

ORDINANCE NO. 860508-V

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1981; ESTABLISHING A COMPREHENSIVE WATERSHEDS ORDINANCE FOR AUSTIN'S WATERSHEDS; PROVIDING STANDARDS FOR DEVELOPMENT WITHIN SUCH WATERSHEDS; REQUIRING COMPLIANCE FOR SUBDIVISIONS AND SITE DEVELOPMENTS; SUPERSEDING OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. That the Austin City Code of 1981, hereby is amended to establish a new Chapter 13-15 (Environmental Code), Article II, (Comprehensive Watersheds Ordinance) as hereinafter stated:

DIVISION I. GENERAL PROVISIONS

SEC. 13-15-201. FINDINGS AND OBJECTIVES

The City Council hereby makes the following findings:

- (a) Many of the watersheds within the City's jurisdiction contribute significantly to Austin's drinking water supply.
- (b) Waterways and their associated watersheds within the City of Austin's jurisdiction represent significant and irreplaceable recreational and aesthetic resources and contribute directly to the City's public health.
- (c) The continued economic growth of the City is dependent on an adequate quality and quantity of water, a pleasing natural environment, and recreational opportunities in close proximity to the City.
- (d) All watersheds within the City's jurisdiction, and especially those with abrupt topography, sparse vegetation, and thin and easily disturbed soil, are vulnerable to non-point source pollution and sedimentation resulting from development activities.
- (e) All watersheds within the City's jurisdiction are undergoing development or are facing development pressure.
- (f) If watersheds within the City's jurisdiction are not developed in a sensitive and innovative manner, their water resources, natural environment, and recreational characteristics will be irreparably damaged.
- (g) Protection of Critical Environmental Features such as caves, sinkholes, springs, canyon rimrocks, and bluffs, is necessary to protect water quality in those areas most susceptible to pollution.
- (h) The City Council is the trustee of such water supply and the natural environment of all watersheds within the City's jurisdiction for existing and future generations of citizens of the City, as well as for downstream users of the Colorado River.
- (i) The City Council is desirous of adopting appropriate development rules and regulations for the purpose of protection of the watersheds within its jurisdiction as a facet of its overall program for the control and abatement of pollution resulting from generalized discharges of pollution which are not traceable to a specific source such as storm sewer and wastewater discharges and urban runoff from rainwater.

- (j) The City Council further finds that minimum standards should be adopted as an application of general principles for conservation and development to encourage innovative planning and design of urban developments to protect the water quality and recreational resources of Lake Austin, Lake Travis, Barton Creek, the Edwards Aquifer, and other watersheds within the City's jurisdiction, the purposes of which standards include:
1. To prevent or compensate for increases in soil erosion and sedimentation during and after development activities;
 2. To prevent or compensate for increases in erosive velocities of runoff;
 3. To prevent indiscriminate stripping of vegetation and unnecessary loss of soils;
 4. To prevent or reduce increases in the pollutant concentrations and total pollutant loading of runoff drainage;
 5. To prevent construction activity that may precipitate mass movement, slumping, or erosion of land surfaces;
 6. To prevent unacceptable wastewater discharges from reaching Austin's creeks and lakes;
 7. To prevent loss of recharge to localized aquifers supplying local seeps and springs essential to the maintenance of the ecosystem and the base flow and water quality of many of Austin's creeks; and,
 8. To prevent loss of recharge to the Edwards Aquifer and to protect the quality of the recharge to the Edwards Aquifer.

SEC. 13-15-202. APPLICATION OF ARTICLE AND COORDINATION WITH OTHER ORDINANCES.

- (a) This Article sets out special requirements for the development of land located in all watersheds within or partially within the City's jurisdiction. A person wishing to develop land in these watersheds must comply with the requirements and provisions of this Chapter. When the land being developed lies partially within and partially beyond the watershed boundary within the City's jurisdiction, this Article shall apply only to that portion of the land within the watershed subject to the City's jurisdiction.
- (b) The requirements of this Article shall apply to all development of land proposed or undertaken by the City of Austin.

- (c) In case of conflict between the requirements of this Article and any other ordinance, the more restrictive requirements shall govern.
- (d) The Director of the Office of Land Development Services shall design and administer a system, including necessary forms, that coordinates the requirements of both this Article and the other provisions of this Chapter, minimizes duplication of requirements and conflict between same and facilitates the expeditious processing of plans and permits.
- (e) The Director of the Office of Land Development Services shall determine the boundaries of designated watersheds and the Edwards Aquifer Recharge and Contributing Zones from existing maps prepared by the City of Austin and other public entities, plus additional topographic and hydrologic data as necessary to determine those boundaries. All questions concerning the exact boundary of the Edwards Aquifer Recharge Zone shall be recommended by the Chief Environmental Officer, and determined by the City Council. For all property within fifteen hundred feet (1500') of the designated boundary, the applicant shall provide a certified report by a qualified geologist or hydrologist as to whether recharge is affected by drainage on or from the property, based on field verification. For purposes of illustration, the watersheds and aquifer zone boundaries are identified on a map attached as Exhibit "A". Copies of the map are available for inspection at the offices of the City Clerk, Office of Land Development Services, Public Works Department, Planning and Growth Management Department and City/County Health Department.

SEC. 13-15-203. DEFINITIONS.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Alternative Sewage Disposal Systems: Private sewage facilities other than a standard septic tank and/or soil absorption-type drainfield. Such systems include, but are not limited to, aerobic systems, lined evapotranspiration systems, low pressure-dosing trench fields, systems utilizing greywater disposal and composting toilet systems.

Applicant: A person applying for plan approval under this Article.

Bluff: An abrupt vertical change in topography of more than forty (40) feet with an average slope steeper than four (4) feet of rise for one (1) foot of horizontal travel.

Canyon Rimrock: A horizontal outcrop and vertical face of a hard limestone layer paralleling the side of a canyon or surrounding a canyon head. Rimrock is further delimited by the presence of a steep rock substrate (greater than 60% slope) which has a vertical extent of at least

four (4) feet, and which has a recognizable horizontal continuity of at least fifty (50) feet. Around the edge of the Jollyville Plateau such features are normally encountered at the contact of the Edwards limestone and underlying strata. Elsewhere, rimrocks may occur locally in Glen Rose formations.

Catchment Area: The area, defined by topographic relief, which drains to a point recharge, or critical environmental feature.

Cave: A natural underground cavity, recess, chamber, or series of chambers generally produced by the solution of limestone by subterranean water.

Chief Environmental Officer: The Chief Environmental Officer of the City of Austin, as designated by the City Manager.

Centerline of a Waterway: The centerline of the waterway refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by (first) the low flow line, or (second) the center of the two year floodplain.

City of Austin Jurisdiction: All land located within the corporate limits of the City of Austin and including its extra-territorial jurisdiction.

Cluster Housing: Attached or detached residential housing that maximizes common open space by grouping housing units to minimize individual yards and which, for each detached unit, has a maximum lot area of fifteen thousand (15,000) square feet.

Commercial Development: All development other than recreational, open space, multi-family or other residential housing units.

Comprehensive Plan: The City of Austin's Comprehensive Plan, or an element thereof, adopted by ordinance by the City Council in accordance with the City Charter.

Contractor: Any person, other than owner, engaging in development on land located within the City of Austin's jurisdiction.

Crest of Bluff: A line on the ground parallel to and at the top of a bluff, beyond which the average slope is no steeper than one (1) foot of rise in two (2) feet of travel, for a horizontal distance of not less than forty (40) feet.

Critical Environmental Features: Features which have been determined to be of critical importance to the protection of one or more environmental resources. They include such features as bluffs, springs, canyon rimrocks, caves, sinkholes and wetlands.

Critical Water Quality Zone: Protection zones for waterway corridors as defined in Section 13-15-232 of this Article.

Development: Buildings, roads and other structures, construction, excavation, mining, dredging, grading, filling, clearing or removing vegetation, and the deposit of refuse, waste or fill. Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, maintenance and installation which does not require land disturbance or result in additional impervious cover shall also not constitute development.

Drainfield: (Private sewage facility disposal area): Trench or bed utilized for final wastewater disposal.

Duplex (Two-Family Residential Housing Unit): One of the two (2) separate components of a detached building, each of which components is occupied or suitable for occupancy by only one family as a residence, and having kitchen, bath and sanitary facilities and appropriate appurtenances for such occupancy. Each of such separate components shall be deemed as one unit for the purposes of density calculation and the transfer of development rights.

Edwards Aquifer: The water-bearing substrata also known as the Edwards and Associated Limestones Aquifer. It includes the stratigraphic rock units known as the Edwards Formation and Georgetown Formation.

Edwards Aquifer Recharge Zone: The interim boundaries of the recharge zone shall encompass all land over the Edwards Aquifer recharging the same, as determined by the surface exposure of the geologic units comprising the Edwards Aquifer, including such areas overlain with quaternary terrace deposits. Permanent boundaries may be determined at a later date as part of a more comprehensive delineation of the entire recharge zone.

Edwards Aquifer Contributing Zone: All land generally to the west and upstream of the Edwards Aquifer Recharge Zone that provides drainage into the Edwards Aquifer Recharge Zone.

Faults and Fractures: Significant fissures or cracks in rock which may permit infiltration of surface water to underground cavities and channels.

Impervious Cover: Roads, parking areas, buildings, swimming pools, rooftop landscapes and other impermeable construction covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development. To calculate impervious cover see Section 13-15-243.

Individual On-Site Wastewater System (Private Sewage Facility): All systems and methods used for the disposal of sewage, other than organized sewage disposal systems. Private sewage facilities are usually composed of three units: the generating unit (the residence, institution, etc.), treatment unit (septic tank, etc.) and the disposal unit (the drainfield that may be an absorption trench or bed, or an evapotranspiration bed).

Intermediate Waterway: A channel, creek, stream, branch, or watercourse as defined in Sections 13-15-262, 13-15-272, and 13-15-282.

Legal Lot: A tract of land that existed in its present configuration prior to the effective date of the City of Austin Subdivision Ordinance.

Legally Platted Lot: A lot which is part of a subdivision approved by the City of Austin Planning Commission.

Major Waterway: A channel, creek, stream, branch or watercourse as defined in Sections 13-15-262, 13-15-272, and 13-15-282.

Minor Waterway: A channel, creek, stream, branch or watercourse as defined in Sections 13-15-262, 13-15-272, and 13-15-282.

Multi-Family Development: Any development having three (3) or more attached residential units in a single building.

Natural Drainage: A stormwater runoff conveyance system not altered by development.

Natural State: Substantially the same conditions of the land which existed prior to its development, including but not limited to the same type, quality, quantity and distribution of soils, ground cover, vegetation and topographic features.

Net Site Area: That area in the Uplands Zone, excluding land designated for wastewater irrigation, and then calculated to include all acreage on 0-15% slopes; added to forty (40) percent of the acreage on 15-25% slopes; added to twenty (20) percent of the acreage on 25-35% slopes.

One-Family Residential Housing Unit: A detached building occupied or suitable for occupancy by only one family as a residence, and having kitchen, bath and sanitary facilities and appropriate appurtenances for such occupancy.

Overland Drainage: Stormwater runoff which is not confined by any natural or man-made channel such as a creek, drainage ditch, storm sewer, or the like.

Owner: Any person, having a freehold interest in land within the City of Austin's jurisdiction, a leasehold interest therein, or a lesser tenancy thereon.

Permit: The application for a particular development subject to the provisions of this Article, approved development plan, special notes and other attachments thereto.

Person: Any individual, association, non-profit corporation, professional association, joint stock company, corporation, proprietorship, partnership, or joint venture.

Point Recharge Feature: Any cave, sinkhole, fault, joint or other specific natural feature situated over the Edwards Aquifer Recharge Zone which may be demonstrated to transmit or has the potential to transmit a significant amount of surface water into the subsurface strata. Guidelines to identifying and evaluating such features are maintained by the Chief Environmental Officer.

Plan: Any development proposal submitted to the City of Austin for approval under this Article, which includes but is not limited to subdivision plans, final plats or site development permits and the drawings, documents and other appurtenances as required by Division 3 for the subdivision or development of land located within the City of Austin's jurisdiction.

Recharge Basin: A man-made structure specifically designed to maintain or enhance the transmission of surface water into the subsurface strata.

Retail: Any commercial land use within the City of Austin defined by Chapter 13-2A of the City Code as general retail (GR) or local retail (LR).

Sedimentation and Filtration Basins: Basins required by this Article to provide water quality benefits through the sedimentation or filtration of runoff.

Sinkhole: A circular or oblong depression formed in soluble rock by the action of subterranean water which is a potential point of significant recharge.

Site Development Permit: Permit required from the Office of Land Development Services for development of other than single-family or duplex residential uses on a lot or tract of land, in accordance with the provisions of Chapter 9-10 of the City Code.

South Edwards Aquifer Recharge Zone: That portion of the Recharge Zone located south of the Colorado River, and north of the Blanco River.

Spoil: Excess material such as rocks, dirt, vegetation, debris, etc. generated as a result of development.

Spring: A point or zone of natural groundwater discharge having measurable flow and/or a pool, however small, and characterized by the presence of a mesic plant community adapted to the moist conditions of the site, typically including one or more of the following species:

maidenhair fern	(<u>Adiantum capillis-veneris</u>)
wild columbine	(<u>Aquilegia canadensis</u>)
southern shield fern	(<u>Thelypteris kunthii</u>)
Missouri violet	(<u>Viola missouriensis</u>)
wooly dicantherium	(<u>Dicanthelium lanuginosum</u>)
spicebush	(<u>Lindera benzoin</u>)
nimblewill grass	(<u>Muhlenbergia schreberi</u>)
trillium	(<u>Trillium spp.</u>)
water-pimpernel	(<u>Samolus parviflorus</u>)
eastern sycamore	(<u>Platanus racemosa</u>)
green dragon	(<u>Arisaema dracontium</u>)
bushy bluestem	(<u>Andropogon glomeratus</u>)
water bentgrass	(<u>Agrostis semiverticillata</u>)
dwarf palmetto	(<u>Sabal minor</u>)

Subdivision: The division of land into one or more lots, as approved by the Planning Commission in accordance with the provisions of Chapter 13-3 of the City Code.

