

ORDINANCE NO. 20170615-102

AN ORDINANCE AMENDING CITY CODE SECTIONS 25-1-21 AND 30-1-21 RELATING TO DEFINITIONS USED IN THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 25-2 RELATING TO PLANNED UNIT DEVELOPMENT GREEN BUILDING CRITERIA; AMENDING CHAPTERS 25-7 AND 30-4 RELATING TO DRAINAGE; AND AMENDING CHAPTERS 25-8 AND 30-5 RELATING TO WATER QUALITY.

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

PART 1. City Code Section 25-1-21 (*Definitions*) is amended to add a new definition of “agricultural operations” and amend the existing definition of “development,” to read as follows, and to renumber the remaining definitions accordingly:

(5) AGRICULTURAL OPERATIONS means:

- (a) producing crops for human food, animal feed, planting seed, or fiber;
- (b) floriculture, viticulture, horticulture, or silviculture;
- (c) raising or keeping livestock or poultry;
- (d) wildlife management; and
- (e) planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

(30)[(29)] DEVELOPMENT means the construction or reconstruction of a building or road; the placement of a structure on land; the excavation, mining, dredging, grading, or filling of land; the removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include:

- (a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas;

- (b) removal of trees or vegetation damaged by natural forces;
- (c) removal of vegetation or cultivation of the soil for agricultural operations, unless ~~[agricultural activity that is not]~~ prohibited by Subsection ~~[Section]~~ 25-8-321(B) (*Clearing Of Vegetation*); or
- (d) the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

PART 2. City Code Chapter 25-2, Subchapter B, Article 2, Division 5, Subpart B (*Planned Unit Development Standards*), Section 2.3 (*Tier One Requirements*), Subsection 2.3.1(D) (*Minimum Requirements*) is amended to read:

§ 2.3.1. Minimum Requirements.

All PUDs must:

- A. meet the objectives of the City Code;
- B. provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 (*General Intent*) than development under the regulations in the Land Development Code;
- C. provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that:
 - 1. a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity; and
 - 2. the required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided;
- D. provide a two-star Austin Energy Green Building Rating ~~[comply with the City's Planned Unit Development Green Building Program]~~;
- F. provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land;

- G. provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities;
- H. exceed the minimum landscaping requirements of the City Code;
- I. provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways;
- J. prohibit gated roadways;
- K. protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance; and
- L. include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

PART 3. The portion of the table in City Code Chapter 25-2, Subchapter B, Article 2, Division 5, Subpart B (*Planned Unit Development Standards*), Section 2.4 (*Tier Two Requirements*) regarding “Austin Green Builder Program” is amended to read:

Austin <u>Energy Green Building</u> [Builder Program]	Provides an <u>an</u> [a rating under the] Austin <u>Energy Green Building</u> [Builder] <u>Rating</u> of three stars or above.
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PART 4. City Code Section 25-7-32 (*Director Authorized to Require Erosion Hazard Zone Analysis*) is amended to read:

§ 25-7-32 DIRECTOR AUTHORIZED TO REQUIRE EROSION HAZARD ZONE ANALYSIS.

- (A) The director may require the owner of real property to provide, at the owner's expense and as a condition for development application approval, an analysis to establish the erosion hazard zone if the proposed development is:
 - (1) within 100 feet of the centerline of a waterway with a drainage area of 64 acres or greater;

(2) within 100 feet of the ordinary high water mark of the Colorado River downstream from Longhorn Dam, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*); or

(3)[(2)] located where significant erosion is present.

- (B) The erosion hazard zone analysis must be in accordance with the Drainage Criteria Manual.
- (C) If an erosion hazard zone analysis is required under this section, the City may not accept for review a development application for any portion of the proposed development until the director has received the required erosion hazard zone analysis.

PART 5. City Code Section 25-8-1 (*Definitions*) is amended to add a new definition of “floodplain modification” to read as follows and to renumber the existing definitions accordingly:

- (10) FLOODPLAIN MODIFICATION means development that results in any vertical or horizontal change in the cross section of the 100-year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual.

PART 6. Subsection (C) of City Code Section 25-8-2 (*Descriptions of Regulated Areas*) is amended to read:

- (C) The director of the Watershed Protection Department may require an applicant to verify the boundary of an area described in Subsection (D). For property within 1500 feet of an Edwards Aquifer recharge zone [a] boundary, the director of the Watershed Protection Department may require that an applicant provide a certified report from a geologist or hydrologist verifying the boundary location.

PART 7. City Code Section 25-8-25 (*Redevelopment Exception in Urban and Suburban Watersheds*) is amended to read:

§ 25-8-25 REDEVELOPMENT EXCEPTION IN URBAN AND SUBURBAN WATERSHEDS.

(A) This section applies to property located in an urban or suburban watershed that has existing development if:

- (1) no unpermitted development occurred on the site after January 1, 1992, and
- (2) the property owner files a site plan application and an election for the property to be governed by this section.

(B) The requirements of this subchapter do not apply to the subdivision of property if at the time of redevelopment under this section subdivision and site plan applications are filed concurrently.

(C) ~~(B)~~ The requirements of this subchapter do not apply to the redevelopment of the property if the redevelopment:

- (1) does not increase the existing amount of impervious cover;
- (2) provides the level of water quality treatment prescribed by current regulations for the redeveloped area or an equivalent area on the site;
- (3) does not generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property;
- (4) is consistent with the neighborhood plan adopted by council, if any;
- (5) does not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 25-8-281 (*Critical Environmental Features*), or Section 25-8-282 (*Wetland Protection*); and
- (6) does not place redevelopment within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.

(D) ~~(C)~~ The redevelopment must comply with Section 25-8-121 (*Environmental Resource Inventory Requirement*) and all construction phase environmental requirements in effect at the time of construction,

including Chapter 25-8, Article 5 (*Erosion and Sedimentation Control; Overland Flow*).

