

4-22-04  
#51

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

**AN ORDINANCE AMENDING SECTION 25-8-42 OF THE CITY CODE  
RELATING TO ADMINISTRATIVE VARIANCES.**

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

**PART 1.** Section 25-8-42 of the City Code is amended to add a new Subsection (D) to read as follows and reletter existing Subsection (D) as Subsection (E).

(D) The director may grant a variance from Section 25-8-392 (*Critical Water Quality Zone*) or Subsection 25-8-361(A) (*Wastewater Restrictions*) for the development of a wastewater line in a critical water quality zone in the Decker, Gilleland, Harris Branch, or Wilbarger creek watershed if the director determines that:

- (1) the variance does not create a significant probability of harmful environmental consequences;
- (2) the natural and traditional character of the waterway has been previously disturbed and is not re-established;
- (3) the wastewater line will be outside the area adjacent to or beneath the waterway that is likely to be eroded by the waterway during the period of time in which the wastewater line will be in operation;
- (4) the land's surface within 100 feet of the waterway bank will not be disturbed by development of the wastewater line; and
- (5) the wastewater line easement and the area between the easement and the waterway will be revegetated with native plants and restricted against disturbance.

**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2004.

**PASSED AND APPROVED**

\_\_\_\_\_, 2004

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk

Date: 04/06/04, 2:10 PM  
K:\LDC 2004\Administrative variances draft D.doc

Page 2 of 2

COA Law Department  
Responsible Att'y: