

ORDINANCE NO. 801218-W

AN ORDINANCE ADDING CHAPTER 41A, ARTICLE II TO THE CODE OF THE CITY OF AUSTIN; DECLARING CERTAIN FINDINGS OF FACT; PROVIDING STANDARDS FOR THE DEVELOPMENT OF LAND LOCATED WITHIN THE AQUIFER-RELATED WATERSHED OF WILLIAMSON CREEK; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. The Code of the City of Austin of 1967 is amended by adding a Chapter 41A, Article II to read as follows:

CHAPTER 41A
SPECIAL REQUIREMENTS FOR SUBDIVISIONS
IN ENVIRONMENTALLY SENSITIVE AREAS

ARTICLE II. AQUIFER-RELATED WILLIAMSON CREEK WATERSHED

Division 201. General Provisions

Sec. 201.1. Findings and Objectives

(a) The City Council of the City of Austin, Texas, hereby makes the following findings:

The Edwards Aquifer contributes to the domestic water supply of the City of Austin; and,

The City Council of the City of Austin, Texas, is the trustee of the natural environment of Barton Springs, the Edwards Aquifer, and the Williamson Creek Watershed for future generations of citizens of Austin and its environs; and,

Barton Springs, fed by the Edwards Aquifer, provide significant and irreplaceable recreational opportunities to the citizens of Austin and its environs; and,

Development activities in the Aquifer-related Williamson Creek Watershed can result in damage to the natural environment of, the recreational qualities of, and the quality of the water in, the Edwards Aquifer and Barton Springs; and,

The Williamson Creek Watershed is facing rapid development; and,

The continued economic growth of Austin is dependent on a pleasing natural environment, adequate quantity and quality supplies of water, affordable housing and recreational opportunities in close proximity to Austin; and,

The Edwards Aquifer, Barton Springs and the Aquifer-related Williamson Creek Watershed must be protected in order to preserve the health, safety and welfare of the citizens of Austin and its environs; and,

It appears to the City Council of the City of Austin that development in those portions of the watersheds of Williamson Creek which are within the Edwards Aquifer Recharge Zone or the Edwards Aquifer Contributing Recharge Zone may adversely affect the Edwards Aquifer; and,

The City Council of the City of Austin is desirous of adopting appropriate development rules and regulations for the purpose of protecting the Edwards Aquifer.

Sec. 201.2 Application of Article

(a) This article sets out special requirements for the subdivision of land located in the Aquifer-related Williamson Creek Watershed, as defined herein. A person wishing to subdivide land in this area must comply with both these special requirements and with the applicable requirements, insofar as they do not conflict with this article, in Chapter 41 of this Code.

(b) In case of conflict between the requirements of this article and those of Chapter 41 or some other ordinance, the requirements of this article govern.

(c) The Director of Planning, in cooperation with the directors of Public Works and Environmental Resource Management, shall design and administer a system, including necessary forms, that coordinates the requirements of both this article and Chapter 41, minimizes duplication of requirements and conflict between them, and facilitates the expeditious processing of subdivision applications.

Sec. 201.3 Burden of Proof

An applicant for subdivision approval under this article must establish that his/her plan and plat comply with the requirements of this article and with the applicable requirements of Chapter 41 of this Code.

Sec. 201.4 Definitions

(a) The definitions in Chapter 41 of this Code also apply to this article, insofar as they do not conflict with the definitions contained herein.

(b) In this article the following special terms have the following meanings:

"Aquifer-Related Williamson Creek Watershed" - All land area in the Williamson Creek watershed that is within the Edwards Aquifer Recharge Zone or that naturally drains to, or is otherwise located upstream from, the Recharge Zone. The approximate boundaries of the Aquifer-Related Williamson Creek Watershed are depicted on a map attached to this ordinance as Exhibit A. Copies of the map are available for inspection at the offices of the City Clerk, Planning Department, Public Works, Environmental Resource Management and the City/County Health Department. All questions concerning the exact boundary shall be determined by the Director of Public Works.

"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 (1st) the low flow line, or (2nd) the centerline of the 2-year flood plain.

"Commercial Lot" - Any lot not to be used as single or two-family residential, recreational or open space.

"Critical Water Quality Zone" - Lands and waters as defined in Sections 203.3(a) and 203.3(b).

"Edwards Aquifer" - The water-bearing substrata also known as the Edwards and Associated Limestones Aquifer. It includes the following geological formations: Comanche Peak, Edwards, Kiamichi and Georgetown.

