use wet ponds or biofiltration ponds, or green storm
2 water quality controls as described in the Environmental Criteria Manual (ECM)
3 Section 1.6.7 (Green Storm Water Quality Infrastructure), to treat 100 percent of
4 the required water quality volume. The wet ponds shall be designed to have only
5 a minimal, short term need for make-up water, as approved by the Watershed
6 Protection Department. The capture volume for each water quality control shall
7 be increased by a minimum of ten percent above the required volume.
- 8 C. The Sun Chase PUD shall provide water quality treatment for a 92-acre offsite
9 area, as shown in Exhibit K: Offsite Untreated Runoff.
- 10 D. Volumetric flood detention shall be provided for the Sun Chase PUD.
- 11 E. Natural channel design techniques are required as shown in Exhibit J: Stormwater,
12 Drainage and Water Quality and Environmental Protection Requirements.
- 13 F. This section applies to an application for a single-family residential subdivision
14 and to a site plan application filed for commercial, mixed use, multifamily
15 residential or open space development. An integrated pest management (IPM)
16 plan that complies with Section 1.6.9.2 (D) and (F) of the ECM must be
17 submitted for approval. The Landowner shall provide copies of the IPM Plan to
18 single family residential homeowners and commercial property owners.
- 19 G. All required tree plantings shall utilize tree species included in Appendix F
20 (*Descriptive Categories of Tree Species*) of the ECM, or as approved by the City.
- 21 H. All required tree plantings shall utilize Central Texas native seed stock. Tree
22 plantings shall be installed in accordance with Exhibit Q: Tree Planting Detail
23 and Specifications.
- 24 I. A tree care plan, prepared by a qualified arborist, shall be provided for
25 construction-related impacts within the critical root zone of all trees which are
26 required to be preserved. The tree care plan shall be submitted to the City for
27 review and approval with any development application that results in
28 construction-related impacts, including but not limited to subdivision
29 construction plans, site plans, and residential building permits.
- 30 J. The Landowner shall comply with the tree preservation plan included in Exhibit
31 R: Tree Exhibit. All trees from 8 inches to 18 inches in diameter at breast height,
32 within the limits of construction, shall be surveyed, evaluated, and mitigated at
33 the time of development permit application.
- 34 K. Riparian Restoration. This section applies to areas in the 100-year fully
35 developed floodplain.

- 1 1. The existing condition of a floodplain shall be assessed using the Zones 1
2 and 2 functional assessment methodology described in Appendix X of the
3 ECM. The assessment of existing conditions shall be submitted for review
4 and approval with each subdivision construction plan or site plan that
5 contains or is adjacent to the floodplain.
- 6 2. A floodplain that is in “Poor (1)” or “Fair (2)” condition shall be restored to
7 “Good (3)” or “Excellent (4)” condition.
- 8 3. A floodplain that is in “Good (3)” or “Excellent (4)” condition shall not be
9 disturbed, except as otherwise allowed by City Code, this PUD ordinance, or
10 the Land Use Plan.
- 11 4. A Riparian Restoration Plan (the “Plan”) shall be submitted to the City for
12 review and approval and implemented with each subdivision construction
13 plan or site plan that contains or is adjacent to the floodplain. The Plan must
14 demonstrate that all parameters of the Appendix X “Scoring: Zone 1 –
15 Floodplain Health” and “Scoring: Zone: 2 – Critical Water Quality Zone”
16 tables shall be raised to “Good (3)” or “Excellent (4)” condition.
- 17 5. Areas within Sun Chase South for which a final plat application is in review
18 prior to approval of this PUD ordinance (Sections 1 through 5) are exempt
19 from Subsection K. 1 – 4 of this PUD ordinance.
- 20 L. For multifamily residential and commercial development, stormwater runoff
21 from impervious surfaces will be directed through landscape areas at least equal
22 to the total required landscape area.
- 23 M. Educational signage shall be installed at each wetland critical environmental
24 feature (CEF).
- 25 N. When reclaimed water distribution infrastructure is constructed in the Sun Chase
26 PUD, reclaimed water shall be used for irrigation needs in public open space and
27 parks, and private parks and recreation facilities. Such use shall be subject to any
28 applicable water use restrictions imposed by the City for reclaimed water, and
29 shall not be used for irrigation in the critical water quality zone or floodplain.
- 30 O. Toilets, bathroom sink faucets, and shower heads that are certified as meeting the
31 standards of the EPA WaterSense program or a comparable program approved by
32 the Landowner and the City shall be installed in all residential buildings.
- 33 P. All residential irrigation system components shall be certified as meeting the
34 standards of the EPA WaterSense program or a comparable program approved by
35 the Landowner and the City.

