

**ORDINANCE NO. 480**

**AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS ("CITY") REPEALING AND REPLACING THE ZONING OF REAL PROPERTY FROM CURRENT ZONING AS PLANNED DEVELOPMENT MIXED USE ("PD-MU") ESTABLISHED IN ORDINANCE NOS. 334 AND 375, TO A PLANNED DEVELOPMENT MULTIFAMILY AND SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT ("PD-MF-1 AND SFA") AS DESCRIBED HEREIN FOR THE REAL PROPERTY DESCRIBED AS LOT 6, BLOCK A AND LOTS 1,2,4, 5, BLOCK B OF THE AMENDED FINAL PLAT OF THE HILL COUNTRY GALLERIA OF LOTS 1-8 AND 10-26, BLOCK A, LOTS 1-3 AND 5-8, BLOCK B, CITY OF BEE CAVE, TRAVIS COUNTY, TEXAS, AS RECORDED IN DOCUMENT NUMBER 200700378 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS; WHICH LAND IS LOCATED GENERALLY NORTH OF BEE CAVE PARKWAY AND EAST OF HIGHWAY 620 AND WHICH LAND IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO ("PROPERTY DESCRIPTION"); APPROVING A CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "B"; APPROVING DEVELOPMENT STANDARDS DESCRIBED IN EXHIBIT "C", ATTACHED HERETO; PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held two public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended as set forth herein; and

**WHEREAS**, the development proposed by the zoning applicant complies with the current City Ordinances except as modified by the Planned Development Standards contained in Exhibit "C", of this Ordinance; and

**WHEREAS**, any protest made against the proposed change of Zoning Classification has been duly considered by the City Council; and

**WHEREAS**, Sec. 32.03.015 of the City Zoning Ordinance provides that the purpose of a Planned Development District is to provide for the development of land as an integral unit for single or mixed use in accordance with a Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts, and to encourage flexible and creative planning to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community; and

**WHEREAS**, the proposed development supports many of the objectives of the City's Comprehensive Plan which calls for Bee Cave to promote a variety of housing choices and

encourage a mix of housing types and residential unit configurations that allow people to live in Bee Cave throughout their lives;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:**

**SECTION 1.** Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** Amendment. That the City Zoning Ordinance and Map of the City of Bee Cave, Texas, be and the same are hereby amended so as to grant a change of zoning for this Planned Development District ("PD-MF-1 AND SFA") for the Property described in Exhibit "A".

**SECTION 3.** Development. The Development Standards applicable to development of this Property shall be as set forth in this Ordinance and the accompanying exhibits, attached hereto and incorporated herein (the "Project") without regard to any previous ordinances and which Development Standards are hereby approved. The City Council would not necessarily authorize development of the Property in accordance with this PDD absent the specific Development Standards set out in Exhibit "C" and the Concept Plan depicted in Exhibit "B". The authority granted by this Ordinance is therefore specific to this Project as it has been represented by the applicants unless this Ordinance is subsequently amended or modified by approval of the City, or unless such changes are expressly authorized by Exhibit "C" to this Ordinance or considered minor modification.

**SECTION 4.** Concept Plan. That the Concept Plan, attached as Exhibit "B", is approved for this Project. Any proposed use or development depicted on the Concept Plan shall not be deemed authorized or approved by the City of Bee Cave until a final site plan ("Site Plan") is approved for such use and/or development in accordance with the terms and conditions of Chapter 32 of the Code of Ordinances and the requirements set out herein.

**SECTION 5.** Uses. Permitted Uses associated with Single-Family Attached Residential District (SFA) zoning, as modified by the development standards contained in Exhibit C, are authorized for "Tract A" as depicted in Exhibit B. Permitted Uses associated with Multifamily Residential 1 District (MF-1) zoning, as modified by the development standards contained in Exhibit C, are authorized for "Tract B" as depicted in Exhibit B. Additional uses are prohibited by this Ordinance unless described in Exhibit "C".

**SECTION 6.** Severability. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjusted or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of Chapter 32, Zoning, of the City of Bee Cave Code of Ordinances and Map as a whole.

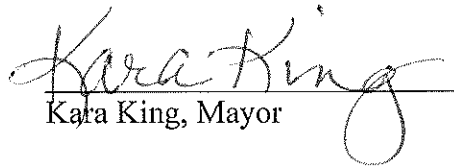
**SECTION 7. Repealer.** All ordinances or parts of ordinances in force regarding the zoning of this Property when the provisions of this Ordinance become effective are hereby repealed.

**SECTION 8. Effective Date.** That this Ordinance shall take effect immediately from and after its passage and publication as required by law.

**SECTION 9. Notice and Meeting Clause.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** by the City Council of the City of Bee Cave, Texas, on the 26th day of July, 2022.

**CITY OF BEE CAVE, TEXAS**

  
Kara King, Mayor

**ATTEST:**

  
Kaylynn Holloway, City Secretary

**APPROVED AS TO FORM:**

  
City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

# Exhibit Table of Contents

<b>Exhibit A</b>	Property Description
<b>Exhibit B</b>	Concept Plan
<b>Exhibit C</b>	Planned Development Standards
<b>Exhibit D</b>	Example Median Plan

