

ORDINANCE NO. 91-0829- E

AN ORDINANCE AMENDING CHAPTER 13-7, ARTICLE I (WATER QUALITY) OF THE AUSTIN CITY CODE OF 1981 BY PROVIDING REGULATIONS FOR DEVELOPMENT IN URBAN WATERSHEDS; REQUIRING ON SITE WATER QUALITY STRUCTURAL CONTROLS; AMENDING ORDINANCE NO. 901206-F BY ESTABLISHING A FORMULA FOR OPTIONAL PAYMENT IN LIEU OF STRUCTURAL CONTROLS; ESTABLISHING THE COST RECOVERY PROGRAM; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-6 AND 2-2-8 OF THE CITY CODE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Town Lake and the Colorado River receiving runoff from the Urban Watersheds represent significant and irreplaceable recreational and aesthetic resources for the City; and

WHEREAS, protecting the pleasing natural environment and recreational opportunities provided by Town Lake and the Colorado River receiving runoff from the Urban Watersheds is necessary for continued economic growth of the City; and

WHEREAS, Town Lake and the Colorado River receiving runoff from the Urban Watersheds are vulnerable to non-point source pollution and sedimentation resulting from development activities; and

WHEREAS, on May 22, 1986 the City Council approved fourteen recommendations of the Comprehensive Watersheds Ordinance Task Force (the 14-Point Plan) regarding water quality protection in the Urban Watersheds; and

WHEREAS, the ultimate solution to water quality protection in Town Lake and the Colorado River receiving runoff from the Urban Watersheds will be multi-faceted, of which these development regulations are but a part; and

WHEREAS, the City Council is committed to ultimately implementing additional programs to comprehensively address the protection of Town Lake and the Colorado River receiving runoff from the Urban Watersheds; and

WHEREAS, immediate action in the Urban Watersheds is necessary to protect and enhance the water quality in Town Lake and the Colorado River receiving runoff from the Urban Watersheds; NOW, THEREFORE,

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

PART 1. Section 13-7-1 (Findings and Objectives) of the Austin City Code of 1981 is hereby amended by:

- (1) Amending subsection (9) to read as follows:

(9) The City Council wishes to adopt appropriate 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, such as storm sewer discharges and urban runoff from rainwater, which are not traceable to a specific source.

(2) Renumbering subsection (10) as subsection (15).

(3) Adding new subsections (10), (11), (12), (13), and (14) to read as follows:

(10) On May 22, 1986 the City Council approved fourteen recommendations of the *Comprehensive Watersheds Ordinance Task Force (the 14-Point Plan)* regarding water quality protection in the Urban Watersheds.

(11) The City Council's desire to protect the water quality of Town Lake and the Colorado River receiving runoff from the urban watersheds is furthered by the construction of structural water quality controls in the Urban Watersheds and by the establishment of certain additional critical water quality zones.

(12) Immediate action in the Urban Watersheds is necessary to protect and enhance the water quality in Town Lake.

(13) Protection of the remaining critical environmental features in the Urban Watersheds, such as springs, is necessary to protect water quality in those areas most susceptible to pollution.

(14) This Article will assist in establishing minimum acceptable administrative procedures and best management practices that may be required for implementation of U. S. Environmental Protection Agency NPDES stormwater permit requirements.

PART 2. Section 13-7-2 (Application and Coordination with Other Ordinances) of the Austin City Code of 1981 is hereby amended by adding a new subsection (e) to read as follows:

(e) The portion of this Article dealing with Urban Watersheds shall not apply to property within a Rural Residence zoning district, as set forth in Chapter 13-2, Article II of this Land Development Code.

PART 3. Section 13-7-5 (Exemptions) of the Austin City Code of 1981 is hereby amended to read as follows:

(a) Exemption from the provisions of this Article for development in all watersheds except Urban Watersheds shall be determined pursuant to Section 13-2-502 (b) through (m), excluding (m) (2).

(b) Development in Urban Watersheds shall be exempt from the provisions of this Article if:

- (1) it is exempt from site plan requirements pursuant to Section 13-1-603, or
- (2) an application for site plan approval was filed on or before the effective date of this Ordinance.

PART 4. Section 13-7-16 (Cut and Fill) of the Austin City Code of 1981 is hereby amended by adding a new subsection (e) to read as follows:

(e) This Section shall not apply to development in Urban Watersheds.