PART 8. Subsections (E) and (G) of City Code Section 25-8-26 (*Redevelopment Exception in the Barton Springs Zone*) are amended to read:

- (E) The requirements of this subchapter do not apply to the redevelopment of property if the redevelopment meets all of the following conditions:
 - (1) The redevelopment may not increase the existing amount of impervious cover on the site.
 - (2) The redevelopment may not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 25-8-281 (*Critical Environmental Features*), Section 25-8-282 (*Wetland Protection*), or Section 25-8-482 (*Water Quality Transition Zone*).
 - (3) The redevelopment must comply with Section 25-8-121 (*Environmental Resource Inventory Requirement*) and all construction phase environmental requirements in effect at the time of construction, including Chapter 25-8, Article 5 (*Erosion and Sedimentation Control; Overland Flow*) and Section 25-8-234 (*Fiscal Security in the Barton Springs Zone*).
 - (4) The water quality controls on the redevelopment site must provide a level of water quality treatment that is equal to or greater than that which was previously provided.
 - (5) For a commercial or multifamily redevelopment, the owner or operator must obtain a permit under Section 25-8-233 (*Barton Springs Zone Operating Permit*) for both sedimentation/filtration ponds and SOS ponds.
 - (6) For a site with more than 40 percent net site area impervious cover, the redevelopment must have:
 - (a) sedimentation/filtration ponds for the entire site; or

- (b) SOS ponds for a portion of the site, and sedimentation/filtration ponds for the remainder of the redeveloped site.
 - (7) For a site with 40 percent or less net site area impervious cover, the redevelopment must have SOS ponds for the entire site.
 - (8) The property owner must mitigate the effects of the redevelopment, if required by and in accordance with Subsection (H).
 - (9) Redevelopment may not be located within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (G) City Council shall consider the following factors in determining whether to approve a proposed redevelopment:
- (1) benefits of the redevelopment to the community;
 - (2) whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;
 - (3) the effects of offsite infrastructure requirements of the redevelopment; and
 - (4) compatibility with the City's [city's] comprehensive plan [long-range planning goals].

PART 9. Subsections (D), (F), and (G) of City Code Section 25-8-27 (*Redevelopment Exception in the Water Supply Rural and Water Supply Suburban Watersheds*) are amended to read:

- (D) The requirements of this subchapter do not apply to the redevelopment of property if the redevelopment meets all of the following conditions:
- (1) The redevelopment may not increase the existing amount of impervious cover on the site.
 - (2) The redevelopment may not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*),

Section 25-8-281 (*Critical Environmental Features*), Section 25-8-282 (*Wetland Protection*), Section 25-8-422 (*Water Quality Transition Zone*), or Section 25-8-452 (*Water Quality Transition Zone*).

- (3) The redevelopment must comply with Section 25-8-121 (*Environmental Resource Inventory Requirement*) and all construction phase environmental requirements in effect at the time of construction, including Chapter 25-8, Article 5 (*Erosion and Sedimentation Control; Overland Flow*).
 - (4) The water quality controls for the redeveloped areas or an equivalent area on the site must provide a level of water quality treatment that is equal to or greater than that which was previously provided. At a minimum, the site must provide sedimentation/filtration ponds for the redeveloped area or an equivalent area on the site.
 - (5) The property owner must mitigate the effects of the redevelopment, if required by and in accordance with Subsection (G).
 - (6) Redevelopment may not be located within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (F) City Council shall consider the following factors in determining whether to approve a proposed redevelopment:
- (1) benefits of the redevelopment to the community;
 - (2) whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;
 - (3) the effects of off-site infrastructure requirements of the redevelopment; and
 - (4) compatibility with the City's comprehensive plan [~~long-range planning goals~~].

(G) Redevelopment of property under this section requires the purchase or restriction of mitigation land.

- (1) The combined [~~gross site area~~] impervious cover of the mitigation land and the portion of the redevelopment treated by sedimentation/filtration ponds may not exceed 20 percent of gross site area if in a water supply rural watershed or 40 percent of gross site area [%] if in a water supply suburban watershed.
- (2) The mitigation requirement may be satisfied by:
 - (a) paying into the Water Supply Mitigation Fund a nonrefundable amount established by ordinance;
 - (b) transferring to the City in accordance with Paragraph (3) mitigation land approved by the director of the Watershed Protection Department within a water supply rural or water supply suburban watershed, either inside or outside the City's jurisdiction;
 - (c) placing restrictions in accordance with Paragraph (3) on mitigation land approved by the director of the Watershed Protection Department within a water supply rural or water supply suburban watershed, either inside or outside the City's jurisdiction; or
 - (d) a combination of the mitigation methods described in Subparagraphs (a) - (c), if approved by the director of the Watershed Protection Department.
- (3) A person redeveloping under this section shall pay all costs of restricting the mitigation land or transferring the mitigation land to the City, including the costs of:
 - (a) an environmental site assessment without any recommendations for further clean-up, certified to the City not earlier than the 120th day before the closing date transferring land to the City;

- (b) a category 1(a) land title survey, certified to the City and the title company not earlier than the 120th day before the closing date transferring land to the City;
- (c) a title commitment with copies of all Schedule B and C documents, and an owner's title policy;
- (d) a fee simple deed, or, for a restriction, a restrictive covenant approved as to form by the City Attorney;
- (e) taxes prorated to the closing date;
- (f) recording fees; and
- (g) charges or fees collected by the title company.

PART 10. City Code Section 25-8-41 (*Land Use Commission Variances*) is amended to read:

§ 25-8-41 LAND USE COMMISSION VARIANCES.

- (A) It is the applicant's burden to establish that the findings described in this Section have been met. Except as provided in Subsections (B) and (C), the Land Use Commission may grant a variance from a requirement of this subchapter after determining that:
 - (1) the requirement will deprive the applicant of a privilege available ~~[or the safety of property given]~~ to owners of other similarly situated property with approximately contemporaneous development subject to similar code requirements;
 - (2) the variance:
 - (a) is not necessitated ~~[based on a condition caused]~~ by the scale, layout, construction method, or other design decision made by the applicant ~~[method chosen by the applicant to develop the property]~~, unless the ~~[development method]~~ design decision provides greater overall environmental protection than is achievable without the variance;

- (b) is the minimum deviation from the code requirement ~~[change]~~ necessary ~~[to avoid the deprivation of a privilege given to other property owners and]~~ to allow a reasonable use of the property; and
 - (c) does not create a significant probability of harmful environmental consequences; and
- (3) development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
- (B) The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (*Water Quality Transition Zone*), Section 25-8-452 (*Water Quality Transition Zone*), Section 25-8-482 (*Water Quality Transition Zone*), Section 25-8-652 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that:
 - (1) the criteria for granting a variance in Subsection (A) are met;
 - (2) the requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and
 - (3) the variance is the minimum deviation from the code requirement ~~[change]~~ necessary to allow a reasonable, economic use of the entire property.
- (C) The Land Use Commission may not grant a variance from a requirement of Article 13 (*Save Our Springs Initiative*).
- (D) The Land Use Commission shall prepare written findings of fact to support the grant or denial of a variance request under this section.

PART 11. Subsection (B) of City Code Section 25-8-42 (*Administrative Variances*) is amended to read:

- (B) The director of the Watershed Protection Department may grant a variance from a requirement of:

- (1) Section 25-8-261 (*Critical Water Quality Zone Development*), only if:
 - (a) necessary to protect public health and safety, or if it would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual,
 - (b) necessary to allow an athletic field in existence on October 28, 2013, to be maintained, improved, or replaced,
 - (c) necessary to allow an athletic field to be located in an area not otherwise allowed under Section 25-8-261(B)(5), or
 - (d) necessary to allow a hard surfaced trail to be located in an area not otherwise allowed under Section 25-8-261(B)(3);
- (2) Section 25-8-261 (*Critical Water Quality Zone Development*), for development within an urban watershed, only if the proposed development:
 - (a) is located not less than 25 feet from the centerline of a waterway,
 - (b) is located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual,
 - (c) does not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 25-8-281 (*Critical Environmental Features*) or Section 25-8-282 (*Wetland Protection*), and
 - (d) restores native vegetation and soils if development is removed from the Critical Water Quality Zone;
- (3) Subsection 25-8-262(B) (*Critical Water Quality Zone Street Crossings*), only outside the Barton Springs Zone;
- (4) Section 25-8-281 (*Critical Environmental Features*);

- (5) Section 25-8-322 (*Clearing For A Roadway*);
- (6) [~~Section 25-8-341 (*Cut Requirements*) or Section 25-8-342 (*Fill Requirements*), for a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms;~~
- (7)] Section 25-8-341 (*Cut Requirements*) or Section 25-8-342 (*Fill Requirements*), for a cut or fill of not more than eight feet in the desired development zone and, for a public primary or secondary educational facility, within the desired development zone or the drinking water protection zone;
- (7) [(8)] Subsection 25-8-343(A) (*Spoil Disposal*);
- (8) [(9)] Section 25-8-365 (*Interbasin Diversion*).

PART 12. Subsection (C) of City Code Section 25-8-63 (*Impervious Cover Calculations*) is amended to read:

(C) Impervious cover calculations exclude:

- (1) sidewalks in a public right-of-way or public easement;
- (2) multi-use trails open to the public and located on public land or in a public easement;
- (3) water quality controls, excluding subsurface water quality controls;
- (4) detention basins, excluding subsurface detention basins;
- (5) drainage swales and conveyances;
- (6) the water surface area of ground level [ponds,] pools, [and] fountains, and ponds;
- (7) areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base;

- (8) porous pavement designed in accordance with the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer Recharge Zone;
- (9) fire lanes designed as prescribed by the Environmental Criteria Manual, that consist of interlocking pavers, and are restricted from routine vehicle access;
- (10) an access ramp for an existing single-family and duplex residential unit if:
 - (a) a person with a disability requires access to a dwelling entrance that meets the requirements of the Residential Code, Section R320.6 (*Visitable dwelling entrance*);
 - (b) the building official determines that the ramp will not pose a threat to public health and safety;
 - (c) the ramp:
 - (i) is no wider than 48 inches, except that any portion of a landing for the ramp required for turns may be no wider than 60 inches; and
 - (ii) may have a hand railing, but may not have a roof or walls; and
 - (d) the ramp is located in a manner that utilizes existing impervious cover to the greatest extent possible if:
 - (i) impervious cover on the property is at or above the maximum amount of impervious cover allowed by this title; or
 - (ii) if placement of the ramp would result in the property exceeding the maximum amount of impervious cover allowed by this title; and
- (11) a subsurface portion of a parking structure if the director of the Watershed Protection Department determines that:

- (a) the subsurface portion of the structure:
 - (i) is located within an urban or suburban watershed;
 - (ii) is below the grade of the land that existed before construction of the structure;
 - (iii) is covered by soil with a minimum depth of two feet and an average depth of not less than four feet; and
 - (iv) has an area not greater than fifteen percent of the site;
- (b) the structure is not associated with a use regulated by Section 1.2.2 of Subchapter F of Chapter 25-2 (*Residential Design and Compatibility Standards*);
- (c) the applicant submits an assessment of the presence and depth of groundwater at the site sufficient to determine whether groundwater will need to be discharged or impounded; and
- (d) the applicant submits documentation that the discharge or impoundment of groundwater from the structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property.

PART 13. City Code Section 25-8-65 (*Commercial Impervious Cover*) is amended to read:

§ 25-8-65 COMMERCIAL IMPERVIOUS COVER.

- (A) This section applies to impervious cover calculations for commercial developments.
- (B) An application for a commercial development must demonstrate that once fully constructed, the development will not exceed applicable maximum impervious cover limitations.
- (C) Subsection (B) does not apply to an application for a roadway improvement with less than ~~[commercial site development, including a~~

~~roadway project, which will not exceed~~ 8,000 square feet of new impervious cover. For the purposes of this Section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.

PART 14. City Code Section 25-8-92 (*Critical Water Quality Zones Established*) is amended to read:

- (A) In the water supply rural watersheds, water supply suburban watersheds, and Barton Springs zone, a critical water quality zone is established along each waterway classified under Section 25-8-91 (*Waterway Classifications*).
 - (1) The boundaries of a critical water quality zone coincide with the boundaries of the 100-year flood plain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual, except:
 - (a) for a minor waterway, the boundaries of the critical water quality zone are located not less than 50 feet and not more than 100 feet from the centerline of the waterway;
 - (b) for an intermediate waterway, the boundaries of the critical water quality zone are located not less than 100 feet and not more than 200 feet from the centerline of the waterway;
 - (c) for a major waterway, the boundaries of the critical water quality zone are located not less than 200 feet and not more than 400 feet from the centerline of the waterway; and
 - (d) for the main channel of Barton Creek, the boundaries of the critical water quality zone are located 400 feet from the centerline of the creek.
 - (2) Notwithstanding the provisions of Subsections (A)(1)(a), (b), and (c), a critical water quality zone does not apply to a previously modified drainage feature serving a railroad or public roadway right-of-way that does not possess any natural and traditional

character and cannot reasonably be restored to a natural condition, as prescribed in the Environmental Criteria Manual.

(B) In the suburban watersheds, a critical water quality zone is established along each waterway classified under Section 25-8-91 (*Waterway Classifications*).

- (1) for a minor waterway, the boundaries of the critical water quality zone are located 100 feet from the centerline of the waterway;
- (2) for an intermediate waterway, the boundaries of the critical water quality zone are located 200 feet from the centerline of the waterway; and
- (3) for a major waterway, the boundaries of the critical water quality zone are located 300 feet from the centerline of the waterway;
- (4) The critical water quality zone boundaries may be reduced to not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if the overall surface area of the critical water quality zone is the same or greater than the surface area that would be provided without the reduction, as prescribed in the Environmental Criteria Manual.
- (5) Notwithstanding the provisions of Subsections (B)(1), (2), and (3), a critical water quality zone does not apply to a previously modified drainage feature serving a railroad or public roadway right-of-way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition.

(C) In an urban watershed, a critical water quality zone is established along each waterway with a drainage area of at least 64 acres. This does not apply in the area bounded by IH-35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.

- (1) The boundaries of the critical water quality zone coincide with the boundaries of the 100-year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria

Manual; provided that the boundary is not less than 50 feet and not more than 400 feet from the centerline of the waterway.

- (2) Notwithstanding the provisions of Subsection (C)(1), a critical water quality zone does not apply to a previously modified drainage feature serving a railroad or public roadway right-of-way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition.

(D) [(C)] Critical water quality zones are established to include the inundated areas that constitute Lake Walter E. Long, Lake Austin, Lady Bird Lake, and the Colorado River downstream of Lady Bird Lake.

(E) [(D)] Critical water quality zones are established along and parallel to the shorelines of Lake Travis, Lake Austin, [and] Lady Bird Lake, and Lake Walter E. Long.

- (1) The shoreline boundary of a critical water quality zone:
- (a) for Lake Travis, coincides with the 681.0 foot contour line;
 - (b) for Lake Austin, coincides with the 492.8 foot contour line; [and]
 - (c) for Lady Bird Lake, coincides with the 429.0 foot contour line; and
 - (d) for Lake Walter E. Long, coincides with the 554.5 foot contour line.
- (2) The width of a critical water quality zone, measured horizontally inland, is:
- (a) 100 feet; or
 - (b) for a detached single-family residential use, 75 feet.

(F) [(E)] Critical water quality zones are established along and parallel to the shorelines of the Colorado River downstream of Lady Bird Lake.

- (1) The shoreline boundary of a critical water quality zone coincides with the river's ordinary high water mark, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*).
- (2) The inland boundary of a critical water quality zone coincides with the boundary of the 100-year floodplain as delineated by the Federal Emergency Management Agency, except that the width of the critical water quality zone, measured horizontally inland, is not less than 200 feet and not more than 400 feet.

~~[(F) In an urban watershed, a critical water quality zone is established along each waterway with a drainage area of at least 64 acres. This does not apply in the area bounded by IH 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.~~

- ~~(1) The boundaries of the critical water quality zone coincide with the boundaries of the 100 year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual; provided that the boundary is not less than 50 feet and not more than 400 feet from the centerline of the waterway.~~
- ~~(2) Notwithstanding the provisions of Subsection (F)(1), a critical water quality zone does not apply to a previously modified drainage feature serving a public roadway right of way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition.]~~

PART 15. Subsection (A) of City Code Section 25-8-121 (*Environmental Resource Inventory Requirement*) is amended to read:

- (A) An applicant shall file an environmental resource inventory with the director for proposed development located on a tract:
 - (1) within the Edwards Aquifer recharge or contributing zone ~~[over a karst aquifer];~~
 - (2) within the Drinking Water Protection Zone ~~[an area draining to a karst aquifer or reservoir];~~

- (3) ~~[in]~~ containing a water quality transition zone;
- (4) ~~[in]~~ containing a critical water quality zone;
- (5) ~~[in]~~ containing a floodplain; or
- (6) ~~[on a tract]~~ with a gradient of more than 15 percent.

PART 16. Subsection (E) of City Code Section 25-8-211 (*Water Quality Control Requirement*) is amended to read:

- (E) The water quality control requirements in this division do not require water quality controls for a roadway improvement ~~[project]~~ with less than 8,000 square feet of new impervious cover. For the purposes of this Section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.

PART 17. City Code Section 25-8-261 (*Critical Water Quality Zone Development*) is amended to read:

§ 25-8-261 CRITICAL WATER QUALITY ZONE DEVELOPMENT.

In all watersheds, development is prohibited in a critical water quality zone except as provided in this Division. Development allowed in the critical water quality zone under this Division shall be revegetated and restored within the limits of construction as prescribed by the Environmental Criteria Manual.

- (A) A fence that does not obstruct flood flows is permitted in a critical water quality zone.
- (B) Open space is permitted in a critical water quality zone if a program of fertilizer, pesticide, and herbicide use is approved by the Watershed Protection Department, subject to the conditions in this Subsection.
 - (1) In a water supply rural watershed, water supply suburban, or the Barton Springs Zone, open space is limited to sustainable urban agriculture or a community garden if the requirements in subsection (B)(4) are met, multi-use trails, picnic facilities, and outdoor facilities, excluding stables, corrals for animals and athletic fields.

- (2) A master planned park that is approved by the council may include recreational development other than that described in Subsection (B) (1).
- (3) A hard surfaced trail may cross the critical water quality zone pursuant to Section 25-8-262 (Critical Water Quality Zone Street Crossings). A hard surfaced trail that does not cross the critical water quality zone may be located within the critical water quality zone only if:
 - (a) designed in accordance with the Environmental Criteria Manual;
 - (b) located outside the erosion hazard zone unless protective works are provided as prescribed in the Drainage Criteria Manual;
 - (c) limited to 12 feet in width unless a wider trail is designated in the Urban Trails Master Plan adopted by Council;
 - (d) located not less than 25 feet from the centerline of a waterway if within an urban watershed [~~and not crossing the Critical Water Quality Zone~~]; [~~and~~]
 - (e) located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if within a watershed other than an urban watershed [~~and not crossing the Critical Water Quality Zone~~];
 - (f) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in Section 25-8-92; and
 - (g) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam.

- (4) Open space may include sustainable urban agriculture or a community garden only if:
- (a) in an urban watershed and located not less than 25 feet from the centerline of a waterway, or in a watershed other than an urban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
 - (b) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in Section 25-8-92;
 - (c) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
 - (d) ~~[(b)]~~ designed in accordance with the Environmental Criteria Manual; and
 - (e) ~~[(e)]~~ limited to garden plots and paths, with no storage facilities or other structures over 500 square feet.
- (5) In a suburban or urban watershed, open space may include an athletic field only if:
- (a) ~~[the athletic field is]~~ in an urban watershed and located not less than 25 feet from the centerline of a waterway, or ~~[is]~~ in a suburban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway; ~~[and]~~
 - (b) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in Section 25-8-92;

(c) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam; and

(d) [(b)] the owner of the athletic field submits to the Watershed Protection Department a maintenance plan to keep the athletic field well vegetated and minimize compaction, as prescribed in the Environmental Criteria Manual.

(C) The requirements of this subsection apply along Lake Travis, Lake Austin, or Lady Bird Lake.

(1) A dock, public boat ramp, bulkhead or marina, and necessary access and appurtenances, are permitted in a critical water quality zone subject to compliance with Chapter 25-2, Subchapter C, Article 12 (*Docks, Bulkheads, and Shoreline Access*). For a single-family residential use, necessary access may not exceed the minimum area of land disturbance required to construct a single means of access from the shoreline to a dock.

(2) Disturbed areas must be restored in accordance with the Environmental Criteria Manual and the following requirements:

(a) Within a lakefront critical water quality zone, or an equivalent area within 25 feet of a shoreline, restoration must include:

(i) at least one native shade tree and one native understory tree, per 500 square feet of disturbed area; and

(ii) one native shrub per 150 square feet of disturbed area; and

(b) Remaining disturbed areas must be restored per standard specifications for native restoration.

(3) Within the shoreline setback area defined by Section 25-2-551 (*Lake Austin (LA) District Regulations*) and within the overlay established by Section 25-2-180 (*Lake Austin (LA) Overlay District*), no more than 30 percent of the total number of shade trees

of 8 inches or greater, as designated in the Environmental Criteria Manual, may be removed.

- (4) Before a building permit may be issued or a site plan released, approval by the Watershed Protection Department is required for chemicals used to treat building materials that will be submerged in water.
 - (5) Bank erosion above the 100-year-flood plain may be stabilized within a lakefront critical water quality zone if the restoration meets the requirements of Subsection (B) (2) of this section.
- (D) A utility line, including a storm drain, is prohibited in the critical water quality zone, except as provided in subsection (E) or for a necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if:
- (1) the utility line follows the most direct path into or across the critical water quality zone to minimize disturbance;
 - (2) the depth of the utility line and location of associated access shafts are not located within an erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and
 - (3) in the Barton Springs Zone, is approved by the director of the Watershed Protection Department.
- (E) In the urban and suburban watersheds, a utility line may be located parallel to and within the critical water quality zone if:
- (1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;[=]
 - (2) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in Section 25-8-92;

- (3) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
 - (4) [(2)] designed in accordance with the Environmental Criteria Manual;
 - (5) [(3)] located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and
 - (6) [(4)] the project includes either riparian restoration of an area within the critical water quality zone equal in size to the area of disturbance in accordance with the Environmental Criteria Manual, or payment into the Riparian Zone Mitigation Fund of a non-refundable amount established by ordinance.
- (F) In-channel detention [~~Detention~~] basins and in-channel wet ponds are allowed [~~prohibited~~] in the critical water quality zone only if designed in accordance with the Environmental Criteria Manual [~~unless the requirements of Section 25-8-364 (Floodplain Modification), Chapter 25-7 (Drainage), and the other provisions of this subchapter are met~~].
- (G) Floodplain modifications are prohibited in the critical water quality zone unless:
- (1) the floodplain modifications proposed are necessary to address an existing threat to [~~protect the~~] public health and safety, as determined by the director of the Watershed Protection Department;
 - (2) the floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual; or
 - (3) the floodplain modifications proposed are necessary for development allowed in the critical water quality zone under Section 25-8-261 (*Critical Water Quality Zone Development*), Section 25-8-262 (*Critical Water Quality Zone Street Crossings*), or Section 25-8-367 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*).

- (H) In the urban and suburban watersheds, vegetative filter strips, rain gardens, biofiltration ponds, areas used for irrigation or infiltration of stormwater, or other controls as prescribed by rule are allowed in the critical water quality zone if:
- (1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located no less than 50 feet from the centerline of a minor waterway, no less than 100 feet from the centerline of an intermediate waterway, and no less than 150 feet from the centerline of a major waterway;
 - (2) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in Section 25-8-92;
 - (3) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
 - (4) ~~(2)~~ located outside the 100 year floodplain; and
 - (5) ~~(3)~~ located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (I) Development associated with power generation, transmission, or distribution at the Decker Creek Power Station is allowed in the critical water quality zone.
- (J) A residential lot that is 5,750 square feet or less in size may not include any portion of a critical water quality zone.
- ~~[(J) For the purposes of calculating the centerline of a waterway in an urban watershed under this Section, the waterway must have a drainage area of at least 64 acres and be located outside the area bounded by Interstate 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.]~~

PART 18. Subsection (B) of City Code Section 25-8-262 (*Critical Water Quality Zone Street Crossings*) is amended to read:

- (B) This subsection applies in a watershed other than an urban watershed.

- (1) A major waterway critical water quality zone may be crossed by an arterial street identified in the Transportation Plan.
- (2) An intermediate waterway critical water quality zone may be crossed by an arterial or collector street, except:
 - (a) a collector street crossing must be at least 2,500 feet from a collector or arterial street crossing on the same waterway; or
 - (b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least one mile from a collector or arterial street crossing on the same waterway.
- (3) A minor waterway critical water quality zone may be crossed by an arterial or ~~and~~ collector street[s], except:
 - (a) a collector street crossing must be at least 900 ~~[1,000]~~ feet from a collector or arterial street crossing on the same waterway; or
 - (b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least 2,000 feet from a collector or arterial street crossing on the same waterway.
- (4) A minor waterway critical water quality zone may be crossed by a residential or commercial street if necessary to provide access to property that cannot otherwise be safely accessed.

PART 19. Subsection (B) of City Code Section 25-8-321 (*Clearing of Vegetation*) is amended to read:

- (B) Clearing of vegetation ~~[on land used]~~ for agricultural operations ~~[purposes]~~ is prohibited if an application to develop for a non-agricultural use has been granted or is pending. The director may waive this prohibition after determining that the clearing has a bonafide agricultural purpose and is unrelated to the proposed development or sale of the land for non-agricultural uses.

PART 20. Subsection (A) of City Code Section 25-8-341 (*Cut Requirements*) is amended to read:

(A) Cuts on a tract of land may not exceed four feet of depth, except:

- (1) in an urban watershed;
- (2) in a roadway right-of-way;
- (3) for construction of a building foundation or swimming pool;
- (4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:
 - (a) the design and location of the facility within the site minimize the amount of cut over four feet;
 - (b) the cut is the minimum necessary for the appropriate functioning of the facility; and
 - (c) the cut is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
- (5)[(4)] for utility construction or a wastewater drain field, if the area is restored to natural grade;
- (6)[(5)] in a state-permitted sanitary landfill or a sand or gravel excavation located in the extraterritorial jurisdiction, if:
 - (a) the cut is not in a critical water quality zone;
 - (b) the cut does not alter a 100-year floodplain;
 - (c) the landfill or excavation has an erosion and restoration plan approved by the City; and
 - (d) all other applicable City Code provisions are met.

PART 21. Subsection (A) of City Code Section 25-8-342 (*Fill Requirements*) is amended to read:

(A) Fill on a tract of land may not exceed four feet of depth, except:

- (1) in an urban watershed;
- (2) in a roadway right-of-way;
- (3) under a foundation with sides perpendicular to the ground, or with pier and beam construction;
- (4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:
 - (a) the design and location of the facility within the site minimize the amount of fill over four feet
 - (b) the fill is the minimum necessary for the appropriate functioning of the facility; and
 - (c) the fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
- (5)[(4)] for utility construction or a wastewater drain field; or
- (6)[(5)] in a state-permitted sanitary landfill located in the extraterritorial jurisdiction, if:
 - (a) the fill is derived from the landfill operation;
 - (b) the fill is not placed in a critical water quality zone or a 100-year floodplain;
 - (c) the landfill operation has an erosion and restoration plan approved by the City; and
 - (d) all other applicable City Code provisions are met.

PART 22. City Code Section 25-8-361 (*Wastewater Restrictions*) is amended to read:

§ 25-8-361 WASTEWATER RESTRICTIONS.

- (A) A lot in the Edwards Aquifer recharge zone with private on-site sewage facilities must demonstrate compliance with City Code Chapter 15-5 (*Private Sewage Facilities*).
- (B) Land application of treated wastewater effluent [~~Wastewater treatment by land application~~] is prohibited:
 - (1) on a slope with a gradient of more than 15 percent;
 - (2) in a critical water quality zone;
 - (3) in a 100-year floodplain;
 - (4) on the trunk of [surveyed] trees required to be surveyed as prescribed in the Environmental Criteria Manual;
 - (5) in the buffer zone established around a critical environmental feature under Section 25-8-281 (*Critical Environmental Features*);
or
 - (6) during wet weather conditions.

PART 23. City Code Section 25-8-364 (*Floodplain Modification*) is amended to read:

§ 25-8-364 FLOODPLAIN MODIFICATION.

- (A) Floodplain modification within a critical water quality zone is prohibited except as allowed under Section 25-8-261 (*Critical Water Quality Zone Development*).
- ~~(B) Floodplain modification outside a critical water quality zone is prohibited except as allowed in this section.~~
- (B) [(C)] Floodplain modification outside a critical water quality zone is allowed only if the modification proposed:
 - (1) is necessary to protect [the] public health and safety by addressing an existing threat, as determined by the director of the Watershed Protection Department;

- (2) would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual;
- (3) is located within a floodplain area classified as in fair or poor condition, as determined by a functional assessment of floodplain health, prescribed by the Environmental Criteria Manual; or
- (4) is necessary for development allowed under Section 25-8-261 (*Critical Water Quality Development*) or 25-8-262 (*Critical Water Quality Zone Street Crossings*).

(C) ~~(D)~~ All floodplain ~~[Floodplain]~~ modifications must:

- (1) be designed to accommodate existing and fully-vegetated conditions;
- (2) encourage sound engineering and ecological practices, prevent and reduce degradation of water quality, and encourage the stability and integrity of floodplains and waterways, as prescribed in the floodplain modification criteria in the Environmental Criteria Manual;
- (3) restore floodplain health, or provide mitigation if restoration is infeasible, to support natural functions and processes as prescribed in the floodplain modification criteria in the Environmental Criteria Manual; and
- (4) comply with the requirements of Chapter 25-7 (*Drainage*), the Drainage Criteria Manual, and the Environmental Criteria Manual.

(D) ~~(E)~~ If mitigation is required under this Section, it may be satisfied by:

- (1) paying into the Riparian Zone Mitigation Fund a nonrefundable amount established by ordinance;
- (2) transferring in fee simple or placing restrictions on mitigation land approved by the director of the Watershed Protection Department and meeting the following conditions:

- (a) located within the same watershed classification;
 - (b) in accordance with the procedures in Section 25-8-26 (*Redevelopment Exception in the Barton Springs Zone*), Subsection (H) (3);
 - (c) dedicated to or restricted for the benefit of the City or another entity approved by the Watershed Protection Department director and which the City or other approved entity accepts;
 - (d) an amount proportionate to the amount of area within the existing floodplain that is proposed to be modified, as prescribed in the Environmental Criteria Manual; or
- (3) a combination of the mitigation methods described in Subparagraphs (1) and (2), if approved by the director of the Watershed Protection Department.

PART 24. City Code Section 25-8-453 (*Uplands Zone*) is amended to read:

§ 25-8-453 UPLANDS ZONE.

