

ORDINANCE NO. 800417-I

AN ORDINANCE ADDING CHAPTER 41A TO THE CODE OF THE CITY OF AUSTIN;  
DECLARING CERTAIN FINDINGS OF FACT; PROVIDING STANDARDS FOR THE  
DEVELOPMENT OF LAND LOCATED WITHIN THE WATERSHED OF BARTON CREEK;  
SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE  
SEPARATE DAYS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
DATE.

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

PART 1. The Code of the City of Austin of 1967 is amended by adding a Chapter 41A to read as follows:

CHAPTER 41A

SPECIAL REQUIREMENTS FOR SUBDIVISIONS  
IN ENVIRONMENTALLY SENSITIVE AREAS

ARTICLE I. BARTON CREEK WATERSHED

Division 101. General Provisions

Sec. 41A-101.1 Findings and Objectives.

(a) The City Council of the City of Austin, Texas, hereby makes the following findings:

(1) The City Council of the City of Austin, Texas, is the trustee of the natural environment of Barton Creek, Barton Springs and much of the Barton Creek Watershed for existing

1 and future generations of citizens of Austin  
2 and its environs; and,

3 (2) Barton Creek is a significant source  
4 of Austin's water supply; and,

5 (3) Barton Springs and portions of  
6 Barton Creek provide significant and irreplace-  
7 able recreational opportunities to the citizens  
8 of Austin and its environs; and,

9 (4) The Barton Creek Watershed, compared  
10 to other watersheds within Austin's jurisdiction,  
11 is mostly undeveloped; and,

12 (5) Development activities in the Barton  
13 Creek Watershed can result in irreparable damage  
14 to the natural environment of, the recreational  
15 qualities of, and the quality of the water in,  
16 Barton Creek, Barton Springs and the Barton  
17 Creek Watershed; and,

18 (6) The Barton Creek Watershed, due to  
19 abrupt topography, thin and easily disturbed soil,  
20 natural springs and seeps, including Barton  
21 Springs, rare biotic communities, and sparse but  
22 significant vegetation, is different from other  
23 watersheds within Austin's jurisdiction and is  
24 highly susceptible to irreparable damage resulting  
25 from development activities; and,

26 (7) The Barton Creek Watershed is facing  
27 rapid development; and,

28 (8) The continued economic growth of

1 Austin is dependent on a pleasing natural environ-  
2 ment, quality supplies of water and recreational  
3 opportunities in close proximity to Austin; and,

4 (9) Barton Creek, Barton Springs and  
5 the Barton Creek Watershed must be protected in  
6 order to preserve the health, safety and welfare  
7 of the citizens of Austin and its environs; and,

8 (10) If the Barton Creek Watershed is not  
9 developed in a sensitive and innovative manner in  
10 accordance with regulations designed to protect  
11 the watershed, natural environment, water resources  
12 and recreational characteristics of Barton Creek  
13 and Barton Springs will be irreparably damaged;  
14 and,

15 (11) The City Council has commissioned  
16 and received an extensive study of characteristics  
17 of the Barton Creek Watershed, the adverse impact  
18 of development activities thereon and the means by  
19 which adverse development impacts can be mitigated;  
20 and,

21 (b) Based on the findings set out in subsection  
22 (a), the study cited in subsection (a)(11), and the  
23 study and recommendations of the Barton Creek Task  
24 Force, the City Council enacts this interim ordi-  
25 nance to achieve the following specific objectives:

26 (1) Prevent indiscriminate and unnecessary  
27 stripping of vegetation and the unnecessary loss  
28 of soils;

1 (2) Prevent, or compensate for, increases  
2 in soil erosion and sedimentation during and after  
3 development construction activities;

4 (3) Prevent, or compensate for, increases  
5 in stormwater runoff volumes and velocities;

6 (4) Prevent or reduce increases in pollu-  
7 tant concentrations and total pollutant loadings  
8 of stormwater runoff;

9 (5) Prevent loss of recharge to localized  
10 aquifers supplying local seeps and springs essen-  
11 tial to the maintenance of the ecosystem and the  
12 base flow and water quality of Barton Creek.

13 (6) Prevent loss of recharge to the  
14 Edwards aquifer and protect the quality of the  
15 recharge to the Edwards aquifer.

16 Sec. 41A-101.2. Application of Article

17 (a) This article sets out special requirements  
18 for the subdivision of land located in the Barton  
19 Creek Watershed. A person wishing to subdivide  
20 land in the Watershed must comply both with these  
21 special requirements and with the applicable require-  
22 ments of chapter 41 of this Code.

23 (b) In case of conflict between the require-  
24 ments of this article and those of chapter 41 or  
25 some other ordinance, the requirements of this  
26 article govern.

