

ORDINANCE NO. 740307-F

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING FOR THE INSTALLATION OF DRAINAGE DITCHES IN LIEU OF STORM SEWERS IN URBAN SUBDIVISIONS UNDER SPECIFIED CONDITIONS; PROVIDING DEFINITIONS FOR THE TERMS "DEVELOPMENT" AND "WATERWAY"; REQUIRING APPROVAL FOR DEVELOPMENT ON AND ALONG WATERWAYS IN URBAN AND SUBURBAN SUBDIVISIONS; PROVIDING DUTIES FOR THE DIRECTOR OF ENGINEERING; PROVIDING STANDARDS FOR THE APPROVAL OF DEVELOPMENT PLANS; PROVIDING FOR APPEALS OF DECISIONS OF THE DIRECTOR OF ENGINEERING; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

PART 1. That Section 41-47 of the Code of the City of Austin of 1967 is amended to hereafter read as follows:

Sec. 41-47. Drainage ditches in lieu of storm sewers.

Open drainage ditches in lieu of enclosed storm sewers may be installed when the director of engineering, on the basis of competent engineering evidence submitted to him in accordance with criteria and guidelines for design, operation and maintenance of drainage facilities established by the City of Austin, concludes that the installation of enclosed storm sewers as set out in section 41-46 is not required for the protection of health, safety and general welfare.

PART 2. That Chapter 41 of the Code of the City of Austin of 1967 is amended by adding the following new sections thereto:

Sec. 41-47.1. Definitions for sections 41-47.2 through 41-47.10 and section 41-55.1.

Development. For the purpose of sections 41-47.1 through 41-47.8, the following activities shall constitute development:

(a) The commencement of mining, excavation or dredging;

(b) The clearing or removal of natural ground cover and/or trees in connection with site preparation for construction, immediate or future;

(c) The deposit of refuse, solid or liquid waste or fill;

(d) The alteration or improvement of a bed, bank or flood plain of a waterway;

(e) The departure from the provisions of a development permit.

The following activities shall not constitute development:

(a) Lawn and yard care;

(b) Gardening;

(c) Tree care and maintenance;

(d) Removal of trees or other vegetation damaged by natural forces.

Waterway. A stream, creek, branch, drainway or watercourse.

Sec. 41-47.2. Development on and along waterways.

All development on any land, tract, parcel or lot which is adjacent to or crossed by a waterway, except development which has an inconsequential effect on the environment and on drainage and which has been exempted by the director of engineering, shall be approved by the city's engineering department; provided, however, that development that involves the enclosing of an open waterway having a peak flow in excess of three hundred cubic feet per second or involving the opening of an enclosed waterway having a peak flow in excess of three hundred cubic feet per second shall be approved by the planning commission.

Sec. 41-47.3. Same - Plans and information to be submitted to director of engineering.

For all development described in section 41-47.2, the developer shall submit to the director of engineering a development site plan drawn on tracing paper or tracing linen to a scale of fifty feet to one inch. The development site plan shall contain or be accompanied by the following information unless the director of engineering determines that due to the scope and nature of the proposed development some of the information is unnecessary:

(a) The date, scale, north point and key plan showing the location of the tract on which the development is to take place.

(b) The existing boundary lines and acreage of the tract on which the development is to take place, and the common boundary lines and names of the owners of adjacent properties.

(c) Topographical information on the tract on which the development is to take place, and where available on all land located within one hundred feet of said tract, using contour intervals of five feet.

(d) The location of existing waterways and center-lines thereof, lakes, ponds and springs on the tract on which the development is to take place.

(e) The location of the twenty-five year flood plain (and source of information) of all waterways called for in (d).

(f) Plans and specifications for any proposed alteration or improvement of a bed or bank of a waterway.

(g) A summary statement concerning the effect the proposed development will have on the existing and future drainage system of the area and on the natural and traditional character of the land and waterways.

(h) General location and type of trees and information on the soil, including type, location, permeability, percentage of sand, silt, clay and the depth to bedrock.

(i) The location of any rock outcrop.

(j) Detailed description of temporary and permanent development activities to be undertaken including locations, quantities and time schedules.

(k) Location of all existing structures and the location of all proposed structures.

Sec. 41-47.4. Same - Plans and specifications to bear seal and certificate of a Texas professional engineer.

No plans and specifications called for in section 41-47.3(f) shall be accepted, reviewed, or approved by the director of the department of engineering unless accompanied by a certificate bearing the seal of a Texas professional engineer certifying the adequacy of the design, hydraulically and structurally, of any proposed alteration or improvement to a bed or bank of

a waterway and that the proposed alteration or improvement is in compliance with city ordinances, the master drainage plan adopted by the city council, and state statutes; provided, however, that this section shall not apply to plans and specifications for minor alterations and improvements which in the judgment of the director of engineering do not require the services of a Texas professional engineer.

Sec. 41-47.5. Same - Responsibility of the director of the department of engineering.