- (A) This section applies to development in an uplands zone. Density and impervious cover limits are based on net site area.
- (B) For a duplex or single family residential use, density may not exceed:
 - (1) one unit for each two acres, with a minimum lot size of three-quarters acre; or
 - (2) if development intensity is transferred under Section 25-8-454 (*Transfer Of Development Intensity*), one unit for each acre, with a minimum lot size of one-half acre.
- (C) This subsection applies to cluster housing.
 - (1) Density may not exceed:
 - (a) one unit for each acre; or

- (b) if development intensity is transferred under Section 25-8-454 (*Transfer Of Development Intensity*), two units for each acre.
 - (2) At least 40 percent of the uplands area of a site must be retained in or restored to its natural state to serve as a buffer. The buffer must be contiguous to the development, and must receive overland drainage from the developed areas of the site unless a water quality control is provided. Use of the buffer is limited to fences, water quality controls that comply with Subdivision 25-8-213(C)(3) (*Water Quality Control Standards*), utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction. A wastewater disposal area may not be located in the buffer.
- (D) This subsection applies to a commercial, multifamily residential use, or mixed use.
- (1) Impervious cover may not exceed:
 - (a) 20 percent; or
 - (b) if development intensity is transferred under Section 25-8-454 (*Transfer Of Development Intensity*), 25 percent.
 - (2) At least 40 percent of the uplands area of a site must be retained in or restored to its natural state to serve as a buffer. The buffer must be contiguous to the development, and must receive overland drainage from the developed areas of the site unless a water quality control is provided. Use of the buffer is limited to fences, water quality controls that comply with Subdivision 25-8-213(C)(3) (*Water Quality Control Standards*), utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction. A wastewater disposal area may not be located in the buffer.

PART 25. Subsection (A) of City Code Section 25-8-514 (*Pollution Prevention Required*) is amended to read:

- (A) In the watersheds contributing to Barton Springs, no development nor any revision, extension, or amendment thereof, may be approved unless it is designed, carried out, and maintained on a site-by-site basis to meet the pollution prevention requirements set forth below for the life of the project. In order to prevent pollution, impervious cover for all such development shall be limited to a maximum of 15 percent in the entire recharge zone, 20 percent of the contributing zone within the Barton Creek watershed, and 25 percent in the remainder of the contributing zone. The impervious cover limits shall be calculated on a net site area basis. In addition, runoff from such development shall be managed through water quality controls and onsite pollution prevention and assimilation techniques so that no increases occur in the respective average annual loadings of total suspended solids, total phosphorus, total nitrogen, chemical oxygen demand, total lead, cadmium, E. coli, volatile organic compounds, [~~total organic carbon,~~] pesticides, and herbicides from the site. For a given project, impervious cover shall be reduced if needed to assure compliance with these pollutant load restrictions.

PART 26. Subsection (D) of City Code Section 25-8-516 (*Application to Existing Tracts, Platted Lots, and Public Schools*) is amended to read:

- (D) This article does not apply to a roadway improvement [~~project~~] with less than 8,000 square feet of new impervious cover. For the purposes of this Section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.

PART 27. City Code Section 25-8-606 (*Reports*) is amended to read:

§ 25-8-606 REPORTS.

The city arborist shall [~~annually~~] report annually to the Environmental Commission [~~Board and monthly report to the Environmental Commission~~]. The report shall include, but is not limited to, impacts to protected or heritage trees, tree promotional programs, and urban forestry planning efforts.

PART 28. Subsection (C) of City Code Section 25-8-643 (*Land Use Commission Variance*) is amended to read:

(C) Consideration of a variance under this section requires [÷

(1)] review by the Environmental Commission [~~Board; and~~

(2) ~~review by the Environmental Commission if the heritage tree is located on public property or a public street or easement].~~

PART 29. Subsection (B) of City Code Section 25-8-644 (*Appeal*) is amended to read:

(B) An appeal under this section requires [÷

(1)] review by the Environmental Commission [~~Board; and~~

(2) ~~review by the Environmental Commission if the heritage tree is located on public property or a public street or easement].~~

PART 30. City Code Section 25-8-692 (*Endangered Species*) is amended to read:

§ 25-8-692 THREATENED OR ENDANGERED SPECIES.

In this article, "threatened or endangered species" means:

(1) black-capped vireo;

(2) golden-cheeked warbler;

(3) Tooth Cave pseudoscorpion;

(4) Tooth Cave spider;

(5) Bee Creek Cave harvestman;

(6) Tooth Cave ground beetle;

(7) Kretschmarr Cave mold beetle;

(8) Jollyville Plateau salamander;

(9) [(8)] a species included in the Balcones Canyonland Conservation Plan; or

(10) [(9)] a species classified as threatened or endangered by the United States Fish and Wildlife Service.

PART 31. City Code Section 25-8-695 (*Salamander Species*) is amended to read:

§ 25-8-695 SALAMANDER SPECIES.

For a threatened or ~~[an]~~ endangered salamander species, the requirements of Section 25-8-696 (*Notice*) apply in the areas included in the salamander habitat map maintained by the Watershed Protection Department.

PART 32. City Code Section 25-8-696 (*Notice*) is amended to read:

§ 25-8-696 NOTICE.

(A) On submission ~~[receipt]~~ of an application for subdivision or site plan approval in an area described in Section 25-8-693 (*Birds and Plants*), 25-8-694 (*Cave Species*), or 25-8-695 (*Salamander Species*), the applicant ~~[director]~~ shall give notice of the application to the appropriate authority, including:

- (1) United States Fish and Wildlife Service;
- (2) Texas Parks and Wildlife Department [~~—Natural Heritage Program~~];
- (3) Balcones Canyonlands Conservation Plan Coordinating Committee Secretary; and
- (4) Travis or Williamson County, as applicable.

(B) The notice must include a statement that the development could cause the loss of threatened or endangered species habitat.

