

ORDINANCE NO. 20130214-044

AN ORDINANCE GRANTING A VARIANCE AUTHORIZING PAYMENT INSTEAD OF STRUCTURAL CONTROLS REQUIRED UNDER CITY CODE SECTION 25-8-211 FOR SPECIFIED LOTS IN THE AUSTIN LAKE HILLS SECTION 2 SUBDIVISION.

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

PART 1. City Council makes the following findings:

- (1) City Code Section 25-8-211 (*Water Quality Control Requirement*) requires water quality controls for the Austin Lake Hills section 2 subdivision.
- (2) No water quality controls are currently functioning at the Austin Lake Hills Section 2 subdivision.
- (3) There are currently six lots in the Austin Lake Hills subdivision which cannot be legally developed until the subdivision provides water quality controls as required by City Code Section 25-8-211.
- (4) For each of the six lots, the City has filed a Notice of Ordinance/Land Development Code Violation in the Official Public Records of Travis County, Texas.

PART 2. Instead of providing the water quality controls required under City Code Section 25-8-211 (*Water Quality Control Requirement*), in the Austin Lake Hills Section 2 Subdivision, a person wishing to develop a lot more particularly described in the attached and incorporated **EXHIBIT A** may deposit with the City a one-time, nonrefundable cash payment in the amount established in this ordinance. Payment made under this Ordinance shall be deposited in the Austin Lake Hills H2O Quality Fund. After payment under this Ordinance is deposited:

- (1) the lot for which payment was made is deemed to comply with Section 25-8-211, and
- (2) the City shall file in the Official Public Records of Travis County, Texas, a Release of the Notice of Ordinance/Land Development Code Violation for the lot for which payment was made.

PART 3. The Austin Lake Hills H2O Quality Fund is established. The director of the Watershed Protection Department, or successor department, may allocate money from the Austin Lake Hills H2O Quality Fund, plus interest accrued:

- (1) to design and construct water quality controls on Lots 25 and 26, Block 61, Austin Lake Hills Section 2, a subdivision in the City of Austin, Travis

County, Texas, according to the map or plat thereof, recorded in Volume 13, Page 29 of the Official Public Records of Travis County, Texas, and

- (2) to design and construct water quality controls within the southern half of the Lake Austin Watershed.

PART 4. The nonrefundable cash payment for the year 2013 shall be \$19,286.14 per lot. After 2013, the payment shall be calculated by using the site impervious cover component of the formula for residential development in the Environmental Criteria Manual, Appendix T (*Request for Fee in Lieu of or Cost Recovery for Water Quality Controls in the Urban Watersheds*) subsection C. 1.

PART 5. This ordinance grants a variance to provide an alternative means of compliance with City Code Section 25-8-211 for six lots in the Austin Lake Hills Section 2 Subdivision and does not constitute a variance from any other City Code requirements.

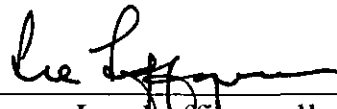
PART 6. The requirements imposed by Section 25-8-41 (*Land Use Commission Variances*) regarding the processing and granting of variances is hereby waived for the variance granted in this Ordinance.

PART 7. This ordinance takes effect on February 25, 2013.

PASSED AND APPROVED:

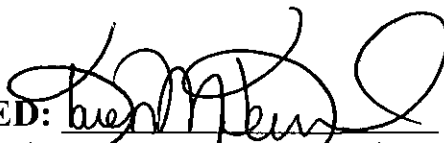
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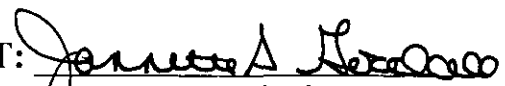
Lee Jeffingwell
Mayor

APPROVED:



Karen M. Kennard
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

EXHIBIT A

DESCRIPTION OF APPLICABLE LOTS

- (1) 1011 Ogden: Lot 15, Block 60, Austin Lake Hills Section 2, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Volume 13, Page 29 of the Official Public Records of Travis County, Texas.
- (2) 1101 Ogden: Lot 17, Block 60, Austin Lake Hills Section 2, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Volume 13, Page 29 of the Official Public Records of Travis County, Texas.
- (3) 1103 Ogden: Lot 18, Block 60, Austin Lake Hills Section 2, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Volume 13, Page 29 of the Official Public Records of Travis County, Texas.
- (4) 1008 Ogden: Lot 18, Block 61, Austin Lake Hills Section 2, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Volume 13, Page 29 of the Official Public Records of Travis County, Texas.
- (5) 1010 Ogden: Lot 19, Block 61, Austin Lake Hills Section 2, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Volume 13, Page 29 of the Official Public Records of Travis County, Texas.
- (6) 1110 Ogden: Lot 27, Block 61, Austin Lake Hills Section 2, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Volume 13, Page 29 of the Official Public Records of Travis County, Texas.