"Edwards Aquifer Recharge Zone" - The interim boundaries of the recharge zones shall encompass all land over the Edwards Aquifer recharging the same, as determined by the outcrop of the geologic units comprising the Edwards Aquifer, including such areas overlain with quaternary terrace deposits. (This zone is shown in Exhibit A.) Permanent boundaries may be determined at a later date as part of a more comprehensive delineation of the entire recharge zone.

"Impervious Cover" - Roads, parking areas, buildings and other impermeable construction covering the natural land surface; this shall include, but not be limited to, all streets and pavement within this subdivision.

"Intermediate Waterways" - Any natural channel for surface water drainage that drains an area greater than 320 acres but less than 640 acres under predeveloped conditions.

"Major Waterway" - Any natural channel for surface water drainage that drains 640 acres or more under predeveloped conditions.

"Minor Waterways" - Any natural channel for surface water drainage that drains an area greater than 64 acres but less than 320 acres under predeveloped conditions.

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

"Residence Time" - The average residence time of a basin is equal to the volume of the basin divided by the average rate of outflow.

Division 202. Subdivision Plan

Sec. 202.1 Planning Commission Approval Required

Before subdividing land located in the Aquifer-related Williamson Creek Watershed, an applicant must obtain approval from the Planning Commission of the plan and plat as required by this article and by Chapter 41 of this Code.

Sec. 202.2 Preliminary Plan

In addition to satisfying the requirements of Chapter 41 of this Code, the preliminary plan must contain:

(a) A topographic map, with 2-foot contour intervals, meeting national map accuracy standards, showing:

(1) Each major, intermediate and minor waterway, as defined herein; and each type of waterway shall be distinguished from the others;

(2) The 100-year and 25-year flood plains;

(3) The 2-year flood plains where needed to determine the Critical Water Quality Zone required by this article.

(4) Critical Water Quality Zones as required by Sec. 203.3 of this ordinance.

(5) Existing topographic features including but not limited to existing faults and fractures along waterways, and sinkholes.

(6) Location of all temporary and permanent runoff detention basins, constructed and altered waterways and other physical facilities to be installed to comply with the terms of this article.

(b) A report that includes the following items:

(1) A description of existing topography;

(2) General soil and vegetation characteristics;

(3) General description of the proposed changes to the site;

(4) A general description of the temporary measures which shall be utilized for the control of erosion;

(5) General sequencing of construction.

(6) A description and calculation of all impervious cover on the site and for each commercial lot.

(c) General plans for wastewater line installation shall be submitted with the preliminary plan and shall include: The use of minimum construction corridor widths, minimum use of blasting that might disturb subsurface faults and fractures, and the use of environmental protection measures and vegetative restoration as called for in Section 203.2(b).

(d) A registered professional engineer must certify that a preliminary plan is complete and that the technical data it contains are accurate before the Director of Planning may file it.

(e) Special notes or attachments as may be required by other sections of this article.

Sec. 202.3 Final Plat

In addition to satisfying the requirements of Sec. 41 of this Code, a plat must:

(a) Contain the final erosion-sedimentation control plan and construction sequencing plan required by Section 203.2;

(b) Contain a detailed drainage plan and street layout that comply with the requirements of this article;

(c) Show compliance with the applicable requirements of this ordinance for control strategies;

(d) Identify all of the Critical Water Quality Zones and all such areas with restrictions as required by Sec. 203.3, and incorporate by reference the restrictions of this article applicable to these areas.

(e) A registered professional engineer must certify that a plat is complete and that the technical data it contains are accurate before the Director of Planning may accept for filing.

(f) Contain a note which incorporates by reference the terms and requirements of this article.

Division 203. Control Strategies -- Minimum Level of Performance

Sec. 203.1 Special Controls Required

In addition to satisfying the requirements of Chapter 41 of this Code, each and all developments of land within the Aquifer-related Williamson Creek Watershed shall comply with the provisions of this division.

Sec. 203.2 Construction Sequencing and Erosion Controls

(a) All developments shall submit erosion and sedimentation control plans and reports that shall include construction sequencing information.

(1) A general description shall be submitted with the preliminary plan application.