1 **PART 7. Public Facilities.**

2 A. The Landowner agrees to dedicate a 2.0 net buildable acre site for a future City of
3 Austin Fire/EMS station at the location shown on Exhibit C: Land Use Plan. The
4 Austin Fire Department has reviewed and approved the location of this site. At
5 any time prior to dedication of the site, the Austin Fire Department and the
6 Landowner may mutually agree on a new location within Districts 3 and 4. The
7 deed for conveyance of title to the site must be delivered by the Landowner to the
8 City no later than the earlier of (1) the date of the dedication of any adjacent
9 roadway to the fire station and EMS station site; or (2) December 30, 2029. The
10 deed to the site will:

- 11 1. contain requirements that the City or the Emergency Services District No. 11
12 (ESD) commence construction of the Fire/EMS station on the site within
13 five (5) years after conveyance of the site to the City.
- 14 2. If construction does not commence within such time period, then the
15 ownership of the site will revert back to the Landowner; and grant to the
16 Landowner the right to relocate the site to another location within the Project
17 Area with the approval of the City.

18 B. The Landowner shall dedicate two school sites which include bringing water,
19 wastewater, and streets to the two sites at no cost to Del Valle Independent
20 School District, in a location to be mutually agreed upon by the Landowner and
21 the School District, and approximately in the areas shown on Exhibit C.
22 Development of the school sites shall be in accordance with the School District
23 Land Development Standards agreement between the Del Valle Independent
24 School District and the City of Austin.

25 C. To ensure future transportation opportunities the Landowner agrees to reserve at
26 least 10 contiguous acres of land suitable for a transit facility approximately in
27 the area shown on Exhibit C: Land Use Plan. This site may be purchased by the
28 City or, at the City's option, another governmental entity designated by the City
29 by written notice to the Developer at any time prior to the date Southeast Travis
30 County District 1 is annexed for full purposes by the City or one of the other
31 Southeast Travis County Districts is annexed for full purposes by the City, as
32 shown in Exhibit S: Project Map.

33 **PART 8. Affordable Housing Program.**

34 A. Ten percent of the total number of multifamily rental housing units located within
35 the Sun Chase PUD will be set aside for occupancy by households whose income
36 is 60 percent or below the median family income (each an "Affordable Rental

Unit,” collective “Affordable Rental Units”) in the Austin metropolitan statistical area for a rental affordability period of forty (40) years (collectively, the “Rental Affordability Requirement”) from the date of a certificate of occupancy.

- B. The Developer shall donate to Austin Housing Finance Corporation (“AHFC”) fully developed platted lots in an amount equal to 3 percent of the total number of single-family lots located within the Sun Chase PUD. The number of lots anticipated for donation is approximately 75. Donated lots shall be interspersed within Southeast Travis County MUDs 2, 3, and 4, with at least 15 lots located throughout each MUD. The Developer’s phasing schedule shall include the schedule of conveyance of the lots under this section.
- C. It is the intent of the parties to amend the Consent Agreement and replace the affordable housing provisions in the Consent Agreement with the affordable housing provisions and terms of this PUD ordinance.

PART 9. Art.

- A. The Sun Chase PUD will prepare a Public Art Master Plan, which will identify opportunities, guiding principles, and locations within Exhibit S: Project Map for outdoor art installations to be implemented and managed by the Developer. All subsequent operations and maintenance of the artwork will be the responsibility of the Developer or the Owners Association. Approximate public art locations are shown on Exhibit P: Conceptual Public Art Master Plan.

PART 10. Definitions.

- A. In this ordinance Sections 25-1-21 and 30-1-21 (*Definitions*) are modified to add or revise the following terms:
1. CONSENT AGREEMENT means collectively those agreements included as Exhibit B in Ordinance No. 20120322-036, 20120322-037, 20120322-038, and 20120322-039.
 2. DISTRICT(S) means one or more of the Southeast Travis County (renamed as Sun Chase) Municipal Utility Districts.
 3. MANSION HOUSE means a structure on one lot designed to appear like a large single family residence, but that is divided into four to six units, each with an individual entry.
 4. ROW / SHOP HOUSE means an attached two or three-story townhouse on its own lot.