Suburban Watersheds: All watersheds within the City of Austin's jurisdiction which are not otherwise designated herein as "Urban", "Water Supply Suburban", or "Water Supply Rural". Such watersheds are shown on Exhibit "A", which is incorporated by reference herein and include, but are not limited to, South Boggy, Carson, Cedar, Cottonmouth, Country Club, Decker, Dry (South and East), Elm, Gilleland, Harris Branch, Maha, Marble, North Fork, Rinard, Walnut, and Wilbarger Creeks, the Colorado River (downstream of U.S. 183), and those portions of the Onion, Bear, Little Bear, Slaughter, and Williamson Creek watersheds which are not located in the Edwards Aquifer Recharge or Contributing Zones.

Two Family Residential Housing Unit: Duplex.

Uplands Zone: All land and waters that are not included within the critical water quality zone or water quality buffer zone.

Urban Watersheds: All watersheds as depicted on Exhibit "A", which is incorporated by reference herein including all land within the City's jurisdiction and draining to: Blunn, Buttermilk, East Boggy, East Bouldin, West Bouldin, Fort, Harper Branch, Little Walnut, Johnson, Shoal, Tannehill, and Waller Creeks, Town Lake/Colorado River (north side from Johnson Creek to U.S. 183), and Town Lake/Colorado River (south side from Barton Creek to U.S. 183).

Water Quality Buffer Zone: A buffer zone established parallel to all critical water quality zones and defined in Sections 13-15-264, 13-15-274, and 13-15-284.

Water Supply Rural Watersheds: All watersheds as depicted on Exhibit "A", which is incorporated by reference herein including all land within the City of Austin's jurisdiction and draining to: Lake Austin (excluding areas on the east side of the Lake south of and including Bull Creek), Lake Travis, Little Barton Creek, Barton Creek (excluding the area east of Barton Creek and north of Loop 360), and the portions of the Onion, Bear, Little Bear, and Slaughter (upstream of FM 1826) Creek watersheds which are located in the Edwards Aquifer Recharge or Contributing Zones.

Water Supply Suburban Watersheds: All watersheds as depicted on Exhibit "A", which is incorporated by reference herein including all land within the City's jurisdiction and draining to: Barton Creek (east of Barton Creek and North of Loop 360), Bull, West Bull, Dry (North and West), Taylor Slough, Lake and Rattan Creeks, Town Lake (south side from Barton Creek to Tom Miller Dam), Town Lake (north side from Johnson Creek to Tom Miller Dam), other Lake Austin (east side from Tom Miller Dam to Bull Creek), and those portions of the Williamson, Slaughter (downstream of FM 1826) and Brushy Creek watersheds which are located in the Edwards Aquifer Recharge or Contributing Zones.

Wetlands: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Classification of areas as wetlands shall follow the "Classification of Wetlands and Deepwater Habitats of the United States" as published by the U.S. Fish and Wildlife Service (FWS/OBS-79/31).

SEC. 13-15-204. BURDEN OF PROOF

An applicant submitting plans for approval under this Article must establish that his or her plans comply with the requirements of this Article and with the applicable requirements of the rest of this Chapter. Compliance must be certified by a professional engineer registered in the State of Texas and knowledgeable in the field of Civil Engineering.

SEC. 13-15-205. VARIANCES

(a) Variances by Planning Commission

1. The Planning Commission may grant a variance from one or more requirements of this Article if an applicant requests the variance in writing and the Commission finds that, because of special circumstances applicable to the property involved, a strict application of the provisions prevents the owner of the property from enjoying the privileges or safety associated with other

similarly situated property with similarly timed development. Where such conditions are found, the variance permitted shall be the minimum departure from the terms of this Article and other ordinance requirements necessary to avoid such deprivation of privileges enjoyed by other property owners and to facilitate a reasonable use, which will not create significant probabilities of harmful environmental consequences. The Planning Commission may not grant a variance if it provides the applicant with any special privileges not enjoyed by other similarly situated property with similarly timed development, or if based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides or develops land.

2. The Planning Commission may grant a variance from one or more requirements of this Article, including but not limited to, Sections 13-15-232, 13-15-264, 13-15-274, and 13-15-284, if an applicant requests the variance in writing and the Commission finds that the application of such provisions leaves the property owner without any reasonable, economic use of the entire property. Where such conditions are found, the variance permitted shall be the minimum departure from the terms of this Article and other ordinance requirements necessary to establish a reasonable, economic use of the entire property.
3. The applicant has the burden of proving his or her entitlement to the variance.
4. Before acting on a variance request under the Subsection, the Planning Commission shall consider the review and recommendations of the Environmental Board.
5. The Planning Commission shall prepare written findings of fact justifying its grant or denial of the variance request.

(b) Administrative Variances

1. The Director of the Office of Land Development Services may grant a variance from the provisions of Sections 13-15-232(d), 13-15-234(d), 13-15-236(a), 13-15-248(b), and 13-15-274(d) when such variance is determined to be consistent with the standards and intent of the pertinent Section.
2. The applicant has the burden of proving his or her entitlement to the variance.
3. The Director shall make written findings justifying the grant or denial of each variance.

- (c) The Director of the Office of Land Development Services shall prepare and maintain in the Office of Land Development Services for public inspection:
1. A written summary of variances granted and denied under Subsections (a) and (b); and,
 2. The contents of the files, including the appeal record if there was an appeal, for each variance acted on by the Planning Commission.

SEC. 13-15-206. APPEALS

- (a) Appeal of Planning Commission Variances. Any citizen of the City of Austin or any person owning property in a watershed within which a project is located may appeal the granting or denial of a variance by the Planning Commission pursuant to Section 13-15-205(a) of this Article, by filing a written notice with the Office of Land Development Services on or before the tenth (10th) calendar day after such decision. Said notice shall point out with specificity why, in the opinion of the appellant, the decision of the Planning Commission was improper. The City Council shall set a public hearing on the appeal within forty-five (45) calendar days of the date the notice was filed. If there are multiple appeals by the same granting or denial of a variance, or if the appeal is combined with an appeal for the approval or denial of a site plan, the Council shall decide all appeals at the same hearing. The appellant has the burden of proof on appeal and the Council must decide the appeal solely on the record before the Planning Commission, the written appeal, the written response to the appeal from the applicant, and written reports or other relevant and necessary information from appropriate City departments as may be requested by the Council. After considering the appeal, the Council may affirm the decision of the Planning Commission, reverse it, or modify it to comply with the requirements of this Article.
- (b) Appeal of Administrative Variances. Any citizen of the City of Austin or any person in a watershed within which a project is located may appeal the granting or denial of an administrative variance to the Planning Commission. The appeal must be delivered to the Director of the Office of Land Development Services within ten (10) calendar days after the date of the Director's decision. The Director shall transmit the appeal with the plan to the Planning Commission, which shall decide all appeals relating to a particular plan when it acts on the plan. The applicant has the burden of proof on appeal. The decision of the Planning Commission shall be final on the appeal of an administrative variance.

- (c) Appeal of Site Development Permit. Any citizen of the City of Austin or any person owning property in the watershed within which the project is located may appeal the approval or denial of a site development permit by the Director of the Office of Land Development Services to the City Council by filing a written notice with the Office of Land Development Services on or before the tenth calendar day after such decision. Appeal may not be taken, however, from disapproval of a site development permit application pending receipt of additional information. Said notice shall point out with specificity why, in the opinion of the appellant, the decision of the Director of the Office of Land Development Services was improper. The City Council shall set a public hearing on the appeal within forty-five (45) calendar days of the date the notice was filed. The appellant has the burden of proof on appeal and the Council must decide the appeal solely on the basis of the permit application file, the written appeal, the written response to the appeal from the applicant, if any, oral argument at the Council hearing, written reports or other relevant and necessary information from the appropriate City departments as may be requested by the Council. After considering the appeal, the Council may affirm the action of the Director of the Office of Land Development Services, reverse it, or modify it to comply with the requirements of this Article.

SEC. 13-15-207. EXEMPTIONS

- (a) This Article shall not apply to watersheds defined as "Urban". However, development in Urban Watersheds is subject to the requirements of the Town Lake Critical Water Quality Zone, and all commercial and multi-family development within 500 feet of the 429.0-foot contour of Town Lake must provide sedimentation/filtration basins in accordance with Section 13-15-238 of this Article.
- (b) Except as provided in subsections (c), (d), and (e), this Article shall not apply to any development for which a preliminary plan, final plat, site development permit, Travis County development permit, zoning site plan, planned unit development, planned development agreement, or development phasing agreement was approved by the applicable governmental authority, prior to the effective date, or a land use plan for an out-of-City MUD approved by the City Council after a public hearing which occurred prior to the effective date, or a land use plan with permanent zoning for an in-city MUD, which was approved by the City Council prior to the effective date.
- (c) This Article shall apply to subdivisions and site developments that were approved before the effective date of this ordinance and that propose to withdraw water from the South Edwards Aquifer and propose residential development other than single-family residential with a maximum density of two units per acre.

- (d) Development otherwise exempt under subsection (b) loses its exemption unless, on the effective date or within five years after the effective date of this Article, the development:
1. has or obtains a site development permit or building permit;
 2. has or obtains an approved final plat for at least 50 percent of the land area of the development shown on the preliminary plan;
 3. has or obtains permanent zoning tied to a site plan;
 4. is or becomes part of an approved site plan or land use plan for a planned unit development, municipal utility district, planned development agreement, or development phasing agreement.
- (e) Even though it is exempt under this section, a commercial or multi-family development with more than 20 percent impervious cover must provide sedimentation/filtration basins in accordance with sections 13-15-238 of this Article.
- (f) This Article shall not apply to the subdivision of land that proposes a residential density of not more than one, one-family housing unit for every five acres and is appropriately restricted to that residential density.
- (g) This Article shall not apply to the resubdivision or reconfiguration of any tract exempted by this section which does not result in an overall increase in density or impervious cover above that on the exempted subdivision or plan. Applicants may change lot sizes and dimensions, roadway alignments, subdivide commercial and multi-family lots into smaller lots, and reallocate impervious cover or transfer density among lots so long as the overall impervious cover and density on the originally approved plan do not increase. In addition, areas reserved for wastewater irrigation and not restricted against future development may be subdivided and resubdivided when no longer needed for irrigation purposes; provided, however the subdivision or resubdivision of such irrigable area shall be required to comply with this Article.
- (h) Development exempt from this Article under this section is governed by the applicable watershed ordinance, if any, in effect on the effective date of this ordinance. Development exempt under subsection (f) is not subject to any watershed ordinance.
- (i) The impervious cover limits of Divisions 6, 7, and 8 of this Article shall not apply to roadway construction pursuant to a City of Austin Capital Improvements Program if the limits would require the condemnation of adjacent pervious land. Development adjacent to the roadway shall account for the roadway's impervious cover in accordance with Section 13-15-242(e) of this Article.

- (j) This Article shall not apply to a legal lot, as defined in Section 13-15-203, provided, however, that the provisions of this Article shall become applicable to such lot in the event that development of the property requires subdivision approval.
- (k) This Article shall not apply to the development of any tract of land that was previously exempted from the Lake Travis Watershed Ordinance by specific action of the City Council.
- (l) Notwithstanding any other provisions of this section, any final plat approved prior to the effective date of this Article for which a site development permit, building permit or site plan has not been approved within 10 years from the effective date shall be subject to its provisions.
- (m) The impervious cover provisions of Division 6, 7, and 8 of this Article shall not apply to any public school district project; and provided additionally, that any public school district projects for sites acquired prior to the effective date of the ordinance shall be exempt from its provisions.

SEC. 13-15-208. WAIVERS

- (a) A developer may apply in writing to the Director of Land Development Services to waive some or all of the requirements of this Article, except as provided in subsection (g), if an application for a preliminary plan, major project review, or site development permit for the development was accepted as complete for filing before the effective date of this Article. The Director must receive an application for Waiver within ninety (90) calendar days after the effective date of this Division or waiver under this Section is barred.
- (b) The Director of Land Development Services shall review each application for waiver to determine whether the developer in preparing the preliminary plan or site development permit application relied in good faith on the applicable watershed ordinance then in effect and whether the reliance was reasonable and substantial. In making this determination the Director shall consider when the preliminary plan or site development permit application was filed and the time, effort, and money expended by the developer in preparation. The Director shall recommend in writing for or against the requested waiver, based on the determination of reliance. The Director shall forward the recommendation, together with a concise, written explanation of the basis for the recommendation, the waiver application, and the application for a preliminary plan or site development permit, to the Planning Commission within 30 calendar days from the date the waiver application was received.
- (c) The Planning Commission shall consider the recommendation at a public hearing within 30 calendar days from the date it receives the recommendation. After the public hearing the Planning Commission may

approve, disapprove, or modify the recommendation, in accordance with the standard described in subsection (b), and the Planning Commission shall forward its written recommendation on the waiver application to the City Council within 75 calendar days after the application was received by the Director of Land Development Services.

- (d) The City Council shall hold a public hearing on the Planning Commission's recommendation within 30 calendar days after it receives the recommendation. After the hearing the City Council may approve, disapprove, or modify the recommendation in accordance with the standard described in subsection (b).
- (e) A developer has the burden of proving his or her entitlement to the requested waiver before the Director of Land Development Services, the Planning Commission, and the City Council.
- (f) A development for which some or all of the requirements of this Article have been waived becomes subject to the waived requirements unless, within five years from the effective date of this Division, the development:
 - 1. has or obtains a site development or building permit;
 - 2. has or obtains an approved final plat and site plan for at least 50 percent of the land area of the development shown on the preliminary plan;
 - 3. has or obtains permanent zoning tied to a site plan;
 - 4. is or becomes part of an approved site plan or land use plan for a planned unit development, municipal utility district, planned development agreement; or development phasing agreement.
- (g) Notwithstanding the approval of a waiver under this section, commercial or multi-family development with more than 20 percent impervious cover must provide sedimentation/filtration basins in accordance with section 13-15-238 of this Article.

SEC. 13-15-209. HARDSHIP PROVISIONS

- (a) Any person owning title to property within any of the watersheds to which this ordinance is applicable may request administrative review of the effect of this ordinance upon an individual tract if such review is requested on or before May 1, 1987.
- (b) An administrative review shall consist of an analysis by the Office of Land Development Services of the effect of the application of the ordinance upon a tract held in ownership by any person on or before the date of passage of this ordinance to determine:

1. The percentage of net development in square feet of impervious cover or residential units lost, if any, by virtue of the application of this ordinance to the tract in question as compared with the net development possible under ordinances and available utility service existing on the date of passage of this ordinance.
 2. The development configuration most likely to maximize the economic value of the tract under application of the terms of this ordinance.
- (c) In case any tract has its net development in square feet of impervious cover or residential units reduced by 50% or more, by application of the terms of this ordinance, the following procedures shall apply:
1. The owner of the tract may develop the tract according to the terms of this ordinance, without application of other provisions of this section.
 2. The owner may request that the Office of Land Development Services develop a site specific plan to protect water quality utilizing any combination of the provisions contained in Sections 13-15-231 - 13-15-290 of this ordinance, including density controls, impervious cover limitations and structural controls, which shall, in the opinion of the Office of Land Development Services, accomplish substantial protection of water quality in the run-off of water occurring from said tract to any minor, intermediate, or major waterway in any area regulated by this ordinance. In developing such a site specific plan, the Office of Land Development Services shall balance the techniques of water quality protection with the maximization of the economic utilization of the tract in order to achieve the most cost effective plan affording substantial protection of water quality. The burden of producing all other elements of the plan other than the element prepared by the Office of Land Development Services for the property shall be distributed according to pre-existing requirements.
 3. Any plan developed by the Office of Land Development Services under paragraph (2) above shall be presented to the person owning such land for approval by such person within sixty (60) days of the request for the development of such plan in order that such plan may be presented to the City Council for adoption. If the owner wishes to present the plan to the City Council for adoption, the plan shall be presented to the Council for adoption by ordinance within thirty (30) days of written acceptance of the plan by the owner.

4. The City Council shall consider the plan and action upon the plan shall be approved or disapproved according to the requirements for consideration of ordinances within sixty (60) days following its presentation to the Council by the Office of Land Development Services, following acceptance by the owner.

(d) This section shall be a remedy available in addition to all other exemptions and remedies provided a person owning title to property under this division.

SEC. 13-15-210. RESERVED

DIVISION 2. MAINTENANCE AND ENFORCEMENT

SEC. 13-15-211. MAINTENANCE

All developments of land located within the City of Austin's City limits or extra-territorial jurisdiction shall comply with the provisions of this Section.

- a) All sedimentation and filtration basins and their appurtenances required for commercial and multi-family development shall be maintained by the property owner.
- (b) Maintenance of sedimentation and filtration basins for single-family or duplex residential development shall be by the City of Austin.
- (c) The maintenance of all sedimentation and filtration basins and their appurtenances shall be to the standards and specifications of the City of Austin's "Design Guidelines for Water Quality Control Basins", as prepared by the Department of Public Works.
- (d) Duly authorized inspectors of the City shall have the right of entry on the land or premises where property owners are required to maintain drainage facilities or detention/filtration facilities, for the purpose of inspection of the maintenance required. The Public Works Department shall inspect the premises of each such facility approved pursuant to this Article at least once per year. Where noncompliance is found, the City shall request in writing that the property owner comply. This notice shall describe the measures required to be taken. If, within one (1) month of the notice, the maintenance required is not accomplished, the City shall either:
 1. Cause the necessary restoration to be accomplished and assess the property owner for the City's actual cost, or
 2. Bring an action for mandatory injunction to require the property owner to accomplish the necessary maintenance.

- (e) A Dedicated Fund shall be set up by the City to maintain and monitor basins for single-family and duplex uses and to monitor basins for other residential and commercial uses. The subdivider or developer shall pay into the fund as per the adopted Fee Schedule of the City of Austin. These fees shall be paid at the time the subdivider posts fiscal requirements for his or her subdivision, or at the time of site development permit approval.
- (f) An annual report shall be made by the Director of Public Works to the City Council about the status of the program and the funds.

SEC. 13-15-212. INSPECTIONS

- (a) Any person or his successor and assigns who has filed a plan for approval pursuant to this Article shall agree in writing to allow entry on the land or premises which is the subject of such application for the purpose of inspection of conditions on the premises during the approval stage and during development and construction by duly authorized inspectors of the City.
- (b) The City shall cause such inspections to be made of the land or premise during development and construction so as to assure full compliance with all terms, conditions, requirements, and agreements to which the person obtaining approval of a plan under this Article is bound.
- (c) The applicant shall designate one person or legal entity, with a current street address, to which notice shall be given pursuant to this Article.
- (d) Any permit holder shall agree to allow entry on the land or premises which is the subject of the permit for the purpose of the aforementioned inspection.

SEC. 13-15-213. PRE-CONSTRUCTION CONFERENCE

- (a) A pre-construction conference shall be required for all development under this ordinance.
- (b) Subsequent to installation of erosion and sedimentation controls, and prior to beginning construction, a permit holder shall request in writing and attend, along with his design engineer, contractor, and field engineer, an erosion and sedimentation control inspection coordinated and scheduled by the Director of Public Works, and attended by all relevant City departments. Said conference shall take place on the site. The permit holder should be prepared to demonstrate that the erosion and sedimentation controls are in compliance with the Erosion and Sedimentation Control Manual, and to

present a plan including, but not limited to future erosion and sedimentation controls, tree protection measures, and drainage, utility and street layouts. The conference must be held within ten (10) days of the receipt of the request or permit holder may proceed with construction.

SEC. 13-15-214. CRIMINAL ENFORCEMENT

- (a) It shall be unlawful for any person, corporation, partnership, joint venture, contractor, agent, owner, or any person having physical control of land situated in whole or in part within watersheds located within the City's jurisdiction to undertake, to engage in, perform, authorize, allow, direct, or permit development on that land unless a valid current plan has been approved by the City of Austin and the appropriate development permits obtained by the owner, design engineer, or contractor authorizing that development.
- (b) An owner of land situated in whole or in part within a watershed commits a violation of Subsection (a) hereof by personally undertaking, engaging in, or performing development on that property without having first obtained a valid, current development permit from the City of Austin authorizing said development; by agreeing, allowing, permitting, authorizing, or directing another to openly and notoriously perform, engage in, or undertake development on his/her property where no valid, current permit has been obtained; by knowingly allowing another to engage in, perform, or undertake development on his property without his consent where no such valid permit has been obtained.
- (c) A contractor commits a violation of Subsection (a) hereof when said contractor, with or without the owner's consent, engages in, performs, or undertakes development upon property situated in whole or in part within the watersheds located within the City's jurisdiction without having obtained or secured a current, valid development permit issued by the City of Austin to that contractor. A true copy of the permit shall be kept at the site at all times during development. The contractor shall cause the permit to be immediately available at the site for examination upon request by any authorized City inspector, as evidenced by an identification card bearing the seal of the City of Austin, naming the inspector, and signed by a person purporting to be empowered to issue said identification card. Evidence of the contractor's failure to have displayed the copy of the permit at the site upon request by an authorized City inspector shall constitute prima facie evidence that there is no valid, current City development permit for development of the site.
- (d) Any person to whom a development permit has been issued by the City of Austin pursuant to this Article commits a violation thereof, punishable hereunder, if such person fails to observe and perform the terms and conditions stated in such permit.

- (e) Any person violating any of the provisions of this Article, upon conviction, shall be fined in an amount not exceeding \$1,000. Each violation hereof occurring during a calendar day shall be a distinct and separate offense from such a violation occurring during the next preceding or next following calendar day.
- (f) It shall not be necessary for the complaint filed in any case hereunder to negate any exception, whether exemption or variance, contained in this Article concerning any prohibited act; but, any such exception made herein may be used as a defense by any person charged by such complaint.
- (g) Nothing herein shall limit the City's authority to seek injunctive or other civil relief available under the law.

SEC. 13-15-215. CEASE AND DESIST ORDER

- (a) When either the Office of Environmental Resource Management (ERM), Public Works Department, Water and Wastewater Utility, Electric Utility, or Building Inspection Department determines that there has been noncompliance with any material term, condition, requirement or agreement under this Article, the person who either has or should have obtained an approved development permit shall be ordered to cease and desist from allowing further development and/or from allowing transportation of construction material to the alleged noncompliant site until such site is in compliance with this Article.
- (b) Said cease and desist order ("Red Tag") shall be in writing and shall be posted on the site.
- (c) The City shall bring suit in a court of competent jurisdiction to restrain and enjoin any person attempting or allowing development or construction without an approved development permit or any person failing or allowing failure to cease and desist from further development or construction under Subsection (a).
- (d) No further City inspection or utility connections shall be made until such site is in compliance with this ordinance, as determined by the Chief Environmental Officer of the City.

SEC. 13-15-216. APPEAL OF CEASE AND DESIST ORDER

- (a) Appeal of a cease and desist order, issued pursuant to Section 13-15-215, may be made by the person aggrieved to the Chief Environmental Officer. Such appeal shall be perfected by giving written notice containing the following information to the Chief Environmental Officer within three (3) days of the posting on the site of the cease and desist order:

1. The name and address of the person making the appeal
 2. The facts surrounding the particular ruling
 3. The ruling of the issuing department
 4. The technical reasons why the ruling should be set aside.
- (b) Within a period of three (3) days from the filing of the appeal, the Chief Environmental Officer or his designee shall hear the appeal together with technical testimony of the person making the appeal, or his technical expert, and the department, and make a decision either affirming or reversing the department's decision within two (2) days thereafter. The person requesting the hearing shall be notified of the decision in writing. The notification shall be accompanied by a statement of the reasons for the decision.
- (c) Appeal of the Chief Environmental Officer's decision may be made by the person aggrieved to the Planning Commission. Such appeal shall be perfected by giving a written notice containing the following information to the Chairman of the Planning Commission within three (3) days after the receipt of the decision of the Chief Environmental Officer:
1. The name and address of the person making the appeal.
 2. The facts surrounding the particular ruling.
 3. The rulings of the issuing department and Chief Environmental Officer.
 4. The technical reasons why the ruling should be set aside.
- (d) The Planning Commission shall hear the appeal at the next regular meeting following receipt of the notice. If the appeal is not heard by the Planning Commission within twenty (20) days from the filing of the appeal with the Commission, the appeal shall be deemed granted.
- (e) Appeal under this Section shall not stay the cease and desist order.

SEC. 13-15-217. CERTIFICATE OF COMPLIANCE OR OCCUPANCY

No City utilities may be connected to a site unless a certificate of compliance is issued by the Department of Public Works when the development is completed pursuant to requirements of this Article for areas outside the City limits or until the Building Inspection Department issues a certificate of occupancy with the written concurrence of the Director of Public Works for areas within the City limits. Requests by the developer/owner for a certificate of compliance or occupancy for development other than single-family or duplex residential housing construction shall be accompanied by a certificate prepared and signed by a professional engineer registered in the State of Texas attesting to the completion of the project in substantial conformance with the development permit.

SEC. 13-15-218.-220. RESERVED

DIVISION 3. REQUIREMENTS FOR SUBMISSION OF DEVELOPMENT PLAN

SEC. 13-15-221. APPROVAL AND PREAPPLICATION CONFERENCE

- (a) Before subdividing land located in the watersheds in the City's jurisdiction, an applicant must first obtain approval from the Planning Commission of the plans and plat required by this Division and by the other provisions of this Chapter.
- (b) No commercial or multi-family development shall be undertaken on any land, tract or parcel within the City's jurisdiction until the effective date of a site development permit for said development issued by the Director of the Office of Land Development Services.
- (c) For developments exceeding one hundred acres in size, a prospective applicant shall request in writing, prior to submitting a plan for approval, a development preapplication conference coordinated and scheduled by the Director of the Office of Land Development Services and attended by the applicant and representatives of all relevant City departments. Applicants should be prepared to present a conceptual plan at that time, including, but not limited to conceptual drainage, land use, utility and street layout. The conference must be held within ten (10) days of the request or the applicant may proceed to submit a plan.