27 (c) The director of planning, in cooperation  
28 with the directors of public works, engineering and

1 office of environmental resource management, shall  
2 design and administer a system, including necessary  
3 forms, that coordinates the requirements of both  
4 this article and chapter 41, minimizes duplication  
5 of requirements and conflict between them, and  
6 facilitates the expeditious processing of subdivision  
7 applications.

8 (d) The Barton Creek Watershed is identified  
9 on a map attached to this ordinance as Exhibit A.  
10 Copies of the map are available for inspection at  
11 the offices of the city clerk, planning department,  
12 public works department, engineering department,  
13 environmental resource management and city/county  
14 health department.

15 Sec. 41A-101.3. Burden of Proof

16 An applicant for subdivision approval under  
17 this article must establish that his plans and plat  
18 comply with the requirements of this article and  
19 with the applicable requirements of chapter 41 of  
20 this Code.

21 Sec. 41A-101.4. Definitions

22 (a) The definitions in Chapter 41 of this  
23 Code also apply to this article. In addition,  
24 subsection (b) defines special terms used in  
25 this article.

26 (b) In this article the terms set forth in  
27 this section (b) shall have the following mean-  
28 ings:

1                   "Alternative Sewage Disposal Systems" -

2                   Wastewater treatment and disposal systems other  
3                   than a standard septic tank and absorption-type  
4                   drainfield. Such systems include, but are not  
5                   limited to, aerobic systems, evapotranspiration  
6                   drainfields and pressure-dosing trench fields.

7                   "Applicant" or "Developer" - A person apply-  
8                   ing for subdivision approval under this article.

9                   "Bluff" - An abrupt vertical change in topo-  
10                  graphy in land located in the Critical Water  
11                  Quality Zone or the Lowland Water Quality Zone  
12                  of more than 40 feet with an average slope  
13                  steeper than 4 feet of rise for one (1) foot  
14                  of travel.

15                  "Cluster Housing" - A development located  
16                  in the Upland Water Quality Zone composed of  
17                  residential lots utilized for single family  
18                  dwelling purposes and public and/or private  
19                  open space lots utilized for recreational and/or  
20                  scenic purposes and/or for buffer zones for  
21                  improvement of water quality and preservation  
22                  of ecological habitat; and,

23                         (1) in which housing is grouped in such  
24                         a manner as to minimize individual housing unit  
25                         yards and as to maximize common open space; and,

26                         (2) in which each dwelling unit lot has  
27                         at least 35 feet of frontage on a public street;  
28                         and,

1 (3) in which each dwelling unit lot  
2 has at least one side yard of not less than 10  
3 feet; and,

4 (4) in which at least 40% of the area  
5 is left in a contiguous undisturbed natural state  
6 which contiguous area shall consist only of land  
7 in the Upland Water Quality Zone; and,

8 (5) in which the dwelling unit density  
9 does not exceed the dwelling unit densities which  
10 would otherwise be permitted in a non-cluster  
11 housing subdivision except as otherwise specifi-  
12 cally provided in this article; and,

13 (6) in which sewage disposal is handled  
14 through the use of alternative sewage disposal  
15 systems.

16 "Crest of Bluff" - A line on the ground  
17 parallel to and at the top of a bluff, beyond  
18 which the average slope is no steeper than one  
19 (1) foot of rise in two (2) feet of travel, for  
20 a horizontal distance of not less than 40 feet.

21 "Critical Water Quality Zone" - All land  
22 (1) within 400 feet, measured horizontally, on  
23 either side of the centerline of Barton Creek  
24 provided, however, that the Critical Water Quality  
25 Zone shall not include any land located beyond the  
26 crest of a bluff and (2) within 200 feet, measured  
27 horizontally, on either side of the centerline of  
28 a major tributary of Barton Creek, provided, how-

1 ever, that the Critical Water Quality Zone shall  
2 not include any land located beyond the crest of  
3 a bluff.

4 "Development" - Includes buildings and other  
5 structures; construction; and excavation, dredging,  
6 grading, filling, and clearing or removing vegeta-  
7 tion.

8 "Edwards Aquifer Overlay Zone" - Includes all  
9 land, not included in the Critical or Lowland Water  
10 Quality Zones, over the Edwards aquifer recharging  
11 Barton Springs. The Edwards Aquifer Overlay Zone is  
12 identified on the Barton Creek Watershed map attached  
13 as Exhibit A.

14 "Lowlands Water Quality Zone" - Areas located  
15 within 300 feet, measured horizontally, of the outer  
16 boundary of the Critical Water Quality Zone.

17 "Major Tributary" - Any watercourse within  
18 the Barton Creek Watershed having a drainage area  
19 of 320 acres or more. A major tributary is mea-  
20 sured from its confluence with Barton Creek or  
21 another tributary upstream to a point at which  
22 the contributing drainage area is less than 320  
23 acres.