- 1 5. YARD HOUSE means a detached single family residence. An accessory
2 dwelling unit may be constructed over the garage

3 **PART 11. Code Modifications.** In accordance with Chapter 25-2, Subchapter B, Article
4 2, Division 5 (*Planned Unit Development*) of the Code, the following site development
5 regulations apply to the Sun Chase PUD instead of otherwise applicable City regulations:

6 A. General.

- 7 1. Section 25-1-21(103) (*Definition of Site*) is modified to provide that a site in
8 the Sun Chase PUD may cross a public street or right-of-way.
- 9 2. Section 25-1, Article 14 (*Parkland Dedication*) is modified such that Exhibit
10 D: Parks and Open Space Master Plan and Exhibit E: Parks and Open Space
11 ¼ Mile Radius in the Sun Chase PUD shall satisfy all parkland dedication
12 requirements.

13 B. Zoning.

- 14 1. Section 25-2-243 (*Proposed District Boundaries Must Be Contiguous*) of the
15 City Code is amended to provide that the boundaries of the Sun Chase PUD
16 may be noncontiguous.
- 17 2. Section 25-2, Subchapter B, Article 2, Division 5, Subpart B, Section 2.3.1.D.
18 (*Minimum Requirements*) is modified to allow that either all commercial
19 buildings within the Districts shall be constructed in a manner that achieves an
20 Energy Star rating and all residential buildings within the Districts shall be
21 constructed in a manner that achieves a rating of two stars or greater under the
22 City's Austin Energy Green Building Program, or that all commercial and
23 residential buildings will achieve a reasonably equivalent rating under a
24 program approved by the City.
- 25 3. Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is modified so
26 that the only Subchapter E standards that apply to the Sun Chase PUD are as
27 follows:
- 28 a. Core Transit Corridor site development standards for sidewalks and
29 building placement are required for 50 percent of the commercial,
30 multifamily and village cluster development on Flower Cup Loop
31 between Sun Chase Parkway and Misu Drive, as shown in Exhibit H:
32 Subchapter E Roadway Classification.
- 33 b. Urban Roadway site development standards for sidewalks and building
34 placement are required for 50 percent of the commercial, multifamily and

1 village cluster development along Sun Chase Parkway from Pearce Lane
2 to Flower Cup Loop; along Rumsworth Drive from Pearce Lane to
3 Flower Cup Loop; and along Misu Drive from Wolf Lane to Flower Cup
4 Loop, as shown on Exhibit H.

5 c. For multifamily, commercial, and village cluster development, the
6 maximum block size may not exceed five acres.

7 d. To ensure connectivity, additional pedestrian, bicycle and fire access is
8 required as shown in Exhibit O-1: Connectivity.

9 4. Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) shall be
10 replaced with Exhibit F: Land Use Zoning Table.

11 5. Section 25-2-492 (*Site Development Regulations*) shall be replaced by Exhibit
12 C: Land Use Plan, Exhibit F: Land Use Zoning Table, and Exhibit G: Site
13 Development Regulations.

14 6. Section 25-2-517 (*Requirements for Amphitheaters*) is modified such that a
15 Land Use Commission approval is not required.

16 C. Subdivision.

17 1. Sections 25-4-62 and 30-2-62(B) (*Expiration of Approved Preliminary Plan*)
18 are modified to provide that a preliminary plan, approved prior to adoption of
19 this PUD ordinance, covering land in the Sun Chase PUD expires 20 years
20 after the date of approval of the preliminary plan. Extension of preliminary
21 plans are subject to final approval by Travis County until the Sun Chase PUD
22 is annexed in the full purpose jurisdiction.

23 2. Sections 25-4-151 and 30-2-151 (*Street Alignment and Connectivity*) are
24 modified to provide that a connection to Navarro Creek Road is not required.

25 3. Sections 25-4-154 (*Street Design and Construction*) and 30-3
26 (*Transportation*) shall be replaced by Exhibit O: Transportation
27 Requirements. Roadway cross sections and striping are subject to approval by
28 the Travis County Transportation and Natural Resources Department.

29 D. Environmental.

30 1. Sections 25-8-62 and 30-5-62 (*Net Site Area*) are modified to apply within
31 Sun Chase PUD.