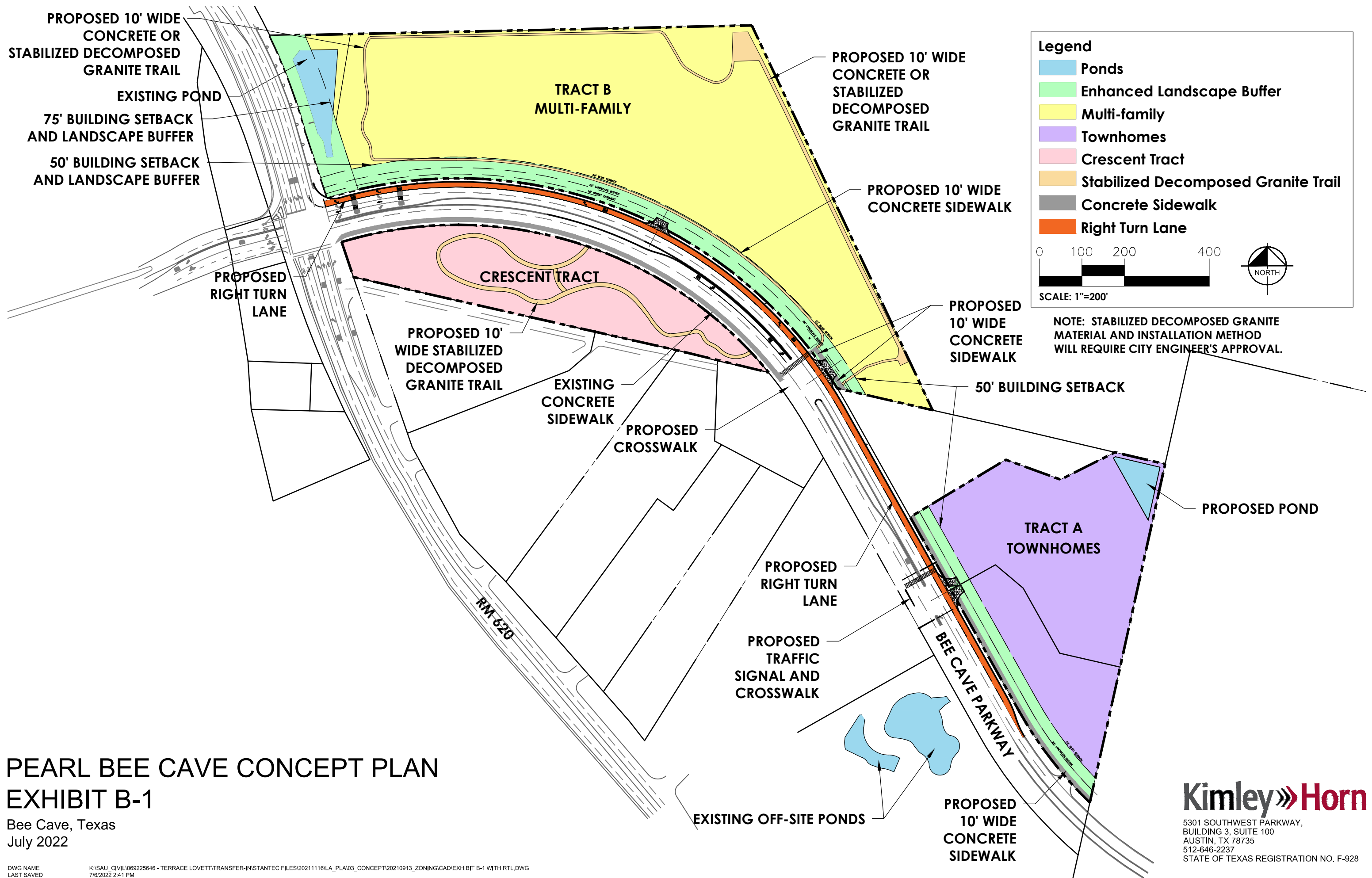
# EXHIBIT A

## *Property Description*

LOT 6, BLOCK A AND LOTS 1,2,4, 5, BLOCK B OF THE AMENDED FINAL PLAT OF THE HILL COUNTRY GALLERIA OF LOTS 1-8 AND 10-26, BLOCK A, LOTS 1-3 AND 5-8, BLOCK B, CITY OF BEE CAVE, TRAVIS COUNTY, TEXAS, AS RECORDED IN DOCUMENT NUMBER 200700378 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS

EXHIBIT B-1

*Concept Plan (all tracts)*

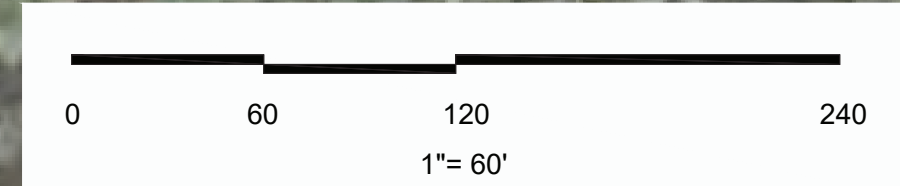
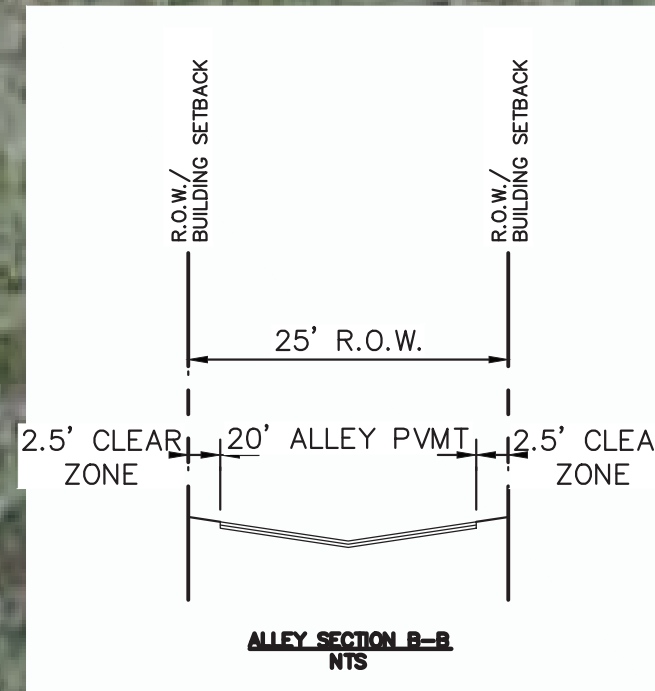
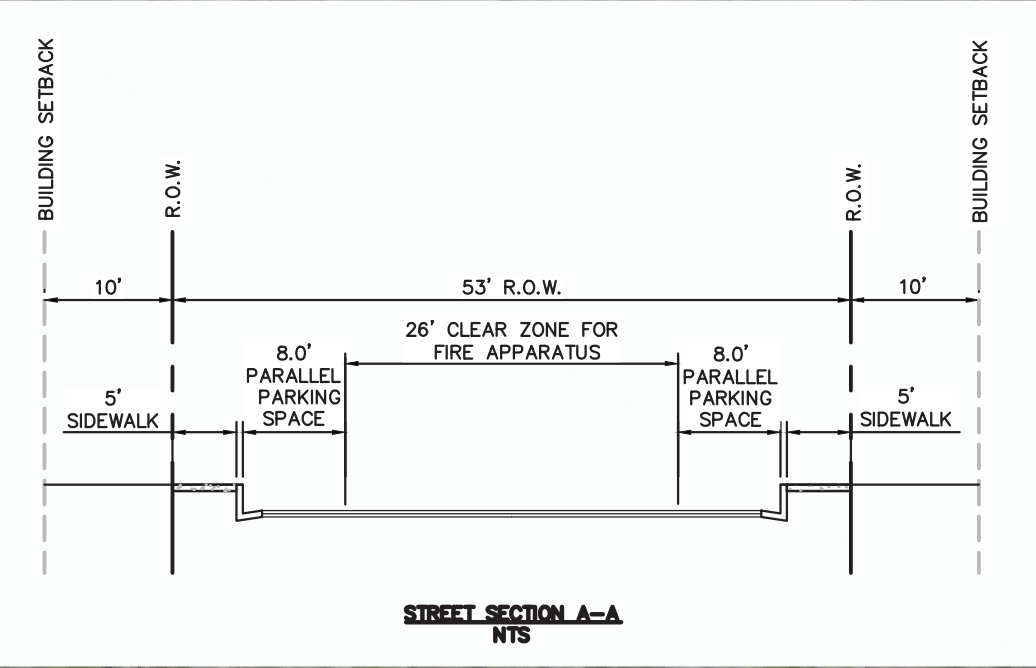
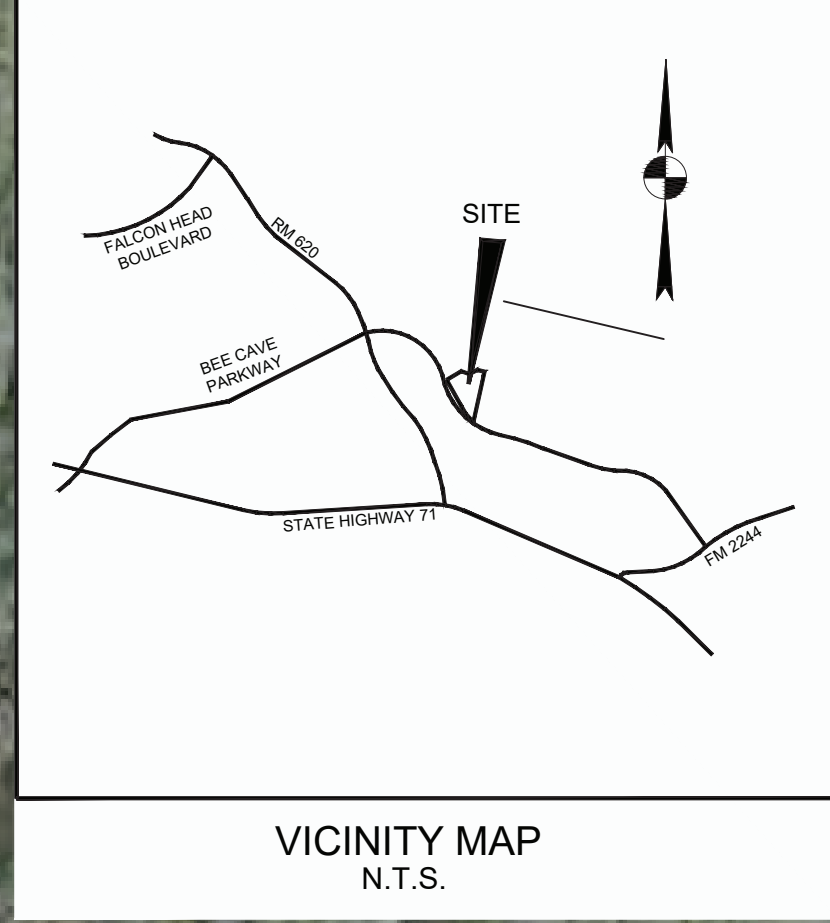