PART 5. Section 13-7-22 (Wastewater Treatment) of the Austin City Code of 1981 is hereby amended by adding new subsection (c) to read as follows:

(c) This Section shall not apply to development in Urban Watersheds.

PART 6. Section 13-7-18 (Water Quality Basins) of the Austin City Code of 1981 is hereby amended by amending subsection (a) to read as follows:

(a) Where required, water quality basins shall be situated and constructed to capture, isolate, and treat at least the first one-half inch of runoff from all contributing areas. The water quality basins shall be shown on the slope map or the site plan map with the details of construction.

PART 7. Section 13-7-19 (Structural Controls) of the Austin City Code of 1981 is hereby amended by adding new subsections (g) and (h) to read as follows:

(g) In the Urban Watersheds, water quality basins are required for all residential, multifamily, commercial, industrial, and civic development, including roadways, in accordance with the Environmental Criteria Manual.

(h) Redevelopment in the Urban Watersheds required to construct water quality basins may qualify for cost participation with the City for the construction costs of the controls or the optional payment in lieu of structural controls, pursuant to the Cost Recovery Program.

(i) In the Urban Watersheds, all new development shall provide for removal of floating materials from stormwater runoff.

PART 8. Chapter 13-7, Article I (Water Quality) of the Austin City Code of 1981 is hereby amended by adding a new Section 13-7-19.1 to read as follows:

Sec. 13-7-19.1

OPTIONAL PAYMENT IN LIEU OF STRUCTURAL CONTROLS IN URBAN WATERSHEDS

(a) In lieu of the structural controls required under Section 13-7-19, in the Urban Watersheds a developer may, at his option, request authorization to deposit with the City a non-refundable cash payment, the amount of which shall be calculated based on the formula established by City Council. A deposit made in accordance with this Section shall constitute compliance with Section 13-7-19. The request for authorization shall be reviewed by the Director of Environmental and Conservation Services and shall be accepted or denied no later than fifteen (15) working days after receipt of the request.

(b) The deposit shall be placed in an Urban Watersheds Structural Control Fund established by the City and shall be used for the design and construction of water quality control facilities in the Urban Watersheds, which facilities shall be identified and prioritized in the Urban Watersheds Structural Control Plan by the Environmental and Conservation Services Department and the Department of Public Works and Transportation. The Urban Watersheds Structural Control Plan shall be reviewed by the Environmental Board in January of each year.

(c) If implementation of this Section requires following the procedures established in Chapter 395 of the Texas Local Government Code (Impact Fee Act), the City Manager is directed to initiate such procedures prior to implementation of this Section.

PART 9. Section 13-7-21 (Critical Environmental Features) of the Austin City Code of 1981 is hereby amended by adding new subsections (g) and (h) to read as follows:

(g) In the Urban Watersheds, the 150 foot buffers required by subsection (a) may be reduced, subject to subsection (e), but shall not be reduced to less than 50 feet from a critical environmental feature.

(h) In the Urban Watersheds, critical environmental features shall include only springs, caves, and sinkholes.

PART 10. Section 13-7-23 (Critical Water Quality Zones) of the Austin City Code of 1981 is hereby amended by:

(1) Adding a new subsection (d) (1) to read as follows:

(1) Arterial, collector, and residential street crossings in the Urban Watersheds.

(2) Renumbering subsections (d) (1) through (d) (5) as (d) (2) through (d) (6), respectively.

(3) Adding a new subsection (e) to read as follows:

(e) In the Urban Watersheds, the critical water quality zone (CWQZ) shall be established along all waterways with a drainage area equal to or greater than 64

acres. If the 100 year flood plain as delineated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps for the City of Austin is available and has a numbered A zone for the waterway in question, then it shall be established as the CWQZ. The boundary of the critical water quality zone is the 100 year flood plain; provided that the boundary shall be located no less than 50 feet and no more than 400 feet on either side of the centerline of the waterway. In the event that the 100 year flood plain is calculated by the applicant for an area covered by a FEMA map and is reviewed and approved by the City of Austin, then such calculated 100 year flood plain shall be established as the CWQZ. If no such FEMA 100 year flood plain is available, then the CWQZ shall be the lesser of the following:

- (1) The 100 year flood plain as calculated by the applicant and reviewed and approved by the City of Austin, or
 - (2) Any point within 100 feet of the centerline (or designated flowline) of the waterway.
- (4) Adding a new subsection (f) to read as follows:

(f) Except as required by Section 13-7-23 (c) for Town Lake, critical water quality zones will not be established within the central business area, which for this purpose is defined as the area bounded by IH 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street, exclusive of rights-of-way.

