CHAPTER 30-5. ENVIRONMENT.

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SUBCHAPTER A. WATER QUALITY.
ARTICLE 1. GENERAL PROVISIONS.
Division 1. Definitions; Descriptions of Regulated Areas.

§ 30-5-1 DEFINITIONS.

In this subchapter:

(1) BARTON SPRINGS means the springs that comprise the Barton Springs complex associated with Barton Springs Pool, and includes Upper Barton, Old Mill, Eliza, and Parthenia springs

(2) BLUFF means [~~is limited to a bluff with~~] a vertical change in elevation of more than 40 feet and an average gradient greater than 400 percent.

(3) [~~(2)~~] CANYON RIMROCK means [~~is limited to a rimrock with~~] a rock substrate that:

(a) has a gradient that exceeds 60 percent for a vertical distance of at least four feet; and

(b) is exposed for at least 50 feet horizontally along the rim of the canyon.

(4) [~~(3)~~] COMMERCIAL DEVELOPMENT means all development other than open space and residential development.

(5) CLUSTER HOUSING means a residential housing development that maximizes common open space by grouping housing units to minimize individual yards and has a maximum lot area of fifteen thousand (15,000) square feet for detached residential development.

[~~(4) CREST OF BLUFF is limited to a crest of a bluff that is described in Subsection (1). A crest coincides with a line along the top of a bluff beyond which the average slope has a gradient of not more than 50 percent for a distance of at least 40 feet.~~]

(6)[~~(5)~~]CRITICAL ENVIRONMENTAL FEATURES means [~~are~~] features that are of critical importance to the protection of environmental resources, and includes-[~~include~~] bluffs, canyon rimrocks, caves, faults and fractures, seeps, sinkholes, springs, and wetlands.

(7) DIRECTOR, when used without a qualifier, means the director of the Planning and Development Review Department, or the director's designee.

(8) EROSION HAZARD ZONE means an area where future stream channel erosion is predicted to occur using an analysis of land cover, hydrology, geology, and soils, and taking into consideration protective works to be provided as prescribed in the Drainage Criteria Manual. An erosion hazard zone provides a boundary outside of which resources are not expected to be threatened as a result of future stream erosion.

[~~(6) IMPERVIOUS COVER means roads, parking areas, buildings, swimming pools, rooftop landscapes and other impermeable construction covering the natural land surface.~~]

(9) [~~(7)~~] FAULTS AND FRACTURES means [~~is limited to~~] significant fissures or cracks in rock that may permit infiltration of surface water to underground cavities or channels.

(10) IMPERVIOUS COVER means the total area of any surface that prevents the infiltration of water into the ground, such as roads, parking areas, concrete, and buildings.

(11) MULTI-USE TRAIL means a facility designated for the [~~shared~~] use of pedestrians, bicycles, and/or other non-motorized users and associated bridges.

(12) OPEN SPACE means a public or private park, multi-use trail, golf cart path, the portions of a golf course left in a natural state, and an area intended for outdoor activities which does not significantly alter the existing natural vegetation, drainage patterns, or increase erosion. Open space does not include parking lots.

(13)([~~8~~)] OWNER includes a lessee.

(14)[(~~9~~)] POINT RECHARGE FEATURE means a cave, sinkhole, fault, joint, or other natural feature that lies over the Edwards Aquifer recharge zone and that may transmit a significant amount of surface water into the subsurface strata.

(15)[(~~10~~)] WATER QUALITY CONTROL means a structure, system, or feature that provides water quality benefits by treating stormwater run-off.

(16)[(~~11~~)] WETLAND means a transitional land between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and conforms to the Army Corps of Engineers' definition.

§ 30-5-2 DESCRIPTIONS OF REGULATED AREAS.

(A) This section describes the watersheds, aquifers, and water zones that are regulated by this subchapter. A map of these areas is maintained by the Watershed Protection Department and available for inspection at the offices of the single office.

(B) [~~Except as provided in Subsection (C), the~~] The single office shall determine the boundaries of the areas described in Subsection (D).

(C) [~~The council and commissioners court, acting jointly, shall determine the boundaries of the Edwards Aquifer recharge zone after receiving a recommendation from the single office.~~] For property within 1500 feet of a boundary, the single office may require that an applicant provide a certified report from a geologist or hydrologist verifying the boundary location.

(D) In this subchapter:

(1) BARTON SPRINGS ZONE means the Barton Creek watershed and all watersheds that contribute recharge to Barton Springs, including those portions of the [~~Barton,~~] Williamson, Slaughter, Onion, Bear and Little Bear Creek watershed located in the Edwards Aquifer recharge or contributing zones.

(2) BARTON CREEK WATERSHED means the land area that drains to Barton includinguding Little Barton Creek watershed.

(3) EDWARDS AQUIFER is the water-bearing substrata that [~~also known as the Edwards and Associated Limestones Aquifer and~~] includes the stratigraphic rock units known as the Edwards Group [~~Formation~~] and Georgetown Formation.

(4) EDWARDS AQUIFER CONTRIBUTING ZONE means all land generally to the west and upstream of the Edwards Aquifer recharge zone that provides drainage into the Edwards Aquifer recharge zone.

(5) EDWARDS AQUIFER RECHARGE ZONE means all land over the Edwards Aquifer that recharges the aquifer, as determined by the surface exposure of the geologic units comprising the Edwards Aquifer, including the areas overlain with quaternary terrace deposits.

(6) SOUTH EDWARDS AQUIFER RECHARGE ZONE means the portion of the Edwards Aquifer recharge zone that is located south of the Colorado River and north of the Blanco River.

(7) SUBURBAN WATERSHEDS include all watersheds not otherwise classified as urban, water supply suburban, or water supply rural watersheds, and include:

(a) the Brushy, Buttercup, Carson, Cedar, Cottonmouth, Country Club, Decker, Dry Creek East [~~Dry~~], Elm Creek South, Gilleland, Harris Branch, Lake, Maha, Marble, North Fork Dry, Plum, Rattan, Rinard, [~~South Boggy,~~] South Fork Dry, South Brushy, Walnut, and Wilbarger creek watersheds;

(b) the Colorado River watershed downstream of U.S. 183; and

(c) those portions of the Onion, Bear, Little Bear, Slaughter, South Boggy, and Williamson creek watersheds not located in the Edwards Aquifer recharge or contributing zones.

(8) URBAN WATERSHEDS include:

(a) the Blunn, Buttermilk, East Boggy, East Bouldin, Fort, Harper Branch, Johnson, Little Walnut, Shoal, Tannehill, Waller, and West Bouldin creek watersheds;

(b) the north side of the Colorado River watershed from Johnson Creek to U.S. 183; and

(c) the south side of the Colorado River watershed from Barton Creek to U.S. 183.

(9) WATER SUPPLY RURAL WATERSHEDS include:

(a) the Lake Travis watershed;

(b)[and]the Lake Austin watershed, excluding the Bull Creek watershed and the area to the south of Bull Creek and the east of Lake Austin; and

(c) the Bear West, Bee, Bohl's Hollow, Cedar Hollow, Coldwater, Commons Ford, Cpnnors, Cuernavaca, Harrison Hollow, Hog Pen, Honey, Little Bee, Panther Hollow, Running Deer, St. Stephens, Steiner, and Turkey Creek watersheds.

(10) WATER SUPPLY SUBURBAN WATERSHEDS include:

(a) the Bull, Eanes, Dry Creek North [Dry], Huck's Slough, Taylor Slough North, Taylor Slough South, and West Bull creek watersheds;

(b) the Lady Bird [Town] Lake watershed on the south side of Lady Bird [Town] Lake from Barton Creek to Tom Miller Dam;

(c) the Lady Bird [Town] Lake watershed on the north side of Lady Bird [Town] Lake from Johnson Creek to Tom Miller Dam; and

(d) the Lady Bird [Town] Lake watershed on the east side of Lake Austin from Tom Miller Dam to Bull Creek.

Division 2. Authority; Applicability; Exemption; Exceptions.

§ 30-5-21 DEVELOPMENT BY CITY.

The requirements of this subchapter apply to land development by the city.

[§ 30-5-22 URBAN WATERSHED EXEMPTIONS.

In an urban watershed, development is exempt from the requirements of this subchapter if the development is:

(1) exempt from site plan requirements under City Code Section 25-5-2 *(Site Plan Exemptions)*;

(2) included in an application for site plan approval filed before August 30, 1991; or

(3) located in a rural residence zoning district.]

§ 30-5-22 APPLICABILITY.

This subchapter applies to a preliminary plan, final plat, or subdivision construction plan outside the city's zoning jurisdiction and inside the portion of the city's extraterritorial jurisdiction that is within Travis County.

§ 30-5-23 SPECIAL EXCEPTIONS.

Except as prohibited by Article 12 *(Save Our Springs Initiative)*, a special exception from the requirements of this subchapter may be granted in accordance with Chapter 30-1, Article 9, Division 4 *(Special Exceptions)*.

§ 30-5-24 REDEVELOPMENT EXCEPTION APPLICABILITY.

The redevelopment exceptions in this division are applicable only if the original development:

(1) is in compliance with City of Austin and Travis County regulations; and

(2) received all required development approvals when originally developed from either the City of Austin, Travis County, or another governmental body if located outside the City of Austin and Travis County's jurisdiction when originally developed.

§ 30-5-25[~~24~~] REDEVELOPMENT EXCEPTION IN URBAN AND SUBURBAN WATERSHEDS.

(A) This section applies to property located in an urban or suburban watershed that has existing development if the property owner files a site plan application and an election for the property to be governed by this section.

(B) The requirements of this subchapter do not apply to the redevelopment of the property if the redevelopment:

(1) does not increase the existing amount of impervious cover;

(2) provides the level of water quality treatment prescribed by current regulations for the redeveloped area or an equivalent area on the site;

(3) does not generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property [on April 17, 2000];

(4) is consistent with the neighborhood plan adopted by council, if any; [~~and~~]

(5) does not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 30-5-281 (*Critical Environmental Features*), or Section 30-5-282(*Wetland Protection*; and

(6) does not place redevelopment within the Erosion Hazard Zone.

[~~for property in the drinking water protection zone, combined with all other redevelopment of the site since April 17, 2000 does not affect more than 25 percent of the site's impervious cover.~~]

C) 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*).

(D)[~~(C)~~] To the extent of conflict with Article 13 [~~12~~] *(Save Our Springs Initiative)*, this section controls.

§ 30-5-26 REDEVELOPMENT EXCEPTION IN THE BARTON SPRINGS ZONE.

(A) This section applies to property located in the Barton Springs Zone that has existing commercial development or existing residential development with greater than two dwelling units 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 13 (*Save Our Springs Initiative*), to the extent of conflict.

(C) In this section:

(1) SEDIMENTATION/FILTRATION POND means water quality controls that comply with Section 30-5-213 (*Water Quality Control Standards*) or are approved under Section 30-5-151 (*Innovative Management Practices*); and

(2) SOS POND means water quality controls that comply with all requirements of Section 30-5-213 (*Water Quality Control Standards*) and the pollutant removal requirements of Section 30-5-514(A) (*Pollution Prevention Required*).

(D) 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.

(E) 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 Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 30-5-281 (*Critical Environmental Features*), Section 30-5-282 (*Wetland Protection*), or Section 30-5-482 (*Water Quality Transition Zone*).

(3) The redevelopment must comply with construction phase environmental requirements in effect at the time of construction, including Chapter 30-5, Article 5 (*Erosion and Sedimentation Control; Overland Flow*) and Section 30-5-234 (*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 30-5-233 (*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 redeveloped area or an equivalent area on the site; or

(b) SOS ponds for a portion of the site, and sedimentation/filtration ponds for the remainder of the redeveloped area or an equivalent area on the site, as prescribed by the Environmental Criteria Manual.

(7) For a site with 40 percent or less net site area impervious cover, the redevelopment must have SOS ponds for the redeveloped area or an equivalent area on the site.

(8) The property owner must mitigate the effects of the redevelopment, if required by and in accordance with Subsection (H).

(9) Redevelopment may not be located within the Erosion Hazard Zone.

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

(1) includes more than 25 additional dwelling units;

(2) is located outside the City's zoning jurisdiction;

(3) is proposed on property with an existing industrial 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.

(G) 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.

(H) 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 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 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 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.

(I) The Watershed Protection 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.

§ 30-5-27 REDEVELOPMENT EXCEPTION IN THE WATER SUPPLY RURAL AND WATER SUPPLY SUBURBAN WATERSHEDS

(A) This section applies to property located in a water supply rural or water supply suburban watershed that has existing commercial development or existing residential

development with greater than two dwelling units if the property owner files a site plan application and an election for the property to be governed by this section.