# PEARL BEE CAVE CONCEPT PLAN EXHIBIT B-1

Bee Cave, Texas  
July 2022

EXHIBIT B-2

*Tract A Concept Plan*



- NOTES:
- SEE EXHIBIT C FOR MINIMUM AND MAXIMUM LOT OR UNIT AND BUILDING REQUIREMENTS.
  - TRACT A WILL BE CONSTRUCTED IN ONE PHASE.
  - THE OFF-SITE WATER QUALITY AND DETENTION PONDS (POND F1) WERE DESIGNED TO ACCEPT A PORTION OF THE SITE'S IMPERVIOUS COVER. AN UNDERGROUND STORM SEWER WAS INSTALLED UNDER BEE CAVE PARKWAY FROM THE PONDS TO THE PROJECT SITE. STORM WATER RUN-OFF THAT EXCEEDS THE PIPE AND POND CAPACITY SHALL BE CONVEYED TO THE PROPOSED ON-SITE WATER QUALITY/DETENTION POND.
  - DIMENSIONS SHOWN FOR STREET SECTION ARE TAKEN FROM FACE OF CURB TO FACE OF CURB.
  - THE ON-SITE WATER QUALITY/DETENTION POND SHALL CONTAIN A CURVILINEAR SHAPE AND NATURAL APPEARANCE. POND RETAINING WALLS, IF REQUIRED, SHALL BE NATURAL STONE MATERIALS OR FACED WITH STONE. OUTFALL STRUCTURES, INCLUDING WEIRS MAY BE STANDARD CONCRETE. THE POND PERIMETER SHALL CONTAIN LANDSCAPE SCREENING AND WROUGHT IRON SAFETY FENCING. SIDEWALK ALONG BEE CAVE PARKWAY TO GENTLY MEANDER THROUGH THE 50-FOOT BUFFER AROUND TREES.
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REVISIONS:

1.	
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**LovettHomes**  
1520 Oliver  
Houston, Tx 77007  
(713) 880-4811

**PEARL BEE CAVE**  
Bee Cave, Texas  
EXHIBIT B CONCEPT PLAN  
TRACT A - TOWNHOMES

DATE  
07.19.2022  
SCALE  
DRAWN BY  
CHECKED BY  
PROJECT NUMBER

EXHIBIT B-3

*Tract B Concept Plan*



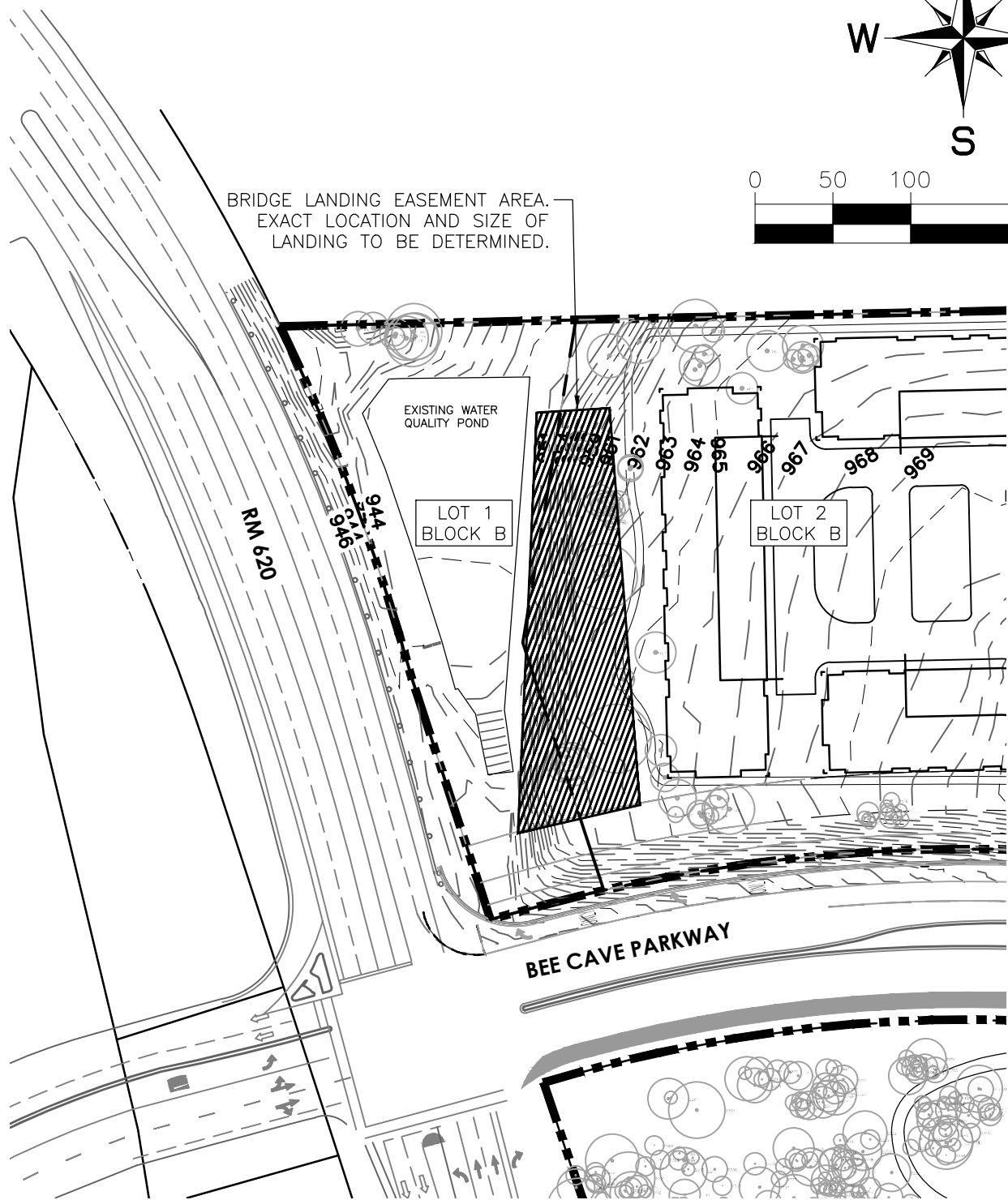
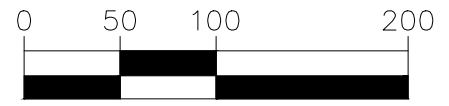
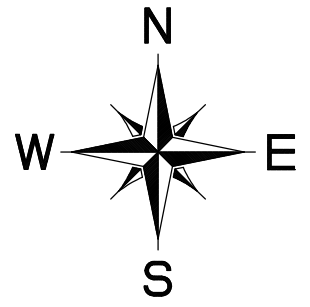
EXHIBIT B-4

*Crescent Tract Concept Plan*



EXHIBIT B-5

*Pedestrian Bridge Landing Easement Area on  
Tract B*



BRIDGE LANDING EASEMENT AREA.  
EXACT LOCATION AND SIZE OF  
LANDING TO BE DETERMINED.

EXISTING WATER  
QUALITY POND

LOT 1  
BLOCK B

LOT 2  
BLOCK B

BEE CAVE PARKWAY

# PEARL BEE CAVE BRIDGE LANDING EXHIBIT

Bee Cave, Texas  
July 2022



5301 SOUTHWEST PARKWAY,  
BUILDING 3, SUITE 100  
AUSTIN, TX 78735  
512-646-2237  
STATE OF TEXAS REGISTRATION NO. F-928

## EXHIBIT C

### *Planned Development Standards*

# Exhibit C

## PLANNED DEVELOPMENT STANDARDS

The following Planned Development Standards ("*Development Standards*") shall be applicable within this Planned Development District. All development activity undertaken on the Property as described on Exhibit A, including but not limited to, multi-family, single family attached townhomes, and other authorized uses and activities (as described below) (the "*Project*"), shall be regulated by these Development Standards. All aspects not specifically covered by these Development Standards shall be regulated by the Multi-family (MF1) Zoning District for Tract B and Single Family Residential-Attached (SF-A) Zoning District for Tract A, and other sections of the City of Bee Cave ("City") Code of Ordinances ("Code") in effect on January 28, 2022, the date this zoning application was made, except as otherwise provided herein. Capitalized terms shall be defined as indicated in these Development Standards, or as defined in the Code, as applicable. All other provisions of the Code shall apply to the Property, except as modified by these Development Standards. To the extent that any of the Development Standards conflict with Code, the Development Standards shall control. In this ordinance, Landowner means the owner of the Property ("Landowner").

**I. General Project Summary**

The Property consists of two tracts, Tract A and Tract B totaling approximately 19.52 acres and both generally located north of Bee Cave Parkway and east of Highway 620, the project also includes the Crescent Tract approximately 3.45 acres generally located south of Bee Cave Parkway and east of Highway 620. Tract A and Tract B will develop independently of one another, but each respectively as one phase. The Crescent Tract will be improved concurrently with the development of Tract B. Both tracts are intended to be constructed over an approximate 3-to-5-year period. The Project will provide three- and four- story multi-family apartments, single family attached townhomes, storm water detention and water quality facilities, open space, and public paths with connections to the City Hike & Bike trail network.

**II. Site Development Regulations**

Site development regulations shall be applicable across the entire Project, unless otherwise specified.

**A. Impervious Cover**

1. Landowner shall be entitled to claim the area encompassed by the Crescent Tract south of Bee Cave Parkway as if such area was included as part of the Property. Therefore, forty percent (40%) of the 3.45 acre Crescent Tract may be added as impervious cover to the Project. The maximum impervious cover limit for the

Project is 9.19 acres (400,404 SF). Furthermore, Tract A will be allowed no more than 2.5 acres (108,900 SF) and Tract B will be allowed no more than 6.69 acres (291,504 SF). Impervious cover may be transferred from one tract to the other with approval of both tract owners and the City.

2. This may be increased or adjusted pursuant to the following:
  - a. The maximum impervious cover limit may be increased by up five (5%) percentage points if roof runoff is isolated, and used for irrigation, wet pond make-up water or gray water applications, or any combination thereof. Only the captured roof area shall count towards the increased impervious cover allotment. The rainwater collection system shall be designed in accordance with the City's adopted Engineering Technical Manual at the time of Site Plan submittal. If said increase is obtained, the maximum allowable impervious cover of the two tracts would be as follows: 2.77 acres of impervious cover for Tract A and 7.40 acres of impervious cover for Tract B for a total maximum impervious cover of 10.17 acres (443,005 SF).
  - b. Paved or stabilized decomposed granite trails and sidewalks that function as part of the City's regional trails and sidewalks system shall not count against the Project's impervious cover maximum. This provision specifically includes the public portion of the trail looping Tract B. Stabilized decomposed granite material and installation method will require approval by the City Engineer. All trails that are intended to be part of the City's regional trail system, and therefore not counted against the Project's impervious cover, shall be 10' wide.
  - c. Private trails made of pervious concrete, permeable pavers, or other permeable material may receive up to fifty percent (50%) impervious cover credit and private decomposed granite trails shall count as zero percent (0%) impervious cover, provided that the water quality ponds are sized to account for such private trails as one hundred percent (100%) impervious cover. Pervious concrete and permeable pavers materials and impervious cover credit are subject to the City Engineer review and approval of the manufacturer's specification.
  - d. Fire lanes limited to emergency access only and constructed from a permeable material, like grasscrete, with approval of the structural section by the Fire Department and City Engineer at time of Site Plan shall not count as impervious cover. Removable bollards or signage shall be installed in front of fire lanes limited to emergency access only to prevent access from non-emergency vehicles and such bollards and signs shall be approved by the Fire Department and City at time of Site Plan. Storm water run-off from emergency access only fire lanes shall be conveyed to the water quality ponds

and the receiving pond shall be sized to account for this run-off as one hundred percent (100%) impervious cover.

- e. Up to fifty percent (50%) of the horizontal surface area of permeable paving and interlocking or permeable pavers for the purpose of pedestrian sidewalks shall count as pervious cover pursuant to the review and approval of the manufacturer's specifications by the City Engineer.
- f. Water quality treatment for all trails and sidewalks shall be provided by the project, in accordance with the City's adopted Engineering Technical Manual at the time of Site Plan submittal.
- g. The impervious cover created by construction of a new turn lane on Bee Cave Parkway shall not count as impervious cover of the Project.
- h. The Project shall be responsible for the capture and treatment of any overland flow across the Property resulting from Bee Cave Parkway. The Project shall be responsible for controlling runoff created by development of the Project so that drainage off site after development of the Project shall not be greater than off site drainage existing prior to development of the Project.
- i. The lined water quality pond adjacent to Hwy 620 on Tract B shall not count towards the maximum allowable impervious cover for the project.

#### B. Density

- 1. Maximum allowable density shall be:
  - a. 59 units on Tract A
  - b. 322 units on Tract B

#### C. Open Space

- 1. The Project shall provide a minimum of 4.0 acres of open space jointly between Tract A & Tract B as follows:
  - a. Tract A: 2.0 acres minimum of Open Space
  - b. Tract B: 2.0 acres minimum of Open Space
- 2. Trails and buffer areas count as open space.
- 3. Reirrigation fields will count as open space as long as they are improved with outdoor amenities such as trails.
- 4. Structures such as benches, picnic tables, pavilions, playgrounds, ponds, swimming pools and sport courts count as open space.
- 5. All landscape areas except slopes of 3:1 or greater count as open space.
- 6. Landscape areas a minimum of thirty (30') feet wide shall count towards open space requirements.

D. Landscaping / Tree Preservation

1. Submittal of the tree survey / tree preservation plan may be postponed until the Site Plan for the associated Phase of the Project.
2. Tree preservation calculations shall be determined for each Tract individually.
3. The Crescent Tract (Tract C) may be used for off-site planting if the required mitigation cannot be accommodated on the specific tract.
4. Subject to the approval of the Western Travis County Public Utility Agency, the Project shall use grey water or treated effluent for all its landscape irrigation.
5. Landowner agrees to provide median landscaping on Bee Cave Parkway's existing medians between Hwy 620 and FM 2244 (Bee Caves Road). The composition, density, and variety of plants shall be similar to the median plan as shown in Exhibit D, except tailored to the existing median configuration on Bee Cave Parkway between Hwy 620 and FM 2244 (Bee Caves Road). The median plan will be approved with the Tract B site plan. The landscaping shall use drought tolerant plantings with temporary irrigation for a period sufficient to establish the plantings as determined by the City Engineer. Landowner shall maintain the medians for a period of fifteen (15) years after construction and pursuant to a maintenance agreement between the City and Landowner that will be recorded prior to issuance of the first Certificate of Occupancy for Tract B.

E. Traffic Impact Analysis and Related Improvements

1. A Traffic Impact Analysis (TIA) is required for the Project; the TIA will be submitted with the first Preliminary Plat or Site Plan associated with the Project.
2. Prior to the issuance of a First Certificate of Occupancy, Landowner shall install a right-hand turn lane extending for approximately twenty four hundred (2,400) feet in length from the intersection of Bee Cave Parkway to Hwy 620, as approved by the City Engineer.
3. Prior to the First Certificate of Occupancy for Tract B, Landowner will construct a driveway connection from Tract B to Hwy 620, subject to final approval by the Texas Department of Transportation ("TxDOT").
4. Prior to the issuance of a First Certificate of Occupancy for each respective tract, Landowner shall install a pedestrian crosswalk with a pedestrian activated signal on both Tracts A and B, in locations approved by the City Engineer at the time of Site Plan for the respective tracts.
5. Prior to the First Certificate of Occupancy for Tract B, Landowner agrees to install a traffic signal at the intersection of Bee Cave Parkway, Tract A and Galleria Oaks Office Building, as shown on the concept plan exhibits (the "Concept Plan") and subject to final approval by the City.
6. Landowner shall execute an easement allowing for shared vehicular connection from the Tract A and from Tract B to Lot 3, Block "B", Amended Final Plat Hill

Country Galleria ("Lot 3")<sup>1</sup>, as well as a joint entry. Landowner will at its expense make intersection improvements at the proposed location of the joint entry and traffic signal.