SEC. 13-15-222. PLAN SUBMISSION REQUIREMENTS - GENERAL

- (a) An applicant seeking approval of a plan must file copies of a plan of the proposed development with the Director of the Office of Land Development Services and pay the filing fee required by ordinance.
- (b) Applicants for subdivisions for uses other than single-family or duplex residential may submit information demonstrating compliance with this Article for individual lots at the time of Site Development Permit Application, provided that the applicant demonstrates that such lots have access consistent with this Article and appropriately restricts the plat to assure compliance at a later date.
- (c) The plan shall meet all requirements and conditions established by the other Sections of this Article and shall meet additional requirements set forth below. The proposed plan shall be certified as complete and accurate and in compliance with the provisions of this Article by a professional engineer registered in the State of Texas and knowledgeable in the field of Civil Engineering.
- (d) An applicant seeking approval of a plan under this Article must submit the following information; unless the Director of the Office of Land Development Services determines that due to the scope and nature of the proposed development, some of the information is unnecessary:

1. A topographic map, with two foot contour intervals, at a scale of 1 inch to 100 feet for subdivision plans and 1 inch to 40 feet for site development plans, each meeting national map accuracy standards showing:
 - a. All development or improvements on the site that are existing and those that are proposed.
 - b. The limits of the one-hundred (100) and twenty-five (25) year floodplains, based on existing channel conditions, of all creeks and major drainage channels prior to any alteration of land assuming fully developed watershed conditions exist.
 - c. The location, type, acreage, and percentage of impervious cover, including both existing and proposed for each slope category and the totals.
 - d. The delineation of each Major, Intermediate, and Minor Waterway as defined herein.
 - e. The delineation of the Critical Water Quality Zone, Water Quality Buffer Zone, Upland Zone, and Edwards Aquifer Recharge Zone, as applicable.
 - f. The two year floodplains where needed to determine the Critical Water Quality Zone.
 - g. The location of any Critical Environmental Features such as point recharge features, canyon rimrocks, bluffs, and wetlands, and required setbacks therefrom.
2. A slope map drawn at the same scale as the topographic map for those sites having greater than fifteen percent (15%) slopes, depicting slopes of 0-15%, 15-25%, 25-35%, and over 35%. Slopes may be calculated based on contour intervals not to exceed five (5) feet. The slope map shall show:
 - a. All development or improvements on the site including adequate building sites for any single-family or duplex lots, exclusive of any required setbacks and easements and any slopes over 25%, and based on the assumed impervious cover defined in Section 13-15-243(c).
 - b. Areas of cut and fill in excess of four (4) feet, or, for roadways, cut and fill outside the right-of-way.
 - c. The location of proposed spoil disposal sites.

- d. The location of wastewater lines, drainfields, and effluent irrigation areas, effluent holding ponds, and tailwater control berms.
 - e. Buffer zones for commercial, multi-family, or cluster development, where applicable.
3. An engineer's report including:
- a. A drainage study addressing the design criteria set forth in the Drainage Criteria Manual.
 - b. The land area calculated in acres for each slope class and each water quality zone within the development.
 - c. The net site area, as calculated herein, along with detailed calculations and the methodology used to calculate total allowed and proposed impervious cover or density for the development, as well as all transfer of development rights calculations. The total impervious area shall be separated into areas of streets, off-street parking, commercial areas, tennis courts and other recreational areas, and residential areas. All pedestrian sidewalks within street rights-of-way or parallel to private streets may be excluded from the impervious cover calculations.
 - d. An erosion/sedimentation control plan consistent with the requirements of Section 13-15-233.
 - e. Roadway and driveway preliminary profiles for those portions of all roadways and driveways crossing slopes in excess of fifteen percent (15%).
 - f. A vegetative description delineating ground cover types, defining the cover-types by general species composition and range of tree diameters. The vegetative description shall be accompanied by an aerial photograph at a scale of 1" = 400 ft. A mylar overlay accompanying the photograph shall show approximate locations and identities of all trees and definable groups of trees with crown diameters equal to or greater than forty (40) feet and showing the approximate locations and identities of any other significant plant material.
 - g. An engineer's seal, signature, and statement certifying that the plan is complete, correct, and in compliance with this Article, along with the Engineer's Summary Letter.
4. A request and justification for a variance according to Section 13-15-205.

SEC. 13-15-223. ENVIRONMENTAL ASSESSMENT

For all developments located in watersheds designated as "Water Supply Suburban" or "Water Supply Rural", an Environmental Assessment is required which includes the following information; unless the Director of the Office of Land Development Services determines that due to the scope and nature of the proposed development some of the information is unnecessary:

(a) A hydrogeologic element which:

1. Generally describes the topography, soils, and geology of the site.
2. Identifies springs and significant point recharge features on the site.
3. Demonstrates that proposed drainage patterns will protect the quality and quantity of recharge at those points, as required by Section 13-15-239.

(b) A vegetative element which:

1. Includes either a tree survey of all trees with a diameter of eight inches (8") or more measured four and one-half (4-1/2) feet above natural grade level or, upon approval of the City Arborist, a set of nine by nine inch aerial photographs providing complete, stereo coverage of the area photographed between the months of April and November at a scale no greater than one inch equals four hundred feet.
2. Includes, for all commercial and multi-family sites, a vegetative survey which shows the approximate location of and identifies all significant plant material on the site.
3. Demonstrates that the design of the plan has been accomplished to preserve to the greatest extent reasonable any significant trees and vegetation on the site and to provide maximum erosion control and overland flow benefits from such vegetation.

(c) A wastewater element, where applicable, which:

1. Includes calculations of drainfield or wastewater irrigation areas as required by this Article.
2. Provides environmental justification for sewer line locations in Critical Water Quality Zones, where applicable, and describes construction techniques and standards for wastewater lines.
3. Describes alternative wastewater disposal systems to be used over the Edwards Aquifer Recharge Zone.

4. Discusses any proposed on-site collection and treatment systems, their treatment levels, and impacts on receiving watercourses, including the Edwards Aquifer, as required by this Article.
- (d) Identification of any Critical Environmental Features as required by this Article, and proposed means for protection of such areas.
- (e) Environmental justification for spoil disposal locations or roadway alignments, as required in Sections 13-15-235, 13-15-236, and 13-15-237.
- (f) Methods proposed to achieve overland flow, and justification to use enclosed storm sewers, where proposed.
- (g) A description of any industrial uses proposed, as well as a program for pollution abatement as required by this Article.

SEC. 13-15-224. FINAL PLAT

In addition to satisfying other requirements of this Article, a final plat, where applicable, must:

- (a) Contain on the face of the plat or place in a separate covenant the following notes, as applicable, which:
 1. Incorporate by reference the terms and requirements of this Article of this Chapter, which shall be required in all cases;
 2. Restricts the land in the subdivision to the impervious cover limitations of this Article;
 3. Provides for the maintenance of structural water quality controls as required by Section 13-15-211;
 4. Provides for separate approval of any driveway with grades in excess of fourteen (14) percent when applicable under Section 13-15-248;
 5. Provides for joint-use driveways when applicable under Section 13-15-248;
 6. Limits cut and fill on any lot to a maximum of four (4) feet, as required in Section 13-15-235.
 7. Requires erosion controls to be installed for single-family and duplex construction.
 8. Specifies the transfer of development rights used.

- (b) Contain a statement dedicating to the City of Austin those water quality basins required under Section 13-15-211 to be maintained by the City.
- (c) Be accompanied by such restrictive covenants, easements or contracts as may be necessary and appropriate to ensure adequate property owner maintenance of water quality basins under Section 13-15-211 and/or to facilitate the use of joint-use driveways under Section 13-15-248.
- (d) Be accompanied by a fee in the amount established by ordinance; such fee to be used for the purpose of funding a program for maintaining and monitoring water quality basins and other drainage facilities and conveyances as described in Section 13-15-238.

SEC. 13-15-225.-230. RESERVED

DIVISION 4. GENERAL STANDARDS

SEC. 13-15-231. COMPLIANCE

All plans submitted shall comply with the provisions of this Division and any other applicable provisions of this Article.

SEC. 13-15-232. CRITICAL WATER QUALITY ZONES

- (a) Critical water quality zones shall be established along all intermediate, minor and major waterways with drainage basins as defined in Sections 13-15-262, 13-15-272, and 13-15-282. The zone line shall be delineated parallel to each such waterway according to the size of the drainage basin:
 1. For minor waterways, the zone line shall be defined by the limits of the one hundred year floodplain; provided that it shall never extend beyond one hundred (100) feet on each side from the centerline of the waterway; provided further that the line shall never be located less than fifty (50) feet on each side from the centerline of the waterway.
 2. For intermediate waterways, the zone line shall be defined by the limits of the one hundred year floodplain; provided that it shall never extend beyond two hundred (200) feet on each side from the centerline of the waterway; provided further that the line shall never be located less than one hundred (100) feet on each side from the centerline of the waterway.
 3. For major waterways, the zone line shall be defined by the limits of the one hundred year floodplain; provided that it shall never be located greater than four hundred (400) feet on each side from

the centerline of the waterway; provided further however, that the line shall never be located less than two hundred (200) feet on each side from the centerline of the waterway.

4. Notwithstanding all of the above, in no event shall the Critical Water Quality Zone extend beyond the crest of a bluff, as defined in Section 13-15-203.
 - (b) The floodplain delineation shall be based on a channel in its unaltered state, unless modifications are approved pursuant to regulations adopted by the City Council, and shall assume fully developed watershed conditions.
 - (c) Critical water quality zones shall be established along Lake Travis, Lake Austin, and Town Lake. The zone line shall be delineated parallel to the normal pool levels of Lake Travis (681.0 foot contour), Lake Austin (492.8 foot contour), and Town Lake (429.0 foot contour), and shall extend a horizontal distance of seventy-five (75) feet inland for proposed detached single-family residential development, and one hundred (100) feet for other residential or commercial development.
 - (d) The critical water quality zone shall remain free of all construction activity, development and alterations except that the following may be permitted:
 1. Arterial, collector, and residential street crossings only as provided below:
 - a. Major waterways may be crossed by arterial streets that are identified in the City of Austin Roadway Plan.
 - b. Intermediate waterways may be crossed by arterial and collector streets, provided, however, that no collector street crossing shall be within two thousand five hundred (2,500) feet of any other collector or arterial street crossing on the same waterway; provided further, however, that in those watersheds designated as "Water Supply Suburban" or "Water Supply Rural", no collector street crossing shall be within one mile of any other collector or arterial street crossing on the same waterway.
 - c. Minor waterways may be crossed by arterial and collector streets, provided, however, that no collector street crossing shall be within one thousand (1,000) feet of any other crossing of a collector or arterial street on the same waterway; provided further, however, that in those watersheds designated as "Water Supply Suburban" or "Water Supply Rural", no collector street crossing shall be within two thousand (2,000) feet of any other collector or arterial street crossing on the same waterway.

- d. Minor waterways may be crossed by a residential or commercial street only when necessary to provide access to property which cannot otherwise be safely accessed.
 - e. The Director of the Office of Land Development Services may vary these requirements prior to, or at the time of, plan approval, after receiving a report from the Urban Transportation Department.
2. Fences that do not obstruct flood flows.
 3. Public and private parks, golf courses and open spaces, other than parking lots, when a program of fertilizer, pesticide and herbicide use is approved by the Office of Land Development Services, provided, however, that in watersheds designated as Water Supply Rural or where the Critical Water Quality Zone lies within the South Edwards Aquifer Recharge Zone, park development is limited to trails and facilities (other than stables and corrals for animals) for hiking, jogging, nonmotorized biking, and nature walks.
 4. Boat docks, piers, wharves, or marinas, and necessary access and appurtenances, along Lake Travis, Lake Austin, and Town Lake, where otherwise permitted by the City of Austin. All treated building materials that will be submerged in water must be approved by the Office of Land Development Services prior to a waterway development permit being issued.
 5. Detention basins, utilities, maintenance, and floodplain alterations as permitted by Chapter 9-10, Article IV, Division 1 and 2, and other provisions of this Article.

SEC. 13-15-233. EROSION AND SEDIMENTATION CONTROL

- (a) Erosion and sedimentation controls, as specified in the Erosion and Sedimentation Control Manual, are required for all construction and development, including but not limited to, commercial, multi-family, single-family and duplex construction. Moreover, the construction of all roads, utilities, parks, golf courses, water quality and detention basins, and all other activities utilizing clearing, trenching, grading, or other construction techniques shall comply with the Manual.
- (b) Applications for waterway or site development permits shall be accompanied by a proposed construction sequence to demonstrate an acceptable plan for erosion control and tree protection during the construction period and restoration of the land after the construction period and shall be submitted to the Director of the Office of Land Development Services for review. All measures for erosion control and restoration shall be performed in accordance with the Erosion and Sedimentation Control Manual.

- (c) Projects shall not be considered complete until restoration has been made, the required vegetation established, and certified by the Public Works Department for acceptance as installed. In the event the City accepts maintenance responsibility for the streets, drainage facilities and utilities prior to completion of restoration requirements, a separate and enforceable agreement to ensure completion of restoration requirements shall be entered into by the City of Austin and the developer.
- (d) After two (2) days written notice to the permit holder of the plan, modifications from the approved erosion control and construction sequencing plans may be made in the field if the City inspector deems the controls or sequencing inappropriate or inadequate and has confirmed his/her findings with the Office of Land Development Services, and has their written approval. Minor changes which result in an upgrading of erosion controls or simply reflect the progression of construction on a site, may be accomplished in the field without such written approval.

SEC. 13-15-234. CLEARING AND TEMPORARY SITE DISTURBANCES

- (a) Clearing for road construction shall not be permitted before final plat approval. Work done on the ground in preparation of site development or final plat approval shall be limited to surveying and geological testing. Areas cleared for surveying and testing shall not exceed a width of fifteen (15) feet, and no trees with a diameter greater than eight inches (8") shall be removed.
- (b) Clearing for the temporary storage of spoils or construction equipment shall be designated on the construction plans and shall be restored in accordance with the Erosion and Sedimentation Control Manual. The topsoil should be protected against erosion during and after the site grading operations. Where practical, the existing vegetation should be left in place.
- (c) The length of time between roughcutting and final surfacing of roadways may not exceed eighteen (18) months. If an applicant does not meet this deadline, the Director of the Public Works Department shall notify him in writing that the City will complete the streets or revegetate the disturbed area at his expense unless he does so within sixty (60) days after the date of the notice.
- (d) Roadway clearing width within a subdivision shall not exceed twice the roadway surface width or the width of the dedicated right-of-way, whichever is less. Right-of-way widths shall not be increased to provide additional clearing under this provision. Such roadway clearing width may be varied by the Director of the Office of Land Development Services where, in the Director's opinion, unusual topographic conditions necessitate such a variance. Clearing for

short run road (300 feet or less) construction problem areas may be increased to two and one-half times the roadway width, right-of-way permitting. In cases where, due to slopes, clearing activities would normally result in cleared materials sliding onto areas beyond the clearing widths specified above, retaining walls or other methods shall be utilized to prevent such sliding.

SEC. 13-15-235. CUT AND FILL

- (a) No fill on any lot or other land within the subdivision, except within roadway right-of-way, shall exceed a maximum of four (4) feet of depth. Fill placed under foundations with sides perpendicular to the ground, or with pier and beam construction, need not comply with this requirement, but must be placed in a manner consistent with Section 13-15-237. Backfill for utility construction or wastewater drainfields is also exempt from this provision.
- (b) Except for structural excavation, no cut on any lot or other land within the subdivision, other than within roadway right-of-way, shall be greater than four (4) feet. For the purposes of this Subsection, structural excavation means excavation required for construction of building foundations consistent with Section 13-15-237, but shall not include cuts for private or public roads or driveways where structural side-slope stabilization (containment) is proposed. Cuts for utility installation or wastewater drainfield excavation are exempt from this provision, subject to restoration of such areas to natural grade.
- (c) Cut and fill for roadways shall be contained within allowable roadway clearing widths.
- (d) In all cases, slopes generated by cut and fill shall be stable, giving full consideration to soil characteristics and erosion potential. Techniques to be used are to be specified with the final plat. Slopes exceeding a 3 to 1 ratio, other than cuts which are determined to be stable, must be stabilized by permanent structural means (e.g., dry stack walls, terraces, exposed aggregate concrete walls, etc.), and approved by the Director of the Office of Land Development Services.

SEC. 13-15-236. SPOIL DISPOSAL

- (a) Spoil disposal sites shall not be located within the one-hundred (100) year floodplain or on slopes greater than fifteen (15) percent gradient unless the Director of the Office of Land Development Services finds that a necessary public benefit is derived from the use of the spoil. Such benefits may include, but are not limited to:
 1. Roadways.
 2. Stormwater detention facilities, after consideration of reports from the Public Works Department and the Environmental Review Division of the Office of Land Development Services.

3. Public or private park sites, after consideration of reports from the Environmental Review Division and the Parks and Recreation Department.
 4. Building sites as per Section 13-15-235.
- (b) Spoil disposal sites shall be located such that reasonable access to the site is available. Access routes shall utilize existing and approved roadways wherever possible and shall not be located within waterways except where no reasonable alternative is available, or when used to construct water quality and/or detention basins. Plans should address the restoration of such access roads and basins.
- (c) Restoration and revegetation shall be carried out in conformance with the Erosion and Sedimentation Control Manual, with particular emphasis on the Section entitled "Standards for Land Grading".

SEC. 13-15-237. CONSTRUCTION ON SLOPES

- (a) No roadways or driveways shall be constructed on slopes in excess of fifteen percent (15%) except where necessary to provide primary access to areas of flatter slopes, constituting a minimum of two (2) contiguous acres or building sites for at least five (5) residential units. Cuts and fills on roadways or driveways are to be restored as described herein.
- (b) No building or parking areas shall be constructed on slopes in excess of fifteen percent (15%), provided, however, that buildings and parking structures may be located on slopes of 15% - 25% when the following criteria are met:
1. Impervious cover on 15-25% slopes shall not exceed ten percent (10%) of the total area of 15-25% slope.
 2. Structures located upslope of slopes between 15% - 25% and not using terracing techniques shall be constructed utilizing pier and beam techniques. Fill shall be placed to blend with the natural contour. No vertical walls shall extend beyond the lowest finished floor elevation, other than necessary to screen mechanical appurtenances, and shall be stepped, if appropriate. Terraced fill and walls shall be a maximum 1 to 1 running grade limited to four (4) feet in height for each terrace. This Section shall not apply to single family and duplex construction.
 3. Structures located downslope of slopes between 15-25% should be terraced and consolidated into the hillside. Structural excavation shall not exceed a maximum of eight (8) feet in depth, except by terracing. Areas of cut not hidden from view shall be effectively screened by additional landscaping.

4. Hillside vegetation shall not be disturbed other than that necessary to locate the structure. All disturbed areas shall be restored with native vegetation.
5. If terraces are not provided, cuts and fills are to be restored to 3 to 1 slopes and revegetated. Restored slopes shall be limited to as short a length as possible.

SEC. 13-15-238. SEDIMENTATION AND FILTRATION BASINS

- (a) Where required, water quality sedimentation-filtration or detention-sedimentation basins shall be situated and constructed to capture, isolate, and hold at least the first one-half (1/2) inch of runoff from all contributing areas and shall be shown on the slope map with details of construction.
- (b) The basins and drainage into the basins shall be designed in accordance with the Department of Public Works' "Design Guidelines For Water Quality Control Basins" as approved by City Council after public hearing and as administratively approved from time to time.
- (c) Water quality sedimentation-filtration basins shall not be required for greenbelts, open space, golf courses and other similar uses.
- (d) Except as provided in Section 13-15-238(e), all basins located in the Edwards Aquifer Recharge Zone shall have impervious liners. The location of such basins and drainage to them shall avoid recharge features (faults, fractures, sinkholes, etc.) to the greatest extent possible.
- (e) Basins in the Edwards Aquifer Recharge Zone which drain residential areas with up to 40% impervious cover may be designed to recharge the groundwater. Applicants shall identify any opportunities for such recharge on the plan submitted under Section 13-15-223. The recharge basins shall include sedimentation/filtration and shall be designed according to Public Works guidelines. Approval shall be by the Office of Land Development Services.

SEC. 13-15-239. CRITICAL ENVIRONMENTAL FEATURES

- (a) Except as provided in Section 13-15-239(d) and (e), no construction other than for yards or hiking trails shall be undertaken within one hundred fifty (150) feet of a critical environmental feature, and the natural vegetative cover shall be retained in this buffer zone to the maximum practical extent. No clearing, alteration, or development of any kind shall be permitted within fifty (50) feet of a critical environmental feature, except hiking trails for educational purposes as designated by the Parks and Recreation Department. No residential

lot shall encompass or be located closer than fifty (50) feet from a critical environmental feature. Wastewater disposal and irrigation areas shall never be located less than one hundred fifty (150) feet from a critical environmental feature.

- (b) Drainage patterns shall be designed to protect critical environmental features from runoff from developed areas, or to maintain the catchment areas of recharge features in a natural state, (except as provided in Section 13-15-239 (d)), and special erosion controls shall be utilized where necessary to avoid impacts of erosion or sedimentation. Approved recharge basins, under Section 13-15-238(e) above, which discharge to point recharge features may be located within the setbacks required by this Section, but shall not be located less than fifty (50) feet from a critical environmental feature.
- (c) Except as provided in Section 13-15-239 (e), point recharge features with topographically defined catchment basins extending beyond the setbacks required in Section 13-15-239 (a) shall have a construction setback coinciding with the limit of the upslope extent of the catchment, not to exceed a total of three hundred (300) feet.
- (d) Except where prohibited or precluded by Section 13-15-239 (f), for recharge features with a catchment area of less than one and one-half (1.5) acres, the one hundred fifty (150) foot buffers required by Section 13-15-239 (a) may be reduced to the limits of the catchment, but shall not be reduced to less than fifty (50) feet from a critical environmental feature.
- (e) Where buffer zones around recharge features and bluffs are proposed to be less than those required by (a) above, the burden of proof shall be on the applicant to demonstrate that : 1) the proposed measure(s) protect and preserve all characteristics of the feature which define it as a critical environmental feature; or 2) the feature is not a critical environmental feature as defined in Section 13-15-203. Provided however, that in no instance shall setbacks be less than fifty (50) feet from the critical environmental feature.
- (f) No provision herein shall limit the applicant, the Chief Environmental Officer, or the Office of Land Development Services from recommending for Planning Commission approval additional or alternative measures necessary to protect characteristics of specific CEFs which may be unrelated directly to water quality protection.

SEC. 13-15-240. INNOVATIVE MANAGEMENT PRACTICES

Innovative runoff management practices designed to address the requirements of Sections 13-15-238 and 13-15-239 of this Article, enhance recharge of groundwater, and maintain the function of critical environmental features

are encouraged. Innovative practice proposals shall be reviewed by the Department of Public Works and the Chief Environmental Officer and approved by the Director of the Office of Land Development Services.

Innovative practices shall be judged on technical merit, the degree to which they meet the intent of the ordinance in regard to water quality protection and improvement, resource protection and impact mitigation, the advantages over standard practices required by this ordinance and the anticipated maintenance requirements.

SEC. 13-15-241. WASTEWATER TREATMENT

Projects utilizing wastewater package treatment plants for sewage disposal are recommended to:

- (a) In watersheds designated as "Water Supply Suburban" or "Water Supply Rural", obtain an irrigation (no-discharge) permit from the State meeting a minimum BOD/TSS treatment level of 10/15 mg/1 or a minimum BOD/TSS/NH₃-N/PHOSPHORUS treatment level of 5/5/2/1 mg/1 if irrigating land over the Edwards Aquifer Recharge Zone; or
- (b) In watersheds not designated as per (a) above, obtain an irrigation (no-discharge) permit from the State meeting a minimum BOD/TSS treatment level of 10/15 mg/1 or a minimum BOD/TSS/NH₃-N/PHOSPHORUS treatment level of 5/5/2/1 mg/1 if discharging directly to a waterway other than the Colorado River or 10/15 mg/1 if discharging directly to the Colorado River.
- (c) If it is desired to deviate from the requirements in (b) above then the proposal must be accompanied by a comprehensive environmental assessment of the individual and cumulative impacts of the discharge on surface water and groundwater quality such that instream modeling studies performed by a professional engineer registered in the State of Texas with expertise in the water quality area indicates that baseline water quality will not be degraded below predevelopment conditions as a result of the proposed discharge.

SEC. 13-15-242. IMPERVIOUS COVER CALCULATIONS

- (a) Impervious cover calculations shall include all roads, driveways, parking areas, buildings, decking, rooftop landscapes and other impermeable construction covering the natural land surface. Swimming pool surface water area for pools which discharge to the storm drainage system shall also be included. Sidewalk impervious cover is not included. Water quality and detention basins, swales, and other conveyances for drainage purposes only shall not be calculated as impervious cover.

- (b) Impervious cover credit shall not be given for permeable or interlocking pavers or for existing impervious cover; provided, however, that a maximum of twenty percent (20%) credit may be given when permeable pavers are approved by the Office of Land Development Services in accordance with Section 13-15-241 (Innovative Management Practices) for recharge enhancement purposes.
- (c) For calculation purposes, impervious cover for one-family or duplex lots shall be assumed as follows:

<u>Lot Area</u>	<u>Impervious Cover</u>
1 acre or greater	5,000 sq. ft.
10,000 sq. ft. - 1 acre	3,000 sq. ft.
5,750 sq. ft. - 10,000 sq. ft.	2,500 sq. ft.
less than 5,750 sq. ft.	2,000 sq. ft.

- (d) Impervious cover calculations shall include each roadway within a proposed development only up to a maximum pavement width of forty-four (44) feet. Requirements for detention, sedimentation, or filtration of runoff from such roadways are not affected by this provision.
- (e) Development adjacent to roadways built as a City of Austin Capital Improvements Program project after the effective date of this ordinance shall include in its impervious cover calculations pavement width for the roadway up to a maximum of forty-four (44) feet and the associated right-of-way, or one-half the pavement width and right-of-way for roadways external to but adjacent to the development.

SEC. 13-15-243-245. RESERVED

DIVISION 5. ADDITIONAL STANDARDS FOR WATER SUPPLY WATERSHEDS

SEC. 13-15-246. COMPLIANCE

In addition to the requirements listed above, all development in watersheds designated as "Water Supply Suburban" and "Water Supply Rural" categories shall conform to the requirements in this Part.

SEC. 13-15-247. ROADWAYS

- (a) In watersheds designated as Water Supply: Rural and Water Supply: Suburban Class I, street and right-of-way design for local and residential collector streets in the Critical Water Quality Zone and the Water Quality Buffer Zone must comply with the alternative urban street standards for streets without curbs and gutters set out in Division 2.1 of Article IV of the Subdivision Chapter, subject to the density limitations of that Division.

- (b) Commercial and industrial streets may be designed to maximize overland drainage through the use of frequent curb openings, roadside swales, or other means. Arterial streets shall be designed in accordance with the City of Austin's Roadway Plan.
- (c) Roadways in the Upland Zone may utilize the alternative urban street standards set out in Division 2.1 of Article IV where consistent with transportation concerns, and the density limitations of Division 2.1.
- (d) Street right-of-way width established under Section 13-3-83 of the Subdivision Chapter may be varied by the Planning Commission for areas located outside the City limits within the "Water Supply Rural" and "Water Supply Suburban" watersheds after the Commission has considered:
 - 1. Reports from the Department of Urban Transportation and the Office of Land Development Services, in which the adequacy of proposed alternative widths have been assessed.
 - 2. The applicant's written justification for the variance.
 - 3. The applicant's preliminary plans of the streets proposed to be built under the proposed variance.
- (e) The requirement for curbs and gutters in urban subdivisions may be waived by the Planning Commission after the Commission has considered reports from the Directors of the Department of Urban Transportation and the Office of Land Development Services, in which the adequacy of proposed alternatives to satisfying the needs for storm drainage, traffic safety and the general public welfare are assessed.

SEC. 13-15-248. DRIVEWAYS

- (a) Every lot shall be reasonably accessible by vehicle from the roadway to the probable building site. For a minimum travel distance of twenty-five (25) feet from the right-of-way edge, the driveway grade may exceed fourteen (14) percent only with specific approval of surface and geometric design proposals by the Urban Transportation Department and the Office of Land Development Services. This required specific approval shall be so noted on the subdivision plat with approval to be obtained when specific driveway plans are submitted by the builder.
- (b) A joint-use driveway may be utilized to access up to eight (8) residential units, as an alternative to a public or private street. For joint-use driveways, paving width shall be no less than twenty (20) feet. Such driveways may utilize a design speed no lower than ten (10) mph. The Director of the Office of Land Development Services

shall consider recommendations from the Urban Transportation Department on driveway grades and length for each site prior to approving a joint-use driveway. The use of joint-use driveways does not eliminate the requirements of adequate road frontage for each lot. The joint use driveways shall be shown on the preliminary plan. A note shall be placed on the final plat indicating the lots utilizing the joint use driveways for access and prohibiting access to such lots except by way of the joint use driveways.

SEC. 13-15-249. OVERLAND FLOW

- (a) Drainage patterns should be designed to prevent erosion, maintain infiltration and recharge of local seeps and springs, and attenuate the harm of contaminants collected and transported by stormwater. Overland sheet flow and natural drainage features and patterns shall be maintained whenever possible and the dispersion of runoff back to sheet flow shall be a primary objective of drainage design where possible, depending on volumes and velocities of runoff for the subdivision, as opposed to concentrating flows in storm sewers and drainage ditches.
- (b) Construction of enclosed storm sewers and impervious channel linings are permitted only when the Director of the Office of Land Development Services, on the basis of competent engineering evidence, concludes that such storm sewers or impervious linings are the preferred option.
- (c) If storm sewers are deemed necessary as specified in (b) above, an applicant shall design his/her drainage system to mitigate its harmful impact on water quality by using structural devices or other methods to prevent erosion and dissipate discharges from outlets wherever practicable, and by locating discharges to maximize overland flow through buffer zones or grass-lined swales.

SEC. 13-15-250. WASTEWATER RESTRICTIONS

- (a) Sewer lines shall not be located in Critical Water Quality Zones other than for necessary crossings, except upon approval of a variance from this Section by the Planning Commission which shall be considered pursuant to an environmental assessment and the applicant evaluating the environmental impacts of alternative sewer alignments. At the request of the Environmental Review Division of the Office of Land Development Services, the applicant shall examine and evaluate alternative alignments prior to the Planning Commission hearing on the variance request. In the event it is concluded that the wastewater line should be in the Critical Water Quality Zone, it shall be located outside the two (2) year floodplain except as consistent with regulations adopted by the City Council.

- (b) Unsewered lots overlying the Edwards Aquifer Recharge Zone shall use alternative sewage disposal systems which utilize final effluent disposal other than conventional soil absorption drainfields, and shall be installed in accordance with this Article and Chapter 6-5 of the City Code.
- (c) Residential lots utilizing on-site wastewater disposal systems shall be at least one (1) acre in size and shall have at least one half (1/2) acre of contiguous land with slope of less than fifteen (15) percent gradient or have at least three quarters (3/4) of an acre of contiguous land with less than twenty-five (25) percent gradient; provided, however, that such systems shall not be located within the Critical Water Quality Zone.
- (d) All construction of sewer systems within the Edwards Aquifer Recharge Zone shall comply with the special construction standards of Section VII-B of the City of Austin manual, Standard Specifications for Water and Wastewater Utility Construction.
- (e) Projects utilizing wastewater treatment by land application shall have at least eight thousand (8,000) square feet of irrigated land per living unit equivalent (L.U.E.), as defined by the City of Austin Water and Wastewater Department or at least seven thousand (7,000) square feet of irrigated land per living unit equivalent (L.U.E.) and six (6) inches of topsoil. No irrigation shall be allowed on slopes of greater than fifteen (15) percent gradient or in the Critical Water Quality Zone or one hundred (100) year floodplain. Package treatment plants shall have at least one hundred (100) days of storage capacity available in the event of wet weather conditions or plant failure. All such systems shall provide for forty-eight (48) hours of storage capacity if utilizing subsurface effluent disposal. No irrigation shall take place during wet weather conditions.
- (f) Commercial development must locate all disposal areas outside of the 40% buffer zone as required in Section 13-15-285(b)(2).

SEC. 13-15-251. BLASTING

- (a) Blasting on property located directly over the Edwards Aquifer Recharge Zone is limited to areas outside of the Critical Water Quality Zone and Water Quality Buffer Zone, unless the applicant demonstrates that no feasible alternative exists.
- (b) Blasting is prohibited within three hundred feet (300') of any Critical Environmental Feature, as defined in Section 13-15-203, unless the applicant demonstrates that no feasible alternative exists.

SEC. 13-15-252. INDUSTRIAL USES

(a) An applicant proposing any industrial use, as defined in the City of Austin Zoning Code (Ch. 13-2A), and which is not completely enclosed within a building or buildings, must provide a pollutant attenuation plan which:

1. Proposes methods to capture the first one-half (1/2) inch of runoff from developed areas to contain and filter pollutants generated on-site as specified in Section 13-15-238 of this Chapter.
2. Retains dust and other particulate matter on-site, to the greatest extent feasible.

(b) The design of storage facilities for hydrocarbon or hazardous substances, including leak detection systems, spill containment areas, or other control measures shall meet the requirements as set out in 9-10-530, (Hazardous Materials Ordinance).

SEC. 13-15-253.-260. RESERVED

DIVISION 6. SUBURBAN WATERSHEDS -
MAXIMUM DEVELOPMENT INTENSITY

SEC. 13-15-261. COMPLIANCE

All development located in watersheds designated herein as "Suburban" must comply with the provisions of this Division, which are summarized in Table 1 (Exhibit "B", which is incorporated herein by reference).

SEC. 13-15-262. WATERWAY DEFINITIONS

Minor, intermediate, and major waterways shall be designated for any channel, creek, stream, branch or watercourse according to drainage area as follows:

<u>Waterway</u>	<u>Drainage Area</u>
Minor	320 acres - 640 acres
Intermediate	640 acres - 1280 acres
Major	over 1280 acres

SEC. 13-15-263. CRITICAL WATER QUALITY ZONE

The critical water quality zone shall remain free of all development activity, except as provided for by Section 13-15-232 of this Article.

SEC. 13-15-264. WATER QUALITY BUFFER ZONE

- (a) Water quality buffer zones shall be established parallel to all critical water quality zones, except for minor waterways and along the shoreline of Town Lake, and shall extend from the outer boundaries of the critical water quality zone for one hundred and fifty feet (150') along major waterways and one hundred feet (100') along intermediate waterways.
- (b) The projected impervious cover in any development or portion thereof that lies within the water quality buffer zone shall not exceed thirty (30) percent of the land area of the zone, exclusive of land within a one hundred year floodplain.
- (c) Detention/sedimentation and sedimentation/filtration basins may be located in the water quality buffer zone.

13-15-265. UPLANDS ZONE

- (a) The projected impervious cover for all one-family residential development of land in the uplands zone with minimum lot sizes of 5,750 square feet or more shall not exceed fifty (50) percent of the net site area, or sixty (60) percent if transfers of development intensity are made in accordance with Section 13-15-266 herein.
- (b) The projected impervious cover for all one-family and two-family residential development of land in the uplands zone, other than those subject to (a) above, shall not exceed fifty-five (55) percent of the net site area, or sixty (60) percent if transfers of development intensity are made in accordance with Section 13-15-266 herein.
- (c) The projected impervious cover for multi-family residential development of land in the uplands zone shall not exceed sixty (60) percent of the net site area, or seventy (70) percent if transfers of development intensity are made in accordance with Section 13-15-266 herein.
- (d) The projected impervious cover for commercial development of land in the uplands zone shall not exceed eighty (80) percent of the net site area, or ninety (90) percent if transfers of development intensity are made in accordance with Section 13-15-266 herein.

SEC. 13-15-266. TRANSFER OF DEVELOPMENT INTENSITY

- (a) For every one acre of land in the critical water quality zone which is dedicated to the City in fee simple and the gift is approved by the City, the applicant is entitled to an additional twenty thousand (20,000) square feet of impervious cover on lands in the uplands zone. Dedication of land under this section may be credited toward satisfaction of the requirements of the Parkland Dedication Ordinance in accordance with regulations adopted by the City Council.

- (b) For every one acre of land in the water quality buffer zone which is left undeveloped and undisturbed and is not included in impervious cover calculations elsewhere, the applicant is entitled to an additional twenty thousand (20,000) square feet of impervious cover on lands in the uplands zone.
- (c) For every one acre of land in the uplands zone which is located within a buffer of a Critical Environmental Feature and which is left natural and undisturbed, the applicant is entitled to an additional twenty thousand (20,000) square feet of impervious cover on lands elsewhere in the uplands. Such buffer area may also be included in the net site area calculations for the upland zone.
- (d) Eighty-five (85) percent of the transfer credit in (b) is permitted for golf courses and other recreational uses which are restored using predominantly native plants and grasses and which provide a plan for minimizing the use and impact of pesticides, herbicides and fertilizers. Fifty (50) percent of the transfer credit is permitted for land used for wastewater disposal.
- (e) For every one acre of land in the uplands zone which is utilized for wastewater irrigation; is legally restricted against any future development, and leaves the irrigation area in a natural state (other than for necessary irrigation lines and tailwater control berms), the applicant is entitled to an additional twenty thousand (20,000) square feet of impervious cover elsewhere in the uplands zone.
- (f) Development intensity may not be transferred to a receiving tract whose boundary is beyond a one-mile radius from the transferring tract unless the tracts are either contiguous and under single ownership or are not separated by and owned by someone other than the applicant.
- (g) Development intensity rights may not be transferred unless the transferring tract is platted concurrently with the receiving tract and all rights are transferred from the transferring tract at that time.
- (h) An applicant transferring development intensity must note the transfer on the plats of both the transferring and receiving tracts, in a manner satisfactory to the Director of Land Development Services, and must file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract.

SEC. 13-15-267. STRUCTURAL CONTROLS

- (a) Sedimentation/filtration basins shall be required to serve all commercial and multi-family development with impervious cover in excess of twenty (20) percent of the net site area.

- (b) Detention/sedimentation or retention/sedimentation basins shall be required for all other residential development with impervious cover in excess of twenty (20) percent of the net site area.
- (c) Sedimentation/filtration [and detention/sedimentation] basins shall be designed in accordance with the provisions of Section 13-15-238.

SEC. 13-15-268.-270. RESERVED

DIVISION 7. WATER SUPPLY SUBURBAN WATERSHEDS -
MAXIMUM DEVELOPMENT INTENSITY

SEC. 13-15-271. COMPLIANCE

All development located in watersheds designated herein as "Water Supply Suburban" must comply with the provisions of this Division which are summarized in Table 1 (Exhibit "B", which is incorporated herein by reference), according to the following subcategories:

- (a) Class I: Bull, West Bull, Dry (North), Dry (West), Taylor Slough, other Lake Austin (east side from Tom Miller Dam to Bull Creek), Town Lake (north side from Johnson Creek to Tom Miller Dam), Town Lake (south side from Barton Creek to Tom Miller Dam), Barton Creek (east of Barton Creek and north of Loop 360), and that portion of the Slaughter Creek watershed (downstream of FM 1826) which is located in the Edwards Aquifer Recharge or Contributing Zones.
- (b) Class II: That portion of the Williamson Creek watershed which is located in the Edwards Aquifer Recharge or Contributing Zones.
- (c) Class III: Those portions of the Lake, Rattan, Buttercup, and Brushy Creek watersheds which are located in the Edwards Aquifer Recharge or Contributing Zones.

SEC. 13-15-272. WATERWAY DEFINITIONS

Minor, intermediate and major waterways shall be designated for any channel, creek, stream, branch, or watercourse according to Class I, II, or III designation and drainage area as follows:

<u>Waterway</u>	<u>Drainage Area (acres)</u>		
	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Minor	128-320	128-320	320-640
Intermediate	320-640	320-640	640-1280
Major	over 640	over 640	over 1280

SEC. 13-15-273. CRITICAL WATER QUALITY ZONE

The critical water quality zone shall remain free of all development activity, except as provided for by Section 13-15-232 of this Article.

SEC. 13-15-274. WATER QUALITY BUFFER ZONE

- (a) Water quality buffer zones shall be established parallel to all critical water quality zones, except along the shorelines of Lake Austin and Town Lake, and shall extend from the outer boundaries of the critical water quality zone for three hundred feet (300') along major waterways, two hundred feet (200') along intermediate waterways, and one hundred feet (100') along minor waterways.
- (b) No development other than that permitted in the Critical Water Quality Zone is permitted in the water quality buffer zone where such zone lies over the South Edwards Aquifer Recharge Zone.
- (c) Except as restricted by (b), the projected impervious cover in any development or portion thereof that lies within the water quality buffer zone shall not exceed the following maximums within the zone, exclusive of land within a one hundred year floodplain:

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Impervious Cover:	18%	30%	30%

- (d) No detention and/or sedimentation/filtration basins which serve development in the uplands zone shall be permitted in the water quality buffer zone; provided, however, that sedimentation/filtration basins to serve that portion of any development located in the buffer zone shall be permitted in the buffer zone, and that the Director of the Office of Land Development Services may administratively vary the requirement where it is determined that locating a pond in the buffer minimizes environmental impact.