(2) A comprehensive and detailed plan and report shall be submitted with the final plat application. The report shall specify maintenance of controls. All items noted in the erosion control and construction sequencing plans shall also be included in the final construction plans. A copy of the report and plan shall be made available for the City of Austin Department of Public Works and 48 hours notice shall be given to same before actual construction begins.

a. The report shall include the following items:

1. Construction sequencing as it relates to placement, maintenance, removal of temporary erosion controls, and restoration measures. The sequencing plan schedules these items in the overall scheme of development.

2. A list of such temporary erosion controls and maintenance thereof.

3. Slope stabilization techniques to be employed.

4. Restoration plans including vegetative types and acceptability note for the City.

b. The erosion control and construction sequencing plan shall include the following items:

1. Location of temporary erosion controls with maintenance note. The plan shall show the physical details of the controls.

2. A construction sequencing list, including the timing of the use of various controls in relation to steps in the construction.

3. Restoration techniques and acceptability note.

(b) The development shall comply with the erosion control and restoration measures in the City of Austin Erosion and Sedimentation Control Manual, as approved by City Council. Until the time that such controls are adopted by City Council the interim guidelines shall be the Soil Conservation Service manual titled "Erosion and Sediment Control Guidelines for Developing Areas in Texas." In both cases, the judgment on the erosion controls and construction sequencing shall be made jointly by the Director of Public Works and the Director of the Office of Environmental Resource Management and shall be made within ten days of the filing of the plan or plat. The provisions of Section 205.01 shall apply.

(c) After two days written notice to the person holding approval of the plat or 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 Director of Public Works and the Director of the Office of Environmental Resource Management, and has their written approval.

(d) The clearing of land shall conform to the following criteria:

(1) No right-of-way clearing or rough cutting shall be permitted before final plat approval by Planning Commission. Limited clearing and rough cutting for soil testing and surveying may be allowed with a permit from the Public Works Department.

(2) No clearing or rough cutting for purposes other than paragraph (1) above and construction of temporary erosion and sedimentation controls as per approved plans shall be permitted until these controls are in place.

(3) 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. Clearing for short run road construction problem areas (not to exceed 300 feet) may be increased to two and one-half times the roadway width, right-of-way permitting.

(4) Vegetation within the Critical Water Quality Zone may not be disturbed except for purposes consistent with development activity permitted by Section 203.3.

(5) The length of time between rough-cutting and final surfacing of streets may not exceed 24 months. If an applicant does not meet this deadline, the Director of Public Works shall notify him in writing that the City may complete the streets or revegetate the disturbed area at his expense through prior fiscal arrangements unless he does so within 60 days after the date on the notice, or unless he provides erosion and sedimentation controls and the continuing maintenance thereof acceptable to the Director of Public Works.

Sec. 203.3 Critical Water Quality Zone

(a) Critical Water Quality Zones shall be established along all creeks and tributaries with drainage basins greater than 64 acres in size. The zone line shall be delineated parallel to each such creek or tributary according to the size of the drainage basin:

(1) For Minor waterways, the zone line shall be defined by the limits of the 100-year flood plain, provided that it shall never be extended beyond 100 feet on each side from the centerline of the waterway.

(2) For Intermediate waterways, the zone line shall be defined by the 100-year flood plain, provided that it shall never be located greater than 200 feet nor less than 100 feet on each side from the centerline of the waterway.

(3) For Major waterways, the zone line shall be defined by the 100-year flood plain, provided that it shall never be located greater than 400 feet nor less than 200 feet on each side from the centerline of the waterway.

(b) The flood plain delineation shall be based on a channel in its unaltered state, and shall assume developed watershed conditions.

(c) 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, as approved by City Council.

b. Intermediate waterways may be crossed by arterial and collector streets, provided, however, that no collector street crossing shall be within one mile of any other crossing of a collector street or arterial street 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 2000 feet of any other crossing of a collector street or arterial street on the same waterway.

d. Minor waterways may be crossed by a residential street only with a variance approved by the Planning Commission.

e. The Planning Commission may vary these requirements prior to, or at the time of, preliminary plan approval after receiving reports from the Directors of Public Works, Urban Transportation and Environmental Resource Management.

(2) Utilities as provided by Sections (d) and (e) below.

(3) Fences that do not obstruct flood flows.

(4) Public and private parks and open space, with development in the parks and open space limited to trails and facilities (other than stables and corrals for animals) for hiking, jogging, non-motorized biking, and nature walks.

(5) Water Quality Detention basins as per Sec. 204.1(d).

(d) All utilities other than wastewater shall be located outside the Critical Water Quality Zone, except for crossings, and shall comply with the provisions of the Utility Assignment Policy.

(e) Wastewater trunk lines and lateral lines shall be located outside the Critical Water Quality Zone whenever possible except for crossings. At the time of preliminary plan review, the Director of Environmental Resource Management and the Environmental Board shall make a report to the Planning Commission on any significant environmental impact and possible alternatives related to wastewater line locations in the Critical Water Quality Zone. In no case shall any wastewater line be located less than 100 feet from the centerline of a major waterway or 50 feet from the centerline of an intermediate waterway or 25 feet from the centerline of a minor waterway except for crossings unless approved by the Planning Commission upon consideration of reports by the Directors of Environmental Resource Management and Water and Wastewater, and the applicant has shown that installation outside of this zone is physically prohibitive or environmentally unsound. Connections to Commission approved wastewater lines do not require additional Planning Commission approval under this section.

Sec. 203.4 Overland Flow and Natural Drainage

(a) Purpose. Natural drainage patterns must be preserved whenever possible and the amount of impervious cover limited to prevent erosion and attenuate the harm of contaminants collected and transported by stormwater. Open surface drainage through grass-lined swales shall be preferred. Drainage objectives can best be accomplished by avoiding the use of streets and street rights-of-way as the central drainage network whenever practical.

(b) Construction of enclosed storm sewers and impervious channel linings shall be permitted only when the Director of Public Works, on the basis of competent engineering evidence, concludes that such storm sewers or impervious linings are the only justifiable option available. In the event that stormwater drainage systems and/or culverts are necessary, such systems shall be designed to mitigate their impact on water quality through the use of approved control strategies to control sediment and dissipate energy and through the use of

multiple smaller outlets whenever practical and by locating discharges to maximize overland flow.

Sec. 203.5 Velocity Attenuation and Surface Drainage Channels

(a) All drainage channels that are to be constructed, or that are to be altered for drainage purposes or for purposes other than street and utility crossings, shall conform to the criteria of this section.

(b) Requirements for design:

(1) Surface drainage channels shall be designed to minimize potential erosion and to maximize the bottom width to flow depth ratio:

a. Channel cross-sections shall be trapezoidal in configuration.

b. Side slopes of channels shall be no steeper than 4 horizontal to 1 vertical.

c. For a 6-month design storm assuming wet antecedent conditions, channel bottom flow depth shall not exceed four inches and design flow velocity shall be 2.5 feet per second.

d. All constructed and altered drainage channels shall be stabilized and vegetated immediately after final grading.

e. The Director of Public Works may allow exceptions to the design flow velocities or depths in the following situations in conformance with the purpose of Section 203.4:

(1) On lands with greater than 15% slope, or less than 2% slope. Provided that the design flow velocity shall never be greater than 3 feet per second.

(2) In limited transitional channel sections (such as culverts, culvert entries and exits, drop sections, sharp bends, and water quality basin entries).

Sec. 203.6 Wastewater Collection and Disposal

(a) Organized Sewer Systems. All construction of sewer systems within the Edwards Aquifer Recharge Zone shall comply with those standards as shown in Exhibit "B" attached to this ordinance, which pursuant to Part 3 of this ordinance shall become amendments to the City of Austin manual, "Standard Specifications for Water and Wastewater Utility Construction."

(b) Individual Disposal Systems. The minimum size of all lots not served by organized wastewater collection and disposal systems shall be at least one-acre, exclusive of all land within a 25-year flood plain or of a slope greater than 17% gradient. Unsewered lots overlying the Aquifer Recharge Zone shall use sewage disposal systems that must be lined to prevent any infiltration to the aquifer, and shall be installed in accordance with Ordinance 720928-A, as amended.

Sec. 203.7 Street Standards

(a) Low density alternative urban street standards, as provided by Ordinance No. 800207-J establishing sections 41-38.1 through 41-38.5 in the Code of the City of Austin, may be used in the Aquifer-related Williamson Creek Watershed. Drainage from the streets shall comply with Sections 203.4 and 203.5 of this Article. Curb cuts for the purpose of overland flow and velocity attenuation and surface drainage channels shall be encouraged.

(b) All driveways shall be designed such that drainage flow from a 25-year storm shall never exceed a depth of 12 inches on any portion of the driveway.

Division 204. Additional Control Strategies

Sec. 204.1 Detention, Sedimentation and Filtration for Water Quality Control

(a) All developments of land within the Aquifer-related Williamson Creek Watershed with projected impervious cover exceeding 18 percent shall comply with the provisions of this division in addition to all the control strategies of Division 203 and in addition to satisfying the requirements of Chapter 41 of this Code.

(b) Water quality Detention-Sedimentation basins shall be situated and constructed to capture and hold at least the first 0.5 inch of runoff from streets (including boundary streets) and developed areas within the subdivision with the exception of single-family and duplex lots that back up to Critical Water Quality Zones and street sections overlying Critical Water Quality Zones.

(1) The basins and drainage into the basins shall be designed to capture and isolate the first flush runoff. All subsequent runoff in excess of the design capacity of the basins shall bypass the basins and remain segregated from the contained runoff waters in a peak shaving basin up to the capacity specified in the drainage criteria manual.

(2) The design of all Water Quality Basins shall allow an average residence time of 24 hours for the first half inch of runoff.

(3) All basins located in the aquifer recharge zone shall have impervious liners to prevent seepage to groundwater.

(4) Input to and release from detention basins shall utilize grass-lined swales and/or overland flow dispersion measures in conformance with sections 203.4 and 203.5 above.

(c) Water Quality Filtration

(1) Sedimentation basins detaining runoff drainage from commercial areas and areas where the projected impervious cover exceeds 25 percent shall, in addition to the other requirements of this section, release all water through a filter media.

(2) A filtration-sedimentation basin shall be required for each commercial lot, provided that adjacent commercial lots may jointly use such basin. Provided that they shall be situated and constructed to capture and hold the first 0.5 inch of runoff if the total impervious cover is greater than 65%.

(d) No portion of a water quality detention basin shall be located within 200 feet from the centerline of an existing channel of a major waterway nor within 50 feet from the centerline of an intermediate waterway.

(e) Limited blasting shall be permitted for the excavation and construction of detention basins located within Critical Water Quality Zones in the aquifer recharge zone.

(f) After receiving reports from the Directors of Public Works and Environmental Resources Management, the Planning Commission may grant variances from the terms of Section 204.1(d) above for special circumstances where topography dictates a lesser setback.

(g) No basins in the recharge zone shall allow direct infiltration to groundwater.

Sec. 204.2 Maximum Development Intensity

(a) Single and two-family residential development of land within the Aquifer-related Williamson Creek Watershed shall not exceed a projected impervious cover of 40%.

(b) The projected impervious cover on any single commercial lot shall not exceed 40% for those portions within the following areas:

(1) Within 200 feet of the Critical Water Quality Zone of a major waterway.

(2) Within 100 feet of the Critical Water Quality Zone of an intermediate waterway.

(c) No commercial development shall occur within 100 feet of the centerline of a minor waterway.

(d) Unless the provisions of (b), above, are more restrictive, no commercial development shall exceed 65% cover on slopes of 10% to 20% gradient, nor 25% on slopes greater than 20% gradient.

(e) Detention basins, swales and other conveyances for drainage shall not be calculated as impervious cover.

Division 205. Technical Review

Sec. 205.1 Water Quality Review Board

(a) It shall be the purpose of the Water Quality Review Board (hereinafter referred to as the Board) to consider technical issues related to water quality

in Austin and its extraterritorial jurisdiction. The Board shall gather information and make findings concerning existing water quality conditions, the potential impact of development on water quality, control strategies which mitigate water quality impacts, and compliance with and adequacy of current city standards and ordinances relating to water quality.

(b) An applicant may be permitted to use alternative control strategies in lieu of those required by this article only with the approval of the Board. The Board shall meet, hear the applicant, and rule on the appropriateness of the alternative control strategies within 30 days after the applicant has requested Board approval and submitted all necessary supporting data. The applicant shall have the burden of proof of the validity of all supporting data. The Board shall disapprove all alternative control strategies that are not proven to be equal to, or to exceed, the abilities of the control strategies required by this article to mitigate the pollution impacts of rainfall runoff. The applicant may resubmit strategies if the Board disapproves due to inadequate support data. Board approval of a new control strategy shall not constitute an addition to this article. Subsequent applicants desiring to use similar control strategies must prove the adequacy of such strategies for each particular site.

(c) The Board shall consist of an engineer, a water quality specialist, an environmental specialist, an attorney and a fifth member having technical expertise pertinent to the duties of the Board, all appointed by the City Council. Each shall serve two year terms without compensation.