7. Prior to issuance of a First Certificate of Occupancy for Tract B, Landowner shall grant the City a pedestrian bridge landing easement of the area depicted in Exhibit B-5 which will allow for the connection to the loop trail depicted on the Concept Plan for Tract B ("Loop Trail"). The easement will (a) require City maintenance of the bridge; (b) allow for grantor to reirrigate within the easement area in a manner that doesn't conflict with the use of the bridge; (c) provide that the easement area shall be permanently fixed only to the extent of the bridge landing, the trail connecting the bridge to the Loop Trail, and five feet on all sides once its construction by the City is complete; and (d) require Landowner construction of a connection from the bridge landing to the Loop Trail within 6 months of bridge completion by the City.
8. Prior to issuance of a Site Development Permit for Tract B, Landowner agrees to contribute one thousand dollars (\$1,000.00) per multifamily dwelling unit on Tract B to be used for the construction and maintenance of the pedestrian bridge ("Bridge Contribution"). If requested by Landowner, City will return the Bridge Contribution if construction of the bridge has not commenced within ten (10) years of the date of the contribution.
9. The exact design and locations of the turn lane, traffic signals, and crosswalks shall be established prior to the issuance of a Site Development Permit for Tract B.

### **III. Architectural Pre-Design Approval Process**

1. Prior to Site Plan application for any area within the Project, the Landowner may submit an architectural package to the City that includes scaled rendered elevations of all four sides of each building proposed for the area and a building materials sample board. The Planning and Zoning Commission shall review the architectural pre-design submittal and shall recommend approval, approval subject to certain conditions, or disapproval. Approval by the City Council of the pre-design application does not affect the City Council's authority to approve or deny any subsequent Site Plan application for a reason other than architectural design. Site Plan applications shall be consistent with any architectural pre-design approval. In the event Landowner elects to forego the architectural pre-design approval process described above for any area within the Project, the architectural package shall be submitted with the corresponding Site Plan.
2. Color elevations and renderings may be postponed to either the Architectural Pre-Design Approval Process or to Site Plan for the associated Tract, whichever comes first.

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<sup>1</sup> Lot 3 is more particularly described in Document No. 200700378, recorded in the Public Records of Travis County, Texas.

#### **IV. Concept Plan Amendments**

- A. With the exception of the public improvements associated with the Project, and in accordance with the following limitations, changes to the layout of the Project as depicted in the Concept Plan, including the location of parking areas, internal circulation, buildings and landscape features, may be approved with Site Plan approval without necessitating Concept Plan amendment(s).
  - 1. Building placement: The placement of buildings may be adjusted as necessary to work with grades and accessible routes required, in accordance with any tract-specific limitations.
  - 2. Building size: The size of buildings depicted on the Concept Plan may be adjusted so long as the residential unit density and impervious cover does not exceed the maximums allowed by this PDD.
  - 3. Building Height: The maximum height of buildings shall not exceed the standards listed in this PDD.
  - 4. Parking locations: The quantity and locations of surface and garage parking spaces may be adjusted to meet the parking requirements of the PDD.
  - 5. Internal Pedestrian Circulation: Internal pedestrian circulation routes may be adjusted in order to comply with accessible route requirements.
  - 6. Driveways, Ingresses and Egresses, and Signal Installation: The length, width, and locations of driveways and ingresses and egresses (including crosswalks) to the Property, as well as traffic safety improvements related to such ingress and egress, may be adjusted as required to comply with TxDOT, and City engineering standards, as applicable.
- B. Modification of the Project's layout not permitted in Section IV.A above shall require a PDD amendment.

#### **V. Tract A: Townhomes**

Uses and features shall be defined by the Code's SFA Zoning District, except as modified herein.

- A. Minimum Parking Requirements
  - 1. A minimum of two (2) off street parking spaces per unit shall be in an enclosed garage.
  - 2. Visitor parking shall be provided at a ratio of one (1) space for every four (4) dwelling units. Units with driveways which provide surface parking spaces in addition to enclosed garages shall not be included in the visitor parking calculation.
  - 3. Visitor parking shall be provided on the residential streets within the site. Parking will be limited to designated parallel parking spaces that are outside of the 26 foot wide travel lanes on residential streets. Signage shall be provided on each street to designate permitted and prohibited parking locations. Visitor parking will not be permitted within the alleys.

B. Height

1. Units fronting on Bee Cave Parkway and not separated by a street or fire lane shall have a maximum of three (3) stories and a maximum height of forty-three feet (43'), unless the building has a pitched roof, in which case the maximum height is fifty feet (50').
2. Units not fronting Bee Cave Parkway shall have a maximum of four (4) stories and a maximum height of fifty-three feet (53'), unless the building has a pitched roof, in which case the maximum height is sixty feet (60').
3. Building and structure height shall be measured from the average of the highest and lowest grade adjacent to the building, to the highest point of the coping of a flat roof, deck line of a mansard roof, or the height of the highest gable on a pitched or hipped roof.
4. Building heights shall include the height of any parapets, mechanical equipment, elevator housing or other structural components. Flag poles shall not be included in the calculation of the height.

C. Lighting

1. The Project will be compliant with 2015 International Dark Sky Community Guidelines, as administered by the International Dark Sky Association (IDA).

D. Water Quality and Detention Ponds

1. Water Quality and Detention Ponds and associated facilities shall be located in the northeast corner of the Tract, a maximum of 150 feet from the northern property line and 150 feet from the eastern property line. Water quality ponds will be considered pervious if not constructed with a liner. Ponds shall be maintained by the Property Owner, HOA, or POA as applicable.
2. A water quality/detention pond is authorized to encroach the north and east setback as depicted on the Concept Plan. A minimum five foot (5') setback from the property line will be provided for access and maintenance purposes.
3. The detention ponds shall be designed in a curvilinear shape, and the sides of the pond which are visible from adjacent properties and streets shall be faced with stone.
4. A landscape screen and wrought iron fencing shall be required in accordance with Section 32.05.003(f)(13) of the Code.
5. Open spaces and storm water/non-point source re-irrigation areas may also be used for disposal of water from the ponds so long as
  - a. Signage concerning the type of stormwater being used is appropriately displayed.
  - b. A prohibition on the use of pesticides, fertilizers and herbicides will be included in the covenants, conditions, and restrictions ("CCRs") and recorded on title for this Tract.

#### E. Landscaping

1. Landscaping requirements shall be considered for approval with the Site Plan and shall comply with the requirements of Code Section 32.05.002, except as provided herein.
2. Landscaping within the Project shall be regionally adapted, drought tolerant species per the City of Austin "Native and Adapted Landscape Plants Manual."
3. Roadway Landscape Buffers
  - a. Roadway Landscape Buffers are those areas located within the first 50' setback from the property line abutting Bee Cave Parkway as generally depicted in the Concept Plan (labeled as "enhanced landscape buffer" on Exhibit B-2). In order to provide compatibility to adjoining land uses, these Buffers are required to contain Enhanced Landscaping as follows:
    - i. The Roadway Landscape Buffer located adjacent to Bee Cave Parkway shall contain trees that total forty -six (46) caliper inches of trees per one hundred (100) linear feet of area (excluding streets and driveways) with no more than 1/3 of the caliper inches fulfilled by utilizing trees less than 3 caliper inches at planting measured at four and one-half feet (4-1/2') from base of tree.
  - b. Landscaping in the Enhanced Areas shall receive landscaping credit toward the tree mitigation requirements.