SEC. 13-15-275. UPLANDS ZONE

- (a) The projected impervious cover for all one-family residential development of land in the uplands zone with minimum lot sizes of 5,750 square feet or more shall not exceed the maximums specified below based on the net site area, or the maximums specified if transfers of development intensity are made in accordance with Section 13-15-276 herein:

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Impervious Cover	30%	40%	45%
With Transfer	40%	55%	50%

(b) The projected impervious cover for all one-family and two-family residential development of land in the uplands zone, other than those subject to (a) above, shall not exceed the maximums specified below based on the net site area, or the maximums specified if transfers of development intensity are made in accordance with Section 13-15-276 herein:

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Impervious Cover	30%	40%	55%
With Transfer	40%	55%	60%

(c) The projected impervious cover for multi-family residential development of land in the uplands zone shall not exceed the maximums specified below based on the net site area, or the maximums specified if transfers are made in accordance with Section 13-15-276 herein:

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Impervious Cover	40%	60%	60%
With Transfer	55%	65%	65%

(d) Except as provided by Subsections (e) and (f) below, the projected impervious cover for commercial development of land in the uplands zone shall not exceed the maximums specified below based on the net site area, or the maximums specified if transfers are made in accordance with Section 13-15-276 herein:

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Impervious Cover	40%	60%	65%
With Transfer	55%	70%	70%

(e) Notwithstanding (d) above, the projected impervious cover for retail commercial development in Class I watersheds shall not exceed fifty (50) percent of the net site area, or sixty (60) percent if transfers of development intensity are made in accordance with Section 13-15-276 herein, for all land within one thousand feet (1000') of the right-of-way of two intersecting roadways, each designated as a Major Arterial, Parkway, Expressway, or Freeway in the Austin Metropolitan Area Roadway Plan, as in effect on January 1, 1986 where at least one of the roadways is designated a Parkway, Expressway, or Freeway, limited, however, to intersections which are located within the City limits of the City of Austin or which are annexed thereto at a later date or which request limited or full purpose annexation at the time for final plat approval.

- (f) Notwithstanding (d) above, the projected impervious cover for retail commercial development in Class I watersheds shall not exceed sixty (60) percent of the net site area, or seventy (70) percent if transfers of development intensity are made in accordance with Section 13-15-276 herein, for all land within one thousand five hundred feet (1500') of the right-of-way of two intersecting roadways maintained by the State, where such intersections are located within the City limits of the City of Austin or are annexed thereto at a later date or which request limited or full purpose annexation at the time of final plat approval.
- (g) The distances specified from the above intersections are intended to create 1000 foot squares at each corner under (e) and 1500 foot squares at each corner under (f), for impervious cover calculations purposes.
- (h) Impervious cover allowances for development subject to (e) and (f) above shall be pro-rated according to retail, other commercial, or residential land uses within those areas when mixed-use development is proposed.
- (i) Nothing herein limits the authority of the City Council in the zoning process to limit impervious cover below the maximum specified for tracts determined by the Council to be particularly sensitive environmentally, including but not limited to, having a critical water quality zone or critical environmental feature on or near the site.

SEC. 13-15-276. TRANSFER OF DEVELOPMENT INTENSITY

- (a) Except as limited in (c), for every one acre of land in the critical water quality zone which is dedicated to the City or another in fee simple and the gift is approved by the City, the applicant is entitled to additional impervious cover on lands in the uplands zone as follows:

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Impervious Cover (Sq. Ft.)	15,000	20,000	20,000

Dedication of land under this section may be credited toward satisfaction of the requirements of the Parkland Dedication Ordinance in accordance with regulations adopted by the City Council.

- (b) Except as limited in (c) and (d), for every one acre of land in the water quality buffer zone which is left undeveloped and undisturbed and is not included in impervious cover calculations elsewhere, the applicant is entitled to additional impervious cover on lands in the uplands zone as follows:

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Impervious Cover (Sq. Ft.)	15,000	20,000	20,000

- (c) Only one-half of the above transfer credit is permitted for land which lies over the South Edwards Aquifer Recharge Zone.
- (d) Eighty-five (85) percent of the transfer credit in (b) is permitted for golf courses and other recreational uses which are restored using predominantly native plants and grasses and which provide a plan for minimizing the use of pesticides, herbicides, and fertilizers. Fifty (50) percent of the transfer credit is permitted for land used for wastewater disposal.
- (e) For every one acre of land in the uplands zone which is located within a buffer of a Critical Environmental Feature and which is left natural and undisturbed, the applicant is entitled, in addition to net site area calculations for that land, to additional impervious cover on lands elsewhere in the uplands zone as follows:

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Impervious Cover (Sq. Ft.)	15,000	20,000	20,000

- (f) For every one acre of land in the uplands zone which is utilized for wastewater irrigation, is legally restricted against any future development, and leaves the area in a natural state (other than for necessary irrigation lines and tailwater control berms), the applicant is entitled to additional impervious cover elsewhere in the uplands zone as follows:

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Impervious Cover (Sq. Ft.)	15,000	20,000	20,000

- (g) Development intensity may not be transferred to a receiving tract whose boundary is beyond a one-mile radius from the transferring tract unless the tracts are either contiguous and under single ownership or are not separated by and owned by someone other than the applicant.
- (h) Development intensity rights may not be transferred unless the transferring tract is platted concurrently with the receiving tract and all rights are transferred from the transferring tract at that time.
- (i) An applicant transferring development intensity must note the transfer on the plats of both the transferring and receiving tracts, in a manner satisfactory to the Director of Land Development Services, and must file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract.

SEC. 13-15-277. STRUCTURAL CONTROLS

- (a) Sedimentation/filtration basins shall be required to serve all development with impervious cover in excess of twenty (20) percent of the net site area.
- (b) Sedimentation/filtration and detention/sedimentation basins shall be designed in accordance with the provisions of Section 13-15-238.

SEC. 13-15-278.-280. RESERVED

DIVISION 8. WATER SUPPLY RURAL WATERSHEDS -
MAXIMUM DEVELOPMENT INTENSITY

SEC. 13-15-281. COMPLIANCE

All development located in watersheds designated herein as "Water Supply Rural" must comply with the provisions of this Division, which are summarized in Table 1 (Exhibit "B", which is incorporated by reference herein).

SEC. 13-15-282. WATERWAY DEFINITIONS

Minor, intermediate, and major waterways shall be designated for any channel, creek, stream, branch, or watercourse according to drainage area as follows:

<u>Waterway</u>	<u>Drainage Area</u>
Minor	64 acres - 320 acres
Intermediate	320 acres - 640 acres
Major	over 640 acres

SEC. 13-15-283. CRITICAL WATER QUALITY ZONE

The critical water quality zone shall remain free of all development activity, except as provided for by Section 13-15-232 of this Article.

SEC. 13-15-284. WATER QUALITY BUFFER ZONE

- (a) Water quality buffer zones shall be established parallel to all critical water quality zones, except along Lake Austin and Lake Travis, and shall extend from the outer boundaries of the critical water quality zone for three hundred feet (300') along major waterways, two hundred feet (200') along intermediate waterways, and one hundred feet (100') along minor waterways.

- (b) No development other than that permitted in the Critical Water Quality Zone is permitted in the water quality buffer zone where such zone lies over the South Edwards Aquifer Recharge Zone.
- (c) Except as restricted by (a), development in the water quality buffer zone is limited to:
 - 1. Development authorized in the critical water quality zone;
 - 2. Streets;
 - 3. Drainage facilities;
 - 4. Public and private parks and open space; and,
 - 5. One and two-family residential housing units developed at an average density of one unit or less for every three (3) acres, exclusive of land within a one hundred year floodplain, with a minimum lot size of two (2) acres.
- (d) Each lot or part of a lot located in both the water quality buffer zone and the critical water quality zone must have at least two (2) acres in the water quality buffer zone.
- (e) No detention and/or sedimentation/filtration basins shall be permitted in the water quality buffer zone.

SEC. 13-15-285. UPLANDS ZONE

- (a) Residential development in the uplands zone is limited to:
 - 1. One and two-family residential housing units at an average density of one unit or less for every two (2) acres of net site area, with a minimum lot size of three-quarter acre, or up to one unit or less for every acre with a minimum lot size of one-half acre if transfers of development intensity are made in accordance with Section 13-15-286 herein.
 - 2. Cluster housing at an average density of one (1) unit or less for each one (1) acre of net site area, or up to two (2) units per acre if transfers of development intensity are made in accordance with Section 13-15-286. Developments in watersheds other than Lake Austin or Lake Travis shall leave, or restore if necessary, at least forty percent (40%) (all in the uplands zone) of his/her proposed cluster housing site in or to its natural state and shall leave it in that state to serve as a buffer located contiguous to the development for the purpose of receiving overland drainage.

- (b) Commercial development in the uplands zone is permitted, if:
1. Except as provided by Subsections (c), (d), and (e) below, the proposed impervious cover on the commercial site does not exceed twenty (20) percent of the net site area, or up to twenty five (25) percent if transfers of development intensity are made in accordance with Section 13-15-286 herein; and
 2. Upon completion of development the applicant leaves or restores if necessary, at least forty (40) percent (all in the uplands zone) of his/her proposed commercial site in or to its natural state and leaves it in that state to serve as a buffer located contiguous to the development to receive runoff from the development for the purposes of overland drainage.
- (c) Where commercial or multi-family development is either zoned appropriately by the City of Austin, is designated for such use by the City's Comprehensive Plan, is designated as such by a Municipal Utility District land plan which is part of an approved consent agreement with the City, or constitutes a maximum of five (5) percent of a subdivision with the remainder restricted to other residential or open space uses, impervious cover shall not exceed forty (40) percent of the net site area in the uplands zone, or up to fifty (50) percent if transfers of development intensity are made in accordance with Section 13-15-286 herein, and subject to the forty (40) percent buffer zone requirement of (b)(2) above.
- (d) Notwithstanding (b) and (c) above, the projected impervious cover for retail commercial development shall not exceed fifty (50) percent of the net site area, or sixty (60) percent if transfers of development intensity are made in accordance with Section 13-15-286 herein, for all land within one thousand feet (1000') of the right-of-way of two intersecting roadways, each designated as a Major Arterial, Parkway, Expressway, or Freeway in the Austin Metropolitan Area Roadway Plan, as in effect on January 1, 1986, where at least one of the roadways is designated a Parkway, Expressway, or Freeway, limited, however, to intersections which are located within the City limits of the City of Austin or which are annexed thereto at a later date or which request is limited or full purpose annexation at the time of final plat approval.
- (e) Notwithstanding (b) and (c) above, the projected impervious cover for retail commercial development shall not exceed sixty (60) percent of the net site area, or seventy (70) percent if transfers of development intensity are made in accordance with Section 13-15-286 herein, for all land within one thousand five hundred feet (1500') of the right-of-way of two intersecting roadways, maintained by the State, where such intersections are located within the City limits of the City of Austin or are annexed thereto at a later date or which request limited or full purpose annexation at the time of final plat approval.

- (f) The distances specified from the above intersections are intended to create 1000 foot squares at each corner under (d) and 1500 foot squares at each corner under (e), for impervious cover calculation purposes.
- (g) Impervious cover allowances for development subject to (d) and (e) above shall be pro-rated according to retail, other commercial, and residential land uses within those areas when mixed-use development is proposed.
- (h) Nothing herein limits the authority of the City Council in the zoning process to limit impervious cover below the maximum specified for tracts determined by the Council to be particularly sensitive environmentally, including but not limited to having a critical water quality zone or critical environmental feature on or near the site.
- (i) Development subject to (d) and (e) above is exempt from the forty percent buffer requirement for commercial development, but must provide filtration as per Section 13-15-287(b).
- (j) Development or related activity necessitating restoration to the natural state is authorized in the forty (40) percent buffer zones above only for fences, utilities which cannot reasonably be located elsewhere, irrigation lines other than when associated with wastewater disposal, and access for these purposes and to the building site and clearing necessary for these purposes.

SEC. 13-15-286. TRANSFER OF DEVELOPMENT INTENSITY

- (a) Except as limited by (c) and (d) below, for every one acre of land in the critical water quality zone or water quality buffer zone which is dedicated to the City or another in fee simple and the gift is approved by the City, the applicant is entitled to an additional one (1) one-family residential housing unit or to an additional six thousand (6,000) square feet of impervious cover for commercial or multi-family residential development in the uplands zone. Dedication of land under this section may be credited toward satisfaction of the requirements of the Parkland Dedication Ordinance in accordance with regulations adopted by the City Council.
- (b) Except as limited by (c) and (d) below, for every one acre of land in the water quality buffer zone which is left undeveloped and undisturbed and is not included in density calculations elsewhere, the applicant is entitled to an additional one (1) one-family residential housing unit or to an additional six thousand (6,000) square feet of impervious cover for commercial or multi-family residential development in the uplands zone. Parkland gifts in (a) are counted separate from this provision and the transfers are cumulative.

