



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 34
AGENDA DATE: Thu 01/12/2006
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SUBJECT: Set a public hearing to consider a non-substantive ordinance amending Chapter 25-8 of the City Code to clarify application of water quality and impervious cover regulations to single family or duplex residential lots. (Suggested date and time: January 26, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street)

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalion

FOR MORE INFORMATION CONTACT: Patrick Murphy, Environmental Officer, 974-2821

PRIOR COUNCIL ACTION: City Council adopted Resolution No. 20051027-007 on October 27, 2005.

BOARD AND COMMISSION ACTION: The Environmental Board recommended approval of the amendments on December 14, 2005. The Planning Commission Codes and Ordinances Subcommittee reviewed the ordinance on December 21, 2005.

By Resolution dated October 27, 2005, City Council directed the City Manager to process a code correction regarding application of water quality impervious cover regulations to subdivisions and site plan applications. This non-substantive ordinance amends the City Code to affirm a long-standing interpretation of the water quality regulations as requested.

Watershed regulations are applied at the subdivision stage of development and enforced through plat review, plat notes and subsequent building permit review for commercial developments. From their inception in 1980, the City's water quality regulations including water quality impervious cover have consistently applied to subdivision and site plan applications but not to individual single-family or duplex building permit applications.

The City's watershed regulations apply uniformly in the City limits and ETJ and a single-family or duplex subdivision complies with the watershed regulations on an overall basis. A single-family or duplex building permit is required to comply with any watershed restrictions that were imposed as a condition of approval of the subdivision as well as zoning requirements and building codes.

The ordinance clarifies that the watershed regulations are applied at the time of subdivision and site plan application, though they are enforced for commercial development through the building permit process. The ordinance further clarifies that the watershed impervious cover limits apply to the subdivision as a whole and not to individual single-family or duplex lots.

RESOLUTION NO. 20051027-007

WHEREAS, from their inception in 1980, the City's water quality regulations including water quality impervious cover, have consistently been applied to subdivision and site plan applications but not to individual single family or duplex building permit applications; and

WHEREAS, the City's practice has not changed since 1980 in this regard; and

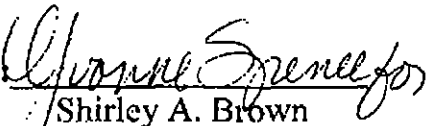
WHEREAS, the Land Development Code provisions should be clarified to clearly state that the water quality impervious cover regulations apply to subdivision and site plan applications and not to building permit applications for single family and duplex residential buildings; **NOW, THEREFORE**,

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

The City Manager is directed to take such steps as are necessary to initiate the process of a Code correction regarding application of water quality impervious cover regulations to subdivisions and site plan applications.

ADOPTED: October 27, 2005

ATTEST:


Shirley A. Brown
City Clerk