#### F. Setbacks

1. Fifteen (15') foot building setback from the northern property boundary.
2. Ten (10') foot building setback from the eastern property boundary.
3. Minimum rear yard building setback to alley right of way – zero (0) feet.
4. Minimum interior building side yard setback – zero (0') feet.
5. Minimum side yard building setback to on-site street right of way – four and one half (4.5') feet.
6. Minimum front yard building setback to on-site street right of way or fire lane easement – ten (10') feet.
7. Minimum distance between buildings – seven and one half (7.5') feet.
8. Minimum length of buildings – Two (2) units.
9. Trails, walkways and signage are permitted in the Bee Cave Parkway fifty (50') buffer. Townhome front yard fences are not permitted within the setback.
10. All trails, overlooks, fences, retaining walls, water quality ponds, detention ponds, pond outfall structures and re-irrigation fields are permitted within the side and rear building setbacks.

#### G. Lot Dimensions

1. Minimum lot or unit area – one thousand (1,000) square feet per lot or unit.
2. Minimum lot or unit width – twenty (20') feet for interior lots, thirty (30') feet for street corner lots.
3. Minimum lot or unit depth – fifty (50) feet.

4. Lots or units will have a minimum of two hundred (200 SF) square feet of private yard area, which may be located in the front yard.

#### H. Site Access

1. No dwelling units on the Project shall have direct vehicular access from Bee Cave Parkway.
2. Vehicular access to all townhome garages shall be provided from alleys and fire lanes only.
3. Alley pavement shall be twenty (20) feet wide minimum. Alley right of way shall be twenty five (25') feet minimum.
4. Fire lane pavement width shall be twenty six (26) feet minimum.
5. Street pavement width shall be thirty one (31') feet, back of curb to back of curb. Where designated parallel parking spaces are installed, the street pavement width for two travel lanes shall be twenty-six (26) feet. The street right of way shall be fifty (50') feet. The streets may be dedicated as public right of way or remain private, provided access easements are dedicated. Private streets shall be designed to public standards. Except where designated on-street parallel parking spaces are provided, the street section shall include a four and one half (4.5') foot planting area adjacent to the back of curb and a five (5') foot sidewalk located within the right of way or a public access easement. Sidewalks are required on both sides of the street, except where the street is adjacent to open space, in which case a sidewalk will only be required on one side of the street.
6. Walkways that provide access to the Townhome front doors shall be a minimum of four (4') feet wide and may be constructed out of concrete or permeable pavers. Primary walkways to townhome doors shall be constructed of concrete or permeable pavers.
7. Dead end alleys may not exceed two hundred (200') feet as measured from the street right of way line, or as otherwise required by the applicable fire code.
8. Fire lanes and alleys may provide the sole point of access and frontage for individual lots or units.
9. Streets and alleys that provide the sole point of access for lots shall be assigned a street name to allow individual addressing for each lot or unit, or as requested by the City of Austin 911 system.
10. At the intersection of the main drive and alley providing rear access to the buildings fronting Bee Cave Parkway, removable bollards shall be installed allowing for emergency personnel access as shown in Exhibit B-2. Bollards shall only be removable by emergency personnel or Landowner on a temporary basis as needed to make repairs and construction.

#### I. Construction Characteristics and Standards

The City Council may approve other materials or increased finish percentages in conjunction with either Council approval through Architectural Pre-Design Approval Process or at Site Plan review.

1. Exterior wall construction for residential structures will consist of a minimum of one hundred percent (100%) Masonry and Masonry Alternatives. Masonry may consist of:
  - a. Limestone, granite, or other stone;
  - b. Brick;
  - c. True stucco using a three-step process over metal lathe;
  - d. Adobe;
  - e. Cementitious fiberboard (often called hardie plank or board)
2. Use of Masonry Alternatives will be allowed on no more than twenty percent (20%) of any facades; provided that all buildings visible from a public street, including interior driveways, have a consistent appearance and use of such materials. Masonry Alternatives may consist of:
  - a. Architectural metal panel of sufficient gauge to be resistant to warping, bowing, or sustaining damage from hail, wind, or minor wind-bourne objects, and finished to be weather-resistant (the panel may have a weathered appearance or surface patina but must be finished to prevent degradation and to avoid structural issues within the panel);
  - b. Reclaimed or native wood panel which may have an unfinished or untreated appearance if maintained to prevent degradation or continued weathering;
  - c. Glass curtain wall extending from ground level to at least the height of the first floor conditioned space.
3. Masonry and Masonry Alternatives may not consist of CMU block or concrete tilt-wall panel.
4. At least 50% of windows must include decorative features such as multi-paned or mullioned glass, arched forms, painted or treated cedar or cementitious fiber shutters, a brick or stone soldier course or similar treatments.
5. Muted, earth-toned palette shall be utilized for all building materials.
6. Standing seam metal or terra cotta tiles shall be used for gabled or hipped roofs.
7. Roof decks are allowed on the top floors of the units. Any roof deck coverings or enclosures shall not exceed the maximum permitted height of Section V.B.
8. The upper floors of buildings and/or balconies may cantilever a maximum of five and one-half (5 1/2) feet, provided they do not encroach the alley right-of-way where an alley has townhouses on both sides or extend across building setback lines. Cantilevering may occur where townhouse lots are located on only one side of an alley but must provide a minimum of 16 feet of height clearance.
9. Townhouse units with an exterior wall that faces Bee Cave Parkway shall provide double-paned glass windows, sound deadening material or other measure that prevents sound levels from exceeding the ambient decibel level in units that do not face such a street. This requirement shall be confirmed with submission of the building plans and required prior to the issuance of a Certificate of Occupancy for any of the affected units.
10. Buildings that do not satisfy the code requirements for Fire Department aerial apparatus shall be protected by an NFPA 13 fire suppression system.

J. Additional Performance Standards

1. Proposed utilities located along Bee Cave Parkway and within the Tract shall be buried. Existing overhead powerlines adjacent to Bee Cave Parkway may remain.
2. Easements associated with infrastructure improvements contemplated in this Ordinance may be established by separate instrument. The easement locations will be further defined at the time of Final Plat or at Site Plan approval, whichever occurs first.
3. Fences a maximum of eight (8) feet in height may be installed in front yard setbacks except for the lots adjacent to Bee Cave Parkway. Townhome fences in lots adjacent to Bee Cave Parkway shall not encroach into the fifty (50') foot landscape setback and may be a maximum height of four (4') feet. Fences must be constructed of tubular steel, or wrought iron at least 50% open in design. Solid metal panel may not be used as a fencing material.
4. Contractors shall each be allowed to have a Temporary On-site Construction Office at the locations depicted and approved by Site Plans. Temporary On-site Construction Offices shall be permitted subject to the following standards and limitations:
  - a. One (1) temporary On-Site Construction Office may be permitted on Tract A for a maximum of two (2) years in accordance with a permit issued by the Building Official
    - i. A six (6) month extension may be approved by the Building Official. After the initial extension is given, the Building Official may approve a second six (6) month extension.
    - ii. To obtain a permit issued by the Building Official, the Landowner must submit a layout demonstrating adequate access, compliance with applicable regulations for lighting, landscaping, parking and site safety and receive approval of the same from the City Engineer. Any signage associated with the temporary building shall be permitted in accordance with the City's Sign Ordinance in effect at the time of the sign permit application.

**VI. Tract B: Multi-Family**

Uses and features shall be defined by the Code's MF1 Zoning District, except as modified herein.

A. Ancillary Uses:

1. Meeting rooms and/or co-working space available for tenant use.

B. Tract B of the Project shall at a minimum include the following amenity features, additional amenity features may be approved by City Council at Site Plan:

1. Leasing Office/Business Center, Conference Room & Printing Stations: 2,000 SF
2. Clubroom/Lounge: 3,000 SF
3. Fitness Center: 2,000 SF

4. Outdoor Pool/Spa/Deck: 1 Pool @ 1,500 SF
5. View Deck: 2
6. Pet Wash Station: 1 Pet Wash @ 100 SF
7. Dog Park: 1
8. Public Trails: 1
9. Public Overlooks: 2

C. Minimum Parking Requirements:

1. A minimum of 1.5 parking spaces per multi-family unit shall be provided.
2. Visitor parking shall be provided at a ratio of 1 space per 5 units.
3. A minimum of fifty percent (50%) of required parking shall be located in a tuck-under garage or structured parking garage that is shielded from view of public right of way.
4. Structured parking may be attached parking within the ground floor of the multifamily buildings.
5. The top level of the parking garage may be open with no roof.
6. The remainder of the required parking not in a garage structure may be located on surface lots.