- (c) Only one-half of the above transfer credits are permitted for water quality buffer zone land which lies over the South Edwards Aquifer Recharge Zone.
- (d) Eighty-five (85) percent of the transfer credits for water quality buffer zone land is permitted for golf courses and other recreational uses which are restored using predominantly native plants and grasses and which provide a plan for minimizing the use of pesticides, herbicides, and fertilizers. Fifty (50) percent of the transfer credit is permitted for land used for wastewater disposal, if within the water quality buffer zone.
- (e) For every one acre of land in the uplands zone which is located within a buffer of a Critical Environmental Feature and which is left natural and undisturbed, the applicant is entitled, in addition to net site area calculations for that land, to an additional one (1) one-family residential housing unit or to an additional six thousand (6,000) square feet of impervious cover for commercial or multi-family residential development elsewhere in the uplands zone.
- (f) For every one (1) acre of land in the uplands zone which is utilized for wastewater irrigation, is legally restricted against any future development, and leaves the irrigation area in a natural state (other than for necessary irrigation lines and tailwater control berms), the applicant is entitled to an additional one (1) one-family residential housing unit or to an additional six thousand (6,000) square feet of impervious cover for commercial or multi-family residential development elsewhere in the uplands zone.
- (g) Development intensity may not be transferred to a receiving tract whose boundary is beyond a one-mile radius from the transferring tract unless the tracts are either contiguous and under single ownership or are not separated by and owned by someone other than the applicant.
- (h) Development intensity rights may not be transferred unless the transferring tract is platted concurrently with the receiving tract and all rights are transferred from the transferring tract at that time.
- (i) An applicant transferring development intensity must note the transfer on the plats of both the transferring and receiving tracts, in a manner satisfactory to the Director of Land Development Services, and must file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract.

SEC. 13-15-287. STRUCTURAL CONTROLS

- (a) Except as required by Subsection (c) for one-family and two-family residential development in the Lake Austin and Lake Travis watersheds,

sedimentation/filtration basins shall be required to serve all residential and commercial development elsewhere in the Water Supply Rural Watersheds if the net site area contains more than 20 percent impervious cover; and either

1. There is less than 75 percent vegetative cover in the 40 percent buffer zone; or
 2. More than 50 percent of the land in the 40 percent buffer zone has slopes in excess of 15 percent.
- (b) Sedimentation/filtration basins shall be required to serve all commercial development if the net site area contains more than forty (40) percent impervious cover.
- (c) Sedimentation/filtration basins shall be required to serve all one-family and two-family residential development in the Lake Austin and Lake Travis watersheds if the net site area contains more than 20 percent impervious cover.
- (d) If structural controls are required by Subsection (a), an applicant may locate them in the 40 percent buffer zone if they are located to maximize overland flow and recharge in the undisturbed remainder of the 40 percent buffer zone.
- (e) Sedimentation/filtration basins shall be designed in accordance with the provisions of Section 13-15-238.

SEC. 13-15-288.-290. RESERVED

PART 2. That Section 13-3-3 (Subdivisions) of the Austin City Code of 1981 is hereby amended to read as follows:

SEC. 13-3-3. COMPLIANCE REQUIRED

No person shall create a subdivision of land within the City limits or within its extra-territorial jurisdiction without complying with the provisions of this Chapter. All plats and subdivisions of any such land shall conform to the rules and regulations set forth in this Chapter and to the provisions of Chapter 13-15, Article II (Comprehensive Watersheds Ordinance).

PART 3. That Division 1 of Article V (Special Requirements for Site Development and Use in Water Quality Related Environmentally Sensitive Areas) of Chapter 9-10 of the Austin City Code of 1981 is hereby amended to read as follows:

SEC. 9-10-161. SITE DEVELOPMENT PERMIT REQUIRED

No development shall be undertaken on any land, tract, parcel, or lot within the City limits or within its extra-territorial jurisdiction until a site development permit for said development has been obtained by the owner of said property from the Director of the Office of Land Development Services. This requirement shall not apply to any single-family or duplex residential structures or appurtenances thereto where one such structure is built per legal lot. No waterway development permit is required where a site development permit has been issued within the City limits, such site development permit has become effective and where all requirements of Article IV, Division 2 of Chapter 9-10 are met.

SEC. 9-10-162. COMPLIANCE REQUIRED

All development of land governed by this Article shall conform to the rules and regulations set forth in this Chapter and to the provisions of Chapter 13-15, Article II (Comprehensive Watersheds Ordinance).

SEC. 9-10-163. APPLICATION

- (a) Application for a site development permit shall be submitted to the Director of the Office of Land Development Services and shall be accompanied by a site development plan.
- (b) The Director of the Office of Land Development Services shall design and administer a system, including necessary forms, that coordinates the requirements of this Article and Division and the rest of this Chapter, minimizes duplication of requirements and conflict between them, and facilitates the expeditious processing of site development applications.

SEC. 9-10-164. FEES

Applications for permits required by the provisions of this Article shall be accepted only upon payment of the appropriate fees as established by ordinance.

9-10-165. ADVERTISING APPLICATION

- (a) Within two (2) days of the filing of any application for a site development permit, the City shall place signs on property under application for the purposes of advertising said permit. The signs shall meet the following requirements:
 - 1. Each sign shall be no smaller than eighteen (18) inches by thirty (30) inches;

2. Each sign shall include the words "Proposed Site Development Permit," plus such other information as may be determined necessary by the Director of the Office of Land Development Services.

- (b) Signs placed on the property involved must be within ten (10) feet of any property line paralleling any established or proposed street and must be visible from that street.
- (c) All required signs shall remain on the property until final disposition of the permit request is determined.

SEC. 9-10-166. ISSUANCE

- (a) A site development permit not denied or disapproved by the Director of the Office of Land Development Services within twenty (20) days following the date of application therefore shall issue automatically to the applicant.
- (b) If the Director of the Office of Land Development Services denies the permit or disapproves it pending receipt of additional information, he shall notify the applicant in writing via certified mail. His/her letter to the applicant shall be accompanied by a detailed statement of the reasons for such action, which reasons must be based on standards contained herein.
- (c) The permit shall be effective ten (10) days after issuance unless an appeal is filed.

SEC. 9-10-167-170. RESERVED

PART 4. That the provisions of Chapter 9-10, Article V (Special Requirements for Site Development and Use in Water Quality Related Environmentally Sensitive Areas), Divisions 2 through 5; Chapter 13-3, Article VII (Special Requirements for Subdivisions in Environmentally Sensitive Areas); Secs. 13-3-116 through 13-3-126 (Lake Austin Watershed); Section 13-3-5.1 (Special Requirements for Lake Austin Peninsula); and Ordinance No. 840308-k (Lake Travis Watershed) are hereby superseded by this ordinance for all projects subject to its provisions.

PART 5. This ordinance shall be reviewed by the City Council no later than two (2) years after its effective date.

PART 6. If any provision, section, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid (or is for any reason unenforceable), the validity of the remaining portions of this ordinance or its application to other

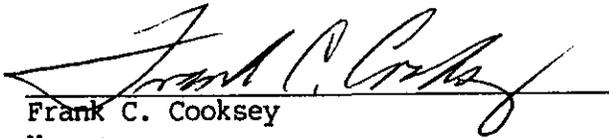
persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Austin adopting, and of the Mayor in approving this ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

PART 7. This ordinance shall become effective ten (10) days following the date of its passage as provided by the City Charter of the City of Austin.

PASSED AND APPROVED

May 8

, 1986


Frank C. Cooksey
Mayor

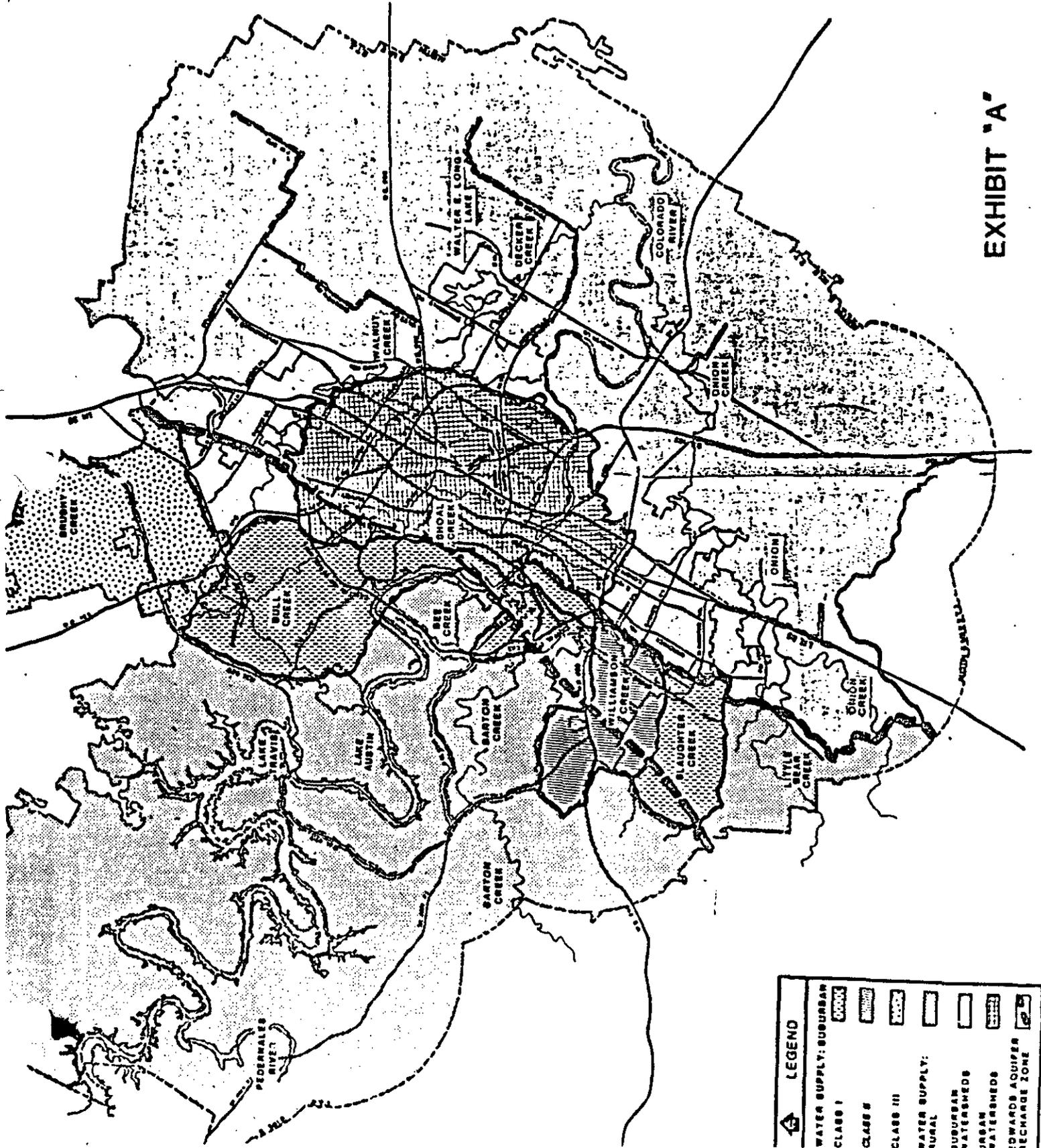
APPROVED:


Paul C. Isham
City Attorney

ATTEST:


Betty G. Brown
Deputy City Clerk

EXHIBIT "A"



LEGEND	
WATER SUPPLY: SUBURBAN	
CLASS I	[Stippled pattern]
CLASS II	[Diagonal hatching]
CLASS III	[Cross-hatching]
WATER SUPPLY:	
RURAL	[White box]
SUBURBAN	[Diagonal hatching]
WATERSHEDS	[Dotted pattern]
URBAN	[Cross-hatching]
WATERSHEDS	[Stippled pattern]
EDWARDS AQUIFER RECHARGE ZONE	[Square with diagonal lines]

EXHIBIT B
TABLE I
MAXIMUM DEVELOPMENT INTENSITY

Watershed Category	Waterways		Critical Water Quality Zone	Water Quality Buffer Zone	Uplands Zone*	W/Transfer	Other
	Minor	Major Inter.					
1. Suburban							
Drainage Area	320 ac	640 ac	No Development	30% impervious cover	Resid: 50% imp. Dup/SL: 55% imp. MF: 60% imp. Comm: 80% imp.	60% 60% 70% 90%	Sedimentation Sedimentation Filtration Filtration
Buffer Zone	None	100 ft. 150 ft.					
2. Water-Supply Suburban							
a) Class I							
Drainage Area	128 ac.	320 ac.	No Development	18% impervious cover; no development over Recharge Zone	Resid: 30% imp. MF: 40% imp. Comm: 40% imp.	40% 55% 55%	Filtration Filtration Filtration
Buffer Zone	100 ft.	200 ft. 300 ft.					
b) Class II (Williamson)							
Drainage Area	128 ac	320 ac	No Development	30% impervious cover; no development over Recharge Zone	Resid 40% imp. MF: 60% imp. Comm: 60% imp.	55% 65% 70%	Filtration Filtration Filtration
Buffer Zone	100 ft	200 ft 300 ft					
c) Class III (North Edwards)							
Drainage Area	320 ac	640 ac	No Development	30% impervious cover	SF: 45% imp. Dup/SL: 55% imp. MF: 60% imp. Comm: 65% imp.	50% 60% 65% 70%	Filtration Filtration Filtration Filtration
Buffer Zone	100 ft	200 ft 300 ft					
3. Water-Supply Rural							
Drainage Area	64 ac	320 ac	No Development	1 unit per 3 acres; SF: no development over Recharge Zone	SF: 0.5 upa Cluster: 1.0 upa MF/Comm: 20% imp. Planned: 40% imp. ***Retail: 50-60%	1.0 upa 2.0 upa 25% 50% 60-70%	- 40% Buffer** 40% Buffer 40% Buffer Filtration
Buffer Zone	100 ft	200 ft 300 ft					

* Net site area

** Except in Lake Austin/Lake Travis; filtration required.

*** Only at major intersections