(B) In this section, SEDIMENTATION/FILTRATION POND means water quality controls that comply with Section 30-5-213 (*Water Quality Control Standards*) or are approved under Section 30-5-151 (*Innovative Management Practices*)

(C) 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.

(D) 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 Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section30-5-281 (*Critical Environmental Features*), Section 30-5-282 (*Wetland Protection*), Section 30-5-422 (*Water Quality Transition Zone*), or Section 30-5-452 (*Water Quality Transition Zone*).

(3) The redevelopment must comply with construction phase environmental requirements in effect at the time of construction, including Chapter 30-5, Article 5 (*Erosion and Sedimentation Control; Overland Flow*).

(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. At a minimum, the site must provide sedimentation/filtration ponds for the redeveloped area or an equivalent area on the site.

(5) The property owner must mitigate the effects of the redevelopment, if required by and in accordance with Subsection (G).

(6) Redevelopment is not located within the Erosion Hazard Zone.

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

(1) includes more than 25 additional dwelling units;

(2) is located outside the City's zoning jurisdiction;

(3) is proposed on property with an existing industrial 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.

(F) 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 off-site infrastructure requirements of the redevelopment; and

(4) compatibility with the city's long-range planning goals.

(G) Redevelopment of property under this section requires the purchase or restriction of mitigation land.

(1) The combined gross site area impervious cover of the mitigation land and the portion of the redevelopment treated by sedimentation/filtration ponds may not exceed 20 percent if in a water supply rural watershed or 40% if in a water supply suburban watershed.

(2) The mitigation requirement may be satisfied by:

(a) paying into the Water Supply 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 Department within a water supply rural or water supply suburban watershed, 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 Department within a water supply rural or water supply suburban watershed, 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 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.

(H) The Watershed Protection 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.

Division 3. Variances.

§ 30-5-41 LAND USE COMMISSION VARIANCES.

(A) It is the applicant's burden to establish that the findings described in this Section have been met. Except as provided in Subsections (B) and (C), the land use commission may grant a variance from a requirement of this subchapter after determining that:

(1) the requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development;

(2) the variance:

(a) is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection that is achievable without the variance;

(b) is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property; and

(c) does not create a significant probability of harmful environmental consequences; and

(3) development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

(B) The land use commission may grant a variance from a requirement of [~~Section 30-5-393 *(Water Quality Transition Zone),*~~] Section 30-5-422 [~~423~~] *(Water Quality Transition Zone)*, Section 30-5-452[453] *(Water Quality Transition Zone)*, or Article 7, Division 1 *(Critical Water Quality Zone Restrictions)* after determining that:

(1) the criteria for granting a variance in Subsection (A) are met;

(2) the requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

(3) the variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

(C) The land use commission may not grant a variance from a requirement of Article 13[~~12~~] *(Save Our Springs Initiative)*.

(D) The land use commission shall prepare written findings of fact to support the grant or denial of a variance request under this section.

§ 30-5-42 ADMINISTRATIVE VARIANCES.

(A) A variance under this section may not vary the requirements of Article 12 *(Save Our Springs Initiative)*.

(B) The director of the Watershed Protection Department may grant a variance from a requirement of:

(1) Section 30-5-261 (*Critical Water Quality Zone Development*), only if necessary to protect public health and safety, or if it would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual;

(2) Subsection 30-5-262 (B) (*Critical Water Quality Zone Street Crossings*), only outside the Barton Springs Zone;

(3) Section 25-8-281 (*Critical Environmental Features*);

[~~Subsection 30-5-423(C) *(Water Quality Transition Zone);*~~]

(4) (~~2~~) Section 30-5-322 *(Clearing For A Roadway)*;

[~~(3) Subsection 30-5-343(A) *(Spoil Disposal)*;~~

~~(4) Article 7, Division 1 *(Critical Water Quality Zone Restrictions);*~~]

(5) Section 30-5-341 *(Cut Requirements)* or Section 30-5-342 *(Fill Requirements)*, for a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms; [~~or~~]

(6) Section 30-5-341 *(Cut Requirements)* or Section 30-5-342 *(Fill Requirements)*, for a cut or fill of not more than eight feet in the desired development zone;

(7) Subsection 30-5-343(A) (*Spoil Disposal*);

(8) Section 30-5-365 (*Interbasin Diversion*).

(C) It is the applicant's burden to establish that the findings described in this Section have been met.

(D) The director may grant a variance described in Subsection (B) only after determining that [~~:~~

~~(1)~~]development in accordance with the variance meets the objective of the requirement for which the variance is requested[~~;~~] and:

(1) [~~(2)~~] for property in the Barton Springs Zone, the variance will result in water quality that is at least equal to the water quality achievable without the variance; [~~and~~]

(2) [~~(3)~~] for a variance from Section 30-5-281, that the proposed measures preserve all characteristics of the critical environmental feature;

(3) for a variance from Section 30-5-341 or Section 30-5-342 [~~described in Paragraph (B)(6)~~], the cut or fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;

(4) for a variance from Section 30-5-343(A), use of the spoil provides a necessary public benefit. Necessary public benefits include:

(a) roadways;

(b) stormwater detention facilities;

(c) public or private park sites; and

(d) building sites that comply with Section 30-5-341 (*Cut Requirements*), Section 30-5-342 (*Fill Requirements*), and Chapter 30-4(*Drainage*); and

(5) for a variance from Section 30-5-365, there are no adverse environmental or drainage impacts.

(E) [~~(D)~~] The director shall prepare written findings to support the grant or denial of a variance request under this section.

§ 30-5-43 SUMMARY OF VARIANCES.

The director shall prepare and maintain for public inspection a written summary of variances granted and denied under Sections 30-5-41 *(Land Use Commission Variances)* and 30-5-42 *(Administrative Variances).*

Division 4. Impervious Cover Determinations.

§ 30-5-61 APPLICABILITY.

This division applies to the impervious cover requirements of this subchapter.

§ 30-5-62 NET SITE AREA.

(A) Net site area includes only the portions of a site that lie in an uplands zone and have not been designated for wastewater irrigation.

(B) For land described in Subsection (A), net site area is the aggregate of:

(1) 100 percent of the land with a gradient of 15 percent or less;

(2) 40 percent of the land with a gradient of more than 15 percent and not more than 25 percent; and

(3) 20 percent of the land with a gradient of more than 25 percent and not more than 35 percent.

(C) Net site area does not apply in the urban or suburban watersheds.

§ 30-5-63 IMPERVIOUS COVER CALCULATIONS.

(A) Impervious cover is calculated in accordance with this Section and the Environmental Criteria Manual.

(B) Impervious cover calculations include:

(1) roads;

(2) driveways;

(3) parking areas;
(4) buildings;
(5) concrete;
(6) impermeable construction covering the natural land surface;
(7) for an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, 50 percent of the horizontal area of the deck; and
(8) [~~interlocking or permeable pavers, except up to 20 percent of the area of the pavers may be excluded in calculating impervious cover if the pavers are approved by the director for recharge enhancement under Section 30-5-151*(Innovative Management Practices)*; and~~
~~(9)~~]the portion of a site used for the storage of scrap and metal salvage, including auto salvage.

(C) Impervious cover calculations exclude:
(1) sidewalks in a public right-of-way or public easement;
(2) multi-use trails open to the public and located on public land or in a public easement;
(3) water quality controls, excluding subsurface water quality controls;
(4) detention basins, excluding subsurface detention basins;
(5)[~~(3)~~] drainage swales and conveyances;
(6)[~~(4)~~] ponds, pools, and fountains; [~~and~~]
(7) [~~(5)~~] areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base;
(8) porous pavement designed in accordance with the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer Recharge Zone;
(9) fire lanes designed as prescribed by the Environmental Criteria Manual, that consist of interlocking pavers, and are restricted from routine vehicle access; and
(10) a subsurface portion of a parking structure if the director of the Watershed Protection Department determines that:
(a) the subsurface portion of the structure:
(i) is located within an urban or suburban watershed;
(ii)is below the grade of the land that existed before construction of the structure;
(iii)is covered by soil with a minimum depth of two feet and an average depth of not less than four feet; and
(iv)has an area not greater than fifteen percent of the site;
(b) the structure is not associated with a use regulated by Section 1.2.2 of Subchapter F of Chapter 25-2 (*Residential Design and Compatibility Standards*);
(c) the applicant submits an assessment of the presence and depth of groundwater at the site sufficient to determine whether groundwater will need to be discharged or impounded; and
(d) the applicant submits documentation that the discharge or impoundment of groundwater from the structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property.

§ 30-5-64 IMPERVIOUS COVER ASSUMPTIONS.

(A) This section applies to impervious cover calculations for duplex or single-family lots.

(B) Except as provided in Subsection (C):

(1) for each lot greater than three acres in size, 10,000 square feet of impervious cover is assumed;

(2) for each lot greater than one acre and not more than three acres in size, 7,000 square feet of impervious cover is assumed;

(3) for each lot greater than 15,000 square feet and not more than one acre in size, 5,000 square feet of impervious cover is assumed;

(4) for each lot greater than 10,000 square feet and not more than 15,000 square feet in size, 3,500 square feet of impervious cover is assumed; and

(5) for each lot not more than 10,000 square feet in size, 2,500 square feet of impervious cover is assumed.

(C) For a lot that is restricted to a lesser amount of impervious cover than prescribed by this section, the lesser amount of impervious cover is assumed. The manner in which the lot is restricted is subject to the approval of the director.

§ 30-5-65 COMMERCIAL IMPERVIOUS COVER

(A) This section applies to impervious cover calculations for commercial developments.

(B) An application for a commercial development must demonstrate that once fully constructed, the development will not exceed applicable maximum impervious cover limitations.

(C) Subsection (B) does not apply to an application for a commercial site development, including a roadway project, that will not exceed 5,000 square feet of new impervious cover.

~~**[§ 30-5-65 ROADWAYS.**~~

~~(A) Except as otherwise provided in this section, impervious cover calculations for development adjacent to a roadway shall account for the adjacent roadway.~~

~~(B) For development with an internal roadway, impervious cover calculations include the internal roadway, except that pavement width in excess of 44 feet is excluded. This does not reduce the requirements for stormwater detention facilities or water quality controls for run-off from the roadways.~~

~~(C) For development adjacent to a roadway built as a city Capital Improvements Program project after May 18, 1986, impervious cover calculations include one-half of the pavement width, up to a maximum of 44 feet, and the associated right-of-way.~~

~~(D) This section does not apply in the desired development zone to a development with impervious cover of not more than:~~

~~(1) 5,000 square feet; or~~

~~(2) 7,000 square feet for development located at a smart growth transportation corridor or node described in City Code Section 25-6-3 *(Smart Growth Corridors and Nodes Described)*.~~]

ARTICLE 2. WATERWAYS CLASSIFIED; ZONES ESTABLISHED.

§ 30-5-91 WATERWAY CLASSIFICATIONS.

(A) This section classifies the [~~significant~~] waterways in each watershed according to drainage area.

(B) In all watersheds [~~a suburban watershed~~]:

(1) a minor waterway has a drainage area of at least 64 [~~320~~] acres and not more than 320 [~~640~~] acres;

(2) an intermediate waterway has a drainage area of more than 320[~~640~~] acres and not more than 640 [~~1280~~] acres; and

(3) a major waterway has a drainage area of more than 640 [~~1280~~] acres.

[~~(C) In a water supply suburban watershed:~~

~~(1) a minor waterway has a drainage area of at least 128 acres and not more than 320 acres;~~

~~(2) an intermediate waterway has a drainage area of more than 320 acres and not more than 640 acres; and~~

~~(3) a major waterway has a drainage area of more than 640 acres.~~

~~(D) In a water supply rural watershed:~~

~~(1) a minor waterway has a drainage area of at least 64 acres and not more than 320 acres;~~

~~(2) an intermediate waterway has a drainage area of more than 320 acres and not more than 640 acres; and~~

~~(3) a major waterway has a drainage area of more than 640 acres.~~

~~(E) In the Barton Springs Zone:~~

~~(1) for the Barton Creek, Bear Creek, Little Barton Creek, Little Bear Creek, and Onion Creek watersheds:~~

~~(a) a minor waterway has a drainage area of at least 64 acres and not more than 320 acres;~~

~~(b) an intermediate waterway has a drainage area of more than 320 acres and not more than 640 acres; and~~

~~(c) a major waterway has a drainage area of more than 640 acres; and~~

~~(2) for the Slaughter Creek and Williamson Creek watersheds:~~

~~(a) a minor waterway has a drainage area of at least 128 acres and not more than 320 acres;~~

~~(b) an intermediate waterway has a drainage area of more than 320 acres and not more than 640 acres; and~~

~~(c) a major waterway has a drainage area of more than 640 acres.~~]

§ 30-5-92 CRITICAL WATER QUALITY ZONES ESTABLISHED.

(A) In the water supply rural watersheds, water supply suburban watersheds, and Barton Springs zone, a [~~A~~] critical water quality zone is established along each waterway classified under Section 30-5-91 *(Waterway Classifications)*.

(1) The boundaries of a critical water quality zone coincide with the boundaries of the 100 year flood plain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual, except:

(a) [~~(2)~~] for a minor waterway, the boundaries of the critical water quality zone are located not less than 50 feet and not more than 100 feet from the centerline of the waterway;

(b) [~~(a)~~] for an intermediate waterway, the boundaries of the critical water quality zone are located not less than 100 feet and not more than 200 feet from the centerline of the waterway;

(c) [~~(b)~~] for a major waterway, the boundaries of the critical water quality zone are located not less than 200 feet and not more than 400 feet from the centerline of the waterway; and

(d) [~~(c)~~] for the main channel of Barton Creek, the boundaries of the critical water quality zone are located 400 feet from the centerline of the creek.

(2) [~~(3)~~] Notwithstanding the provisions of Subsections (A) (1)[~~(2)~~](a), (b), and (c), a critical water quality zone does not apply to a previously modified drainage feature serving a public roadway right of way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition[~~extend beyond the crest of a bluff~~].

(B) In the suburban watersheds, a critical water quality zone is established along each waterway classified under Section 30-5-91 (*Waterway Classifications*).

(1) for a minor waterway, the boundaries of the critical water quality zone are located 100 feet from the centerline of the waterway;

(2) for an intermediate waterway, the boundaries of the critical water quality zone are located 200 feet from the centerline of the waterway; and

(3) for a major waterway, the boundaries of the critical water quality zone are located 300 feet from the centerline of the waterway;

(4) The critical water quality zone boundaries may be reduced to not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if the overall surface area of the critical water quality zone is the same or greater than the surface area that would be provided without the reduction, as prescribed in the Environmental Criteria Manual.

(5) Notwithstanding the provisions of Subsections (B) (1), (2), and (3), a critical water quality zone does not apply to a previously modified drainage feature serving a public roadway right of way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition.

(C) Critical water quality zones are established to include the inundated areas that constitute Lake Walter E. Long, Lake Austin, Lady Bird Lake, and the Colorado River downstream of Lady Bird Lake.

(D) [~~(B)~~] Critical water quality zones are established along and parallel to the shorelines of Lake Travis, Lake Austin, and Lady Bird [~~Town~~] Lake.

(1) The shoreline boundary of a critical water quality zone:

(a) for Lake Travis, coincides with the 681.0 foot contour line;

(b) for Lake Austin, coincides with the 492.8 foot contour line; and

(c) for Lady Bird [~~Town~~] Lake, coincides with the 429.0 foot contour line.

(2) The width of a critical water quality zone, measured horizontally inland, is:

(a) 100 feet; or

(b) for a detached single-family residential use, 75 feet.

(E) [~~(C)~~] Critical water quality zones are established along and parallel to the shorelines of the Colorado River downstream of Lady Bird [~~Town~~] Lake.

(1) The shoreline boundary of a critical water quality zone coincides with the river's ordinary high water mark, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*).

(2) The inland boundary of a critical waterquality zone coincides with the boundary of the 100-year floodplain as delineated by the Federal Emergency Management Agency, except that the width of the critical water quality zone,measured horizontally inland, isnot less than 200 feet and not morethan 400 feet.

(F) [~~(D)~~] In an urban watershed, a critical water quality zone is established along each waterway with a drainage area of at least 64 acres. This does not apply in the area bounded by IH-35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.

(1) The boundaries of the critical water quality zone coincide with the boundaries of the 100 year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual; provided that the boundary is not less than 50 feet and not more than 400 feet from the centerline of the waterway.

(2) Notwithstanding the provisions of Subsection (F) (1), a critical water quality zone does not apply to a previously modified drainage feature serving a public roadway right of way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition. [~~Except as limited by Paragraph (3), for a waterway whose 100-year flood plain has been delineated by the Federal Emergency Management Agency:~~

~~(a) the boundaries of the critical water quality zone coincide with the boundaries of the floodplain as delineated by FEMA; or~~

~~(b) if the applicant has calculated the 100-year flood plain for the waterway and the city has approved the calculations, the boundaries of the critical water quality zone coincide with the boundaries of the calculated flood plain.~~

~~(2) Except as limited by Paragraph (3), for a waterway whose 100-year flood plain has not been delineated by the Federal Emergency Management Agency:~~

~~(a) the boundaries of a critical water quality zone are located 100 feet from the centerline of the waterway; or~~

~~(b) if the applicant has calculated the 100-year flood plain for the waterway and the city has approved the calculations, the boundaries of the critical water quality zone coincide with are the lesser of the boundaries of the calculated flood plain.~~

~~(3) The boundaries of a critical water quality zone are located not less than 50 feet and not more than 400 feet from the centerline of the waterway.~~]

§ 30-5-93 WATER QUALITY TRANSITION ZONES ESTABLISHED.

(A) In the water supply rural watersheds, water supply suburban watersheds, and in the Barton Springs zone, excluding [~~Except for~~] Lake Austin, Lake Travis, and Lady Bird [~~Town~~] Lake, a water quality transition zone is established adjacent and parallel to the outer boundary of each critical water quality zone.

(B) The width of a water quality transition zone is:

(1) for a minor waterway, 100 feet;

(2) for an intermediate waterway, 200 feet; and

(3) for a major waterway, 300 feet.

§ 30-5-94 UPLANDS ZONES ESTABLISHED.

An uplands zone includes all land and waters not included in a critical water quality zone or a water quality transition zone.

ARTICLE 3. ENVIRONMENTAL RESOURCE INVENTORY [~~ASSESSMENT~~]; POLLUTANT ATTENUATION PLAN.

§ 30-5-121 ENVIRONMENTAL RESOURCE INVENTORY [~~ASSESSMENT~~] REQUIREMENT.

(A) An applicant shall file an environmental resource inventory [~~assessment~~] with the single office for proposed development located:

(1) over a karst aquifer;

(2) within an area draining to a karst aquifer or reservoir;

(3) in a water quality transition zone;

(4) in a critical water quality zone;

(5) in a floodplain [~~flood plain~~]; or

(6) on a tract with a gradient of more than 15 percent.

(B) An environmental resource inventory [~~assessment~~] must:

(1) identify critical environmental features and propose protection measures for the features;

(2) provide an environmental justification for spoil disposal locations or roadway alignments;

(3) propose methods to achieve overland flow[~~and justify enclosed storm sewers; and~~];

(4) describe proposed industrial uses and the pollution abatement program; and

(5) be completed as prescribed by the Environmental Criteria Manual.

(C) An environmental resource inventory [~~assessment~~] must include:

(1) a hydrogeologic report in accordance with Section 30-5-122*(Hydrogeologic Report)*;

(2) a vegetation report in accordance with Section 30-5-123 *(Vegetation Report)*; and

(3) a wastewater report in accordance with Section 30-5-124*(Wastewater Report)*.

(D) The single office may permit an applicant to exclude from an environmental resource inventory [~~assessment~~] information required by this section after determining that the information is unnecessary because of the scope and nature of the proposed development.

§ 30-5-122 HYDROGEOLOGIC REPORT.

A hydrogeologic report must:

(1) generally describe the topography, soils, and geology of the site;

(2) identify springs and significant point recharge features on the site; [~~and~~]

(3) demonstrate that proposed drainage patterns will protect the quality and quantity of recharge at significant point recharge features; and[~~.~~]

(4) identify all recorded and unrecorded water wells, both on the site and within 150 feet of the boundary of the site.

§ 30-5-123 VEGETATION REPORT.

A vegetation report must:

(1) demonstrate that the proposed development:

(a) preserves to the greatest extent practicable the significant trees and vegetation on the site; and

(b) provides maximum erosion control and overland flow benefits from the vegetation;

(2) include one of the following:

(a) a tree survey of all trees with a diameter of at least eight inches measured four and one-half feet above natural grade level; or

(b) on approval of the city arborist, stereo aerial photographs that are nine inches by nine inches in size, are at a scale of one inch to 400 feet or larger, and were photographed between the months of April and November; and

(3) for a commercial or multifamily site, include a vegetation survey that shows the approximate locations and types of all significant vegetation.

§ 30-5-124 WASTEWATER REPORT.

A wastewater report must:

(1) provide environmental justification for a sewer line location in a critical water quality zone;

(2) address construction techniques and standards for wastewater lines;

(3) include calculations of drainfield or wastewater irrigation areas;

(4) describe alternative wastewater disposal systems used over the Edwards Aquifer recharge zone; and

(5) address on-site collection and treatment systems, their treatment levels, and effects on receiving watercourses or the Edwards Aquifer.

§ 30-5-125 POLLUTANT ATTENUATION PLAN.

An applicant proposing an industrial use that is not completely enclosed in a building shall provide a pollutant attenuation plan in accordance with the [~~Administrative and the~~] Environmental Criteria Manual [~~Manuals~~].

ARTICLE 4. MANAGEMENT PRACTICES; ENGINEER'S CERTIFICATION.

§ 30-5-151 INNOVATIVE MANAGEMENT PRACTICES.

(A) An innovative water quality control is a practice that is not specifically prescribed in the Environmental Criteria Manual, but is designed to address the requirements of Article 6 (*Water Quality Controls*).

(B) [~~(A)~~] An innovative runoff management practice is a practice that is designed to address the requirements of [~~Article 6 *(Water Quality Controls)* and~~] Section 30-5-281 *(Critical Environmental Features)*, enhance the recharge of groundwater and the discharge of springs, and maintain the function of critical environmental features. [~~The city and county encourage innovative management practices.~~]

(B) A proposal for an [~~An~~] innovative water quality control or runoff management practice [~~proposal~~] must be reviewed and approved by the director. Review and approval is based on:

(1) technical merit;

(2) compliance with the requirements of this title for water quality protection and improvement;

(3) resource protection and improvement;
(4) advantages over standard practices; and
(5) anticipated maintenance requirements.

§ 30-5-152 ENGINEER'S CERTIFICATION.

A civil engineer registered in Texas must certify a plan or plat as complete, accurate, and in compliance with the requirements of this subchapter. The single office may waive this requirement after making a determination that the plan or plat includes only minor alterations or improvement that do not require the services of an engineer.

ARTICLE 5. EROSION AND SEDIMENTATION CONTROL; OVERLAND FLOW.

§ 30-5-181 EROSION AND SEDIMENTATION CONTROL.

Temporary erosion and sedimentation controls:

(1) are required for all development until permanent revegetation has been established; and
(2) must be removed after permanent revegetation has been established.

§ 30-5-182 DEVELOPMENT COMPLETION.

(A) Development is not completed until:
(1) permanent revegetation is established; and
(2) the single office:
(a) receives the engineer's concurrence letter; and
(b) certifies installation of the vegetation for acceptance.

(B) Development must be completed under Subsection (A) before the city or county may accept maintenance responsibility for streets, drainage facilities, or utilities, or issue a certificate of compliance, unless the city or county, as applicable, and the applicant enter into an agreement to ensure completion of the revegetation within a specified period.

§ 30-5-183 MODIFICATION OF EROSION CONTROL AND CONSTRUCTION SEQUENCING PLANS.

An inspector may modify an erosion control plan or construction sequencing plan in the field:

(1) without notice to the permit holder, if the modification is a minor change to upgrade erosion controls or reflect construction progress; and

(2) after two days written notice to the permit holder, if:

(a) the inspector determines that an erosion control or the construction sequencing is inappropriate or inadequate; and

(b) the single office has confirmed in writing the inspector's determination.

§ 30-5-184 ADDITIONAL EROSION AND SEDIMENTATION CONTROL REQUIREMENTS IN THE BARTON SPRINGS ZONE.

(A) This section provides additional erosion and sedimentation control requirements for development in the Barton Springs Zone.

(B) A temporary erosion and sedimentation control plan and a water quality plan certified by a registered professional engineer and approved by the single office is required.

(1) The plans must describe the temporary structural controls, site management practices, or other approved methods that will be used to control of off-site sedimentation until permanent revegetation is certified as completed under Section 30-5-182 *(Development Completion)*.

(2) The temporary erosion control plan must be phased to be effective at all stages of construction. Each temporary erosion control method must be adjusted, maintained, and repaired as necessary.

(C) The single office may require a modification of the temporary erosion control plan after determining that the plan does not adequately control off-site sedimentation from the development. Approval by the single office and the engineer who certified the plan is required for a major modification of the plan.

(D) The owner shall designate a project manager who is responsible for compliance with the erosion and sedimentation control and water quality plan requirements during development.

(E) The length of time between clearing and final revegetation of development may not exceed 18 months, unless extended by the single office.

(F) If an applicant does not comply with the deadline in Subsection (E), or does not adequately maintain the temporary erosion and sedimentation controls, the single office shall notify the applicant in writing that the city or county will repair the controls or revegetate the disturbed area at the applicant's expense unless the work is completed or revegetation is begun not later than the 15th day after the date of the notice.

(G) A person commits an offense if the person allows sediment from a construction site to enter a waterway by failing to maintain erosion controls or failing to follow the approved sequence of construction.

§ 30-5-185 OVERLAND FLOW.

(A) Drainage patterns must be designed to:

(1) prevent erosion;

(2) maintain infiltration and recharge of local seeps and springs;

(3) attenuate the harm of contaminants collected and transported by stormwater; and

(4) where possible, maintain and restore overland sheet flow, maintain natural drainage features and patterns, and disperse runoff back to sheet flow.

[~~(B) Construction of an enclosed storm sewer or an impervious channel lining is prohibited unless the single office determines, based on engineering evidence, that an enclosed storm sewers or impervious channel lining is the preferred option. A conflict between the requirements of this subsection and another requirement of this title may be resolved by an appeal to the land use commission.~~]

(B) [~~(C)~~] The applicant shall design an enclosed storm drain [~~sewer~~] to mitigate potential adverse impacts [~~its harmful effect~~] on water quality by using [~~structural devices or other~~] methods to prevent erosion and dissipate discharges from outlets. Applicant shall locate [~~wherever practicable, and by locating~~] discharges to maximize overland flow through buffer zones or grass-lined swales wherever practicable.

ARTICLE 6. WATER QUALITY CONTROLS.

Division 1. Requirements and Standards.

§ 30-5-211 WATER QUALITY CONTROL REQUIREMENT.

(A) In the Barton Springs Zone, water quality controls are required for all development.

(B) In a watershed other than a Barton Springs Zone watershed, water quality controls are required for development:

(1) located in the water quality transition zone;

(2) of a golf course, play field, or similar recreational use, if fertilizer, herbicide, or pesticide is applied; or

(3) if the total of new and redeveloped impervious cover exceeds 5,000 square feet[~~except as provided in Subsection (C), with impervious cover that exceeds 20 percent of net site area~~].

(C) [~~In an urban watershed:~~

~~(1) water quality controls are required in accordance with the Environmental Criteria Manual; and~~

~~(2)~~] All new development must provide for removal of floating debris from stormwater runoff.

(D) The water quality control requirements in this division do not require water quality controls on a single-family or duplex lot but apply to the residential subdivision as a whole.

(E) The water quality control requirements in this division do not require water quality controls for a roadway project with less than 5,000 square feet of new impervious cover.

§ 30-5-212 PREVIOUS WAIVERS AND SPECIAL EXCEPTIONS.

Water quality controls in accordance with Section 30-5-213 *(Water Quality Control Standards)* are required for a commercial or multifamily development with more than 20 percent impervious cover that has been granted a waiver of previous water quality requirements or a special exception under this subchapter.

§ 30-5-213 WATER QUALITY CONTROL STANDARDS.

(A) A water quality control must be designed in accordance with the Environmental Criteria Manual.

(1) The control must provide at least the treatment level of a sedimentation/filtration system under the Environmental Criteria Manual.

(2) An impervious liner is required in an area where there is surface runoff to groundwater conductivity. If a liner is required and controls are located in series, liners are not required for the second or later in the series following sedimentation, extended detention, or sedimentation/filtration.

(3) The control must be accessible for maintenance and inspection as prescribed in the Environmental Criteria Manual.

(B) A water quality control must capture, isolate, and treat the water draining to the control from the contributing area. The required capture volume is:

(1) the first one-half inch of runoff; and

(2) for each 10 percent increase in impervious cover over 20 percent of gross site area, an additional one-tenth of an inch of runoff.

(C) The location of a water quality control:

(1) must avoid recharge features to the greatest extent possible;

(2) must be shown on the slope map, preliminary plan, site plan, or subdivision construction plan, as applicable; and

(3) in a water supply rural watershed, may not be in the 40 percent buffer zone, unless the control disturbs less than 50% of the buffer, and is located to maximize overland flow and recharge in the undisturbed remainder of the 40 percent buffer zone.

(D) This subsection provides additional requirements for the Barton Springs Zone.

(1) Approval by the director is required for a proposed water quality control that is not described in the Environmental Criteria Manual. The applicant must substantiate the pollutant removal efficiency of the proposed control with published literature or a verifiable engineering study.

(2) Water quality controls must be placed in sequence if necessary to remove the required amount of pollutant. The sequence of controls must be:

(a) based on the Environmental Criteria Manual or generally accepted engineering principles; and

(b) designed to minimize maintenance requirements.

§ 30-5-214 OPTIONAL PAYMENT INSTEAD OF STRUCTURAL CONTROLS IN URBAN WATERSHEDS.

(A) The director shall identify and prioritize water quality control facilities for the urban watersheds in an Urban Watersheds Structural Control Plan. The Environmental Board shall review the plan in January of each year.

(B) An Urban Watersheds Structural Control Fund is established for use in the design and construction of water quality control facilities in the urban watersheds.

(C) Instead of providing the water quality controls required under Section 30-5-211 *(Water Quality Control Requirement)*, in an urban watershed a developer may request approval to deposit with the city a nonrefundable cash payment, based on a formula established by the council. The director shall review the request and accept or deny the request based on standards in the Environmental Criteria Manual[~~not later than the 15th working day after its receipt~~].

(D) The director shall deposit a payment made under this section in the Urban Watersheds Structural Control Fund.

Division 2. Maintenance and Inspection.

§ 30-5-231 WATER QUALITY CONTROL MAINTENANCE AND INSPECTION.

In this section:

(1) COMMERCIAL DEVELOPMENT means all development other than Residential Development.

(2) COMMERCIAL POND means a required water quality control or appurtenance that receives stormwater runoff from a Commercial Development.

(3) ECM STANDARDS means the provisions in the Environmental Criteria Manual regarding maintenance of a required water quality control or appurtenance.

(4) RESIDENTIAL DEVELOPMENT means development of two dwelling units or less per lot.

(5) RESIDENTIAL POND means a required water quality control or appurtenance that receives stormwater runoff from a Residential Development.

(B) The record owner of a commercial development shall maintain the commercial pond serving the commercial development in accordance with the ECM standards, whether or not the commercial pond is located on the same property as the commercial development. The record

owner shall provide the City proof of the right to access and maintain the commercial pond if it is not located on the same property as the commercial development.

(C) If more than one commercial development is served by a single commercial pond, the record owners of the commercial pond and all commercial developments served by the commercial pond shall be jointly and severally responsible for maintenance of the commercial pond in accordance with the ECM standards.

(D) The director may authorize an alternative arrangement for maintenance of a residential or commercial basin in accordance with the Drainage Criteria Manual [~~DCM~~] standards. If an alternative arrangement is approved by the director, the city attorney shall determine whether an agreement is necessary; the agreement must be approved by the city attorney and filed of record.

(E) The City shall inspect each commercial pond that is not a subsurface pond at least once every three years to ensure that the commercial pond is being maintained in accordance with the ECM standards. If the commercial pond fails inspection requiring an additional inspection, the director may charge a re-inspection fee.

(F) The record owner of a subsurface commercial pond must provide the Watershed Protection Department with a maintenance plan and an annual report from a registered engineer verifying that the pond is in proper operating condition.

(G) [~~(F)~~] Until the City accepts a residential pond for maintenance, the record owner(s) of the residential pond and the residential development served shall maintain the residential pond in accordance with the ECM standards.

(H) [~~(G)~~] The City shall be responsible for maintenance of a residential pond only after the residential pond has been accepted for maintenance by the City. The City will accept the residential pond upon determining that it meets the requirements of the Environmental Criteria Manual and, if applicable, Section 25-8-234 *(Fiscal Security in the Barton Springs Zone).*

§ 30-5-232 DEDICATED FUND.

(A) The city's director of finance shall establish a dedicated fund to:

(1) monitor water quality controls; and

(2) maintain water quality controls for single-family and duplex residential development.

(B) An applicant shall pay the required fee into the fund:

(1) for development that does not require a site plan, when the applicant posts fiscal security for the subdivision or requests that the single office record the subdivision plat, whichever occurs first; or

(2) for development that requires a site plan, when the site plan is approved.

(C) The director shall administer the fund, allocate the fund for appropriate projects, and report annually to the council regarding the status of the fund and the monitoring and maintenance program described in this section.

§ 30-5-233 BARTON SPRINGS ZONE OPERATING PERMIT.

(A) In the Barton Springs Zone, the owner or operator of a commercial or multifamily development is required to obtain an annual operating permit for the required water quality controls.

(B) To obtain an annual operating permit, an applicant must:

(1) provide the City Planning and Development Review Department [~~director~~] with:

(a) a maintenance plan; and

(b) the information necessary to verify that the water quality controls are in proper operating condition; and

(2) [~~(c)~~] pay the required, nonrefundable fee.

(C) The Planning and Development Review Department director may verify that a water quality control is in proper operating condition by either inspecting the water quality control or accepting a report from a registered engineer.

(D) The Planning and Development Review Department director shall issue an operating permit after determining that:

(1) the applicant has complied with the requirements of Subsection (B); and

(2) the water quality controls are in proper operating condition.

(E) The Planning and Development Review Department director shall transfer an operating permit to a new owner or operator if, not later than the 30th day after a change in ownership or operation, the new owner or operator:

(1) signs the operating permit;

(2) accepts responsibility for the water quality controls; and

(3) documents the transfer on a form provided by the Planning and Development Review Department [~~director~~].

§ 30-5-234 FISCAL SECURITY IN THE BARTON SPRINGS ZONE.

(A) For development in the Barton Springs Zone, an applicant shall provide the city with fiscal security to ensure that water quality controls are maintained properly. The director shall calculate the amount of fiscal security in accordance with the formula in the Environmental Criteria Manual.

(B) The director may not return the fiscal security to the applicant until:

(1) the expiration of one year after the completion of the development; and

(2) the director receives verification that the controls are constructed in accordance with the approved design by:

(a) the applicant's delivery of a certified engineering concurrence letter; and

(b) a report from a city inspector.

ARTICLE 7. REQUIREMENTS IN ALL WATERSHEDS.

Division 1. Critical Water Quality Zone Restrictions.

§ 30-5-261 CRITICAL WATER QUALITY ZONE DEVELOPMENT.

In all watersheds, development is prohibited in a critical water quality zone except as provided in this Division.

(A) A fence that does not obstruct flood flows is permitted in a critical water quality zone.

(B) Open space [~~A public or private park, golf course, or open spaces, other than a parking lot,~~] is permitted in a critical water quality zone if a program of fertilizer, pesticide, and herbicide use is approved by the director.

(1) In a water supply rural watershed or the Barton Springs Zone, open space [~~park development~~] is limited to sustainable urban agriculture or a community garden if the requirements in subsection (B) (4) are met, multi-use trails, picnic facilities,[~~hiking, jogging, or walking trails~~]and outdoor facilities, excluding [~~and excludes~~] stables and corrals for animals.

(2) In a water supply rural watershed or the Barton Springs Zone, a master planned

park that is reviewed by the land use commission and approved by the council may include recreational development other than that described in Subsection (B)(1).

(3) A hard surfaced trail that does not cross the critical zone may be located within the critical water quality zone only if:

(a) designed in accordance with the Environmental Criteria Manual; and

(b) located outside the erosion hazard zone.

(4) Open space may include sustainable urban agriculture or a community garden if:

(a) in an urban watershed and located not less than 25 feet from the centerline of a waterway, or in a watershed other than an urban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;

(b) designed in accordance with the Environmental Criteria Manual; and

(c) limited to garden plots and paths, with no storage facilities or other structures over 500 square feet.

(C) Along Lake Travis, Lake Austin, or Lady Bird [~~Town~~] Lake:

(1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, is permitted in a critical water quality zone; and

(2) approval by the director of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released.

[~~(D) In the Barton Springs Zone:~~

~~(1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, or a pedestrian bridge, or bicycle or golf cart path, is permitted in a critical water quality zone; and~~

~~(2) approval by the director of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released.~~]

(D)[~~(E)~~] A utility line,including a storm drain, is prohibited in the critical water quality zone, except as provided in subsection (E) or for a necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone if:

(1) the utility line follows the most direct path into or across the critical water quality zone to minimize disturbance;

(2) the depth of the utility line and location of associated access shafts are not located within an erosion hazard zone; and

(3) in [~~In~~] the Barton Springs Zone, approval by the director is required for a utility line crossing.

(E) In the urban and suburban watersheds, a utility line may be located parallel to and within the critical water quality zone if:

(1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;

(2) designed in accordance with the Environmental Criteria Manual; and

(3) located outside the erosion hazard zone.

(F) [~~Except in the Barton Springs Zone,~~] Detention [~~detention~~] basins and wet ponds [~~floodplain alterations~~] are prohibited [~~permitted~~] in the critical water quality zone unless [~~if~~] the requirements of Section 30-5-364 (*Floodplain Modification*),Chapter 30-4 (*Drainage*), and the other provisions of this subchapter are met.

(G) Floodplain modifications are prohibited in the critical water quality zone unless:

(1) the floodplain modifications proposed are necessary to protect the public health and safety;

(2) the floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual, or

(3) the floodplain modifications proposed are necessary for development allowed in the critical zone under section 25-8-261 (*Critical Water Quality Zone Development*) or 25-8-262 (*Critical Water Quality Zone Street Crossings*).

(H) In the urban and suburban watersheds, vegetative filter strips, rain gardens, biofiltration ponds, areas used for irrigation or infiltration of stormwater, or other controls as prescribed by rule are allowed in the critical water quality zone if:

(1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located no less than 50 feet from the centerline of a minor waterway, no less than 100 feet from the centerline of an intermediate waterway, and no less than 150 feet from the centerline of a major waterway;

(2) located outside the 100 year floodplain; and

(3) located outside the erosion hazard zone.

(I) A residential lot that is 5,750 square feet or less in size may not include any portion of a critical water quality zone.

§ 30-5-262 CRITICAL WATER QUALITY ZONE STREET CROSSINGS.

(A) In an urban watershed, an arterial, collector, or residential street may cross a critical water quality zone of any waterway.

(B) This subsection applies in a watershed other than an urban watershed.

(1) A major waterway critical water quality zone may be crossed by an arterial street identified in the Transportation Plan.

(2) An intermediate waterway critical water quality zone may be crossed by an arterial or collector street, except:

(a) a collector street crossing must be at least 2,500 feet from a collector or arterial street crossing on the same waterway; or

(b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least one mile from a collector or arterial street crossing on the same waterway.

(3) A minor waterway critical water quality zone may be crossed by an arterial or collector street, except:

(a) a collector street crossing must be at least 900 [~~1,000~~] feet from a collector or arterial street crossing on the same waterway; or

(b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least 2,000 feet from a collector or arterial street crossing on the same waterway.

(4) A minor waterway critical water quality zone may be crossed by a residential or commercial street if necessary to provide access to property that cannot otherwise be safely accessed.

(C) [~~Except in the Barton Springs Zone, the director may vary the requirements of Subsection (B).~~]In all watersheds, multi-use trails may cross a critical water quality zone of any waterway.

(D) Notwithstanding subsections (A) and (B) and except in the Barton Springs Zone, a street or driveway may cross the critical water quality zone if the street or driveway:

(1) is located in a center or corridor as identified on the growth concept map of the Imagine Austin Comprehensive Plan, as adopted by Ordinance No. 20120614-058, if the proposed crossing, and

(2) is necessary to facilitate the development or redevelopment of a designated corridor or center as recommended in the Imagine Austin Comprehensive Plan, Chapter 4 (*Shaping Austin: Building the Complete Community*), growth concept map and related definitions; and

(3) maintains the quality and quantity of recharge if located in a center or corridor designated as a sensitive environmental area in the Edwards Aquifer recharge zone, Edwards Aquifer contributing zone, or the South Edwards Aquifer recharge zone, as determined by the director of the Watershed Protection Department.

Division 2. Protection for Special Features.

§ 30-5-281 CRITICAL ENVIRONMENTAL FEATURES.

(A) Drainage patterns for proposed development must be designed to protect critical environmental features from the effects of runoff from developed areas, and to maintain the catchment areas of recharge features in a natural state. Special controls must be used where necessary to avoid the effects of erosion, or sedimentation, or high rates of flow.

(B) A residential lot may not include a critical environmental feature or be located within 50 feet of a critical environmental feature.

(C) This subsection prescribes the requirements for critical environmental feature buffer zones.

(1) A buffer zone is established around each critical environmental feature described in this subchapter.

(a) Except as provided in Subsection (C)(1)(b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature.

(b) For a point recharge feature, the buffer zone coincides with the topographically defined catchment basin, except that the width of the buffer zone from the edge of the critical environmental feature is:

(i) not less than 150 feet; [~~and~~]

(ii) not more than 300 feet; and

(iii) calculated in accordance with the Environmental Criteria Manual.

(2) Within a buffer zone described in this subsection:

(a) the natural vegetative cover must be retained to the maximum extent practicable;

(b) construction is prohibited; and

(c) wastewater disposal or irrigation is prohibited.

(3) If located at least 50 feet from the edge of the critical environmental feature, the prohibition of Subsection (C)(2)(b) does not apply to:

(a) a yard or hiking trail; or

(b) a recharge basin approved under Section 30-5-213 *(Water Quality Control Standards)* that discharges to a point recharge feature; or

(c) an innovative runoff management practice approved under Section 30-5-151 (*Innovative Management Practices*).

(4) Perimeter fencing with not less than one access gate must be installed at the outer edge of the buffer zone for all point recharge features. The fencing must comply with the Standard Specifications Manual.

(5) The owner must maintain the buffer zone in accordance with standards in the Environmental Criteria Manual to preserve the water quality function of the buffer.

(D) When voids in the rock substrate are uncovered during development, the following protocol must be followed:

(1) construction in the area of the void must cease while the applicant conducts a preliminary investigation of the void as prescribed by the Environmental Criteria Manual.

(2) The applicant shall contact a City of Austin Environmental Inspector to schedule further investigation by the City of the void as prescribed by the Environmental Criteria Manual if the preliminary investigation indicates that the void:

(a) is one square foot in total area;

(b) blows air from within the substrate;

(c) consistently receives water during any rain event; or

(d) potentially transmits groundwater.

(3) Construction may only proceed after mitigation measures are reviewed and approved by the Watershed Protection Department.

[~~(D) The director may grant an administrative variance to a requirement of this section. An applicant for a variance must demonstrate that the proposed measures preserve all characteristics of the critical environmental feature.~~]

§ 30-5-282 WETLAND PROTECTION.

(A) Wetlands must be protected in all watersheds except in the area bounded by Interstate 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street [~~central business area~~].

(B) Protection methods for wetlands include:

(1) appropriate setbacks that preserve the wetlands or wetland functions;

(2) wetland mitigation, including wetland replacement;

(3) wetland restoration or enhancement; or

(4) use of a wetlands for water quality controls.

(C) The director may approve:

(1) the removal and replacement of a wetland; or

(2) the elimination of setbacks from a wetland that is proposed to be used as a water quality control.

Division 3. Construction on Slopes.

§ 30-5-301 CONSTRUCTION OF A ROADWAY OR DRIVEWAY.

(A) A person may not construct a roadway or driveway on a slope with a gradient of more than 15 percent unless the construction is necessary to provide primary access to:

(1) at least two contiguous acres with a gradient of 15 percent or less; or

(2) building sites for at least five residential units.

(B) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.

§ 30-5-302 CONSTRUCTION OF A BUILDING OR PARKING AREA.

(A) A person may not construct:

(1) a building or parking structure on a slope with a gradient of more than 25 percent; or

(2) except for a parking structure, a parking area on a slope with a gradient of more than 15 percent.

(B) A person may construct a building or parking structure on a slope with a gradient of more than 15 percent and not more than 25 percent if the requirements of this subsection are met.

(1) Impervious cover on slopes with a gradients of more than 15 percent may not exceed 10 percent of the total area of the slopes.

(2) The terracing techniques in the Environmental Criteria Manual are required for construction that is uphill or downhill of a slope with a gradient of more than 15 percent.

(3) Hillside vegetation may not be disturbed except as necessary for construction, and disturbed areas must be restored with native and adapted vegetation as prescribed in the Environmental Criteria Manual.

(4) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.

§ 30-5-303 SUBDIVISION NOTES.

(A) A preliminary subdivision plan that proposes a single family residential lot on a slope with a gradient of more than 15 percent must include a plan note identifying the lot and describing the requirements of Subsection (B).

(B) A final plat that proposes a single family residential lot on a slope with a gradient of more than 15 percent must include a plat note:

(1) identifying the lot; and

(2) stating the impervious cover and construction requirements for the lot.

§ 30-5-304 APPLICABILITY.

This division does not apply in an urban watershed.

Division 4. Clearing.

§ 30-5-321 CLEARING OF VEGETATION.

(A) Clearing of vegetation is prohibited unless the director determines that the clearing:

(1) is in accordance with a subdivision construction plan;

(2) is permitted under this section or Section 30-5-322 *(Clearing For A Roadway)*; or

(3) is not development, as that term is defined in Chapter 30-1 *(General Requirements and Procedures)*.

(B) Clearing of vegetation on land used for agricultural purposes is prohibited if an application to develop for a non-agricultural use has been granted or is pending. The director may waive this prohibition after determining that the clearing has a bonafide agricultural purpose and is unrelated to the proposed development or sale of the land for non-agricultural uses.

(C) A person may clear an area up to 15 feet wide or remove a tree with a diameter of not more than eight inches to perform surveying or geologic testing in preparation for final plat approval.

§ 30-5-322 CLEARING FOR A ROADWAY.

(A) A person may clear an area for road construction after final plat approval under this section.

(B) roadway clearing width may not exceed:

(1) twice the roadway surface width, or the width of the dedicated right-of-way, whichever is less; or

(2) for road construction problem areas of less than 300 feet in length, two and one-half times the roadway width.

(C) The director may grant an administrative variance to Subsection (B) if required by unusual topographic conditions.

(D) If clearing on slopes could result in materials sliding onto areas beyond the clearing widths described in Subsection (B), retaining walls or other preventative methods are required.

(E) The length of time between rough cutting and final surfacing of roadways may not exceed 18 months.

(F) If the applicant does not meet the deadline described in Subsection (E), the single office shall notify the applicant in writing that the city or county will finish the roadways or revegetate the disturbed area at the applicant's expense unless the work is completed not later than the 60th day after the date of the notice.

§ 30-5-323 TEMPORARY STORAGE AREAS; TOPSOIL PROTECTION.

(A) The subdivision construction plan must designate the areas to be cleared for temporary storage of spoils or construction equipment. Areas cleared for temporary storage must be located and restored in accordance with the Environmental Criteria Manual.

(B) During and after site grading operations, the topsoil must be protected and vegetation left in place to the maximum extent practicable.

Division 5. Cut, Fill, and Spoil.

§ 30-5-341 CUT REQUIREMENTS.

(A) Cuts on a tract of land may not exceed four feet of depth, except:

(1) in an urban watershed;

(2) in a roadway right-of-way;

(3) for construction of a building foundation;

(4) for utility construction, if the area is restored to natural grade;

(5) for a wastewater drain field;

(6) in a state-permitted sanitary landfill or a sand or gravel excavation located in the extraterritorial jurisdiction, if:

(a) the cut is not in a critical water quality zone;

(b) the cut does not alter a 100-year floodplain;

(c) the landfill or excavation has an erosion and restoration plan approved by the single office; and

(d) all other applicable City Code and County Code provisions are met.

(B) A cut must be restored and stabilized.

(C) A roadway cut must be contained within the roadway clearing width described in Section 30-5-322 *(Clearing For A Roadway).*

§ 30-5-342 FILL REQUIREMENTS.