24 "Minor Tributary" - Any watercourse within  
25 the Barton Creek Watershed which drains directly  
26 into Barton Creek and drains an area of 64 acres  
27 or more. A minor tributary is measured from its  
28 confluence with Barton Creek upstream to a point at



1 which the contributing drainage area is less  
2 than 64 acres.

3 "Natural Drainage" - A stormwater runoff  
4 conveyance system not significantly affected by  
5 man's activities (e.g. urbanization).

6 "Overland Drainage" - Stormwater runoff  
7 which is not confined by any natural or man-made  
8 channel such as a creek, drainage ditch, storm  
9 sewer, or the like.

10 "Upland Water Quality Zone" - Areas within  
11 the Barton Creek Watershed other than areas within  
12 the Critical Water Quality Zone, the Lowland Water  
13 Quality Zone or the Edwards Aquifer Overlay Zone.

14  
15 Division 103. Subdivision Plan

16 Sec. 41A-103.1. Planning Commission

17 Approval Required.

18 Before subdividing land located in whole or  
19 part in the Barton Creek Watershed, an applicant  
20 must obtain approval from the planning commission  
21 of the plans and plat required by this division  
22 and by chapter 41 of this Code.

23 Sec. 41A-103.2. Preliminary Plan.

24 (a) An applicant seeking subdivision approval  
25 must file copies of a preliminary plan of his pro-  
26 posed subdivision with the director of planning and  
27 pay the filing fee required by section 41-12 of  
28 this Code.

1 (b) In addition to satisfying the require-  
2 ments of chapter 41 of this Code, a preliminary  
3 plan must contain:

4 (1) A topographic map meeting national  
5 mapping accuracy standards, showing:

6 a. The water quality zone or zones  
7 in which the subdivision site is located;

8 b. Each major tributary and minor  
9 tributary protection zone on the site;

10 c. The 100-year floodplains on the  
11 site;

12 d. The location, type, and total  
13 percentage of proposed impervious cover on the  
14 site if the proposed development is subject to  
15 impervious cover regulations.

16 (2) A slope map, with a scale of 100  
17 feet to 1 inch showing all bluffs;

18 (3) The archaeological site investigation  
19 required by section 41A-117.1;

20 (4) A slope map, with a scale of 100  
21 feet to 1 inch showing (1) all slopes greater  
22 than 35 percent gradient and (2) all slopes of  
23 15 percent to 35 percent gradient;

24 (5) A description of the structure  
25 types or uses proposed, if known, and a statement  
26 of the mean, median, minimum, and maximum resi-  
27 dential lot sizes in each water quality zone in  
28 which the site is located;

1 (6) The construction-phase plan for  
2 erosion-sedimentation control required by section  
3 41A-113.2; and,

4 (7) The following information shall be  
5 provided for all cluster housing projects:

6 a. Front, rear and side building  
7 setback lines for each housing lot;

8 b. Driveway access to a street for  
9 each housing lot; and,

10 c. All easements.

11 (c) A registered professional engineer must  
12 certify that a preliminary plan is complete and  
13 that the technical data it contains are accurate  
14 before the director of planning may file it.

15 Sec. 41A-103.3. Plat.

16 (a) If the planning commission approves the  
17 preliminary plan, the applicant may file a plat  
18 of his proposed subdivision with the director of  
19 planning and pay the filing fee required by sec-  
20 tion 41-13 of this Code.

21 (b) In addition to satisfying the requirements  
22 of chapter 41 of this Code, a plat must:

23 (1) Contain the final erosion-sedimentation  
24 control plan required by section 41A-113.2;

25 (2) Contain a detailed drainage plan and  
26 street layout that comply with the requirements of  
27 division 111 of this Chapter;  
28

1 (3) Show compliance with the applicable  
2 requirements of division 41A-115;

3 (4) Identify the water quality and minor  
4 tributary protection zone boundaries, drainage  
5 easements, and locations in which development is  
6 prohibited and incorporate by reference the  
7 restrictions of this article applicable to these  
8 identified areas; and,

9 (5) For developments utilizing cluster  
10 housing, the plat shall show the following  
11 information:

12 a. Front, rear and side building  
13 setback lines for each housing lot.

14 b. Driveway access to a street for  
15 all housing lots.

16 c. All easements required by the  
17 planning commission to provide for common drives  
18 and common access, overhang and special drainage  
19 problems, and for any other special needs and  
20 circumstances related to cluster design.

21 (c) A registered professional engineer must  
22 certify that a plat is complete and that the tech-  
23 nical data it contains are accurate before the  
24 director of planning may file it.

