

ORDINANCE NO. 20141211-200

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-7 TO ADOPT INTERIM DRAINAGE REGULATIONS FOR PORTIONS OF THE SOUTH LAMAR NEIGHBORHOOD PLANNING AREA; WAIVING CITY CODE SECTION 25-1-502(C); AND DECLARING AN EMERGENCY.

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

PART 1. The City Council makes the following findings:

1. Recent increases in residential development, coupled with undersized, collapsed, and nonexistent stormwater infrastructure, has exacerbated flooding within the residential area bounded by Oltorf to the north, the Union Pacific railroad to the east, Highway 290/Ben White Boulevard to the south, and South Lamar/Manchaca Road to the west.
2. The geography and development history of this area, often referred to as the South Lamar Neighborhood, creates a unique set of challenges. Current development regulations and stormwater infrastructure are insufficient to prevent drainage systems from exceeding capacity or to address stormwater issues associated with infill development.
3. Section 11.086 of the Texas Water Code generally prohibits diverting or impounding surface waters in a manner that damages the property of another through overflow.
4. The interim development regulations adopted by this ordinance help to ensure greater compliance with state law and to protect the health, safety, and welfare of South Lamar residents by limiting development that would further overburden existing stormwater infrastructure.
5. Consistent with past resolutions and executive actions, including approval Resolution No. 20141120-102 adopting the South Lamar Neighborhood Mitigation Plan, the City of Austin remains committed to finding more permanent solutions to these challenges through improved stormwater infrastructure and appropriate regulations for redevelopment. The regulations adopted by this ordinance are intended as interim measure, until these more permanent solutions are in place.

PART 2. City Code Chapter 25-7, Article 3 (*Requirements for Approval*) is amended to add a new Section 25-7-66 to read as follows:

§ 25-7-66 SUPPLEMENTAL REQUIREMENTS FOR DEVELOPMENT APPLICATIONS IN CERTAIN PLANNING AREAS.

(A) The requirements of this section supplement the criteria in Section 25-7-61 (*Criteria for Approval of Development Applications*) for development within the area bound by Oltorf to the north, the Union Pacific railroad tracks to the east, Highway 290/Ben White Boulevard to the south, and South Lamar and Manchaca Road to the west.

(B) The director may determine that a development will have no adverse flooding impact to other property, as required by Section 25-7-61(A)(5) (*Criteria for Approval of Development Applications*), only if the director finds that:

- (1) for development that will alter or impact stormwater flow:
 - (a) the determination is substantiated by detailed hydraulic and hydrologic analyses that models downstream impacts, within a scope deemed appropriate by the director based on the scale and intensity of the development; and
 - (b) is submitted by a licensed engineer under seal; and
- (2) existing peak flow rate will be reduced by at least 10% for proposed development or redevelopment that would exceed 45% impervious cover, as calculated based on gross site area.

(C) In addition to all other applicable requirements, a development application must comply with the requirements of this section.

- (1) Except as provided in Paragraph (C)(2), an application for development of a new or existing duplex, single-family attached, two-family residential, secondary apartment, or condominium residential use must include scaled drawings and a grading plan identifying:
 - (a) finished floor elevations;
 - (b) driveway and sidewalk locations;
 - (c) building footprint; and
 - (d) location of all stormwater discharge.
- (2) The requirements of Paragraph (C)(1) do not apply to development of a single-family residential use on a platted lot if impervious cover will not exceed 45%, as calculated based on gross site area.
- (3) For development of a single-family residential subdivision:

- (a) the construction plans for subdivision infrastructure must include a concept plan identifying building footprints and the location of sidewalks and driveways for each lot within the subdivision; and
 - (b) a grading plan for each lot, consistent with the subdivision construction plans, if applicable, must be provided at the time of development and building permit review.
- (D) The requirements of this section do not:
 - (1) affect implementation of the Regional Stormwater Management Program, as prescribed by the Drainage Criteria Manual; or
 - (2) prohibit the director from waiving detention requirements, as prescribed in the Drainage Criteria Manual, if an applicant provides offsite improvements that result in an overall improvement of flooding conditions within the affected watershed.

PART 3. The City Manager is directed to adopt administrative rules that are determined to be necessary for implementation of this ordinance. The requirements of this ordinance control in the event of a conflict with the Drainage Criteria Manual, including but not limited to § 1.2.2(G), the Environmental Criteria Manual, or other administrative rules.

PART 4. The City Council waives the requirement for Planning Commission review of this ordinance under City Code Section 25-1-502(C) (*Amendment; Review*).

PART 5. On or before October 15, 2015, the City Manager is directed to provide a report to the City Council on progress made in implementing the South Lamar Neighborhood Mitigation Plan, as directed by Resolution No. 20141120-102, and a recommendation for Council action on the interim regulations adopted by this ordinance.

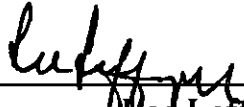
PART 6. Based on the recitals in Part 1 of this ordinance, the City Council finds that flooding impacts resulting from development in the South Lamar Neighborhood constitute an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

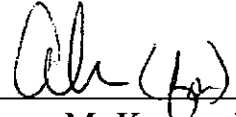
PART 7. This ordinance expires on December 11, 2015.

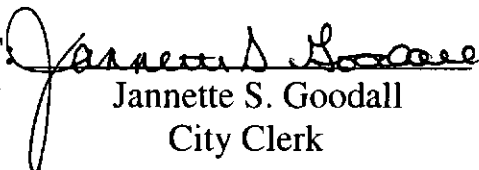
PART 8. This ordinance takes effect on December 11, 2014.

PASSED AND APPROVED

December 11, 2014

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Lee Leffingwell
Mayor

APPROVED: 
Karen M. Kennard
City Attorney

ATTEST: 
Jannette S. Goodall
City Clerk