32 2. Sections 25-8-91(B) and 30-5-91(B) (*Waterway Classifications*) are modified
33 as follows:

- a. A minor waterway has a drainage area of at least 320 acres and not more than 640 acres.
 - b. An intermediate waterway has a drainage area of at least 640 acres but not more than 1,280 acres
 - c. A major waterway has a drainage area of more than 1,280 acres.
3. Sections 25-8-92(B) and 30-5-92(B) (*Critical Water Quality Zones Established*) are modified as follows:
 - a. The boundaries of a critical water quality zone coincide with the boundaries of the 100 year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual, except:
 - i. for a minor waterway, the boundaries of the critical water quality zone are located not less than 50 feet and not more than 100 feet from the centerline of the waterway;
 - ii. for an intermediate waterway, the boundaries of the critical water quality zone are located not less than 100 feet and not more than 200 feet from the centerline of the waterway;
 - iii. for a major waterway, the boundaries of the critical water quality zone are located not less than 200 feet and not more than 400 feet from the centerline of the waterway;
 - iv. for selected unclassified waterways, the boundaries of a critical water quality zone are located either 50 feet from the centerline of the waterway, or along the boundaries of the fully developed 100 year floodplain as shown on Exhibit I: Environmental;
 - v. notwithstanding the provisions of Subsection 3.a., a critical water quality zone does not apply to a previously modified drainage feature serving a public roadway right-of-way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition.
 4. Sections 25-8-92(B)(4) and 30-5-92(B)(4), critical water quality zone averaging, do not apply in the Sun Chase PUD.
 5. Sections 25-8-93(A) and 30-5-93(A) (*Water Quality Transition Zones Established*) are modified such that Water Quality Transition Zones apply within the Sun Chase PUD.

- 1 6. Sections 25-8-211(B)(3) and 30-5-211(B)(3) (*Water Quality Control*
2 *Requirement*) are modified such that water quality controls are required if the
3 total of new and redeveloped impervious cover exceeds 20 percent of the
4 net site area.
- 5 7. Sections 25-8-232 and 30-5-232 (*Dedicated Fund*) do not apply to the Sun
6 Chase PUD because drainage facilities within the Districts will be owned,
7 operated and maintained by the Districts.
- 8 8. Sections 25-8-261 and 30-5-261 (*Critical Water Quality Zone Development*)
9 are modified such that detention basins and wet ponds are prohibited in the
10 critical water quality zone except as depicted on Exhibit L: Critical Water
11 Quality Zone Detention Pond A.
- 12 9. Sections 25-8-392(A) and 30-5-392(A) (*Uplands Zone*) are modified so that
13 impervious cover limits in this section are expressed as percentages of net site
14 area.
- 15 10. Sections 25-8-392(C)(1) and 30-5-392 (C)(1) (*Uplands Zone*) are modified so
16 that impervious cover for a single family residential use with a minimum lot
17 size of 5,750 square feet may not exceed:
 - 18 a. 45 percent, or
 - 19 b. 50 percent, if development intensity is transferred under Sections 25-8-393
20 and 30-5-393 (*Transfer of Development Intensity*).
- 21 11. Sections 25-8-392(C)(2) and 30-5-392(C)(2) (*Uplands Zone*) are modified so
22 that impervious cover for a duplex or single family residential use with a lot
23 size smaller than 5,750 square feet may not exceed:
 - 24 a. 55 percent, or
 - 25 b. 60 percent, if development intensity is transferred under Sections 25-8-393
26 and 30-5-393 (*Transfer of Development Intensity*).
- 27 12. Sections 25-8-392(C)(3) and 30-5-392 (C)(3) (*Uplands Zone*) are modified so
28 that impervious cover for a multifamily residential use may not exceed:
 - 29 a. 60 percent, or
 - 30 b. 65 percent, if development intensity is transferred under Sections 25-8-393
31 and 30-5-393 (*Transfer of Development Intensity*).