PART 11. Chapter 13-7, Article I (Water Quality) of the Austin City Code of 1981 is hereby amended by adding a new Section 13-7-24 to read as follows:

Sec. 13-7-24 STORM SEWER DISCHARGE

A certificate of occupancy shall not be issued for any development subject to this Article unless the development is in compliance with Chapter 4-3, Article V (Discharges to Storm Sewers or Watercourses) of the Austin City Code of 1981.

PART 12. This Ordinance shall be reviewed by the City Council no later than one (1) year after its effective date; prior to said review, a staff report on the implementation and operation of this Ordinance, including recommendations for improvements or modifications, if any, shall be provided to the City Council.

PART 13. Part 1, Exhibit "B" of Ordinance No. 901206 - F is hereby amended by adding the formula for optional payments in lieu of structural controls, attached hereto as Exhibit "A".

PART 14. Part 7 and 8 of this Ordinance shall become effective upon approval by the City Council of an increase to the drainage fee to implement the Urban Watersheds Structural Control Plan. The remainder of this Ordinance shall become effective ten (10) days following the date of its passage.

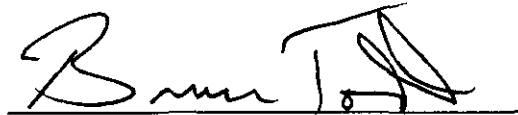
PART 15. The requirements imposed by Section 2-2-6 and 2-2-8 of the Austin City Code of 1981, as amended, concerning the presentation and adoption of ordinances shall be and are hereby waived by the affirmative vote of at least five (5) members of the City Council.

PART 16. The City Manager is directed to establish the Cost Recovery Program to allow cost participation pursuant to Section 13-7-19 (h), and to fund such program from the proposed Drainage Utility Fund after its final passage. The City shall participate at 75% in either the construction cost of the water quality basin or the optional payment in lieu of structural controls.


PASSED AND APPROVED:

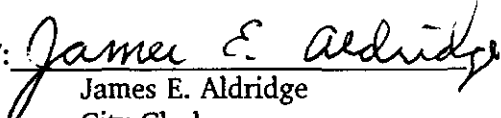
August 29, 1991

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Bruce Todd
Mayor

APPROVED: 
Iris J. Jones
City Attorney

ATTEST: 
James E. Aldridge
City Clerk

29AUG91
MIC:bh

EXHIBIT "A"

Amendment to Ordinance No. 901206-F

ENVIRONMENTAL AND CONSERVATION SERVICES DEPARTMENT

IV. PAYMENT IN LIEU OF STRUCTURAL WATER QUALITY CONTROLS

$$\text{PAYMENT} = \$14,000 \times A_1 + \$7,000 \times A_2 + \$4,000 \times A_3 + \$2,700 \times A_4 + \$0.10 \times B + \$4,400 \times C$$

- where: A_1 = first 0 to 1.0 acres of impervious cover,
 A_2 = increment of impervious cover from 1.01 to 5.0 acres,
 A_3 = increment of impervious cover from 5.01 to 15.00 acres,
 A_4 = impervious cover area over 15.00 acres,
 B = the gross square footage of the building excluding the first floor, and
 C = the site area in acres
impervious cover = the area for which filtration is required pursuant to section 1.9.2 of
the Environmental Criteria Manual

For the purposes of this calculation, impervious cover and site area shall be measured to the nearest .01 acres.

EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Michele A. Cook

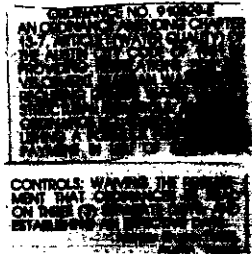
Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

September 5th, 1991

and that the attached is a true copy of said advertisement.

Michele A. Cook

SWORN AND SUBSCRIBED TO BEFORE ME, this the 27th
Day of September A.D. 19 91.



Diane Coutelle

Notary Public in and for
TRAVIS COUNTY, TEXAS

Diane Coutelle
(Type or Print Name of Notary)

7/16/95
(My Commission Expires:)