(d) The Board shall assist Public Works and Environmental Resource Management in designing and overseeing a program for monitoring the water quality as it relates to the effectiveness of the control strategies in the Aquifer-related Watersheds and the Lake Austin Watershed.

(e) The Board shall advocate the development of resources and review plans to accomplish the following activities.

(1) Development of standardized methodologies for estimating:

a. The contaminant loadings to surface waters and groundwater from stormwater runoff from the land in its natural, undisturbed state;

b. The contaminant loadings to surface water and groundwater from stormwater runoff from various types of development; and,

c. The range of the effects that various control strategies have on contaminant loadings.

(2) The control strategies shall include sedimentation basins, grass-lined swales, sedimentation basins followed by filtration through various media, vacuum sweeping of parking lots, and any other control strategy which the Board may from time to time review.

(3) The water quality parameters used in describing contaminant loadings shall include: fecal coliform, organics, lead, zinc, total nitrogen, dissolved nitrogen, total phosphorous, dissolved phosphorous, hydrocarbons, pesticides, and any other parameters which the Board may from time to time designate.

(4) Receive and review a monthly report from the staff enumerating all complaints of alleged non-compliance with this ordinance and the disposition thereof. The report shall include citizen complaints. The Board may recommend to the Council procedural changes for this process when it determines the need for such changes.

(5) Assist the staff in obtaining funds from other sources to carry out the desired testing and monitoring programs necessary to effectuate the goals of Austin's water-quality related ordinances.

(6) Review and make recommendations to the City Council concerning new ordinances or changes to existing ordinances relating to water quality in Austin and its ETJ, which may be required to achieve their goals and objectives.

Division 206. Inspection and Enforcement and Maintenance

Sec. 206.1 Inspection and Enforcement

(a) Pre-application process - Prior to submitting a plan or plat for approval, a prospective applicant shall request in writing and attend a development pre-application conference coordinated and scheduled by the Director of Planning attended by representatives of all relevant City Departments. Applicants should be prepared to present a conceptual plan at that time, including but not limited to drainage, land use, utility and street layout conceptualizations. The conference must be held within 10 days of the request or applicant may proceed to submit a preliminary plan.

(b) Inspection - Any person or his/her successor and assigns who has filed a plan or plat for approval pursuant to this article shall agree 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 of Austin.

(c) Construction phase inspections - The City of Austin shall cause such inspections to be made of the land or premises 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 plat or plan under this article is bound.

(d) Notice - The applicant shall designate one person or legal entity, with a current address, to which notice shall be given pursuant to this division.

(e) Enforcement

(1) Administrative - When an appropriate Department Director of the City of Austin determines that there has been non-compliance with any material term, condition, requirement or agreement under this division, the person obtaining such approved plan or plat shall be ordered in writing to cease and desist from further development or construction material to the alleged non-compliance until corrected by compliance. Said person may appeal an order to cease and desist to the appropriate Department Director by giving written notice. Said Director shall hear the appeal within three working days of receiving such notice. Said person may appeal in writing, a negative ruling by the Director to the Planning Commission which shall hear the appeal at the next regular meeting following receipt of the notice.

(2) Court - The City of Austin shall bring suit in a court of competent jurisdiction to restrain and enjoin any person who attempts to carry out any plan for subdivision development and construction without first obtaining approval of said plat and plan as required by the law and the ordinances of the City of Austin or any person who fails to cease and desist from further development or construction under (1) above.

(3) Any right, privilege or remedy granted by this section to the person obtaining or holding plat or plan approval shall also run in favor of such person's successors in interest and assigns. Any duty or obligation of or remedy against such person arising from this section shall also inure as to such person's successors in interest, assigns, agents, employees, representatives, or any person acting pursuant to the directions of any of the foregoing, or under color of the same.

Sec. 206.2 Maintenance Stage

All developments of land in the Aquifer-related Williamson Creek Watershed shall comply with the provisions of this section.

(a) All drainage facilities located in the street rights-of-way shall be maintained by the appropriate jurisdiction.

(b) All drainage facilities located on private property shall be maintained by the property owner.

(c) All sedimentation and sedimentation/filtration facilities and their appurtenances required for commercial property shall be maintained by the property owner.

(d) All sedimentation/filtration facilities and their appurtenances required except those in (c) above shall be dedicated to the City of Austin by easement or fee simple as the City may require. The City shall accept dedication of such facilities when constructed and installed to the standards required in this article and other ordinances and resolutions of the City. The City shall maintain these facilities.

(d) The maintenance required above shall be to the standards and specifications contained in this article and other ordinances and resolutions of the City and shall retain the effectiveness of each design feature or part of a plat or plan governed by the provisions of this article.

(f) 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, at reasonable times, for the purpose of inspection of the maintenance required. The City Public Works Department shall inspect the premises of each such facility approved pursuant to this Division at least once per year. Where non-compliance 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 three months 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.

(g) All drainage easements across private property shall contain the necessary language to permit the required water flow, require the maintenance set out herein, and permit the necessary access by the City of Austin for inspection and maintenance. All these shall be properly noted on the plat.

(h) The required maintenance by private landowners and the power of the City in (f) above shall be noted on the plat.

Division 207. Variances

Sec. 207.1 Variances

(a) The Planning Commission may grant a variance from the terms of this article only if an applicant requests in writing and the Commission finds that, because of special circumstances applicable to the property involved, a strict application deprives such property of privileges or safety enjoyed by 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 necessary to avoid such deprivation of privileges enjoyed by such other property to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences. The Planning Commission may not grant a variance if it would provide 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 land after the effective date of this ordinance.

(b) The Planning Commission may grant a variance from the terms of Section 203.3 when the development free zone constitutes a proportion of the land in the proposed plat or plan making the requirement an unreasonable and unwarranted taking or an undue hardship. However, no such variance may be granted if the condition was created as a result of the method by which a person voluntarily subdivides land after the effective date of this ordinance. The granting or denial of this variance may be appealed to the City Council by any citizen.

(c) The granting or denial of any variance may be appealed to the City Council by any citizen provided that the Council shall consider the appeal no later than the second regular Council meeting following the Planning Commission action.

(d) The Planning Commission shall prepare written findings of fact justifying its grant or denial of a variance under this section.

PART 2. This article shall not apply to the subdivision of land in the Aquifer-related Williamson Creek Watershed only if the final plat was approved or disapproved by the Planning Commission before the effective date of this ordinance.

When a subdivision has only an approved preliminary plan it may be brought into compliance with this ordinance at the final plat stage without having to go back for approval of a new preliminary plan.

PART 3. The City of Austin manual, "Standard Specifications for Water and Wastewater Utility Construction" is hereby amended by the addition thereto of special standards (Section VII B--Gravity Construction in An Aquifer Recharge Zone), a copy of which is attached hereto as Exhibit "B".

PART 4. The need to protect the Edwards Aquifer, Barton Springs and Williamson Creek and its watershed from irreparable harm that can result from development activities creates an emergency; therefore, an emergency is hereby declared to exist; the rule requiring that ordinances be read on three (3) separate days is hereby suspended and this ordinance shall be effective immediately upon its passage and adoption as provided for in the Charter of the City of Austin.

PART 5. If any part of this article is found to be unconstitutional, unenforceable, or in violation of law, the remaining portions shall remain in effect and shall be construed so as to give effect to those portions held not to be in violation of law.

PASSED AND APPROVED

December 18, 1980

X
X
X
X

Carole Keeton McAllister
Mayor

APPROVED: *Albert D. L. Rosa*
City Attorney

ATTEST: *Grace Monroe*
City Clerk

ADLR:db

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VIIB Gravity Line Construction in the Critical Water Quality Zone of the Aquifer Recharge Zone

VIIB-1 Materials

Material will meet the requirements as specified in section VIIA-1.

In addition the only pipe material that will be allowed in the aquifer recharge zone is Polyvinyl Chloride (PVC) pipe, unless otherwise specified or approved by the Engineer.

VIIB-1.1. Polyvinyl Chloride (PVC) Pipe

PVC Pipe will meet the requirements as specified in section VIIA-1.5.

VIIB-1.1.a. Joint Material

The joint material for type PSM PVC pipe will conform to the requirements as specified in section VIIA-1.5.a.

VIIB-2 Acceptance Testing

All pipe installed under this contract will be tested for infiltration, exfiltration and pipeline settlement. The testing will be conducted in accordance with section VIIA-5.

EXHIBIT B

AMENDMENTS TO THE CITY OF AUSTIN MANUAL:
WATER AND WASTEWATER STANDARD CONSTRUCTION SPECIFICATIONS

