

ORDINANCE NO. 020627-115

AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE VARIANCE PROCESS FOR VARIANCES FROM LAND DEVELOPMENT CODE SECTIONS 25-1-133, 25-1-134, 25-7-61(A)(5)(b), 25-8-281, 25-8-321 (A), 25-8-341, 25-8-342, AND 25-8-361 FOR CERTAIN WASTEWATER COLLECTION SYSTEM CONSTRUCTION PROJECTS TO ELIMINATE SANITARY SEWER OVERFLOWS.

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

PART 1. In this ordinance:

- (A) Director means the director of the Watershed Protection and Development Review Department.
- (B) AO means the EPA Region 6 Administrative Order entered in Clean Water Act Docket No. VI-99-1221 requiring elimination of sanitary sewer overflows from the City wastewater collection system no later than December 31, 2007.
- (C) AO Related Austin Clean Water Program Projects means projects that are necessary to eliminate sanitary sewer overflows as required under the AO.

PART 2. An administrative variance process is established allowing the director to grant a variance from the Land Development Code Sections 25-1-133 (*Notice of Applications and Administrative Decisions*), 25-1-134 (*Procedures and Requirements for Notice*), 25-7-61(A)(5)(b) (*Criteria for Approval of Plats, Construction Plans, and Site Plans*), 25-8-281 (*Critical Environmental Features*), 25-8-321 (A) (*Clearing of Vegetation*), 25-8-341 (*Cut Requirements*), 25-8-342 (*Fill Requirements*), and 25-8-361 (*Wastewater Restrictions*) for AO Related Austin Clean Water Program Projects.

PART 3. The director may grant a variance under this ordinance if the director determines that:

- (1) the variance promotes restoration and does not degrade a stream or aquifer;

- (2) the work requiring a variance does not create a significant probability of harmful environmental consequences;
- (3) the variance will result in stream stability and water quality that is at least equal to the stream stability and water quality achievable without the variance; and
- (4) the project seeking a variance will not result in an extension of the City's water and wastewater service area boundaries.

PART 4. The director shall prepare written findings to support the grant or denial of a variance request under this ordinance. The director shall submit a semi-annual report to Council, the Environmental Board, and the Parks and Recreation Board that includes: (1) any variance granted under this ordinance, (2) the construction status of any project granted a variance under this ordinance, and (3) the status of the review and permitting process for AO Related Austin Clean Water Program Projects.

PART 5. An interested party and the Environmental Board may appeal a decision by the director under this ordinance to the City Manager, in accordance with Code Chapter 25-1, Article 7, Division 1.

PART 6. This ordinance expires on December 31, 2007.

PART 7. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 8. This ordinance takes effect on July 8, 2002.

PASSED AND APPROVED

_____, 2002
June 27

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Gustavo L. Garcia

Gustavo L. Garcia
Mayor

APPROVED:

Sedora Jefferson
Sedora Jefferson
City Attorney

ATTEST:

Shirley A. Brown
Shirley A. Brown
City Clerk