(A) Fill on a tract of land may not exceed four feet of depth, except:

(1) in an urban watershed;

(2) in a roadway right-of-way;

(3) under a foundation with sides perpendicular to the ground, or with pier and beam construction;

(4) for utility construction or a wastewater drain field; or

(5) in a state-permitted sanitary landfill located in the extraterritorial jurisdiction, if:

(a) the fill is derived from the landfill operation;

(b) the fill is not placed in a critical water quality zone or a 100-year floodplain;

(c) the landfill operation has an erosion and restoration plan approved by the single office; and

(d) all other applicable City Code and County Code provisions are met.

(B) A fill area must be restored and stabilized.

(C) Fill for a roadway must be contained within the roadway clearing width described in Section 30-5-322 *(Clearing For A Roadway)*.

§ 30-5-343 SPOIL DISPOSAL.

(A) A spoil disposal site may not be located in a 100-year floodplain or on a slope with a gradient of more than 15 percent.

[~~(B) The director may grant an environmental variance to the limitation of Subsection (A) after determining that use of the spoil provides a necessary public benefit. Necessary public benefits include:~~

~~(1) roadways;~~

~~(2) stormwater detention facilities;~~

~~(3) public or private park sites; and~~

~~(4) building sites that comply with Section 30-5-341 *(Cut Requirements)*, Section 30-5-342 *(Fill Requirements)*, and Chapter 30-4 *(Drainage)*.~~]

(B) [~~(C)~~] The location of a spoil disposal site must be reasonably accessible. An access route:

(1) must use existing and approved roadways, if possible; and

(2) may not be located in a waterway, unless:

(a) a reasonable alternative is not available; or

(b) the access route is for the construction of a water quality control.

(C)[~~(D)~~] A spoil disposal site and an access route shall be restored and revegetated in accordance with the Environmental Criteria Manual.

Division 6. Other Restrictions.

§ 30-5-361 WASTEWATER RESTRICTIONS.

(A) Wastewater treatment by land application is prohibited:

(1) on a slope with a gradient of more than 15 percent;

(2) in a critical water quality zone;

(3) in a 100-year floodplain;

(4) on the trunk of surveyed trees;

(5) in the buffer zone established around a critical environmental feature under Section 30-5-281 (*Critical Environmental Features*); or

(6) during wet weather conditions.

(B) A lot in the Edwards Aquifer recharge zone with private on-site sewage facilities must demonstrate compliance with City Code Chapter 15-5 (*Private Sewage Facilities*).

[~~(A) A wastewater line is prohibited in a critical water quality zone, except for a necessary crossing.~~

~~(1) The land use commission may grant a variance to the prohibition of this subsection. An applicant for a variance must provide an environmental assessment evaluating the effects of alternative sewer alignments.~~

~~(2) Except for a necessary crossing, a wastewater line in a critical water quality zone must be located outside the two-year flood plain unless approved by council.~~

~~(B) For a commercial development in a water supply rural watershed, a wastewater disposal area may not be located in the 40 percent buffer zone.~~

~~(C) Development for a wastewater disposal system is not permitted in a critical water quality zone.~~

~~(D) A package wastewater treatment plant with a capacity of 5,000 gallons a day or more must provide at least:~~

~~(1) 100 days of storage capacity; or~~

~~(2) if using subsurface effluent disposal, 48 hours of storage capacity.~~]

§ 30-5-362 STORM SEWER DISCHARGE.

A certificate of occupancy may not be issued for development subject to this subchapter unless the development is in compliance with City Code Chapter 6-5,Article 5 *(Discharges To Storm Sewers Or Watercourses).*

§ 30-5-363 BLASTING PROHIBITED.

(A) Blasting on property located in the Edwards Aquifer recharge zone is prohibited in a critical water quality zone or a water quality transition zone, unless the applicant demonstrates that a feasible alternative does not exist.

(B) Blasting is prohibited within 300 feet of a critical environmental feature, unless the applicant demonstrates that a feasible alternative does not exist.

§ 30-5-364 FLOODPLAIN MODIFICATION

(A) Floodplain modification within a critical water quality zone is prohibited except as allowed under Section 30-5-261 (*Critical Water Quality Zone Development*).

(B) Floodplain modification outside a critical water quality zone is prohibited except as allowed in this section.

(C) Floodplain modification is allowed if the modification proposed:

(1) is necessary to protect the public health and safety;

(2) would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual;

(3) is located within a floodplain area classified as in fair or poor condition, as determined by a functional assessment of floodplain health, prescribed by the Environmental Criteria Manual; or

(4) is necessary for development allowed under Section 30-5-261 (*Critical Water Quality Development*) or 30-5-262 (*Critical Water Quality Zone Street Crossings*).

(D) Floodplain modifications must:

(1) be designed to accommodate existing and fully-vegetated conditions;

(2) encourage sound engineering and ecological practices, prevent and reduce degradation of water quality, and encourage the stability and integrity of floodplains and waterways, as prescribed in the floodplain modification criteria in the Environmental Criteria Manual;

(3) restore floodplain health, or provide mitigation if restoration is infeasible, to support natural functions and processes as prescribed in the floodplain modification criteria in the Environmental Criteria Manual ; and

(4) comply with the requirements of Chapter 30-4 (*Drainage*), the Drainage Criteria Manual, and the Environmental Criteria Manual.

(E) If mitigation is required under this Section, it may be satisfied by:

(a) paying into the Riparian Zone Mitigation Fund a non- refundable amount established by ordinance;

(b) transferring in fee simple or placing restrictions on mitigation land approved by the director and meeting the following conditions:

(i) located within the same watershed classification;

(ii) in accordance with the procedures in Section 30-5-26 (H) (3);

(iii) dedicated to or restricted for the benefit of the City or another entity approved by the director and which the City or other approved entity accepts; or

(c) a combination of the mitigation methods described in Subparagraphs (a) - (b), if approved by the director.

§ 30-5-365 INTERBASIN DIVERSION

(A) Development may not divert stormwater from one watershed to another, except as authorized by this Section.

(B) A proposed diversion of less than 20% of the site based on gross site area or less than 1 acre, whichever is smaller, may be allowed if the applicant demonstrates that:

(1) existing drainage patterns are maintained to the extent feasible; and

(2) there are no adverse environmental or drainage impacts.

ARTICLE 8. URBAN WATERSHED REQUIREMENTS.

§ 25-8-371 APPLICABILITY; COMPLIANCE.

(A) This article applies to development in an urban watershed.

(B) A person who develops in an urban watershed must comply with the requirements of this article.

§ 25-8-372 UPLANDS ZONE.

(A) This section applies to development in an uplands zone. Impervious cover limits in this section are expressed as percentages of gross site area.

(B) Maximum impervious cover for development outside the City's zoning jurisdiction is 80 percent.

ARTICLE 9 ~~[8]~~. SUBURBAN WATERSHED REQUIREMENTS.

§ 30-5-391 APPLICABILITY; COMPLIANCE.

(A) This article applies to development in a suburban watershed.

(B) A person who develops in a suburban watershed must comply with the requirements of this article.

~~**[§ 30-5-392 CRITICAL WATER QUALITY ZONE.**~~

~~Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1 *(Critical Water Quality Zone Restrictions).*~~

~~**§ 30-5-393 WATER QUALITY TRANSITION ZONE.**~~

~~(A) In a water quality transition zone, the impervious cover of the land area of a site may not exceed 30 percent. In determining land area, land in the 100 year floodplain is excluded.~~

~~(B) Water quality controls may be located in a water quality transition zone.~~]

§ 30-5-392[~~394~~] UPLANDS ZONE.

(A) This section applies to development in an uplands zone. Impervious cover limits in this section are expressed as percentages of gross[~~net~~] site area.

(B) This subsection applies in the extraterritorial jurisdiction and in the portions of the Lake, Rattan, Buttercup, South Brushy, and Brushy Creek watersheds that are in the zoning jurisdiction.

(1) Impervious cover for a single-family residential use with a minimum lot size of 5,750 square feet may not exceed:

(a) 45 percent; or

(b) if development intensity is transferred under Section 30-5-393 [~~395~~]*(Transfer Of Development Intensity)*, 50 percent.

(2) Impervious cover for a duplex or single-family residential use with a lot smaller than 5,750 square feet in size may not exceed:

(a) 55 percent; or

(b) if development intensity is transferred under Section 30-5-393 [~~395~~]*(Transfer Of Development Intensity)*, 60 percent.

(3) Impervious cover for a multifamily residential use may not exceed:

(a) 60 percent; or

(b) if development intensity is transferred under Section 30-5-393 [~~395~~]*(Transfer Of Development Intensity)*, 65 percent.

(4) Impervious cover for a commercial use may not exceed:

(a) 65 percent; or

(b) if development intensity is transferred under Section 30-5-393 [~~395~~] *(Transfer Of Development Intensity)*, 70 percent.

(5) Impervious cover for mixed use may not exceed

(a) the limits in subsection (B) (3) for the portion of the ground floor that is multifamily residential; and

(b) the limits in subsection (B) (4) for the portion of the ground floor that is commercial.

(C) This subsection applies in the portion of the zoning jurisdiction that is outside the Lake, Rattan, and Brushy Creek watersheds.

(1) Impervious cover for a single-family residential use with a minimum lot size of 5,750 square feet may not exceed:

(a) 50 percent; or

(b) if development intensity is transferred under Section 30-5-393 [~~395~~] *(Transfer Of Development Intensity)*, 60 percent.

(2) Impervious cover for a duplex or single-family residential use with a lot smaller than 5,750 square feet in size may not exceed:

(a) 55 percent; or

(b) if development intensity is transferred under Section 30-5-393 [~~395~~] *(Transfer Of Development Intensity)*, 60 percent.

(3) Impervious cover for a multifamily residential use may not exceed:

(a) 60 percent; or

(b) if development intensity is transferred under Section 30-5-393 [~~395~~] *(Transfer Of Development Intensity)*, 70 percent.

(4) Impervious cover for a commercial use may not exceed:

(a) 80 percent; or

(b) if development intensity is transferred under Section 30-5-393 [~~395~~] *(Transfer Of Development Intensity)*, 90 percent.

(5) Impervious cover for mixed use may not exceed

(a) the limits in subsection (C) (3) for the portion of the ground floor that is multifamily residential; and

(b) the limits in subsection (C) (4) for the portion of the ground floor that is commercial.

§ 30-5-393 [~~395~~] TRANSFER OF DEVELOPMENT INTENSITY.

(A) An applicant who complies with a provision of this subsection qualifies for the development intensity transfer described in the provision, subject to the requirements in subsection (B) and the impervious cover limitations in section 30-5-392 (*Uplands Zone*).

(1) The [~~For each acre of land in a critical water quality zone that an applicant dedicates in fee simple to the city or county, the~~] applicant may transfer 20,000 square feet of impervious cover to an uplands zone for each acre of land in a critical water quality zone:

(a) dedicated to the City, County, or another entity approved by the director in fee simple and which the City or other approved entity accepts; or

(b) on which restrictions are placed to the benefit of the City, County, or other approved entity and which the City or other approved entity accepts; and

(c) the applicant does not include in impervious calculations elsewhere.

(2) The applicant may transfer 20,000 square feet of impervious cover to an uplands zone for each acre of land in an uplands zone:

(a) located either in the 100-year floodplain or in an environmentally sensitive area as determined by environmental resource inventory and approved by the director; and

(b) dedicated to the City, County, or another entity approved by the director in fee simple and which the City, County, or other approved entity accepts; or

(c) on which restrictions are placed to the benefit of the City, County, or other approved entity and which the City, County, or other approved entity accepts; and

(d) the applicant does not include in impervious calculations elsewhere.

(3) Land dedicated in fee simple to the City or County under this subsection may also be [~~to~~] credited toward the parkland dedication requirements of Chapter 30-2, Article 3, Division 5 *(Parkland Dedication)*.

[~~(2) For each acre of land in the water quality transition zone that an applicant leaves undeveloped and undisturbed and does not include in impervious cover calculations elsewhere, the applicant may transfer 20,000 square feet of impervious cover to the uplands zone.~~

~~(3) For each acre of land in a water quality transition zone that an applicant uses for a golf course or other recreational use, restores using predominantly native plants and grasses, and provides a plan for minimizing the use and effect of pesticides, herbicides and fertilizers, the applicant may transfer 17,000 square feet of impervious cover to an uplands zone.~~

~~(4) For each acre of land in a water quality transition zone that an applicant uses for wastewater disposal, the applicant may transfer 10,000 square feet of impervious cover to an uplands zone.~~

~~(5) For each acre of land in an uplands zone that is located in the buffer zone of a critical environmental feature and that an applicant leaves natural and undisturbed, the applicant may transfer 20,000 square feet of impervious cover to an uplands zone. The buffer area may be included in the net site area calculations for the uplands zone.~~

~~(6) For each acre of land in an uplands zone that an applicant uses for wastewater irrigation, restricts against future development, and leaves in a natural state, other than for necessary irrigation lines and tailwater control berms, the applicant may transfer 20,000 square feet of impervious cover to an uplands zone.~~

(B) An applicant who qualifies for a development intensity transfer under Subsection (A) must comply with requirements of this subsection to effect the transfer.

(1) For transfers between two subdivided tracts:

(a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification a the transferring tract [~~not more than one mile from the transferring tract~~]. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.

(b) [~~(2)~~] An applicant must concurrently plat the transferring and receiving tracts and must transfer all development intensity at that time.

(c) [~~(3)~~] An applicant must note the development intensity transfer on the plats of the transferring and receiving tracts, in a manner determined by the single office.

(d) [~~(4)~~] An applicant must file in the deed records a restrictive covenant, approved by the city attorney and county attorney, that runs with the transferring tract and describes the development intensity transfer.

(2) For transfers between two site plans

(a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.

(b) The transfer must be noted on the receiving and transferring site plans;

(c) An applicant must file in the deed records a restrictive covenant, approved by the city attorney and county attorney, that runs with the transferring tract and describes the development intensity transfer.

(d) The transfer must occur before the receiving and transferring site plans are released.

(3) For transfers within a single site plan, an applicant must file in the deed records a restrictive covenant, approved by the city attorney and the county attorney, that runs with the transferring tract and describes the development intensity transfer.

ARTICLE 10 [9]. WATER SUPPLY SUBURBAN WATERSHED REQUIREMENTS.

§ 30-5-421 APPLICABILITY; COMPLIANCE.

(A) This article applies to development in a water supply suburban watershed.

(B) A person who develops in a water supply suburban watershed must comply with the requirements of this article.

[§ 30-5-422 CRITICAL WATER QUALITY ZONE.

Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1 *(Critical Water Quality Zone Restrictions).*]

§ 30-5-422[423] WATER QUALITY TRANSITION ZONE.

(A) Development is prohibited in a water quality transition zone that lies over the South Edwards Aquifer recharge zone, except for:

(1) development described in Article 7, Division 1 *(Critical Water Quality Zone Restrictions)*; and

(2) minor drainage facilities or water quality controls necessary to treat the allowed development that comply with Section 30-5-364 (*Floodplain Modification*) and the floodplain modification criteria in the Environmental Criteria Manual.

(B) In a water quality transition zone that does not lie over the South Edwards Aquifer recharge zone, the impervious cover of the land area of a site may not exceed 18 percent. In determining land area, land in the 100 year floodplain is excluded.

(C) Water quality controls [for development in an uplands zone or water quality transition zone] may [not] be located in a water quality transition zone that does not lie over the South Edwards Aquifer recharge zone.

§ 30-5-423[424] UPLANDS ZONE.

(A) This section applies to development in an uplands zone. Impervious cover limits in this section are expressed as percentages of net site area.

(B) Impervious cover for a duplex or single-family residential use may not exceed:

(1) 30 percent; or

(2) if development intensity is transferred under Section 30-5-424[425]*(Transfer Of Development Intensity)*, 40 percent.

(C) Impervious cover for a commercial, [or] multifamily residential use, or mixed use may not exceed:

(1) 40 percent; or

(2) if development intensity is transferred under Section 30-5-424[425]*(Transfer Of Development Intensity)*, 55 percent.

§ 30-5-424[~~425~~] TRANSFER OF DEVELOPMENT INTENSITY.

(A) An applicant who complies with a provision of this section qualifies for the development intensity transfer described in the provision, subject to the requirements in subsection (B) and the impervious cover limitations in section 30-5-423 (*Uplands Zone*).

(1) The [~~For each acre of land in a critical water quality zone that an applicant dedicates in fee simple to the city or county, the~~] applicant may transfer 15,000 square feet of impervious cover to an uplands zone for each acre of land in a critical water quality zone or water quality transition zone:

(a) dedicated to the City, County, or another entity approved by the Watershed Protection Department director in fee simple and which the City or other approved entity accepts; or

(b) on which restrictions are placed to the benefit of the City, County, or other approved entity and which the City or other approved entity accepts; and

(c) the applicant does not include in impervious calculations elsewhere.

(2) Land dedicated in fee simple to the City or County under this subsection may also be to credited toward the parkland dedication requirements of Chapter 30-2, Article 3, Division 5 *(Parkland Dedication).*

[~~(2) For each acre of land in the water quality transition zone that an applicant leaves undeveloped and undisturbed and does not include in impervious cover calculations elsewhere, the applicant may transfer 15,000 square feet of impervious cover to the uplands zone.~~

~~(3) For each acre of land in a water quality transition zone that an applicant uses for a golf course or other recreational use, restores using predominantly native plants and grasses, and provides a plan for minimizing the use and effect of pesticides, herbicides and fertilizers, the applicant may transfer 12,750 square feet of impervious cover to an uplands zone.~~

~~(4) For each acre of land in a water quality transition zone that an applicant uses for wastewater disposal, the applicant may transfer 7,500 square feet of impervious cover to an uplands zone.~~

~~(5) For each acre of land in an uplands zone that is located in the buffer zone of a critical environmental feature and that an applicant leaves natural and undisturbed, the applicant may transfer 15,000 square feet of impervious cover to an uplands zone. The buffer area may be included in the net site area calculations for the uplands zone.~~

~~(6) For each acre of land in an uplands zone that an applicant uses for wastewater irrigation, restricts against future development, and leaves in a natural state, other than for necessary irrigation lines and tailwater control berms, the applicant may transfer 15,000 square feet of impervious cover to an uplands zone.~~]

(B) An applicant who qualifies for a development intensity transfer under Subsection (A) must comply with requirements of this subsection to effect the transfer.

(1) For transfers between two subdivided tracts:

(a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract [~~not more than one mile from the transferring tract~~]. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.

(b)[~~(2)~~] An applicant must concurrently plat the transferring and receiving tracts and must transfer all development intensity at that time.

(c) [~~(3)~~] An applicant must note the development intensity transfer on the plats of the transferring and receiving tracts, in a manner determined by the single office.

(d) [~~(4)~~] An applicant must file in the deed records a restrictive covenant, approved by the city attorney and county attorney, that runs with the transferring tract and describes the development intensity transfer.

(2) For transfers between two site plans

(a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.

(b) The transfer must be noted on the receiving and transferring site plans;

(c) An applicant must file in the deed records a restrictive covenant, approved by the city attorney and county attorney, that runs with the transferring tract and describes the development intensity transfer.

(d) The transfer must occur before the receiving and transferring site plans are released.

(3) For transfers within a single site plan, an applicant must file in the deed records a restrictive covenant, approved by the city attorney and county attorney, that runs with the transferring tract and describes the development intensity transfer.

ARTICLE 11[10]. WATER SUPPLY RURAL WATERSHED REQUIREMENTS.

§ 30-5-451 APPLICABILITY; COMPLIANCE.

(A) This article applies to development in a water supply rural watershed.

(B) A person who develops in a water supply rural watershed must comply with the requirements of this article.

Source: City Code Section 25-8-451; Ord. 031211-11; Ord. 031211-42.

~~**[§ 30-5-452 CRITICAL WATER QUALITY ZONE.**~~

~~Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1 *(Critical Water Quality Zone Restrictions).*]~~

§ 30-5-452[~~453~~] WATER QUALITY TRANSITION ZONE.

(A) Development is prohibited in a water quality transition zone that lies over the South Edwards Aquifer recharge zone, except for:

(1) development described in Article 7, Division 1 *(Critical Water Quality Zone Restrictions)*; and

(2) minor drainage facilities or water quality controls necessary to treat the allowed development that comply with Section 30-5-364 (*Floodplain Modification*) and the floodplain modification criteria in the Environmental Criteria Manual.

(B) Development is prohibited in a water quality transition zone that lies outside the South Edwards Aquifer recharge zone, except for:

(1) development described in Article 7, Division 1 *(Critical Water Quality Zone Restrictions)*;

(2) streets;

(3) minor drainage facilities or water quality controls that comply with Section 30-5-364 (*Floodplain Modification*) and the floodplain modification guidelines of the Environmental Criteria Manual; and

(4) [~~parks or open spaces; and~~

~~(5)~~]duplex or single-family residential development with a minimum lot size of two acres and a density of not more than one unit for each three acres, excluding acreage in the 100 year flood plain.

(C) A lot that lies within a critical water quality zone must also include at least two acres in a water quality transition zone or uplands zone.

[~~(D) Water quality controls may not be located in a water quality transition zone.~~]

§ 30-5-453[~~454~~] UPLANDS ZONE.

(A) This section applies to development in an uplands zone. Density and impervious cover limits are based on net site area.

(B) For a duplex or single family residential use, density may not exceed:

(1) one unit for each two acres, with a minimum lot size of three-quarters acre; or

(2) if development intensity is transferred under Section 30-5-454[~~455~~]*(Transfer Of Development Intensity)*, one unit for each acre, with a minimum lot size of one-half acre.

(C) This Subsection applies to [~~For a~~] cluster housing [~~use,~~].

(1) density may not exceed:

(a)[~~(1)~~] one unit for each acre; or

(b)[~~(2)~~] if development intensity is transferred under Section 30-5-454[~~455~~]*(Transfer Of Development Intensity)* two units for each acre.

(2) At least 40 percent of the uplands area of a site must be retained in or restored to its natural state to serve as a buffer. The buffer must be contiguous to the development, and must receive overland drainage from the developed areas of the site. Use of the buffer is limited to fences, utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction. A wastewater disposal area may not be located in the buffer.

(D) This subsection applies to a commercial, [~~or~~] multifamily residential use or mixed use.

(1) Impervious cover may not exceed:

(a) 20 percent; or

(b) if development intensity is transferred under Section 30-5-454[~~455~~] *(Transfer Of Development Intensity)*, 25 percent.

(2) At least 40 percent of the uplands area of a site must be retained in or restored to its natural state to serve as a buffer. The[~~, the~~] buffer must be contiguous to the development, and [~~the buffer~~] must receive overland drainage from the developed areas of the site. Use of the

buffer is limited to fences, utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction. A wastewater disposal area may not be located in the buffer.

§ 30-5-454[~~455~~] TRANSFER OF DEVELOPMENT INTENSITY.

(A) An applicant who complies with a provision of this section qualifies for the development intensity transfer described in the provision, subject to the requirements in subsection (B) and the impervious cover limitations in section 30-5-453 (*Uplands Zone)*.

(1) The [~~For each acre of land in a critical water quality zone that an applicant dedicates in fee simple to the city, county, or another entity approved by the single office,~~] the applicant may transfer one single-family residential housing unit or 6,000 square feet of impervious cover for commercial or multifamily development to an uplands zone for each acre of land in a critical water quality zone or water quality transition zone:

(a) dedicated to the City, County, or another entity approved by the single office in fee simple and which the City, County, or other approved entity accepts; or

(b) on which restrictions are placed to the benefit of the City, County, or other approved entity and which the City, County, or other approved entity accepts; and

(c) the applicant does not include in impervious calculations elsewhere.

(2) Land dedicated in fee simple to the City or County under this subsection may also be credited toward the parkland dedication requirements of Chapter 30-2, Article 3, Division 5 *(Parkland Dedication)*.

[~~(2) For each acre of land in the water quality transition zone that an applicant leaves undeveloped and undisturbed and does not include in impervious cover calculations elsewhere, the applicant may transfer one single-family residential housing unit or 6,000 square feet of impervious cover for commercial or multifamily development to the uplands zone.~~

~~(3) For each acre of land in a water quality transition zone that an applicant uses for a golf course or other recreational use, restores using predominantly native plants and grasses, and provides a plan for minimizing the use and effect of pesticides, herbicides and fertilizers, the applicant may transfer 85 percent of a single-family residential housing unit or 5,100 square feet of impervious cover for commercial or multifamily development to an uplands zone.~~

~~(4) For each acre of land in a water quality transition zone that an applicant uses for wastewater disposal, the applicant may transfer 50 percent of a single-family residential housing unit or 3,000 square feet of impervious cover for commercial or multifamily development to an uplands zone.~~

~~(5) For each acre of land in an uplands zone that is located in the buffer zone of a critical environmental feature and that an applicant leaves natural and undisturbed, the applicant may transfer one single-family residential housing unit or 6,000 square feet of impervious cover for commercial or multifamily development to an uplands zone. The buffer area may be included in the net site area calculations for the uplands zone.~~

~~(6) For each acre of land in an uplands zone that an applicant uses for wastewater irrigation, restricts against future development, and leaves in a natural state, other than for necessary irrigation lines and tailwater control berms, the applicant may transfer one single-family residential housing unit or 6,000 square feet of impervious cover for commercial or multifamily development to an uplands zone.~~]

(B) An applicant who qualifies for a development intensity transfer under Subsection (A) must comply with requirements of this subsection to effect the transfer.

(1) For transfers between two subdivided tracts:

(a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract [~~not more than one mile from the transferring tract~~]. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.

(b) [~~(2)~~] An applicant must concurrently plat the transferring and receiving tracts and must transfer all development intensity at that time.

(c) [~~(3)~~] An applicant must note the development intensity transfer on the plats of the transferring and receiving tracts, in a manner determined by the single office.

(d) [~~(4)~~] An applicant must file in the deed records a restrictive covenant, approved by the city attorney and county attorney, that runs with the transferring tract and describes the development intensity transfer.

(2) For transfers between two site plans

(a) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.

(b) The transfer must be noted on the receiving and transferring site plans;

(c) An applicant must file in the deed records a restrictive covenant, approved by the city attorney and county attorney, that runs with the transferring tract and describes the development intensity transfer.

(d) The transfer must occur before the receiving and transferring site plans are released.

(3) For transfers within a single site plan, an applicant must file in the deed records a restrictive covenant, approved by the city attorney and county attorney, that runs with the transferring tract and describes the development intensity transfer.

ARTICLE 12[~~11~~]. BARTON SPRINGS ZONE REQUIREMENTS.

§ 30-5-481 APPLICABILITY; COMPLIANCE.

(A) This article applies to development in the Barton Springs Zone.

(B) A person who develops in the Barton Springs Zone must comply with the requirements of:

(1) this article; and

(2) Article 13[~~12~~] *(Save Our Springs Initiative).*

[~~§ 30-5-482 CRITICAL WATER QUALITY ZONE.~~

~~Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1 *(Critical Water Quality Zone Restrictions).*]~~

§ 30-5-482[~~483~~] WATER QUALITY TRANSITION ZONE.

(A) Development is prohibited in a water quality transition zone that lies over the Edwards Aquifer recharge zone, except for:

(1) development described in Article 7, Division 1 *(Critical Water Quality Zone Restrictions)*; and

(2) minor drainage facilities or water quality controls necessary to treat the allowed development that comply with the floodplain modification criteria [~~guidelines~~] of the Environmental Criteria Manual.

(B) Development is prohibited in a water quality transition zone that lies outside the Edwards Aquifer recharge zone, except for:

(1) development described in Article 7, Division 1 *(Critical Water Quality Zone Restrictions)*;

(2) minor drainage facilities or water quality controls that comply with Section 30-5-364 (*Floodplain Modification*) and the floodplain modification guidelines of the Environmental Criteria Manual;

(3) streets; and

(4) duplex or single-family residential housing with a minimum lot size of two acres and a density of not more than one unit for each three acres, excluding acreage in the 100 year floodplain. [~~; and~~

~~(5) vegetative filter strips.~~]

§ 30-5-483[~~484~~] TRANSFER OF DEVELOPMENT INTENSITY.

Development intensity may not be transferred in the Barton Springs Zone except as part of an adjustment under Section 30-5-518 *(Limited Adjustment to Resolve Possible Conflicts with Other Laws)*.

ARTICLE 13[~~12~~]. SAVE OUR SPRINGS INITIATIVE.

§ 30-5-511 TITLE AND PURPOSE.

(A) This article, to be known as the Save Our Springs Initiative, (SOS hereafter) sets out special requirements for development of land in watersheds within the City's planning jurisdiction which contribute to Barton Springs.

(B) This article codifies the Save Our Springs Initiative Petition Ordinance as adopted by popular vote on August 8, 1992 and amended by the Council.

§ 30-5-512 AMENDMENT.

This article [~~shall not be repealed or amended by City Council until two years after the effective date of the SOS ordinance, August 10, 1992. Thereafter, this article~~] may be repealed or amended only by an affirmative vote of a three-quarters majority of the City Council.

§ 30-5-513 DECLARATION OF INTENT.

The people of the City declare their intent to preserve a clean and safe drinking water supply, to prevent further degradation of the water quality in Barton Creek, Barton Springs, and the

Barton Springs Edwards Aquifer, to provide for fair, consistent, and cost effective administration of the City's watershed protection ordinances, and to promote the public health, safety, and welfare. The City recognizes that the Barton Springs Edwards Aquifer is more vulnerable to pollution from urban development than any other major groundwater supply in Texas, and that the measures set out in this article are necessary to protect this irreplaceable natural resource.

§ 30-5-514 POLLUTION PREVENTION REQUIRED.

(A) In the watersheds contributing to Barton Springs, no development nor any revision, extension, or amendment thereof, may be approved unless it is designed, carried out, and maintained on a site-by-site basis to meet the pollution prevention requirements set forth below for the life of the project. In order to prevent pollution, impervious cover for all such development shall be limited to a maximum of 15 percent in the entire recharge zone, 20 percent of the contributing zone within the Barton Creek watershed, and 25 percent in the remainder of the contributing zone. The impervious cover limits shall be calculated on a net site area basis. In addition, runoff from such development shall be managed through water quality controls and onsite pollution prevention and assimilation techniques so that no increases occur in the respective average annual loadings of total suspended solids, total phosphorus, total nitrogen, chemical oxygen demand, [~~biochemical oxygen demand,~~] total lead, cadmium, E. coli., [~~fecal coliform,~~] fecal streptococci, volatile organic compounds, total organic carbon, pesticides, and herbicides from the site. For a given project, impervious cover shall be reduced if needed to assure compliance with these pollutant load restrictions.

(B) Within the watersheds contributing to Barton Springs, Section 25-8-92(*Critical Water Quality Zones Established*) of the Land Development Code is amended so that in no event shall the boundary of the critical water quality zone be less than 200 feet from the centerline of a major waterway or be less than 400 feet from the centerline of the main channel of Barton Creek. No pollution control structure, or residential or commercial building, may be constructed in the critical water quality zone in these watersheds.

§ 30-5-515 NO EXEMPTIONS, SPECIAL EXCEPTIONS, WAIVERS OR VARIANCES.

The requirements of this article are not subject to the exemptions, special exceptions, waivers, or variances allowed by Chapter 30-1 *(General Provisions And Procedures)*. Adjustments to the application of this article to a specific project may be granted only as set out in Section 30-5-518 *(Limited Adjustment To Resolve Possible Conflicts With Other Laws)* below.

§ 30-5-516 APPLICATION TO EXISTING TRACTS, PLATTED LOTS, AND PUBLIC SCHOOLS.

(A) This article does not apply to development on a single platted lot or a single tract of land that is not required to be platted before development if the lot or tract existed on November 1, 1991 and the development is either:

(1) construction, renovation, additions to, repair, or development of a single-family, single-family attached, or a duplex structure used exclusively for residential purposes, and construction of improvements incidental to that residential use; or

(2) development of a maximum of 8,000 square feet of impervious cover, including impervious cover existing before and after the development.

(B) This article does not apply to development of public primary or secondary educational facilities if the City and the school district enter into a development agreement approved by a

three-quarters vote of the City Council protecting water quality pursuant to Section 13-2-502(n)(7) of the Land Development Code.

(C) This article does not apply to the replacement of development which is removed as a result of right-of-way condemnation.

(D) This article does not apply to a roadway project with less than 5,000 square feet of new impervious cover.

§ 30-5-517 EXPIRATION OF PRIOR APPROVALS.

Within the watersheds contributing to Barton Springs, the following provisions shall govern the expiration of certain prior approvals:

(1) Previously Approved Preliminary Subdivision Plan:

(a) Unless it has or will have expired sooner, a preliminary subdivision plan initially approved before the effective date of this article expires one year after the effective date of this article, or two years after its initial approval whichever date is later, unless an application for final plat approval is filed before this expiration date and a final plat is approved no later than 180 days after filing.

(b) No approved preliminary plan, and no portion of an approved preliminary plan, shall be valid or effective after the expiration date established by this part, or shall be extended, revised, or renewed to remain effective after the expiration date, except according to Subsection (3) of this section.

(2) Previously Approved Site Plan:

(a) Unless it has or will have expired sooner, a site plan or phase or portion thereof initially approved before the effective date of this article shall expire one year after the effective date of this article, or three years after its initial approval, whichever date is later, unless:

(i) An application is filed before this expiration date for building permits for all structures shown on the site plan or phase or portion thereof and designed for human occupancy, and the building permits are approved and remain valid and certificates of occupancy are issued no later than two years after this expiration date; or

(ii) If no building permits are required to construct the structures shown on a site plan described in Subsection (2)(a) of this section, construction begins on all buildings shown on the site plan or portion or phase thereof before this expiration date, and the buildings are diligently constructed and completed, and certificates of compliance or certificates of occupancy are issued no later than two years after this expiration date.

(b) No approved site plan, and no separate phase or portion of an approved site plan, shall be valid or effective after the expiration date established by this part, or shall be extended, revised, or renewed to remain effective after the expiration date, except according to Subsection (3) of this section.

(3) Approved Plans Which Comply: An approved preliminary subdivision plan, portion of a preliminary plan, approved site plan, or separate phase or portion of an approved site plan that complies with this article or that is revised to comply with this article does not expire under Subsection (1) or (2) of this section and remains valid for the period otherwise established by law.

§ 30-5-518 LIMITED ADJUSTMENT TO RESOLVE POSSIBLE CONFLICTS WITH OTHER LAWS.

(A) This article is not intended to conflict with the United States Constitution or the Texas Constitution or to be inconsistent with federal or state statutes that may preempt a municipal ordinance or the Austin City Charter.

(B) The terms of this article shall be applied consistently and uniformly. If a three-quarters majority of the City Council concludes, or a court of competent jurisdiction renders a final judgment concluding that this article, as applied to a specific development project or proposal violates a law described in Subsection (A) of this section, the City Council may, after a public hearing, adjust the application of this article to that project to the minimum extent required to comply with the conflicting law. Any adjustment shall be structured to provide the maximum protection of water quality.

§ 30-5-519 CONSTRUCTION OF ORDINANCE.

This article is intended to be cumulative of other City ordinances. In case of irreconcilable conflict in the application to a specific development proposal between a provision of this article and any other ordinance, the provision which provides stronger water quality controls on development shall govern. If a word or term used in this article is defined in the Austin City Code of 1981, as that code was in effect on November 1, 1991, that word or term shall have the meaning established by the Austin City Code of 1981 in effect on that date, unless modified in this article.

§ 30-5-520 REDUCE RISK OF ACCIDENTAL CONTAMINATION.

Within one year of the effective date of this article the City of Austin Environmental and Conservation Services Department shall complete a study, with citizen input, assessing the risk of accidental contamination by toxic or hazardous materials of the Barton Springs Edwards Aquifer and other streams within the City and its extraterritorial jurisdiction. The assessment shall inventory the current and possible future use and transportation of toxic and hazardous materials in and through the City, and shall make recommendations for City actions to reduce the risk of accidental contamination of the Barton Springs Edwards Aquifer and of other water bodies. Within 60 days of completion of the study, and following a public hearing, the City Council shall take such actions deemed necessary to minimize risk of accidental contamination of city waters by hazardous or toxic materials.

§ 30-5-521 EFFICIENT AND COST-EFFECTIVE WATER QUALITY PROTECTION MEASURES.

In carrying out City efforts to reduce or remedy runoff pollution from currently developed areas or to prevent runoff pollution from currently developed or developing areas, the City Council shall assure that funds for remedial, retrofit or runoff pollution prevention measures shall be spent so as to achieve the maximum water quality benefit, and shall assure that the need for future retrofit is avoided whenever feasible.

§ 30-5-522 SEVERABILITY.

If any provision, section, subsection, sentence, clause, or phrase of this article, or the application of the same to any person, property, or set of circumstances is for any reason held to be unconstitutional, void, or otherwise invalid, the validity of the remaining portions of this article shall not be affected by that invalidity; and all provisions of this article are severable for that purpose.

§ 30-5-523 ADOPTION OF WATER QUALITY MEASURES.

The adoption of this article is not intended to preclude the adoption, at any time, by a majority vote of the City Council of stricter water quality requirements upon development in the watersheds contributing to Barton Springs or of further measures to restore and protect water quality.