- 1 13. Sections 25-8-392(C)(4) and 30-5-392(C)(4) (*Uplands Zone*) are modified so
2 that impervious cover for a commercial use may not exceed:
- 3 a. 65 percent, or
- 4 b. 70 percent, if development intensity is transferred under Sections 25-8-393
5 and 30-5-393 (*Transfer of Development Intensity*).
- 6 14. Sections 25-8-393(A) and 30-5-393(A) (*Transfer of Development Intensity*)
7 are modified so that a Landowner who complies with a provision of this
8 subsection qualifies for the development intensity transfer described in this
9 provision, subject to the requirements in subsection (B) and the impervious
10 cover limitations in Sections 25-8-392 and 30-5-392 (*Uplands Zone*).
- 11 a. For each acre of land in a critical water quality zone that a Landowner
12 dedicates in fee simple to the City, a Municipal Utility District, or another
13 entity approved by the Watershed Protection Department Director, the
14 Landowner may transfer 20,000 square feet of impervious cover to an
15 uplands zone. Land dedicated under this section may also be credited
16 toward the parkland dedication requirements of Chapter 25-4, Article 3,
17 Division 5 (*Parkland Dedication*).
- 18 b. For each acre of land in a water quality transition zone that a Landowner
19 leaves undeveloped and undisturbed and does not include in impervious
20 cover calculations elsewhere, the Landowner may transfer 20,000 square
21 feet of impervious cover to the uplands zone.
- 22 c. For each acre of land in a water quality transition zone that a Landowner
23 uses for a golf course or other recreational use, restores using
24 predominantly native trees and grasses, and provides a plan for minimizing
25 the use and effect of pesticides, herbicides and fertilizers, the Landowner
26 may transfer 17,000 square feet of impervious cover to an uplands zone.
- 27 d. For each acre of land in an uplands zone that is located in the buffer zone
28 of a critical environmental feature and that a Landowner leaves natural and
29 undisturbed, the Landowner may transfer 20,000 square feet of impervious
30 cover to an uplands zone. The buffer area may be included in the net site
31 area calculations for the uplands zone.
- 32 e. For each acre of land in an uplands zone that a Landowner uses for
33 wastewater irrigation, restricts against future development, and leaves in a
34 natural state, other than for necessary irrigation lines and tailwater control

1 berms, the Landowner may transfer 20,000 square feet of impervious cover
2 to an uplands zone.

3 15. Sections 25-8-393(B) and 30-5-393(B) (*Transfer of Development Intensity*)
4 are modified so that an applicant who qualifies for a development intensity
5 transfer under 25-8-939(A) and 30-5-393(A) must comply with the
6 requirements of this subsection to effect the transfer.

7 a. For transfers between two subdivided tracts:

- 8 i. An applicant may transfer development intensity to a receiving tract
9 that is within the same watershed classification as the transferring
10 tract. This limitation does not apply if the transferring and receiving
11 tracts are both owned by the applicant and are separated only by
12 property that is also owned by the applicant.
- 13 ii. An applicant must concurrently plat the transferring and receiving
14 tracts and must transfer all development intensity at that time.
- 15 iii. An applicant must note the development intensity transfer on the
16 plats of the transferring and receiving tracts, in a manner determined
17 by the director.
- 18 iv. An applicant must file in the deed records a restrictive covenant,
19 approved by the City Attorney, which runs with the transferring tract
20 and describes the development intensity transfer.

21 b. For transfers between two site plans:

- 22 i. An applicant may transfer development intensity to a receiving tract
23 that is within the same watershed classification as the transferring
24 tract. This limitation does not apply if the transferring and receiving
25 tracts are both owned by the applicant and are separated only by
26 property that is also owned by the applicant.
- 27 ii. The transfer must be noted on the receiving and transferring site
28 plans.
- 29 iii. An applicant must file in the deed records a restrictive covenant,
30 approved by the City Attorney, which runs with the transferring tract
31 and describes the development intensity transfer.
- 32 iv. The transfer must occur before the receiving and transferring site
33 plans are released.

1 c. For transfers within a single site plan, an applicant must file in the deed
2 records a restrictive covenant, approved by the City Attorney, which runs
3 with the transferring tract and describes the development intensity transfer.

4 16. Sections 25-8, Article 9 and 30-5, Article 9 (*Suburban Watershed*
5 *Requirements*) are modified as follows:

6 a. In a water quality transition zone, the impervious cover of the land area of
7 a site may not exceed 30 percent. In determining land area, land in the 100
8 year floodplain is excluded.

9 b. Water quality controls may be located in the water quality transition zone.

10 **PART 12.** The City Council directs the City Manager to initiate amendments to the Consent
11 Agreement necessary to comport with the terms of this PUD ordinance.

12 **PART 13.** This ordinance takes effect on _____, 2016.

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16 **PASSED AND APPROVED**

17
18
19
20 _____, 2016

§
§
§

21 _____
22 Steve Adler
23 Mayor

24
25 **APPROVED:** _____

26 Anne L. Morgan
27 City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk