

# Late Backup

City's Comments 10/31/18

## ORDINANCE NO.

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT, INTERIM-LAKE AUSTIN RESIDENCE (I-LA) DISTRICT AND PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.**

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

**PART 1.** Camelback Planned Unit Development (Camelback PUD) is comprised of approximately 144.817 acres of land located at the terminus of Bridge Point Parkway, approximately 550 feet west of Pennybacker Bridge, and north of Lake Austin, 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-rural residence (I-RR) district, interim-Lake Austin Residence (I-LA) district and planned unit development (PUD) district to planned unit development (PUD) district on the property described in Zoning Case No. C814-86-023.01, on file at the Planning and Zoning Department, and locally known as 6507 Bridge Point Parkway, and generally identified in the map attached as Exhibit B.

**PART 3.** This ordinance and the attached Exhibits constitute the land use plan (the "Land Use Plan") for the Camelback PUD created by this ordinance. Development of and uses within the Camelback 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 as otherwise specifically modified by this ordinance, all other rules, regulations, and ordinances of the City in effect at the time of permit application apply to development within the Camelback PUD.

**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 Camelback PUD
- Exhibit B. Zoning Map
- Exhibit C. Land Use Plan
- Exhibit D. PUD Notes and Exhibits
- Exhibit E. Compatibility Height and Setbacks
- Exhibit F. Onsite Multi-Modal transportation

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Exhibit G. Environmental Resources

Exhibit H. Cliff Park Improvements Plan

Exhibit I. Preserve Park Improvements Plan

Exhibit J. Parkland Improvement Agreement

#### PART 5. Definitions

A. "Landowner" means the owner of property located within the 144.817 acres of land described in Exhibit A, or the owner's successors and assigns.

B. "Champion Tract Restrictions" means one or more private restrictive covenants and/or private conservation easements restricting development on the property described as Lot 1, Block A, of the Champion City Park East Subdivision as recorded in Document No. 200300122 of the Travis County Public Records and including the following provisions:

1. reduce allowable vehicle trips per day to no more than 525 trips;
2. reduce gross floor area (excluding parking facilities) to 120,000 square feet;
3. limit the use of that property to senior living, including congregate living and convalescent services; and
4. reduce allowable impervious cover to 3.49 acres.

C. "Mechanized Access" means an inclined elevator providing access to the shoreline of the Property and consisting of an elevated structure with mechanized tracks for two (2) cabins and supplemental stairs, as more particularly described in Part 6.E below.

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#### PART 6. Land Use

The PUD consists of six districts: Mixed Residential (MR), Office-Mixed Use (O-MU), Commercial (C), Dock (D), Preserve Open Space (P-OS), and Park (P) as generally shown on Exhibit C (Land Use Plan). The following conditions apply:

A. The total square footage of all office/commercial development within the Camelback PUD shall not exceed 325,000 square feet gross floor area. The minimum required square footage of office-/commercial development is 60,000 square feet gross floor area. The minimum office-/commercial development is not required to be constructed prior to issuance of any certificates of occupancy for residential buildings. The maximum number of hotel guest rooms shall not exceed

80 rooms. If the Champion Tract Restrictions are not recorded within 30 days of the effective date of this ordinance, the total square footage of all office/commercial development within the Camelback PUD shall not exceed 175,000 square feet.

B. The maximum number of residential dwelling units within the Camelback PUD shall not exceed 200 units. The maximum number of residential dwelling units may increase up to 200 from 64 only if commercial development is correspondingly reduced with a minimum reduction of 1,000 square feet of commercial use for each residential unit above 64. Hotel guest rooms shall count against the total number of residential units.

C. The maximum square footage of the clubhouse and dock sanitary facility within the Camelback PUD Dock (D) district shall not exceed 5,000 square feet of impervious cover and shall not exceed a gross floor area of 5,000 square feet. The clubhouse with private kitchen and decks and related appurtenances shall be subject to these limitations; provided that, however, the aerial portions of the With the exception of those portions touching the ground, Mechanized Access and any safe refuge required in connection with Part 11.F.2 below shall not count against impervious cover limitation.

D. The maximum length of the cluster dock with boat slips shall not exceed 20 percent of the uninundated shoreline of the Camelback PUD 576 feet. The maximum width of the cluster dock shall be 30 feet. The maximum height of the cluster dock shall be 30 feet. The cluster dock shall be limited to use by owners and occupants of residential dwelling units and their guests residential uses only. Commercial uses of the dock and fuel sales are prohibited. All motorboats shall be moored or stored within the dock footprint. No other docks are allowed within the Camelback PUD. No sink or shower facilities are allowed on the dock. Fuel storage is not permitted within the Dock district.

E. Mechanized access by inclined elevator, together with non-mechanized stair access. A single Mechanized Access shall provide access for residents to the cluster dock in the Dock district from the Mixed Residential (MR) district and through the Preserve Open Space (P-OS) district. The following restrictions apply to the inclined elevator in Mechanized Access:

1. The inclined elevator Mechanized Access shall be located no closer than 2500 feet from the Pennybacker Bridge;
2. the inclined elevator and stair access Mechanized Access shall not be attached to the vertical face of the cliff;
3. supports for the inclined elevator and stair access Mechanized Access shall be located no closer than 50 feet from the top of the B-1 bluff as shown on

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Commented [SL1]: Language per Scott James.

Commented [SL2]: Watershed requests this.

Commented [HC3]: Staff prefer to specify 20% of the uninundated shoreline length of the PUD as was previously proposed. The applicant has publicly stated that the dock will comply with current code, including the 20% of the shoreline, except for the extension into the lake and the inclusion of potable water for fire suppression. Staff prefer that the exact length of the uninundated shoreline be determined at the time of site development permit when more information will be available to make a more accurate estimate of the 20% of the shoreline.

Commented [HC4]: This should be clarified to limit access to only one mechanized access by incline elevator and only one non-mechanized access with both mechanized and non-mechanized access in the same alignment shall provide access. (Note that 25-2899 currently restricts access to only one means.)

**Exhibit G:**

4. the inclined elevatorMechanized Access shall have two redundant cabins with back-up power systems, shall be accessible by disabled persons, and shall have room for an ambulance gurney;
5. the total width of the tracks and stair structure of the inclined elevator and stair accessMechanized Access shall not exceed 25 feet, inclusive of the two cabin tracks, stairs and appurtenances;
6. the inclined elevator and stair accessMechanized Access shall be elevated to allow vegetative growth under the structure;
7. the stairs incorporated in the inclined elevatorMechanized Access shall provide operational support access and emergency access; and
8. utility lines and appurtenances serving the Dock (D) district shall be affixed to the inclined elevatorMechanized Access structure.

F. Total impervious cover within the Camelback PUD is limited to 21.86 acres of the PUD's gross site area. This total impervious cover limit applies to the Camelback PUD overall, not on an individual subdivision or site plan basis. If the Champion Tract Restrictions are not recorded within 30 days of the effective date of this ordinance, total impervious cover for development shall be reduced to 19.86 acres. In addition to the overall limit, land uses within the Camelback PUD shall comply with the impervious cover limits provisions in Exhibit D.

G. Outdoor amplified sound in the Dock (D) district shall be prohibited. Outdoor sound in the Commercial (C) district shall be limited to 70 decibels, as measured from the shoreline of the nearest parcel located across Lake Austin from the Property, from 10 a.m. to 10 p.m. and shall be prohibited from 10 p.m. to 10 a.m.

H. No intensive recreational use as defined by Section 25-2, Subchapter C, Article 10 (*Compatibility Standards*) shall be allowed within the Shoreline Recreation Area identified on Exhibit C, and swimming areas within the Dock (D) district shall be restricted in size and location to be protective of public safety, navigation safety, and shoreline integrity as determined by the director of the Watershed Protection Department City Manager or his or her authorized designee.

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Commented [HC5]: See also 25-8-281 code/modifications for critical environmental features. This item is unnecessary since it is duplicated in Part 44.

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Commented [HC6]: This has not been previously discussed with staff. Two cabins and stairs would be substantially wider than existing trams on Lake Austin.

Commented [HC7]: This has not been discussed previously with staff. Twenty-five (25) feet is substantially wider than existing trams on Lake Austin. The wider the inclined elevator, the more aesthetic and environmental impacts are likely to result as more vegetation will need to be removed for construction and operation.

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## **PART 7. Open Space and Parkland.**

- A. The Camelback PUD shall include at least 60.46 acres of open space, as shown in the Preserve Open Space district on Exhibit C, which satisfies open space requirements for a subdivision or site plan submitted within the Camelback PUD.

Allowable uses within the designated open space are restricted to nature trails, necessary utility easements that cannot reasonably be located elsewhere, and utility crossings for the Dock district in the same general alignment as the Mechanized Access. Fuel storage is prohibited within the Preserve Open Space district.

- B. The Camelback PUD shall include at least 16.56 acres of dedicated parkland in the Cliff Park as shown in Exhibit H.

- C. The Camelback PUD shall include at least 9.60 acres of dedicated parkland in the Preserve Park as shown in Exhibit I.

- D. Dedication of the 26.16 acres of parkland as set forth above and compliance with Exhibit J satisfy all City parkland requirements, including parkland development fee requirements, for the Camelback PUD.

- E. Required improvements within the Cliff Park ("Parkland Improvements") shall include: 1,400 linear feet of nature trail; 100 linear feet of ADA accessible, multi-modal trail, with a minimum width of 10 feet, to the westernmost overlook; three shade structures or pergolas measuring approximately 15 by 15 feet; one drinking fountain with a dog bowl and ability to fill large drinking containers; four trash receptacles (recycling and waste); four park benches or seat walls; park signage; and at least four on-site public scenic vista points, all as may be further described in Exhibit J.

- F. Required improvements with the Preserve Park shall include: 2,000 linear feet of low impact, single-track nature trail to be constructed of gravel or mulch or cut into existing rock; one designated trailhead with a shade structure measuring approximately 15 x 15 feet; one drinking fountain with a dog bowl and ability to fill large drinking containers; two trash receptacles (recycling and waste); two park benches; and park signage, all as may be further described in Exhibit J.

- G. Required improvements to facilitate public access to parkland ("Public Access Improvements") shall include:

1. 25 full-size, off-site parking spaces, including at least one van-accessible ADA space, for free public use, except as may be otherwise provided in Exhibit J or any amendment thereto.

2. Two off-site public restrooms, including changing stations, for free public use, to be located together in the Commercial district in close proximity to the 25 off-site parking spaces;

3. Access to the Cliff Park from the required off-site parking spaces and off-site public restrooms; and

4. Access to the Preserve Park from the existing parking along Bridge Point Parkway or from the extension of Bridge Point Parkway.

All Public Access Improvements shall include unrestricted access conveyed to the City by appropriate and necessary instruments in a form provided by the City Attorney.

H. At least \$1,500,000 shall be invested in the Parkland Improvements and the Public Access Improvements as may be further described in Exhibit J.

I. Boundaries of the Park districts cannot be changed administratively unless the change increases the size of the Park district and increases the amount of shoreline or cliff frontage that will become parkland.

J. Construction and staging of materials in the Cliff Park and Preserve Park is permitted only for the improvements within those parks.

K. The City shall not issue a certificate of occupancy for any non-park building in the Camelback PUD before the Public Access Improvements have been completed and the Cliff Park and Preserve Park have been improved and dedicated to the City as may be further described in Exhibit J; provided, however, that the City may issue certificates of occupancy prior to the completion of the Public Access Improvements and the dedication of the Cliff Park and Preserve Park for any building required for the Public Access Improvements.

L. If the Parkland Improvement and Operations Agreement ("PIA") provides that an amendment to the Agreement may be approved by mutual written agreement of the parties, such an amendment shall not require approval of the City Council, notwithstanding the attachment of the Parkland Improvement Agreement as an exhibit to this Ordinance.

#### **PART 7. Open Space and Parkland.**

A. In addition to the parkland provided below, The Camelback PUD shall include at least 60.46 acres of open space, as shown in the Preserve Open Space district on Exhibit C, which satisfies open space requirements for a subdivision or site plan submitted within the Camelback PUD.

Allowable uses within the designated open space are restricted to nature trails,

necessary utility easements that cannot reasonably be located elsewhere, the inclined elevator and stair access Mechanized Access crossing described above, and utility crossings for the Dock (D) district in the same general alignment as the mechanized dock access. Fuel storage is prohibited within the Preserve Open Space district.

- B. The Camelback PUD shall include at least 16.56 acres of dedicated parkland in the Cliff Park as generally substantial in conformance with and conceptually shown in Exhibit H.
- C. The Camelback PUD shall include at least 9.60 acres of dedicated parkland in the Preserve Park as generally in substantially in conformance with and conceptually shown in Exhibit I.
- D. Dedication of the 26.16 acres of parkland as set forth above and compliance with Exhibit J satisfy all City parkland requirements, including parkland development fee requirements, for the Camelback PUD.
- E. Required improvements within the dedicated Cliff Park parkland ("Cliff Park Parkland Improvements") shall include: shade structures; one drinking fountain; four trash receptacles; four park benches; 3,400 linear feet of nature trail; 100 linear feet of an Americans with Disabilities Act accessible multi modal trail to the westernmost overlook; park signage; a trailhead with shade structure; and at least four on-site public scenic vista points as may be further described in Exhibit J.
- F. Required improvements to facilitate public access to parkland ("Public Access Improvements") shall include:
  1. 25 full size, off site parking spaces located in the Commercial (C) district, including at least one van accessible ADA space, for free, but time limited to encourage turnover, public use, except as provided in Exhibit J;
  2. Two off site public restrooms, including changing stations, for free public use, to be located together in the Commercial (C) district in close proximity to the 25 off site parking spaces;
  3. Access to the Cliff Park from the required off site parking spaces and off site public restrooms; and
  4. Access to the Preserve Park from the existing parking proposed trail along the proposed extension of existing Bridge Point Parkway or the extension of Bridge Point Parkway through the Property.

All Public Park Access Improvements shall include unrestricted access conveyed to the City by appropriate and necessary instruments in a form provided by the City Attorney established in Exhibit J mutually agreed upon by the City and Landowner.

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G. At least \$1,500,000 shall be invested in the Cliff Park Parkland Improvements and the Public Access Improvements as may be further described in Exhibit J.

H. Boundaries of the Park (P) districts cannot be changed administratively unless the change increases the size of the Park district and, with respect to the Cliff Park, increases the amount of shoreline or cliff frontage that will become parkland.

I. Construction and staging of construction materials and equipment in the Cliff Park, and Preserve Park, and Preserve Open Space (P OS) district is permitted only for the improvements within those parks.

J. The City shall not issue a certificate of occupancy for any building in the Camelback PUD other than a non-park building or public access or parking facilities related building in the Camelback PUD before the Park Park Public Access Improvements have been completed and the Cliff Park and Preserve Park have been improved and dedicated to the City as may be further described in Exhibit J.

K. The Parkland Improvement Agreement is attached hereto as Exhibit J for reference purposes only and the terms of the Parkland Improvement Agreement are not incorporated into this Agreement. The Parkland Improvement Agreement attached as Exhibit J may be amended as set forth in the Parkland Improvement Agreement. If an amendment in the Parkland Improvement Agreement may be approved administratively by its terms, such an amendment shall not require approval of the City Council notwithstanding the attachment of the Parkland Improvement Agreement to this ordinance as an exhibit.

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## PART 8. Environmental.

### A. Green Building Rating

1. All buildings in the Camelback PUD will achieve a three-star or greater rating under the City's Austin Energy Green Building program or such buildings will achieve a reasonably equivalent rating under a program approved by the City, using the applicable rating version in effect at the time a rating registration application is submitted for the building.

B. Development within the Camelback PUD shall comply with the applicable tree protection and mitigation regulations in effect at the time of permit application, except for (i) the removal of six heritage trees (Tree Numbers 23179, 23231, 23381, 23399, 23472 and 24317, as confirmed by the amended Tree Survey prepared by Chaparral Professional Land Surveying, Inc., dated January 22, 2016, and confirmed in the additional tree report dated September 14, 2018) identified by the City Arborist to be dead, diseased, or of imminent hazard, and (ii) mitigation will be provided at a rate of 2-inches of replacement trees from the approved City list for



each for each surveyed ashe juniper tree removed.

C. Drainage

1. Public roadways, private streets, and private driveways shall span the 10-year storm elevation when crossing a waterway that has more than 32 acres in drainage area.
2. Street crossings of the critical water quality zone shall span the 10-year storm elevation.

D. Docks

1. Design of dock facilities and ~~Mechanized Access~~ dock access shall consider input from a design charrette comprised of a group approved by the City and the Landowner to ensure to maximum extent practical the structure is protective of the environment and minimizes adverse visual aesthetic impacts as determined by the owner after such input.
2. Sewage lift stations within the Dock (D) district shall include an emergency overflow tank, a telemetered alarm system, backup power source, redundant grinder pumps, and provide an oversized wet well of capable of storing a volume equivalent to at least 48 hours of design flow rate to reduce the potential for sanitary sewer overflows into Lake Austin.
3. The cluster dock shall be offset from the shoreline to the minimum extent necessary to allow for restoration of the existing wetland as proposed in this ordinance and the exhibits attached hereto, and to minimize dredging. The outer edge of the dock may extend up to 60 feet, but up to 50 percent of the dock may extend up to 75 feet from the shoreline, necessary to adequately preserve, restore and maintain wetland areas as determined by the director of the Watershed Protection Department.
4. ~~No later than at the time of site development permit application~~ six (6) months after the effective date of this ordinance, the Landowner shall determine whether the Austin Fire Department or Austin Police Department desire a slip or emergency mooring or docking station on the cluster dock in the Dock (D) district. If requested, the Landowner shall provide one slip or emergency mooring or docking station on the cluster dock in the Dock (D) district for each either or both of such departments that requests such dockage for emergency services without any increase in the size of the cluster dock.
5. Construction of the dock shall occur from Lake Austin via barge.
6. Mechanized Access to the dock shall utilize a non-hydraulic method or redundant hydraulic fluid containment if a hydraulic method is utilized.

- E. The Landowner shall submit an integrated pest management (IPM) plan that complies with Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual (ECM) for approval with each site plan application ~~except for development in the Dock (D) and Park (P) districts~~. The Landowner shall provide copies of the IPM plan to all property owners within the Camelback PUD.
- F. The Camelback PUD shall implement an outdoor lighting plan to minimize light pollution using "dark sky" guidelines and techniques.
- G. The Camelback PUD shall provide 100 percent on-site water quality capture volume equivalency for all development within the PUD, and treat 75 percent of the water quality volume using green innovative methods per ECM Section 1.6.7 (*Green Stormwater Quality Infrastructure*). Each development district except the Dock district shall have separate water quality controls, and the Mixed Residential district shall have at least three water quality controls.
- H. The Camelback PUD shall require a 15-foot wide vegetative setback along Lot 3, Block A, of the Sanctuary at Coldwater subdivision, as recorded in Document No. 199900216 of the Travis County Public Records.
- I. All commercial buildings shall utilize non-potable water sources for primary irrigation of the building grounds. ~~Notable water may be used for temporary irrigation during construction, to initially establish landscaping and in the event non-potable water sources are insufficient to adequately maintain landscaping.~~ Site plans and building permits for commercial buildings shall demonstrate that air-conditioner condensate shall be directed to cisterns or landscaping on site for beneficial use.
- J. ~~All required tree plantings shall use native tree species selected from the ECM Appendix F (*Descriptive Categories of Tree Species*).~~ All required tree plantings shall use Central Texas native seed stock.
- K. At least 90 percent of all required non-turf plant materials shall be selected from the ECM Appendix N (*City of Austin Preferred Plant List*) or the "Grow Green Native and Adapted Landscape Plant Guide."
- L. Compliance with the applicable Erosion Hazard Zone requirements shall be demonstrated at the time of site development permit as per the applicable ~~current~~ Code in effect at the time of application.
- M. Construction phase erosion controls shall be demonstrated at the time of site development permit as per the ~~current~~ applicable Code in effect at the time of application.

**PART 9. Transportation.**

City's Comments 10/31/18

- A. The Landowner shall construct Bridge Point Parkway improvements through the Property. The alignment of Bridge Point Parkway may be adjusted administratively only if the aggregate adverse impact to Critical Environmental Features is not increased and if the general location is as shown in **Exhibit C**.
- B. The Landowner shall provide a 12-foot-wide multi-use trail along the Bridge Point Parkway extension as shown in **Exhibit F** (Onsite Multi-Modal Transportation).
- C. Street trees generally 30 feet on center shall be provided along Bridge Point Parkway to the extent feasible.

#### **PART 10. Housing Trust Fund Contribution.**

The Landowner shall make a contribution to the Housing Trust Fund of \$2 per square foot for each square foot of gross floor area built (excluding parking structures) within the Camelback PUD, due prior to the completion of construction of each building of overall building square footage (excluding parking structures), due prior to approval of the site plan for each building constructed within the PUD. Staff should endeavor to invest the funds within. Those funds shall be restricted for use in City Council District 10 for a period of seven years from the date the first payment is received. If no suitable projects or opportunities are identified within seven years, staff may use the funds in other ways that advance the goals of the City's Strategic Housing Blueprint.

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**PART 11. Code Modifications.**

In accordance with Chapter 25-2, Subchapter B, Article 2, Division 5 (*Planned Unit Development*) of the Code, the following site development regulations apply to the Camelback PUD instead of otherwise applicable City regulations:

**A. General**

1. Section 25-1-21(49) (*Definitions*) is modified to establish that the definition of building height of each segment of a stepped or terraced building shall be individually determined as defined and described in **Exhibit D**. In addition, height limitations are not applicable to any means of access to the cluster dock or shoreline uses in the Dock (D) district.
2. Section 25-1-21(105) (*Definition of Site*) is modified to provide that a site in the Camelback PUD may cross a public street or right-of-way.
3. Section 25-1-23 (*Impervious Cover Measurement*) is modified to allow impervious cover on a given site within a particular district to exceed Section 25-2-492 (*Site Development Regulations*) provided the total amount of impervious cover allowed on the Property is not exceeded on an overall basis. The impervious cover calculation shall not include any portion of the cluster dock located on the shoreline of Lake Austin as defined in Section 25-2-551(A)(1) (*Lake Austin (LA) District Regulations*) (492.8 feet above mean sea level), and shall not include the inclined elevator and stair access mechanized access touching the ground in the Dock (D) district. Allowable impervious cover is subject to the overall conditions as outlined in Part 6F of this ordinance.

**B. Zoning.**

1. Section 25-2-4 (*Commercial Uses Described*) is modified to allow for uses associated with the cluster dock, including boat slips, clubhouse, and recreational facilities, to not be included in the overall square footage limitations for commercial use.
2. Section 25-2, Division 5, Section 3.1 (*Planned Unit Developments – Land Use Plan Expiration and Amendment*) is modified to allow administrative approval of changes to district boundaries as shown in **Exhibit C** and further clarified by Part 7.H of this ordinance.
3. Section 25-2-491 (*Permitted, Conditional and Prohibited Uses*) is modified to establish a list of land uses applicable to the Camelback PUD, as shown in **Exhibit D**.

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Commented [H69]: Staff have not previously considered excluding access to the dock district from the impervious cover limitation and are not supportive of this code modification. The clubhouse and access are impervious cover and should be considered as such. Staff recommend against this proposed revision.

Commented [CM10]: We cool with this. Did staff report address this or did it assume impervious cover would include the tram?

4. Section 25-2-492 (*Site Development Regulations*) is modified to establish a set of site development regulations applicable to the Camelback PUD, as shown in **Exhibit D**.
5. Subsections (B)(1) and (B)(3) of Section 25-2-551 (*Lake Austin District Regulations*) are modified to amend the shoreline setback to be 50 feet in the Dock district for access to the Dock (D) district, the clubhouse and clubhouse appurtenances, including but not limited to a private kitchen, decks, trails, walks, boardwalk, terraces, utilities, restrooms, weir system, berms, and swimming area on Lake Austin, but shall otherwise remain 75 feet including for the purposes of 25-8-261(C)(3).
6. Subsections (C)(2) and (E)(2) of Section 25-2-551 (*Lake Austin District Regulations*) are modified to allow construction on slopes as follows:
  - a. On slopes between ~~15~~ and 25% ~~percent~~, not more than 9.92 acres of impervious cover is allowed; and
  - b. On slopes between 25 and ~~35~~ ~~percent~~, not more than 7.95 acres of impervious cover is allowed; and
  - c. On slopes greater than ~~35~~ ~~percent~~, not more than 1.09 acres of impervious cover is allowed; and
  - d. Impervious cover may be transferred from higher slope categories to lower slope categories, provided that no more than 18.96 acres of impervious cover is allowed on slopes over 15% ~~percent~~ overall. Bridge Point Parkway and the Mechanized Access to the Dock (D) district shall not be subject to the above and foregoing construction on slope limitations except that structural footings on the surface shall be subject to the limitations.
7. Subsections (D) and (F) of Section of Section 25-2-551 (*Lake Austin District Regulations*) are modified to allow transfer of impervious cover from areas of higher slope to lower slope categories.
8. Section 25-2-837 (*Community Recreation*) is modified to exempt the Property from the requirements of this section.
9. Section 25-2-893(G)(3) (*Accessory Uses for a Principal Residential Use*) is modified to allow potable water lines on the cluster dock if determined by the Austin Fire Department to be necessary for fire suppression, and potable water lines on the dock may only be used for fire suppression.
10. Section 25-2-893(G)(3) (*Accessory Uses for a Principal Residential Use*) is modified to allow ~~one mechanized~~ the access to the Dock (D) district

Commented [HC11]: Staff recommend that access to the Dock District be included in the consideration of allowable construction on slopes, especially given the exceptionally permissive amounts of construction on slopes proposed by the applicant and included in the draft ordinance.

described in Part 6.E above.

11. Section 25-2-894(B) (*Accessory Uses for a Principal Commercial Use*) is modified to allow for the definition of a permitted accessory use for a principal commercial use to be amended to allow:
  - a. uses customarily incidental and subordinate to the principal commercial use of a building;
  - b. uses that are located on the same lot with such principal use or building; and
  - c. uses occupying no more than 15 percent of the building in which the accessory use is located.
12. Section 25-2, Subchapter C, Article 10 (*Compatibility Standards*) is modified so that it shall not apply within the Camelback PUD.
13. Section 25-2-1063(C) (*Compatibility Standards, Height Limitations and Setbacks for Large Sites*) is modified along the northern property line, as shown in Exhibit B, due to the topography sloping away from the existing single-family residences located to the north. This section is further modified along the Lot 3, Block A of the Sanctuary at Coldwater Subdivision, as recorded in Document No. 199900216 of the Travis County Public Records, of the Dock district to require a vegetated setback that is a minimum of 15 feet in width. It is also modified so that it shall not apply to utility access roads and any means of access to the cluster dock, shoreline, or any civic uses in the Dock district.
14. Section 25-2, Subchapter E (*Compatibility Commercial Design Standards*) is modified so that it shall exempt development within the Camelback PUD from the application of Compatibility Standards the Commercial Design Standards except for Sections 2.5 (Exterior Lighting) and 2.6 (Screening of Equipment and Utilities).
15. Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) is modified to:
  - a. allow the Mechanized Access to the Dock (D) district clubhouse and clubhouse appurtenances as a permanent structures to be constructed with a setback of 50 feet from the shoreline in the Dock district to allow for a boardwalk;
  - b. allow the footprint of the cluster dock to be the lesser of 30 feet width by 20% percent of the shoreline length of the PUD 576 feet length, or 17,270 square feet;

**Commented [HG12]:** Staff do not recommend this revision. The dock district access and the clubhouse appurtenances do not need to be closer than 50 feet from the shoreline as noted on the applicant's exhibits. The applicant has consistently represented that the Dock District access would be behind the clubhouse (away from the lake).

**Commented [HG13]:** Staff prefer to specify 20% of the shoreline length of the PUD. The applicant has publicly stated that the dock will comply with current code, including the 20% of the shoreline, except for the extension into the lake and the inclusion of potable water for fire suppression. Staff prefer that the exact length of the uninundated shoreline be determined at the time of site development permit when more information will be available to make a more accurate estimate of the 20% of the shoreline.

- c. allow the outer edge of the dock to extend up to 75 feet so long as 50 percent of the dock extends 60 feet or less from the shoreline; and
- d. remove the requirement for parking.

C. Subdivision.

1. Section 25-4-153 (*Block Length*) is modified to allow block length requirements to be satisfied through pedestrian easements and trails, in accordance with **Exhibit F**.
2. Section 25-4-171(A) (*Access to Lots*) is modified to allow a lot to abut a public street, private street, or private drive within an access easement. Notwithstanding any other provision of the Code or Transportation Criteria Manual, any private street may be gated for private access.
3. Section 25-4-62 (*Preliminary Plan Expiration*) is modified to establish that preliminary plans expire five years after City approval ~~with no additional administrative or formal extension options.~~

D. Site Plan.

1. Sections ~~25-5-81~~ (*Site Plan Expiration*) is modified to establish that site plans and other site development related permits expire five years after City approval ~~with no additional administrative or formal extension options.~~

E. Transportation.

1. Section ~~25-6-202~~ (*Streets in a Critical Water Quality Zone or Water Quality Buffer Zone*) is modified to allow the street cross section for the extension of Bridge Point Parkway in accordance with **Exhibit F**.
2. Section 25-6-203 (*Street Cross Section Design*) is modified to allow the street cross section for the extension of Bridge Point Parkway in accordance with **Exhibit F**.
3. Section ~~25-6-442~~ (*Access Standards*) is modified to allow administrative approval of regulations related to access and driveway grades, due to topographical constraints.
4. Section 25-6-742 (*Tables of Off-Street Parking*) and Section 26-6, Appendix A (*Tables of Off-Street Parking and Loading Requirements*) are modified so that parking requirements shall not apply within the Dock (D) district.
5. Sections 25-6-351 (*Sidewalk Installation in Subdivision*) and 25-6-352

**Commented [CM14]:** This seems like a substantive change. Was this in staff recommendations approved by Council on first reading?

**Commented [HC15]:** Public discussion at the Zoning and Platting Commission and the understanding of staff was that a 5 year period of certainty would be provided but that no administrative or formal extension options were available to extend beyond 5 years. Additionally, the Environmental Commission recommended against any grandfathering, and extending beyond 5 years would be more than is achievable under current code today.

**Commented [CM16]:** Ditto

**Commented [HC17]:** Public discussion at the Zoning and Platting Commission and the understanding of staff was that a 5 year period of certainty would be provided but that no administrative or formal extension options were available to extend beyond 5 years. Additionally, the Environmental Commission recommended against any grandfathering, and extending beyond 5 years would be more than is achievable under current code today.

(*Sidewalk Installation with Site Plans*) are modified to allow sidewalks in the Mixed Residential (MR) district to be located on one side of a private internal drive or an equivalent location to serve as pedestrian connectivity between all residences. The sidewalk shall be a minimum of six feet in width.

F. Environmental.

1. Section 25-7-92(C) (*Encroachment on Floodplain Prohibited*) is modified so that the director of the Watershed Protection Department shall grant a variance to Subsections (A) or (B) if the director determines that:
  - a. the finished floor elevation of a proposed building is at least two feet above the 100-year floodplain;
  - b. normal access to a proposed building is by direct connection via the inclined elevator and emergency stairs with an area above the regulatory flood datum, as prescribed by Chapter 25-12, Article 1 (*Building Code*);
  - c. a proposed building complies with the requirements in Chapter 25-12, Article 1, Section 25-12-3 Appendix G (*Flood Resistant Construction*) and Section 1612 (*Floodloads*);
  - d. the development compensates for the floodplain volume displaced by the development;
  - e. the development improves the drainage system by exceeding the requirements of Section 25-7-61 (*Criteria for Approval of Development Applications*); as demonstrated by a report provided by the applicant and certified by an engineer registered in Texas;
  - f. the variance is required by unique site conditions; and
  - g. development permitted by the variance does not result in additional adverse flooding impact on other property.
2. Section 25-7-92 (*Encroachment on Floodplain Prohibited*) is modified so that the applicant shall prepare and submit a Flood Emergency Evacuation and Education Plan in addition to satisfying the conditions of Subsection (C) and in conjunction with a site plan submittal of a proposed building that encroaches into the 25-year or 100-year floodplain. The plan must be reasonably approved by the Director of the Watershed Protection Department as part of the review of the development in accordance with Subsection (C).
3. Section 25-8-211 (*Water Quality Control Requirements*) is modified to allow the water quality control requirements in the Dock district to be satisfied by



providing an equivalent level of water quality capture volume in another district. The equivalent capture volume must be in addition to the water quality capture volume requirements necessary for development in the receiving district. Additionally, water quality controls shall not be required for impervious trails in the water quality transition zone if trails are required to be of impervious construction to comply with Americans with Disability Act requirements.

4. Section 25-8-213(C)(3) (*Water Quality Control Standards*) is modified so that water quality control requirements in the uplands zone shall not apply to development within the Camelback PUD.
5. Subsections (B)(3), (E) and (F) of Section 25-9-261 (*Critical Water Quality Zone Development*) are modified to reduce a setback for a hard surface trail in the critical water quality zone from 50 feet to 25 feet.
6. Section 25-8-261(C)(1) (*Critical Water Quality Zone Development*) is modified to establish that the location of docks, clubhouse, and dock or clubhouse appurtenances in the critical water quality zone shall be modified in accordance with Exhibits C and G in order to allow the Mechanized Access, docks, a clubhouse, and dock or clubhouse appurtenances in the critical water quality zone and necessary utilities improvements within the in the Dock (D) district.
7. Section 25-8-261(D) (*Critical Water Quality Zone Development*) is modified to allow for suspended or column-supported utility crossings attached to the Mechanized Access and at driveway and trail locations along utility lines in the critical water quality zone.
8. Section 25-8-261(G)(2) (*Critical Water Quality Zone Development*) is modified to allow for consideration of wetland restoration in the Dock (D) district in satisfying the requirements of floodplain modification benefits.
9. Subsections (B)(2)(a) and (B)(3)(b) of Section 5-8-262 (*Critical Water Quality Zone Street Crossings*) is modified so that distances between street crossings in the critical water quality zone shall not apply to the Property. Street crossings in the critical water quality zone shall be allowed as set forth in Exhibit F.
10. Section 25-8-281 (*Critical Environmental Features*) is modified so that critical environmental features shall apply to development within the Camelback PUD, except that certain development within critical environmental feature setbacks is allowed according to Exhibits D and G. One Mechanized Access to the Dock (D) district from the Mixed Residential (MR) district is allowed through the Preserve Open Space (P-OS)

**Commented [HG18]:** Staff recommend the prior language as it was more specific and consistent with the staff report to Environmental Commission and Zoning and Planning Commission. Improvements are not defined and could be construed to allow more development in the district than has been previously contemplated. Docks are allowed within the Critical Water Quality Zone under code. This code amendment allows the necessary access and necessary utilities (including the clubhouse as the required sanitation facilities for the cluster dock).

**Commented [CM19]:** Improvements is much broader than access and necessary utilities. Was this addressed in staff recommendations at first reading?

**Commented [CM20]:** I think we need reference to the limits on the access in Part C.

**Commented [HG21]:** Staff recommend that this be limited to only one mechanized access and one non-mechanized access in the same alignment.

district and through critical environmental feature setbacks. ~~Mechanized~~ The Mechanized Access to the Dock district shall span bluff and rimrock features such that no structural connections within 50 feet from the top of the vertical face of any bluff or rimrock are utilized. Construction within the Commercial (C) district is allowed within the setback of the bluff identified as the B-1 bluff line in Exhibit G except that no borings, piers, or excavation may occur within 50 feet of the B-1 bluff line and all disturbance or cantilevered construction is allowed to extend not closer than 30-20 feet from the B-1 bluff line. Pedestrian trails and ancillary improvements may be located within critical environmental feature setbacks within parkland subject to review by the Parks and Recreation Department and Watershed Protection Department if such improvements are in locations other than existing disturbed areas.

Commented [HC22]: The change to the setback for cantilevered construction has not been agreed to by staff and is a new proposal that is not acceptable especially given that mechanized access is no longer proposed from the Commercial District.

11. Section 25-8-282 (*Wetland Protection*) is modified so that wetland protection shall apply to development within the Camelback POD, except that certain development within the wetland setbacks is allowed according to this ordinance and Exhibits C, D and E. Proposed disturbance within the shoreline wetland critical environmental feature setback shall be mitigated in conformance with an approved mitigation plan at the time of site development permit.
12. Sections 25-8-301 (*Construction of a Roadway or a Driveway*) and 25-8-302 (*Construction of a Building or a Parking Area*) are modified to allow construction on slopes as follows:
  - a. On slopes between 15 and 25 percent, not more than 9.92 acres of impervious cover is allowed; and
  - b. On slopes between 25 and 35 percent, not more than 7.95 acres of impervious cover is allowed; and
  - c. On slopes greater than 35 percent, not more than 1.09 acres of impervious cover is allowed; and
  - d. Impervious cover may be transferred from higher slope categories to lower slope categories, provided that no more than 18.96 acres of impervious cover is allowed on slopes over 15 percent overall. The extension of Bridge Point Parkway and the Mechanized Access to the Dock (D) district shall not be subject to the above and foregoing construction on slope limitations except that structural footings on the surface shall be subject to the limitations; and
  - e. If feasible, engineering solutions that exceed the Environmental Criteria Manual requirements shall be provided for construction on slopes greater than 25 percent.

Commented [HC23]: Staff recommend that access to the Dock District be included in the consideration of allowable construction on slopes, especially given the exceptionally permissive amounts of construction on slopes proposed by the applicant and included in the draft ordinance.

13. Sections 25-8-341 (*Cut Requirements*) and 25-8-342 (*Fill Requirements*) are modified so that cut requirements and fill requirements shall not apply to development within the Camelback PUD, except for the limitations shown in **Exhibit D**. All cut and fill over four feet shall be structurally contained using retaining walls unless an administrative variance to such requirement is obtained at the time of site plan.
14. Section 25-8-364 (*Floodplain Modification*) is modified so that floodplain modification shall apply to development within the Camelback PUD, except to the extent that such requirements are inconsistent with the development otherwise allowed by the Camelback PUD Exhibits and PUD Notes this ordinance and the exhibits attached hereto.
15. Section 25-8-368 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*) is modified to allow the Director to approve up to 300 cubic yards of dredging if necessary for navigation safety.
16. Section 25-8, Subchapter A, Article 11 (*Water Supply Rural Watershed Requirements*) is modified so that it shall not apply to development within the Camelback PUD.

Commented [CM24]: This OK with staff?

Commented [HC25]: This was discussed previously with the applicant. Although staff are supportive of the concept, this language was not included previously as 25-8-42 does not grant staff the ability to administratively grant a variance to cut/fill in this location nor does 25-8-42 provide for the ability to vary the structural containment requirement of this code modification (especially if the cut/fill exceeds 8 feet).

PART 12. This ordinance takes effect on \_\_\_\_\_, 2018.

PASSED AND APPROVED

2018

Steve Adler  
Mayor

APPROVED:

Anne L. Morgan  
City Attorney

ATTEST:

Jannette S. Goodall  
City Clerk