7715 ½ W. SH 71

C14-85-288.23(RCA)

Restrictive Covenant Amendment

Liz Johnston, Deputy Environmental Officer

Environmental Commission Staff Presentation

April 6, 2022

Restrictive Covenant Amendments

- Restrictive Covenants (RCs) are legal documents that can set forth restrictions on properties related to zoning or other land development standards.
- Certain properties located within the 1985 Oak Hill Area Study have associated RCs that set forth development standards that are less restrictive than current code allows.
- The RCA under consideration this evening grants the landowner the ability to develop under rules in effect in 1981, thus eliminating the need to meet the restrictions set forth in the Save Our Springs ordinance, including impervious cover and water quality treatment.
- When applicants seek to rezone properties with such RCs, there is an opportunity to request for greater environmental protections than would otherwise be allowed.

Save Our Springs Ordinance

Current code requirements

- Impervious Cove limited to 25% net site area
- Non-degradation standard water quality treatment
- Protections for slopes greater than 15%, Critical Water Quality Zones (CWQZ), Water Quality Transition Zones (WQTZ), cut and fill limitations

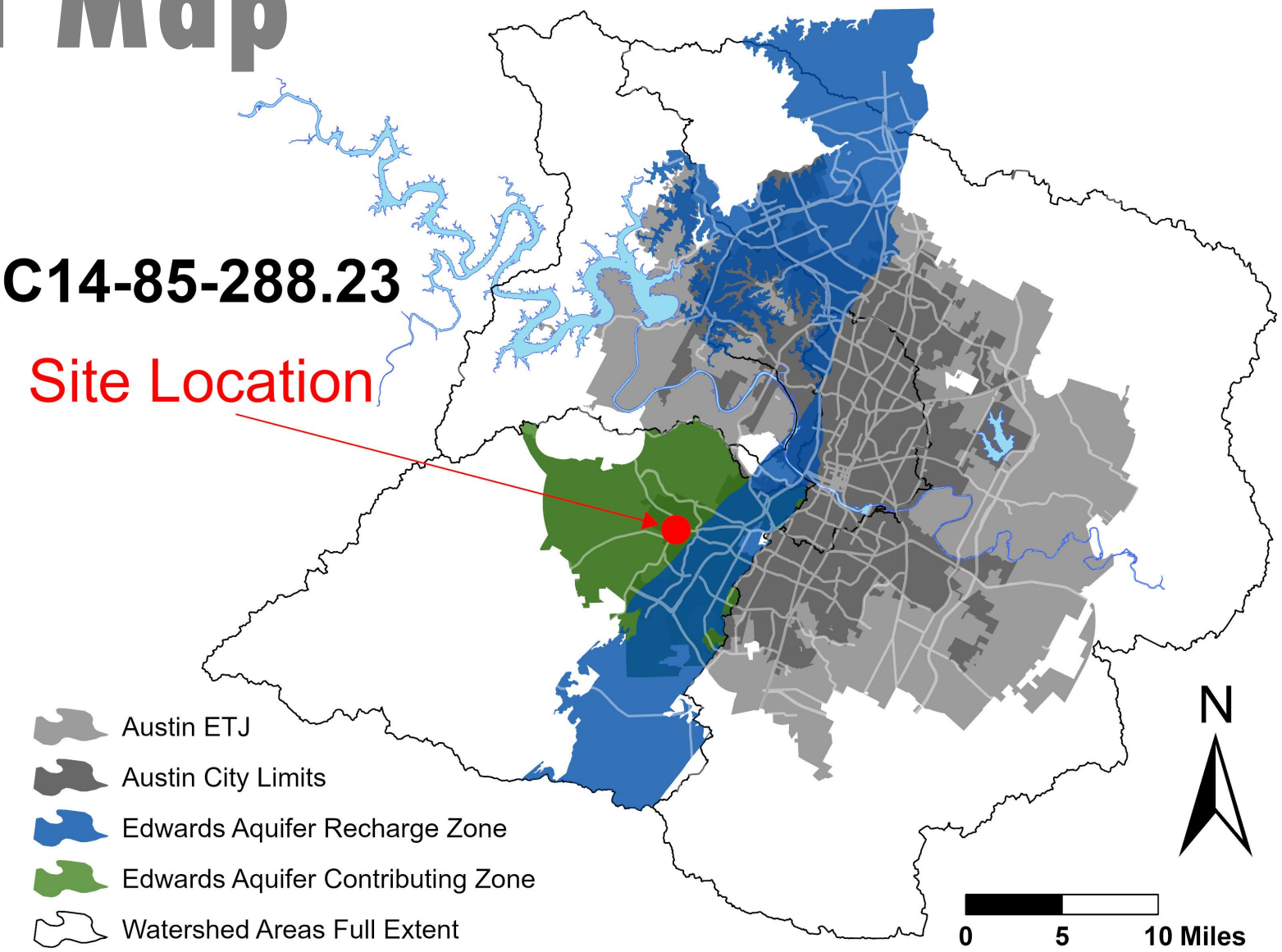
1981 Regulations

Rivers, Lakes, and Watercourses

- Protects natural and traditional character of waterways
- No adverse flooding impacts
- Impervious cover limited by zoning
- No water quality treatment requirements
- No protections for slopes greater than 15%, no Critical Water Quality Zones (CWQZ) or Water Quality Transition Zones (WQTZ), no cut and fill limitations

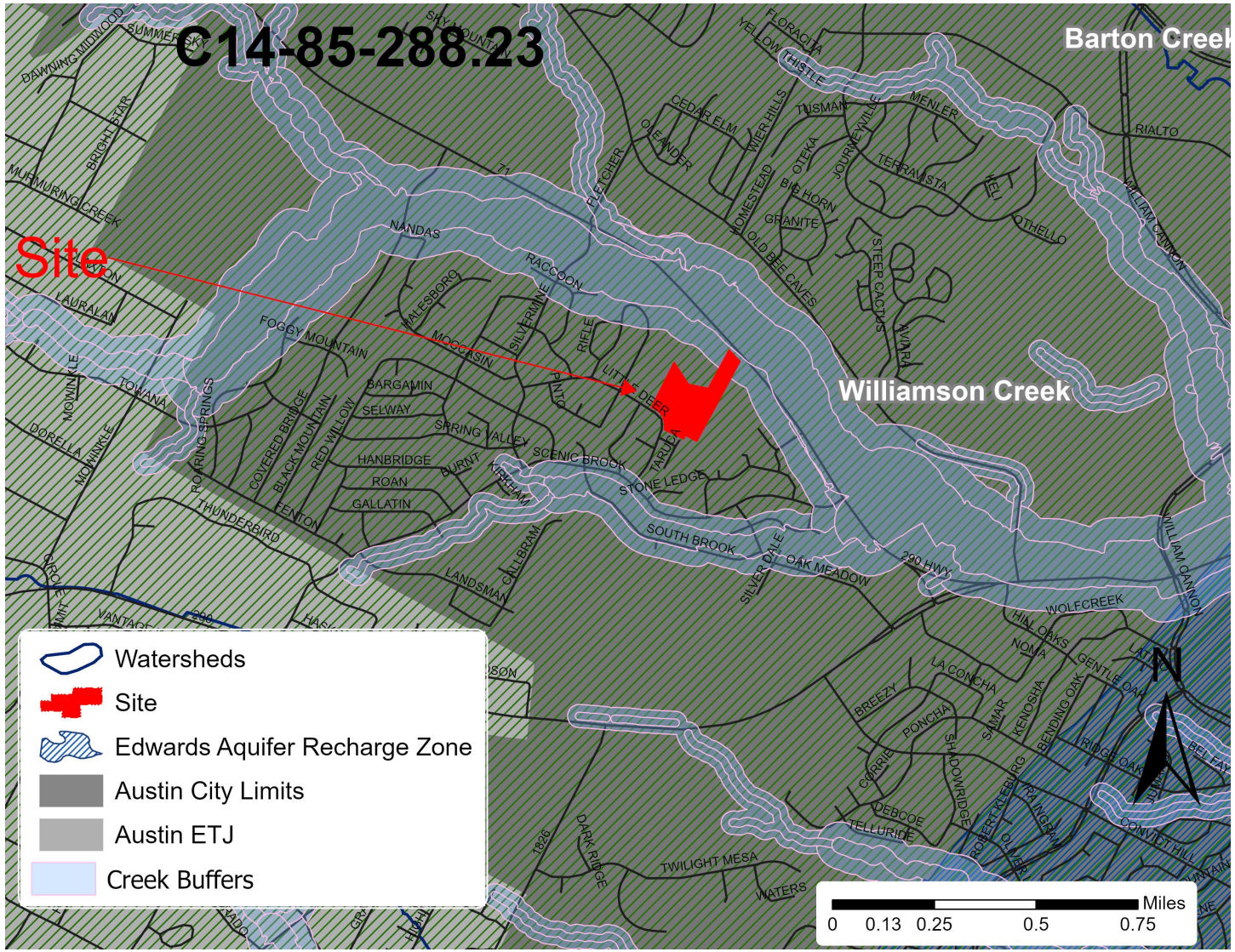
Location Map

- **7715 ½ SH 71**
- **Edwards Aquifer Contributing Zone of Barton Springs**



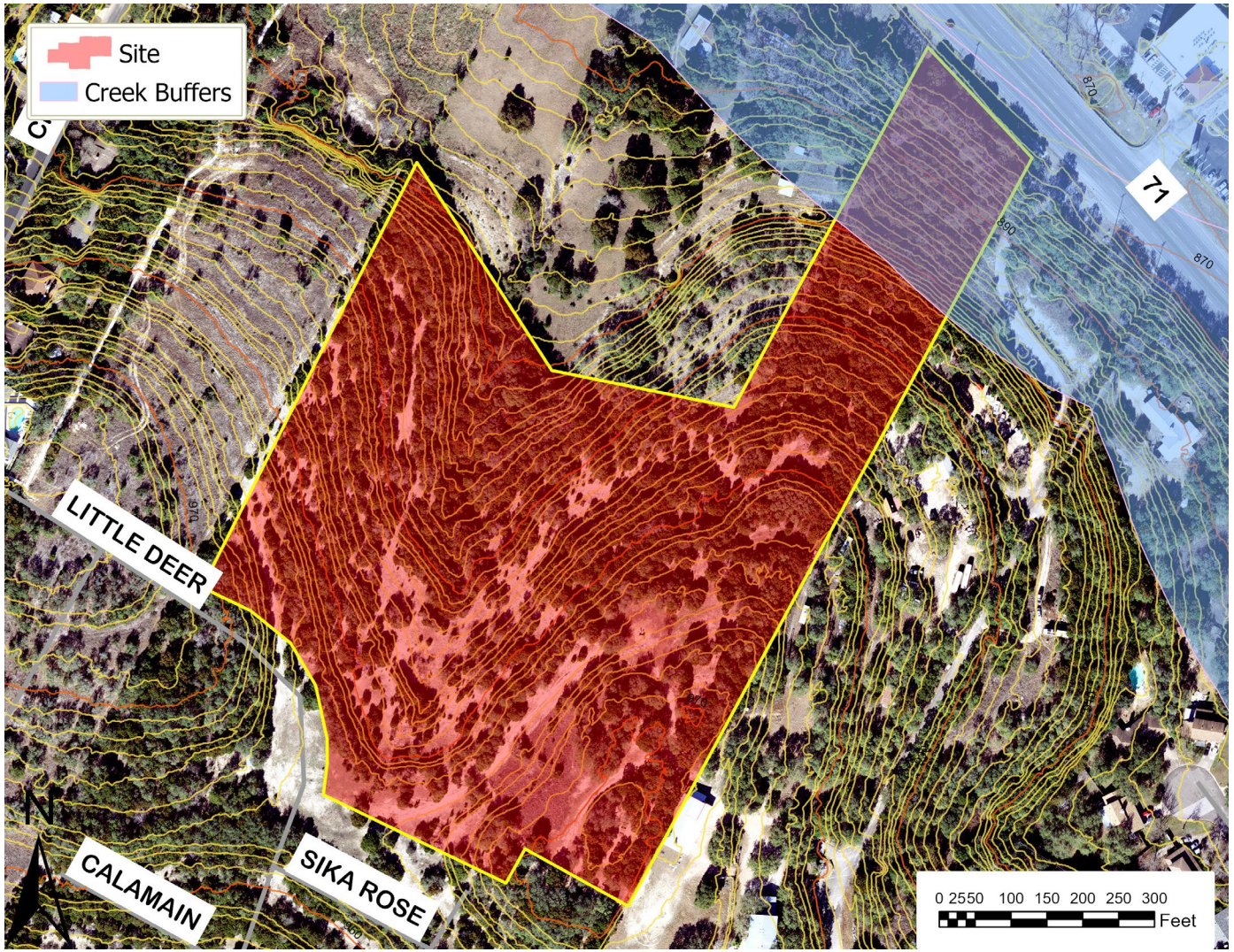
Site Context

- Williamson Creek Watershed
- Water Quality Transition Zone
- Critical Water Quality Zone
- Full Purpose Zoning Jurisdiction



Topography

- Site access through WQTZ is required
- Slopes greater than 15% exist



Recommendation

Staff recommends approval of the Restrictive Covenant Amendment with the following conditions:

- This application completes the project established by the Restrictive Covenant such that any further development or redevelopment is subject to current code at the time of site development permit application.
- This project shall comply with current code, including SOS non-degradation water quality treatment, except for the following exceptions:
  a) 50% impervious cover on a gross site area calculation shall be allowed rather than the 65% currently allowed,
  b) Cut and fill shall not exceed 8 feet except for building foundations and storm water control measures and appurtenances,
  c) Stormwater control facilities will be allowed within the Water Quality Transition Zone,
  d) LDC 25-8-301 and 25-8-302 related to construction on slopes does not apply.