D. Height

1. The maximum height for buildings consisting of three (3) stories (as shown in Exhibit B-3) will be forty-three feet (43'), unless the building has a pitched roof, in which case the maximum height is fifty feet (50').
2. The maximum height for buildings consisting of four (4) stories (as shown in Exhibit B-3) will be fifty-three feet (53'), unless the building has a pitched roof, in which case the maximum height is sixty feet (60').
3. Accessory buildings, Building 1, Building 10, and the parking garage as depicted in Exhibit B-3, to be up to two (2) stories and thirty five (35') in height.
4. Building and structure height shall be measured from the average of the highest and lowest grade adjacent to the building, to the highest point of the coping of a flat roof, deck line of a mansard roof, or the height of the highest gable on a pitched or hipped roof.
5. Buildings or structure height listed in Exhibit B shall include the height of any parapets, mechanical equipment, elevator housing or other structural components. Flag poles shall not be included in the calculation of the height.
6. The four (4)-story buildings on Tract B shall not exceed three (3) in number, shall all be generally parallel to the property line shared with the Balcones Preserve as shown in Exhibit B-3, and shall be no closer than 225 feet from Bee Cave Parkway.
7. The building generally parallel to Hwy 620 as shown in Exhibit B-3 will be no closer than 125 feet to Hwy 620 and limited to three (3) stories and a maximum height of fifty (50) feet.

E. Lighting

1. The Project will be compliant with 2015 International Dark Sky Community Guidelines, as administered by the International Dark Sky Association (IDA).

2. Parking Lighting

It is the purpose of this section to create standards for parking garage lighting design that will minimize glare, light trespass, light pollution and urban sky glow and curtail the degradation of the overall nighttime visual environment. Parking structure lighting systems are to follow the most recent edition of the IESNA RP-8 *Recommended Practice for Design and Maintenance of Roadway and Parking Facility Lighting*. Parking garage structures shall comply with the following:

- a. Utilize fixtures with appropriate photometric distribution and accessories to minimize direct view of the light source from the exterior of the parking structure. Fixtures are to be aimed away from the structure exterior and are not to be mounted on the exterior perimeter of the structure top (open) parking decks and lower levels of the parking structure. Fixtures with good optical control shall be utilized to distribute light in the most effective and efficient manner.
- b. The parking structure lighting control system must dim light levels in the structure during post-curfew hours and during times of inactivity by a minimum 50% or per RP-8, whichever is more. Curfew hours are defined in the General Requirements section, Section 32.05.012 (c)(4). Lighting for pedestrian security areas where pedestrians are expected to congregate (lobby's, transaction areas, entrances/exits, stairwells, elevator lobbies, and others as described by RP-8) are exempt from dimming requirements.
- c. Parking garage light fixtures shall be Metal Halide, fluorescent or LED outdoor light fixtures with a Kelvin Temperature rating not over 3500K with a variance range no more than 150K.
- d. A parking garage design shall block the direct view of the light sources when viewed from outside the parking structure, either by fully shielding light fixture(s) from view and/or a façade design developed in a manner so as to obstruct direct view of the light source. Lighting within the parking garage shall be shielded and constructed flush with the ceiling (not recessed).
- e. In the event there is a conflict with the preceding standards in this subsection and meeting the 2015 Dark Sky Community Standards as required by the IDA, the IDA requirements shall prevail.

F. Water Quality and Detention Ponds

1. Water Quality and Detention Ponds and associated facilities shall be located on Lot 1, Block B. Water quality ponds will be considered pervious if not constructed

with a liner. Ponds shall be maintained by the Property Owner, HOA, or POA as applicable.

2. Open spaces and storm water/non-point source re-irrigation areas may also be used for disposal of water from the ponds so long as
  - a. Signage concerning the type of stormwater being used is appropriately displayed.
  - b. A prohibition on the use of pesticides, fertilizers and herbicides will be included in the CCRs and recorded on title for this Tract.

#### G. Landscaping

1. Landscaping requirements shall be considered for approval with the Site Plan and shall comply with the requirements of Code Section 32.05.002, except as provided herein.
2. Landscaping within the Project shall be regionally adapted, drought tolerant species per the City of Austin "Native and Adapted Landscape Plants Manual."
3. Roadway Landscape Buffers
  - a. Roadway Landscape Buffers are those areas located within the first 50' setback from the property line abutting Bee Cave Parkway and first 75' setback from the property line abutting RR 620, as generally depicted in the Concept Plan (labeled as "enhanced landscape buffer" on Exhibit B-3). In order to provide compatibility to adjoining land uses, these Buffers are required to contain Enhanced Landscaping as follows:
    - i. The Roadway Landscape Buffer located adjacent to Bee Cave Parkway shall contain trees that total forty-six (46) caliper inches of trees per one hundred (100) linear feet of area (excluding streets and driveways) with no more than 1/3 of the caliper inches fulfilled by utilizing trees less than 3 caliper inches at planting measured at four and one-half feet (4-1/2') from base of tree.
    - ii. The Roadway Landscape Buffer located adjacent to RM 620 will contain thirty (30) caliper inches of trees per one hundred (100) linear feet of area (excluding streets and driveways) with no more than one third (1/3) of the caliper inches fulfilled by utilizing trees less than three (3) caliper inches at planting measured at four and one-half feet (4-1/2') from base of tree.
  - b. Landscaping in the Enhanced Areas shall receive landscaping credit toward the tree mitigation requirements.
4. The areas marked on the Concept plan (Exhibit B-2) as Enhanced Landscaping shall contain trees that total forty-six (46) caliper inches of trees per one hundred (100) linear feet of area (excluding streets and driveways) with no more than 1/3 of the caliper inches fulfilled by utilizing trees less than 3 caliper inches at planting measured at four and one-half feet (4-1/2') from base of tree.
5. The landscaping buffer located adjacent to Hwy 620 will contain thirty (30) caliper inches of trees per one hundred (100) linear feet of area (excluding streets and driveways) with no more than one third (1/3) of the caliper inches fulfilled by utilizing trees less than three (3) caliper inches at planting measured at four and one-half feet (4-1/2') from base of tree.

7. Landscaping within the Project shall be regionally adapted, drought tolerant species per the City of Austin “Native and Adapted Landscape Plants Manual.”

#### H. Setbacks

1. Minimum fifty (50’) foot buffer setback along existing Bee Cave Parkway. TxDOT Right of Way dedication occurring after the time of this ordinance will count as setback so long as there is adequate room to provide the Enhanced Landscaping required by this ordinance.
2. Fifteen (15’) foot building setback on the exterior Project boundary lines adjacent to existing Lot 3. The project will provide a ten (10’) foot building setback on the exterior Project boundary lines adjacent to the Balcones Canyonlands Wildlife preserve.
3. The Project will provide a seventy-five (75’) foot building setback along Ranch Road 620.
4. All trails, public overlooks, fences, retaining walls, water quality ponds, detention ponds, pond outfall structures and re-irrigation fields are permitted within the building setbacks.

#### I. Private Driveways

1. No dwelling units on the Project shall have direct vehicular access from Bee Cave Parkway. Vehicular access to all garages shall be provided from internal drives and/or alleys.

#### J. Additional Performance Standards

1. Proposed Utilities and existing power lines located along Bee Cave Parkway, and within Tract B shall be buried.
2. All trails shall be a minimum of ten (10’) feet wide.
3. Trails adjacent to Bee Cave Parkway shall be concrete, all other trails on Tract B may be stabilized decomposed granite or similar material as approved by the City Council at Site Plan. Stabilized decomposed granite material and installation method will require approval by the City Engineer.
4. The dog park will be fenced with a six (6’) foot fence.
5. Easements associated with infrastructure improvements contemplated in this Ordinance may be established by separate instrument. The easement locations will be further defined at the time of Final Plat or Site Plan approval, whichever comes first.
6. Fences a maximum of eight (8’) feet in height may be installed in side and rear setbacks except those abutting Hwy 620 and Bee Cave Parkway. Fences abutting Hwy 620 and Bee Cave Parkway shall be a maximum of six (6’) feet in height and located outside of the front yard setback, behind the front face of the building. Fences must be constructed of tubular steel, or wrought iron at least 50% open in design. Solid metal panel may not be used as a fencing material.

7. Contractors shall each be allowed to have a Temporary On-site Construction Office at the locations depicted and approved by Site Plans. Temporary On-site Construction Offices shall be subject to the following standards and limitations:
  - a. One (1) temporary On-Site Construction Office may be permitted on Tract A for a maximum of two (2) years in accordance with a permit issued by the Building Official
    - i. A six (6) month extension may be approved by the Building Official. After the initial extension is given, the Building Official may approve a second six (6) month extension.
    - ii. To obtain a permit issued by the Building Official, the Landowner must submit a layout demonstrating adequate access, compliance with applicable regulations for lighting, landscaping, parking and site safety and receive approval of the same from the City Engineer. Any signage associated with the temporary building shall be permitted in accordance with the City's Sign Ordinance in effect at the time of the sign permit application.

K. Construction Characteristics and Standards

The City Council may approve other materials or increased finish percentages in conjunction with either Council approval through Architectural Pre-Design Approval Process or at Site Plan review. Façade materials will comply with the requirements of Section 32.05.005(A) of the Code with the following enhancements:

1. Exterior wall construction for residential structures will consist of a minimum of one hundred percent (100%) Masonry and Masonry Alternatives. Masonry may consist of:
  - a. Limestone, granite, or other stone;
  - b. Brick;
  - c. True stucco using a three-step process over metal lathe;
  - d. Adobe;
  - e. Cementitious fiberboard (often called hardie plank or board)
2. Use of Masonry Alternatives will be allowed on no more than twenty percent (20%) of any facades; provided that all buildings visible from a public street, including interior driveways, have a consistent appearance and use of such materials. Masonry Alternatives may consist of:
  - a. Formed-in-place concrete with patterning or staining where color is infused into the material and is not applied or painted;
  - b. Architectural metal panel of sufficient gauge to be resistant to warping, bowing, or sustaining damage from hail, wind, or minor wind-bourne objects, and finished to be weather-resistant (the panel may have a weathered appearance or surface patina but must be finished to prevent degradation and to avoid structural issues within the panel);
  - c. Reclaimed or native wood panel which may have an unfinished or untreated appearance if maintained to prevent degradation or continued weathering;

- d. Glass curtain wall extending from ground level to at least the height of the first floor conditioned space.
3. Masonry and Masonry Alternatives may not consist of CMU block or concrete tilt-wall panel.
4. Awnings or canopies on at least fifty percent (50%) of windows. Windows recessed into patios and balconies shall count towards this feature.
5. Flat TPO roofing may be allowed to provide architectural character of building forms.
6. Fenced and sodded yards for at least fifty percent (50%) of ground floor units equivalent to seventy-five (75) square feet in area.
7. Corner or wraparound balconies on each floor of each building.
8. Corner treatments on all buildings consisting of at least one (1) change in slope (for hipped or gabled roof) or non-horizontal element (for flat roof) per corner, a horizontal cornice projection of at least eight (8) inches, bracketed eaves, or similar treatment. The corner treatment must extend at least ten percent (10%) of the length of building elevation.
9. Vertical offsets on all buildings with a flat roof that are equal to 3% of the wall height. No section of flat roof shall maintain the same plane for a distance that exceeds twenty-five (25%) percent of the horizontal wall length.
10. Corner or wraparound balconies on each floor of each building.
11. At least seventy-five percent (75%) of windows include decorative features such as multi-pane or mullioned glass, arched forms, painted or treated cedar or cementitious fiber shutters, brick or stone soldier course, or similar.
12. Muted, earth-toned palette shall be utilized for all building materials.
13. Stairwells between floors and corridors providing access to units shall be placed in the interior of the building and may or may not be conditioned.
14. Mail rooms or kiosks shall consist of 100% masonry exterior construction.
15. Minimum floor area per Dwelling Unit – five hundred fifty (550) square feet.
16. Units with an exterior wall that faces a street with a classification of Collector or Arterial shall provide double-pane glass window, sound-deadening material, or other measure that prevents sound levels from exceeding the ambient decibel level in units that do not face such a street.
17. Use of enhanced materials on at least three (3) prominent building elements (as visible from Bee Cave Parkway and Hwy 620) of the building examples might be:
  - a. cast in place or board form concrete, architectural metal, Corten steel, rammed earth, and stone.
  - b. Incorporation of top floor exterior amenity spaces featuring exposed structural elements to enhance architectural detail. Examples include trusses, corbels, rafter tails, etc. Any elements used will be located at the same height as the top residential floor and will not exceed permitted height.
18. The upper floors of buildings may cantilever a maximum of five (5) feet, provided they do not encroach site driveways or parking areas or extend across building setback lines.

19. Buildings that do not satisfy the code requirements for Fire Department aerial apparatus shall be protected by an NFPA 13 fire suppression system.

L. Design & Sustainability Features

Community Design, Technology & Sustainability features are designed to enhance the living experience and promote health and wellness of the occupants. The following is a list of features to be confirmed at building plan and required prior to issuance of a CO for the applicable buildings:

1. Ten-foot (10') ceiling height in all units.
2. All units will provide balconies or patios at least fifty (50) square feet in size and a minimum of five (5) in depth.
3. In-unit washer and dryer connections
4. Wi-fi internet access provided in all common areas such as the clubhouse, pool, walking trails and fitness area.
5. A minimum of two thousand (2,000) SF of meeting rooms and/or co-working space available for tenant use.
6. On-site pool for tenant use.
7. Recycling program available to every resident.
8. LED lighting of all interior common spaces.
9. One (1) electric vehicle charging station per fifteen (15) units. And at least one (1) charging station per twenty-five (25) units will be accessible to all residents and visitors.
10. Smart technology installed in units allowing ability to control lights and thermostats that reduces energy loads during the day or during times of peak energy usage.
11. Units with an exterior wall that faces Bee Cave Parkway or Hwy 620 shall provide double-pane glass windows, sound-deadening material, or other measure that prevents sound levels from exceeding the ambient decibel level in units that do not face such a street.

M. Workforce Housing

1. Prior to the issuance of the first Certificate of Occupancy for Tract B Landowner shall record declaration of covenants, conditions, and restrictions ("Workforce Housing Restrictions"). Such restrictions shall require that for a period of forty (40) years thereafter, a minimum of thirty-four (34) residential units on Tract B shall be reserved as affordable to households earning no more than eighty percent (80%) of the Area Median Income ("AMI") in the Austin metropolitan statistical area (MSA), as published annually by the Federal government, and that such affordable units shall be proportionate to the overall mix of bedroom types offered on Tract B. The Workforce Housing Restrictions shall not be amended without the consent of the City.

Prior to the issuance of the first Certificate of Occupancy, Landowner shall enter into a contract with a third-party agency charged with auditing and enforcing the Workforce Housing Restrictions and provide the City with copy of the same. The Landowner shall be responsible for any expenses charged by the third-party agency. Landowner shall provide the City with 30 days' notice of any changes to third-party agency. Any lapse of contractual coverage will be considered a violation of this provision.

In addition to the information provided to the third-party agency, the Workforce Housing Restrictions compliance reports in a format to be determined by the City shall be provided to the City on or before August 1st each year subsequent to the issuance of the first Certificate of Occupancy. A compliance report shall also be provided to the City within ten (10) business days of any additional request.

**VII. Crescent Tract**

The Crescent Tract will be improved with public trails concurrently with the development of Tract B. Trail improvements on Tract B will be a minimum of ten feet (10') in width, trail material shall be stabilized decomposed granite or concrete as approved by the City Engineer. The landowner of Tract B will provide a maintenance agreement for perpetual maintenance of these trails at the time of Site Plan approval. Furthermore, the first certificate of occupancy for Tract B will not be issued until the public trails on Crescent Tract have been completed and accepted by City.

## EXHIBIT D

### *Example Median Plan*