25 Sec. 41A-103.4. Action by Planning Commission.

26 (a) On receipt of a preliminary plan, accom-  
27 panied by the correct filing fee, the director of  
28 planning shall file the plan, forward it to the

1 directors of engineering, environmental resource  
2 management, and parks and recreation for their  
3 review and recommendations, and schedule it on the  
4 planning commission agenda. The planning commission  
5 may not act on a preliminary plan (except to accept  
6 and disapprove it) until it receives the directors'  
7 reports.

8 (b) The directors of engineering, environmental  
9 resource management, and parks and recreation must  
10 submit their reports to the planning commission  
11 within 30 days after a preliminary plan is filed.  
12 The planning commission must act on a preliminary  
13 plan within 30 days after receiving the reports.

14 (c) Sections 41-13 and 41-14 of this Code  
15 govern the planning commission's duties respecting  
16 a plat.

17  
18 Division 105. Water Quality Zones

19 Sec. 41A-105.1. Purpose.

20 (a) The Barton Creek Watershed is divided  
21 into four water quality zones, the Critical Water  
22 Quality Zone, the Lowland Water Quality Zone, the  
23 Edwards Aquifer Overlay Zone, and the Upland Water  
24 Quality Zone.

25 (b) The widths and location of the zones are  
26 calculated to protect the water quality of Barton  
27 Creek and Barton Springs by attenuating the contami-  
28 nants and sediments transported by runoff, reducing

1 the rate and volume of runoff, maximizing infil-  
2 tration and recharge of the seeps and springs in  
3 the watershed, and preserving the delicate vegeta-  
4 tion of the mesic woodlands.

5 Sec. 41A-105.2. Critical Zone.

6 Within the Critical Water Quality Zone, con-  
7 struction and development activities shall be  
8 limited to the construction and development of  
9 collector street crossings, and utilities which  
10 cannot reasonably be located in other zones, and  
11 public and private parks and open spaces with  
12 development therein limited to trails for hiking,  
13 jogging, biking, horse riding, nature walks and  
14 accessory facilities, provided, however, that no  
15 stabling or corraling of animals shall take place;  
16 provided, however, nothing herein shall prohibit  
17 the development and construction of the southern  
18 extension of Mo-Pac Boulevard or the Barton Skyway  
19 Bridge. Land located within the Critical Water  
20 Quality Zone may serve as a subdivision lot or a  
21 portion of a subdivision lot if the City does not  
22 acquire such land so long as construction and  
23 development activities on said lot or portion of  
24 lot are not inconsistent with those listed in the  
25 preceding sentence.

26 No fence of any kind shall be constructed  
27 in the 25 year flood plain.  
28

1           Sec. 41A-105.3. Lowland Zone.

2           Within the Lowland Water Quality Zone,  
3           construction and development activities shall  
4           be limited to activities permitted in the Criti-  
5           cal Water Quality Zone and to the construction  
6           and development of streets, drainage facilities,  
7           fences, public and private parks and single-family  
8           residential housing developed at an average density  
9           of 1 unit or less per 3 acres with a minimum lot  
10          size of 2 acres. Each lot or portion of a lot  
11          located partially within the Lowland and Critical  
12          Water Quality Zones shall have at least 2 acres in  
13          the Lowland Water Quality Zone.

14          Sec. 41A-105.4. Edwards Aquifer Overlay Zone.

15               (a) Development in the Edwards Aquifer Overlay  
16               Zone is limited to:

17                       (1) Alternative urban streets; necessary  
18                       drainage facilities; necessary utilities; and  
19                       public and private parks and open space;

20                       (2) Single-family residential housing at  
21                       an average density of 1 unit or less for every 3  
22                       acres with a minimum lot size of 1 acre; and,

23                       (3) Commercial, other nonresidential develop-  
24                       ment and residential development other than single-  
25                       family if:

26                               a. The applicant leaves at least 40 per-  
27                               cent (all in the Edwards Aquifer Overlay Zone) of his  
28                               proposed subdivision site in an undeveloped and undis-  
                             turbed contiguous state and located to receive runoff

1 from the development for purposes of unchannelized,  
2 overland drainage;

3 b. The proposed impervious cover on  
4 the site does not exceed 35 percent of the total  
5 site area; and,

6 c. The proposed site does not have  
7 an average slope steeper than 15 percent.

8 (b) All development in the Edwards Aquifer  
9 Overlay Zone shall utilize alternative sewage  
10 disposal systems.

11 Sec. 41A-105.5. Upland Zone.

12 (a) Except as otherwise specifically provided  
13 herein, within the Upland Water Quality Zone, con-  
14 struction and development activities shall be  
15 limited to activities permitted in the Critical  
16 and Lowland Water Quality Zones and the construc-  
17 tion and development of single-family residential  
18 housing units developed to an average density of  
19 1 unit or less per 2 acres with a minimum lot size  
20 of 3/4 acre.

21 (b) Developments utilizing cluster housing and  
22 leaving at least 40% of the tract in the Upland Zone  
23 in an undeveloped and undisturbed contiguous state  
24 shall be entitled to develop to an average density  
25 of 1 unit or less per 1 1/4 acre.

26 (c) Commercial, other nonresidential development  
27 and residential development other than single-family  
28 is authorized in the Upland Water Quality Zone, if:



1           (1) The applicant leaves at least 40 per-  
2 cent (all in the Upland Water Quality Zone) of his  
3 proposed subdivision site in an undeveloped and undis-  
4 turbed contiguous state and located to receive runoff  
5 from the development for purposes of unchannelized,  
6 overland drainage; and,

7           (2) The proposed impervious cover on the  
8 site does not exceed 35 percent of the total site  
9 area.

10  
11           Division 107. Transfer of Development Rights  
12           Sec. 41A-107.1. Lowlands to Uplands

13           For every 1 acre of land in the Lowland Water  
14 Quality Zone which is left undeveloped and undis-  
15 turbed and is not included in density calculations  
16 elsewhere and is platted concurrently, the applicant  
17 is entitled to the equivalent of 3 additional resi-  
18 dential housing units in the Upland Water Quality  
19 Zone; provided, however, that an applicant who  
20 transfers development rights pursuant to this  
21 provision must so note the transfer on each such  
22 lot on the plat, and must file in the deed records  
23 a restrictive covenant, approved by the city attorney,  
24 that evidences the transfer and runs with the land  
25 from which the transfer was made.

26           Sec. 41A-107.2. Uplands to Uplands

27           For every unit of development in the Upland  
28 Water Quality Zone to which the applicant is entitled

1       which applicant transfers to other land in the  
2       Upland Zone and is not included in density calcula-  
3       tions elsewhere and is platted concurrently, the  
4       applicant is entitled to the equivalent of one  
5       additional residential housing unit in the Upland  
6       Water Quality Zone; provided however, that an  
7       applicant who transfers development rights pursuant  
8       to this provision must so note the transfer on each  
9       such lot on the plat, and must file in the deed  
10      records a restrictive covenant, approved by the  
11      city attorney, that evidences the transfer and  
12      runs with the land from which the transfer was  
13      made.

14      Sec. 41A-107.3.   Transfers Based on Corresponding  
15                           Conveyances of Parkland to City

16           An applicant is entitled to (1) the equiva-  
17      lent of 1 1/2 additional residential units of  
18      development in the Upland Water Quality Zone for  
19      each acre of land in the Critical Water Quality  
20      Zone that applicant conveys to the City in fee  
21      simple as parkland, (2) the equivalent of 1/2  
22      additional residential unit of development in  
23      the Upland Water Quality Zone for each acre of  
24      land in the Lowland Water Quality Zone that the  
25      applicant conveys to the City in fee simple as  
26      parkland, provided that the City accepts said  
27      parkland conveyances. If the City approves  
28      parkland conveyances to other than the City the

1 applicant shall be entitled to the rights estab-  
2 lished in this section.

3 Sec. 41A-107.4. No Transfers to Edwards Aquifer  
4 Overlay Zone and Restriction on  
5 Transfers Within the Edwards  
6 Aquifer Overlay Zone

7 (a) No development rights belonging to land  
8 located off the Edwards Aquifer Overlay Zone shall  
9 be transferred to land located in the Edwards Aquifer  
10 Overlay Zone.

11 (b) Transfer of development rights from a tract  
12 of land in the Edwards Aquifer Overlay Zone to another  
13 tract of land in the Edwards Aquifer Overlay Zone shall  
14 be allowed only if the lands involved are contiguous,  
15 under single ownership and platted concurrently.

16 Sec. 41A-107.5. No Transfers to Land Beyond  
17 a One Mile Radius

18 Development rights of a tract can only be trans-  
19 ferred to another tract located within a one mile  
20 radius of said tract; however, development rights may  
21 be transferred any distance so long as the tracts are  
22 contiguous and under single ownership or are not  
23 separated by lands under a different ownership.

24 Sec. 41A-107.6. Transfer to Commercial Projects

25 One residential housing unit shall be deemed  
26 to be the equivalent of 6,000 square feet of imper-  
27 vious cover when transferred to a commercial, busi-  
28 ness, or residential housing project other than

1 single family.

2 Sec. 41A-107.7. Additional Restrictions on  
3 Transfer of Development Rights

4 (a) No development rights shall be transferred  
5 from a tract unless such tract is platted concurrent-  
6 ly with such transfer.

7 (b) Where single-family development rights are  
8 transferred to any land in the Upland Zone, the land  
9 in the Upland Zone to which such development rights  
10 are transferred shall not be developed to a greater  
11 average density than 1 unit for every acre of land  
12 with a minimum lot size of 1/2 acre and the applicant  
13 shall leave at least 40% of the land (all in the  
14 Upland Zone) in an undeveloped contiguous state.

15 (c) Where development rights are transferred to  
16 land to be developed for commercial, other nonresiden-  
17 tial or residential other than single-family purposes,  
18 the land to which the development rights are transferred  
19 shall be limited to a maximum of 45% impervious cover.

20 (d) As to any lot, tract or parcel of land,  
21 no transfer of development rights shall be per-  
22 mitted unless all development rights are transferred.

23 Sec. 41A-107.8. Variances for Lots From Which  
24 Development Rights Have Been  
25 Transferred

26 Where tracts from which development rights  
27 have been transferred are being platted, the  
28 planning commission may vary the specific

1 requirements of this article and of Chapter 41  
2 as to such tracts.

3  
4 Division 109. Protection of Minor Tributaries  
5 Sec. 41A-109.1. Development Restrictions  
6 in Protected Areas

7 (a) Land within the minor tributary protection  
8 zone is subject to the same development limitations  
9 as land located in the Critical Water Quality Zone.  
10 However, for purposes of computing the density and  
11 impervious cover limitations under this chapter,  
12 land within the minor tributary protection zone is  
13 part of the water quality zone in which it is  
14 located.

15 (b) The minor tributary protection zone includes  
16 all land within 150 feet on each side of the center-  
17 line of a minor tributary for the first 1500 feet  
18 from the centerline of Barton Creek; and all land  
19 within 100 feet for the next 1000 feet. The widths  
20 of the minor tributary protection zone shall be  
21 measured horizontally.

22  
23 Division 111. Drainage  
24 Sec. 41A-111.1. Purpose

25 Natural drainage patterns must be preserved  
26 and the amount of impervious cover limited to pre-  
27 vent erosion, maintain infiltration and recharge  
28 of local seeps and springs, and attenuate the harm

1 of contaminants collected and transported by  
2 stormwater.

3 Drainage objectives can best be accomplished  
4 by avoiding the use of streets and street rights  
5 of way as the central drainage network wherever  
6 practical.

7 In the event storm sewers are necessary,  
8 storm drainage systems shall be designed to  
9 mitigate their impact on water quality through  
10 the use of approved control strategies to control  
11 sediment and dissipate energy and the use of  
12 multiple smaller outlets whenever practical and  
13 locating discharges to maximize overland flow.

14 Sec. 41A-111.2. General Requirements

15 (a) There shall be at least 300 feet of  
16 natural drainage between any storm sewer outlet  
17 and Barton Creek or one of its major tributaries.

18 (b) The applicant shall, to the greatest  
19 extent practical, maintain natural drainage  
20 patterns consistent with the purposes and intent  
21 of this ordinance.

22 (c) The post-development stormwater runoff  
23 rates shall not exceed the pre-development storm-  
24 water runoff rates for the 1 year, 5 year and 25  
25 year storms.

26 (d) There shall be no filling or clearing of  
27 vegetation within the 100 year flood plain of  
28 Barton Creek or its major tributaries except in

1 connection with authorized development; however,  
2 limited clearing of vegetation shall be permitted  
3 in areas used for picnicking and other light  
4 recreational activities.

5 Sec. 41A-111.3. Street Design

6 (a) Street and right-of-way design in the  
7 Critical Water Quality Zone, Lowland Water Quality  
8 Zone, and Edwards Aquifer Overlay Zone must comply  
9 with the Alternative Urban Street Standards for  
10 streets without curbs and gutters set out in  
11 Ordinance No. 800207-J.

12 (b) If an applicant proposes residential  
13 housing in the Upland Water Quality Zone with an  
14 average density of one unit for every two acres  
15 or more and a minimum lot size of three-quarters  
16 acre or larger, his street and right-of-way design  
17 must comply with the Alternative Urban Street  
18 Standards set out in Ordinance No. 800207-J.

19 (c) The provisions of Ordinance No. 800207-J  
20 relating to average density and minimum lot size  
21 may be waived by the planning commission after  
22 review of reports from the departments of public  
23 works and urban transportation on the proposed  
24 street design.

25  
26 Division 113. Erosion and Sedimentation Control

27 Sec. 41A-113.1. Purpose

28 The volume, rate, and quality of stormwater

1 runoff originating from development must be con-  
2 trolled to prevent soil erosion and water quality  
3 degradation in the Barton Creek Watershed. Storm-  
4 water transported sediment is of primary concern  
5 because it provides a transport medium for contami-  
6 nants and because excessive sedimentation can reduce  
7 infiltration and recharge of the local seeps and  
8 springs in the watershed.

9 Sec. 41A-113.2. Plan

10 Prior to final plat approval a plan providing  
11 for the control of sedimentation and erosion during  
12 construction and for the restoration of erosion  
13 which occurs during construction must be submitted  
14 to the director of engineering. Final plans shall  
15 be accompanied by a proposed construction sequence  
16 to demonstrate an acceptable plan for erosion con-  
17 trol during the construction period and shall be  
18 subject to the approval of the engineering depart-  
19 ment and office of environmental resource management  
20 according to the Erosion Control and Restoration  
21 Manual as officially adopted by the City Council  
22 of the City of Austin. All cuts and fills shall be  
23 restored to blend with the natural character of  
24 the land. Restoration plans shall be approved by  
25 the engineering department and office of environ-  
26 mental resource management. Projects shall not be  
27 considered complete until restoration has been made  
28 and approved by the department of public works.



1           Sec. 41A-113.3. Specific Requirements

2           (a) Work done on the ground in preparation of  
3           final plat approval shall be limited to surveying  
4           and testing. Areas cleared for surveying and  
5           testing shall not exceed a width of 15 feet.

6           (b) The length of time between rough-cutting  
7           and final surfacing of streets may not exceed 12  
8           months. If an applicant does not meet this dead-  
9           line, the director of public works shall notify him  
10          in writing that the city will complete the streets  
11          or revegetate the disturbed area at his expense  
12          unless he does so within 60 days after the date  
13          on the notice.

14  
15                   Division 115. General Requirements

16          Sec. 41A-115.1. Land Clearing

17          (a) Not more than 85% of the land area  
18          included within the plat located in the Upland  
19          Water Quality Zone shall be cleared of existing  
20          vegetation.

21          (b) An applicant may not clear-cut selective  
22          vegetation in his land prior to final plat approval.

23          Sec. 41A-115.2. Bluff Setback and Bluff

24                           Clearing Limitation

25          No clearing, alteration or development of any  
26          kind shall be undertaken within 50 feet of a crest  
27          of a bluff.  
28



1           Where it is proposed to develop a cluster  
2           housing project the planning commission may approve  
3           a mixture or combination of Urban Street Standards  
4           and Alternative Urban Street Standards after the  
5           commission has considered reports from the direc-  
6           tors of the public works and urban transportation  
7           departments in which the adequacy of the proposal  
8           has been assessed, based on the developer's written  
9           justification for the proposal and the developer's  
10          preliminary street construction plans of the streets  
11          proposed to be built, which preliminary plans shall  
12          be prepared by a registered professional engineer.

13  
14          Division 117. Archaeological and Historical Sites  
15          Sec. 41A-117.1. Archaeological and Historical  
16                           Site Investigation

17               (a) An applicant must furnish an archaeological  
18               site investigation report with his preliminary plan.  
19               The site investigation report shall be limited in  
20               nature, going into only such detail as may be  
21               necessary to determine whether there are archaeolo-  
22               gical or historical sites which warrant further  
23               investigation. Such additional investigation shall  
24               be at City's expense.

25               (b) The report must be signed by a qualified  
26               archaeologist and either:

27                       (1) Locate, briefly describe, and evaluate  
28               the significance of all archaeological and historical

1 sites found in the proposed subdivision; or

2 (2) Certify that there is no significant  
3 archaeological or historical site on the surface of  
4 the proposed subdivision site.

5  
6 Division 119. Preservation of Certain Areas

7 Sec. 41A-119.1. Preservation of Park, Archaeologi-  
8 cal and Historical Sites

9 (a) If a preliminary plan proposes to plat land  
10 in the Critical Water Quality Zone, or if the  
11 archaeologist's report required by section 41A-117.1  
12 identifies a significant archaeological or historical  
13 site on the proposed subdivision site, the director  
14 of parks and recreation shall determine whether the  
15 city should acquire or otherwise preserve any park  
16 land or archaeological or historical site. The  
17 director shall include this recommendation in his  
18 report on the preliminary plan to the planning  
19 commission and simultaneously forward a copy,  
20 together with the archaeologist's report if rele-  
21 vant, to the city council. The director's and  
22 archaeologist's report shall be delivered to the  
23 planning commission and the city council within 45  
24 days after the filing of the preliminary plat.

25 (b) The city council may direct further inves-  
26 tigation of the director's recommendation before  
27 taking action, but it must act on the recommendation  
28 at a public hearing on or before the 90th day after

1 the date of the filing of the preliminary plat.  
2 If the city council decides to acquire or otherwise  
3 preserve any park land or archaeological or histori-  
4 cal site, it must obligate the city to do so and  
5 initiate acquisition proceedings on or before the  
6 120th day after the filing of the preliminary plat.  
7 If the council fails to act or obligate the city as  
8 provided above, the applicant is free to plat the  
9 Critical Water Quality Zone land and develop the  
10 subdivision without regard to the archaeological  
11 or historical site.

#### 12 Division 121. Variances

##### 13 Sec. 41A-121.1. Variances

14 (a) Variances from the terms of this chapter  
15 may be granted by the planning commission only if  
16 it is found that, because of special circumstances  
17 applicable to the property involved, a strict appli-  
18 cation deprives such property of privileges or  
19 safety enjoyed by other similarly situated property  
20 with similarly timed development. Where such condi-  
21 tions are found, the variance permitted shall be the  
22 minimum departure from site development standards  
23 necessary to avoid such deprivation of privileges  
24 enjoyed by such other property and to facilitate  
25 a reasonable use, and which will not create signifi-  
26 cant probabilities of harmful environmental conse-  
27 quences. In no case may a variance be granted that  
28

1 will provide the applicant with any special privi-  
2 leges not enjoyed by other similarly situated  
3 properties with similarly timed development. Pro-  
4 vided, however, that the planning commission shall  
5 have no authority to grant a variance based on a  
6 special or unique condition which was created as a  
7 result of the method by which a person voluntarily  
8 subdivides land after the effective date of this  
9 ordinance.

10 (b) A written record of all variances granted  
11 under sec. 41A-121.1(a) shall be tabulated and  
12 maintained in a file in the planning department  
13 and such file shall be readily available to the  
14 public.

15 (c) As to each variance granted under the  
16 terms of sec. 41A-121.1(a), the planning commission  
17 shall make specific findings of fact detailing the  
18 basis on which each variance was granted and a  
19 copy of such findings of fact shall be made a part  
20 of the file required in sec. 41A-121.1(b).

21 (d) Any person may appeal in writing to the  
22 city council the planning commission's grant or  
23 denial of a variance under this section. The appeal  
24 must be filed with the planning commission on or  
25 before the 10th day after the date on which the  
26 variance was granted. In the event of multiple  
27 appeals all of the appeals will be consolidated  
28 and determined in a single public hearing. On

1 receipt the planning commission shall forward  
2 the appeal, together with the variance request  
3 and a transcript, certified as accurate by the  
4 chairman, of that portion of the hearing at  
5 which the variance was considered and granted or  
6 denied, to the city clerk for placing on the coun-  
7 cil agenda.

8 (e) The city council must decide the appeal  
9 at a public hearing on or before the 30th day after  
10 the date on which the appeal was filed with the  
11 planning commission. The appellant has the burden  
12 of proof on appeal and the council must decide the  
13 appeal solely on the basis of the variance request,  
14 the planning commission transcript, the written  
15 appeal, the written response to the appeal, if any,  
16 and oral argument at the council hearing. After  
17 considering the appeal the council may affirm  
18 the action of the planning commission, reverse  
19 it, or modify it to comply with the requirements  
20 of this article.

21  
22 Division 123. Study

23 Sec. 41A-123.1. Purpose

24 Much remains to be learned about the impact  
25 of development on the Barton Creek Watershed. The  
26 regulatory controls imposed by this article are  
27 designed to avoid or ameliorate the more harmful  
28 consequences of development, but their total

1 efficacy cannot be guaranteed and they are only a  
2 single component of the comprehensive growth manage-  
3 ment plan needed to protect the Watershed's environ-  
4 ment. It is therefore essential, while the controls  
5 herein are in effect, to evaluate their strengths and  
6 weaknesses, recommend improvements, and address the  
7 other components of a comprehensive growth management  
8 plan.

9 Sec. 41A-123.2. Water Quality Monitoring Program

10 The city council shall design and implement a  
11 water quality monitoring program for the Barton  
12 Creek Watershed and Edwards Aquifer recharging  
13 Barton Springs within 180 days of the effective  
14 date of this ordinance.  
15

16 PART 2. This ordinance does not apply to the subdivision of land  
17 in the Barton Creek Watershed if (1) the preliminary subdivision  
18 plan was approved by the Planning Commission, or, (2) the final  
19 plat was approved or disapproved by the Planning Commission before  
20 the effective date of this ordinance.

21 PART 3. The grave need to protect Barton Creek, Barton Springs  
22 and the Barton Creek Watershed from irreparable harm that can result  
23 from development activities creates an emergency; therefore, an  
24 emergency is hereby declared to exist; the rule requiring that  
25 ordinances be read on three (3) separate days is hereby suspended  
26  
27  
28



1 and this ordinance shall be effective immediately upon its passage  
2 and adoption as provided for in the Charter of the City of Austin.

3  
4 PASSED AND APPROVED

5 April 17, 1980

X  
X  
X  
X

Carole Keeton Williams  
Mayor

7  
8 APPROVED:

Jerry J. Harris  
City Attorney

ATTEST:

James E. Aldridge  
Deputy City Clerk

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10 JLH:rs  
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EXHIBIT "A"