(a) The director of the department of engineering shall review all plans for development described in section 41-47.2. The director may ask for written comments from the parks and recreation board and/or the citizens' board of natural resources and environmental quality. In addition to the plans to enclose or open certain drainways referred to in section 41-47.2, the director may forward any other development plans to the planning commission for approval. On all development plans which are presented to the planning commission, whether by appeal or otherwise, the director shall appear before the planning commission and report on said development plans.

(b) The director of environmental resource management shall review and comment to the director of engineering on all applications for development permits.

(c) Upon accepting an application for a development permit, the director of engineering shall notify the owners of all property located within three hundred (300) feet of the tract wherein the development is proposed. Said owners shall be determined by the tax records of the City of Austin.

Sec. 41-47.6. Same - Standards for approval of development plans.

Development plans shall be approved if upon review of the application therefor it is found:

(a) That the development plans provide a sufficient waterway for the design flood, due allowance having been made for the fact that the quantity of water coming down any waterway may be increased as storm sewers and drains are built in the future; and,

(b) That any proposed walls, arches or whatsoever other form of proposed improvements are of sufficient strength to resist any pressure of earth or building from the outside and pressure or abrasion of

water and debris from the inside; and,

(c) That all proposed grades are such that water will not gather in pools which may become stagnant or foul; and,

(d) That the proposed development will not result in additional identifiable adverse flooding of other property; and,

(e) That both temporary and permanent erosion control measures are adequate to minimize siltation of the waterway; and,

(f) That the proposed development preserves the natural and traditional character of the land and waterway to the greatest extent feasible.

Sec. 41-47.7. Same - Reasons for denial of development plan to be stated.

The decision to deny or grant development plans shall be accompanied by a detailed statement of the reasons for such action.

Sec. 41-47.8. Same - Aggrieved person may appeal decision of the director of engineering to the planning commission.

Any person who is aggrieved by a decision of the director of engineering may appeal to the planning commission by filing a written notice with the director of the planning department within ten (10) days after such decision. Such notice shall point out with specificity why, in the opinion of the aggrieved party, the decision of the director of engineering is incorrect by identifying which paragraphs of section 41-47.6 are not being met. The planning commission shall set a date for a hearing upon such appeal. For the purposes of this section an aggrieved person is the owner of any property which is located within three hundred (300) feet of the area wherein the proposed development is to take place and/or the owner of any upstream or downstream property adjacent to the waterway which is likely to be affected by the proposed development.

Sec. 41-47.9. Plat not to be finally approved until development plans are approved.

No plat shall be finally approved until development plans required by sections 41-47 through 41-47.8 have

been approved and satisfactory arrangements have been made guaranteeing the completion of all work, excluding buildings, encompassed in said plans.

Sec. 41-47.10. Permits.

Where a development has been approved pursuant to provisions of this chapter, a permit will be issued only upon payment of the appropriate fee as set out in the following schedule:

Class A permits - - - - - \$50.00

Class A permit will be issued for a development which the director of engineering determines does not require either consideration by the parks and recreation board or the citizens board of natural resources and environmental quality, or, significant engineering research, study or reporting by the City of Austin.

Class B permits - - - - - \$100.00

All permits other than those determined to qualify as Class A permits.

PART 3. That Section 41-55 of the Code of the City of Austin of 1967 shall hereafter read as follows:

Sec. 41-55. Drainage - Generally.

Drainage facilities in suburban subdivisions shall be installed in compliance with the regulations of the county.

PART 4. That Chapter 41 of the Code of the City of Austin of 1967 is hereby amended by adding the following new section thereto:

Sec. 41-55.1. Same - Development on and along waterways.

All development within or along a waterway shall be governed by the provisions of sections 41-47.1 through 41-47.10.

PART 5. The need to adequately regulate drainage in subdivisions creates an emergency calling for immediate action to preserve the health, safety and welfare; therefore, the rule requiring that ordinances be read on three separate days is

hereby suspended, an emergency is declared, and this Ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.

PASSED AND APPROVED

March 7, 1974

Y  
Y  
Y  
Y  
Y

*Key Butler*

Mayor

APPROVED:

*Don F. Smith*

City Attorney

ATTEST:

*Grace Monroe*

Acting City Clerk

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared: Eleanor Walker, Classified Advertising Agent of American-Statesman a daily newspaper published in said County and State, who, being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit: March 20, 1974 and that the attached is a true copy of said advertisement.

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(Sgd) Eleanor Walker

SWORN AND SUBSCRIBED TO BEFORE ME, this the 20th day of March A.D. 1974.

(Seal)

(Sgd) Merle Duncan  
Notary Public in and for  
TRAVIS COUNTY, TEXAS

I, Grace Monroe, City Clerk of the City of Austin, hereby certify that the above and foregoing Ordinance was published as required by the City Charter in the American-Statesman, a daily newspaper published in said City on March 20, 1973.

  
City Clerk, City of Austin, Texas