

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CITY CODE SECTION 25-8-514 AND GRANTING VARIANCES TO CITY CODE SECTIONS 25-8-281 AND 25-8-341 TO ALLOW CONSTRUCTION OF THE ELIZA SPRING OUTLET DAYLIGHTING PROJECT TO EXCEED IMPERVIOUS COVER LIMITATIONS, TO EXEMPT THE PROJECT FROM CERTAIN POLLUTION CONTROL REQUIREMENTS, TO ALLOW CONSTRUCTION WITHIN THE BUFFER OF A CRITICAL ENVIRONMENTAL FEATURE, AND TO ALLOW CUTS THAT EXCEED FOUR FEET OF DEPTH.**

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

**PART 1.** This ordinance grants a code amendment and specific variances necessary to allow conversion of an outlet pipe to an open stream, subject to Site Plan Number SPC-2012-0104D, to facilitate environmental restoration of Eliza Spring.

**PART 2. IMPERVIOUS COVER.**

City Code Section 25-8-514 (*Pollution Prevention Required*) is amended to:

- (A) allow impervious cover in excess of 15%; and
- (B) exempt the project from the pollution control requirements of this section.

**PART 3. CRITICAL ENVIRONMENTAL FEATURES, CUT REQUIREMENTS**

A variance is granted from City Code Section 25-8-281 (*Critical Environmental Features*) to allow construction within the buffer of Eliza Spring, a critical environmental feature.

A variance is granted from City Code Section 25-8-341 (*Cut Requirements*) to allow cuts that exceed four feet of depth.

**PART 4. CONDITIONS.**

Construction of the Eliza Spring Outlet Daylighting project authorized by this ordinance must adhere to the following conditions:

- (A) Salamander biologists will be present on site during all aspects of construction to oversee and ensure no unauthorized impacts to endangered salamanders;

- (B) Compliance with all applicable conservation measures in USFWS permit for the continued operation of Barton Springs, including limitations on the use of herbicides, pesticides, and fertilizers, such that the project will not result in any increase in pollutants;
- (C) Erosion controls will be used in compliance with City Code to ensure no discharge of sediment;
- (D) Groundwater infiltrating into the excavation area will be filtered prior to discharge;
- (E) Eliza Spring outflow will be rerouted around the excavation area during construction and will continue to discharge into Barton Creek;
- (F) New side stream slopes will be designed to be stable and withstand flooding from Barton Springs; and
- (G) Other than this amendment and variances, the project will comply with City Code.

**PART 5.** Council waives the requirements imposed by City Code Section 25-8-41 (*Land Use Commission*) regarding the processing and granting of a variance for the variances granted in this ordinance.

**PART 6.** This ordinance takes effect on \_\_\_\_\_, 2016.

**PASSED AND APPROVED**

_____, 2016	§ § §	_____ Steve Adler Mayor
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**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk