

ORDINANCE NO. 20071108-121

AN ORDINANCE AMENDING THE CITY CODE TO ADD A NEW SECTION 25-8-27 RELATING TO REDEVELOPMENT IN THE BARTON SPRINGS ZONE, AND ESTABLISHING THE BARTON SPRINGS ZONE MITIGATION FUND.

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

PART 1. Chapter 25-8 (*Environment*) of the City Code is amended to add a new Section 25-8-27 to read:

§ 25-8-27 REDEVELOPMENT EXCEPTION IN THE BARTON SPRINGS ZONE.

- (A) This section applies to property that has existing commercial development and is located in the Barton Springs Zone if the property owner files a site plan application and an election for the property to be governed by this section.
- (B) For property governed by this section, this section supersedes Article 12 (*Save Our Springs Initiative*), to the extent of conflict.
- (C) Development may comply with this section instead of complying with Section 25-8-26 (*Redevelopment Exception*).
- (D) In this section:
 - (1) SEDIMENTATION/FILTRATION POND means water quality controls that comply with Section 25-8-213 (*Water Quality Control Standards*) or are approved under Section 25-8-151 (*Innovative Management Practices*); and
 - (2) SOS POND means water quality controls that comply with all requirements of Section 25-8-213 (*Water Quality Control Standards*) and the pollutant removal requirements of Section 25-8-514(A) (*Pollution Prevention Required*).
- (E) The requirements of this subchapter do not apply to the subdivision of property if at the time of redevelopment under this section subdivision and site plan applications are filed concurrently.

- (F) The requirements of this subchapter do not apply to the redevelopment of property if the redevelopment meets all of the following conditions:
- (1) The redevelopment may not increase the existing amount of impervious cover on the site.
 - (2) The redevelopment may not increase non-compliance, if any, with Section 25-8-261 (*Critical Water Quality Zone Development*), Section 25-8-281 (*Critical Environmental Features*), Section 25-8-282 (*Wetland Protection*), Section 25-8-482 (*Critical Water Quality Zone*), or Section 25-8-483 (*Water Quality Transition Zone*).
 - (3) The redevelopment must comply with construction phase environmental requirements in effect at the time of construction, including Chapter 25-8, Article 5 (*Erosion and Sedimentation Control; Overland Flow*) and Section 25-8-234 (*Fiscal Security in the Barton Springs Zone*).
 - (4) The water quality controls on the redevelopment site must provide a level of water quality treatment that is equal to or greater than that which was previously provided.
 - (5) For a commercial or multifamily redevelopment, the owner or operator must obtain a permit under Section 25-8-233 (*Barton Springs Zone Operating Permit*) for both sedimentation/filtration ponds and SOS ponds.
 - (6) For a site with more than 40 percent net site area impervious cover, the redevelopment must have:
 - (a) sedimentation/filtration ponds for the entire site; or
 - (b) if approved by the director of the Watershed Protection and Development Review Department, SOS ponds for a portion of the site, and sedimentation/filtration ponds for the remainder of the site.
 - (7) For a site with 40 percent or less net site area impervious cover, the redevelopment must have SOS ponds for the entire site.
 - (8) The property owner must mitigate the effects of the redevelopment, if required by and in accordance with Subsection (I).

(G) City Council approval of a redevelopment in accordance with Subsection (H) is required if the redevelopment:

- (1) includes more than 25 dwelling units;
- (2) is located outside the City's zoning jurisdiction;
- (3) is proposed on property with an existing industrial or civic use;
- (4) is inconsistent with a neighborhood plan; or
- (5) will generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property.

(H) City Council shall consider the following factors in determining whether to approve a proposed redevelopment:

- (1) benefits of the redevelopment to the community;
- (2) whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;
- (3) the effects of offsite infrastructure requirements of the redevelopment; and
- (4) compatibility with the city's long-range planning goals.

(I) Redevelopment of property under this section requires the purchase or restriction of mitigation land if the site has a sedimentation/filtration pond.

- (1) The combined gross site area impervious cover of the mitigation land and the portion of the redevelopment site treated by sedimentation/filtration ponds may not exceed 20 percent.
- (2) The mitigation requirement may be satisfied by:
 - (a) paying into the Barton Springs Zone Mitigation Fund a non-refundable amount established by ordinance;
 - (b) transferring to the City in accordance with Paragraph (3) mitigation land approved by the director of the Watershed Protection and Development Review Department within a

watershed that contributes recharge to Barton Springs, either inside or outside the City's jurisdiction;

- (c) placing restrictions in accordance with Paragraph (3) on mitigation land approved by the director of the Watershed Protection and Development Review Department within a watershed that contributes recharge to Barton Springs, either inside or outside the City's jurisdiction; or
 - (d) a combination of the mitigation methods described in Subparagraphs (a) – (c), if approved by the director of the Watershed Protection and Development Review Department.
- (3) A person redeveloping under this section shall pay all costs of restricting the mitigation land or transferring the mitigation land to the City, including the costs of:
- (a) an environmental site assessment without any recommendations for further clean-up, certified to the City not earlier than the 120th day before the closing date transferring land to the City;
 - (b) a category 1(a) land title survey, certified to the City and the title company not earlier than the 120th day before the closing date transferring land to the City;
 - (c) a title commitment with copies of all Schedule B and C documents, and an owner's title policy;
 - (d) a fee simple deed, or, for a restriction, a restrictive covenant approved as to form by the city attorney;
 - (e) taxes prorated to the closing date;
 - (f) recording fees; and
 - (g) charges or fees collected by the title company.

- (J) The Watershed Protection and Development Review Department shall adopt rules to identify criteria for director approval under this section` to ensure that the proposed mitigation, manner of development, and water quality controls offset the potential environmental impact of the redevelopment.

PART 2. The Barton Springs Zone Mitigation Fund is established. The director of the Watershed Protection and Development Review Department may allocate money from the Barton Springs Zone Mitigation Fund for the purchase of restrictions on or fee title of


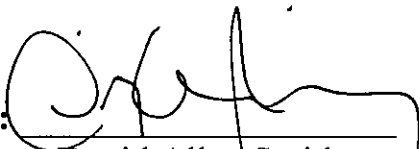
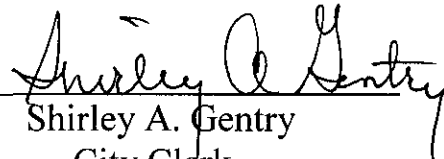
property within a watershed that contributes recharge to Barton Springs, either inside or outside the City of Austin's jurisdiction, or for maintenance of the land.

PART 3. The fee for mitigation under Section 25-8-27 (*Redevelopment Exception in the Barton Springs Zone*) is equal to the number of mitigation acres multiplied by \$15,000.00. The base fee shall be increased by 7 percent each year beginning October 1, 2008. Every three years thereafter the base fee and annual increase shall be reviewed and adjusted by Council based on current market data.

PART 4. The City Manager is directed to present to City Council a report regarding the effectiveness of Section 25-8-27 not later than 2 years after the effective date of this ordinance. The report to City Council is to include information regarding applications submitted, progress of redevelopments, purchase or restriction of mitigation land, and status of the Barton Springs Zone Mitigation Fund.

PART 5. This ordinance takes effect on November 19, 2007.

PASSED AND APPROVED

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<u>November 8</u> , 2007	§	<u></u>
		Will Wynn
		Mayor
APPROVED: <u></u>	ATTEST:	<u></u>
David Allan Smith		Shirley A. Gentry
City Attorney		City Clerk