PART 33. City Code Section 30-1-21 (*Definitions*) is amended to add a new definition of “agricultural operations” and amend the existing definition of “development,” to read as follows, and to renumber the remaining definitions accordingly:

(1) AGRICULTURAL OPERATIONS means:

- (a) producing crops for human food, animal feed, planting seed, or fiber;
- (b) floriculture, viticulture, horticulture, or silviculture;
- (c) raising or keeping livestock or poultry;
- (d) wildlife management; and
- (e) planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

(22)[(21)] DEVELOPMENT means the construction or reconstruction of a building or road; the placement of a structure on land; the excavation, mining, dredging, grading, or filling of land; the removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include:

- (a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas;
- (b) removal of trees or vegetation damaged by natural forces;
- (c) removal of vegetation or cultivating the soil for agricultural operations, unless [agricultural activity that is not] prohibited by Subsection [Section] 30-5-321(B) (Clearing Of Vegetation); or
- (d) the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

PART 34. Subsection (A) of City Code Section 30-4-32 (*Single Office Authorized to Require Erosion Hazard Zone Analysis*) is amended to read:

- (A) The single office may require the owner of real property to provide, at the owner's expense and as a condition for development application approval, an analysis to establish the erosion hazard zone if the proposed development is:

- (1) within 100 feet of the centerline of a waterway with a drainage area of 64 acres or greater;
 - (2) within 100 feet of the ordinary high water mark of the Colorado River downstream from Longhorn Dam, as defined by Code of Federal Regulations Title 33, Section 328.3 (Definitions); or
 - (3)[(2)] located where significant erosion is present.
- (B) The erosion hazard zone analysis must be in accordance with the Drainage Criteria Manual.
- (C) If an erosion hazard zone analysis is required under this section, the single office may not accept for review a development application for any portion of the proposed development until the single office has received the required erosion hazard zone analysis.

PART 35. City Code Section 30-5-1 (*Definitions*) is amended to add a new definition of “floodplain modification” to read as follows and to renumber the existing definitions accordingly:

- (10) FLOODPLAIN MODIFICATION means development that results in any vertical or horizontal change in the cross section of the 100-year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual.

PART 36. Subsection (C) of City Code Section 30-5-2 (*Descriptions of Regulated Areas*) is amended to read:

- (C) The Watershed Protection Department may require an applicant to verify the boundary of an area described in Subsection (D). For property within 1500 feet of an Edwards Aquifer recharge zone [a] boundary, the Watershed Protection Department may require that an applicant provide a certified report from a geologist or hydrologist verifying the boundary location.

PART 37. City Code Section 30-5-41 (*Land Use Commission Variances*) is amended to read:

§ 30-5-41 LAND USE COMMISSION VARIANCES.

(A) It is the applicant's burden to establish that the findings described in this Section have been met. Except as provided in Subsections (B) and (C), the land use commission may grant a variance from a requirement of this subchapter after determining that:

(1) the requirement will deprive the applicant of a privilege available ~~[or the safety of property given]~~ to owners of other similarly situated property with approximately contemporaneous development subject to similar code requirements;

(2) the variance:

(a) is not necessitated ~~[based on a condition caused]~~ by the scale, layout, construction method, or other design decision made by the applicant ~~[method chosen by the applicant to develop the property]~~, unless the ~~[development method]~~ design decision provides greater overall environmental protection than is achievable without the variance;

(b) is the minimum deviation from the code requirement ~~[change]~~ necessary ~~[to avoid the deprivation of a privilege given to other property owners and]~~ to allow a reasonable use of the property; and

(c) does not create a significant probability of harmful environmental consequences; and

(3) development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

(B) The land use commission may grant a variance from a requirement of Section 30-5-422 (*Water Quality Transition Zone*), Section 30-5-452 (*Water Quality Transition Zone*), Section 30-5-482 (*Water Quality Transition Zone*), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that:

(1) the criteria for granting a variance in Subsection (A) are met;

- (2) the requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and
 - (3) the variance is the minimum deviation from the code requirement [change] necessary to allow a reasonable, economic use of the entire property.
- (C) The land use commission may not grant a variance from a requirement of Article 13 (*Save Our Springs Initiative*).
- (D) The land use commission shall prepare written findings of fact to support the grant or denial of a variance request under this section.

PART 38. Subsection (B) of City Code Section 30-5-42 (*Administrative Variances*) is amended to read:

- (B) The Watershed Protection Department director may grant a variance from a requirement of:
- (1) Section 30-5-261 (*Critical Water Quality Zone Development*), only if:
 - (a) necessary to protect public health and safety, or if it would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual,
 - (b) necessary to allow an athletic field in existence on October 17, 2013, to be maintained, improved, or replaced,
 - (c) necessary to allow an athletic field to be located in an area not otherwise allowed under Section 30-5-261(B)(5), or
 - (d) necessary to allow a hard surfaced trail to be located in an area not otherwise allowed under Section 30-5-261(B)(3);
 - (2) Section 30-5-261 (*Critical Water Quality Zone Development*), for development within an urban watershed, only if the proposed development:

- (a) is located not less than 25 feet from the centerline of a waterway,
 - (b) is located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual,
 - (c) does not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 30-5-281 (*Critical Environmental Features*) or Section 30-5-282 (*Wetland Protection*), and
 - (d) restores native vegetation and soils if development is removed from the Critical Water Quality Zone;
- (3) Subsection 30-5-262(B) (*Critical Water Quality Zone Street Crossings*), only outside the Barton Springs Zone;
 - (4) Section 30-5-281 (*Critical Environmental Features*);
 - (5) Section 30-5-322 (*Clearing For A Roadway*);
 - (6) ~~[Section 30-5-341 (*Cut Requirements*) or Section 30-5-342 (*Fill Requirements*), for a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms;~~
 - (7) Section 30-5-341 (*Cut Requirements*) or Section 30-5-342 (*Fill Requirements*), for a cut or fill of not more than eight feet in the desired development zone and, for a public primary or secondary educational facility, within the desired development zone or the drinking water protection zone;
 - (7) [(8)] Subsection 30-5-343(A) (*Spoil Disposal*);
 - (8) [(9)] Section 30-5-365 (*Interbasin Diversion*).

PART 39. Subsection (C) of City Code Section 30-5-63 (*Impervious Cover Calculations*) is amended to read:

(C) Impervious cover calculations exclude:

- (1) sidewalks in a public right-of-way or public easement;
- (2) multi-use trails open to the public and located on public land or in a public easement;
- (3) water quality controls, excluding subsurface water quality controls;
- (4) detention basins, excluding subsurface detention basins;
- (5) drainage swales and conveyances;
- (6) the water surface area of ground level [~~ponds,~~] pools, [~~and~~] fountains, and ponds;
- (7) areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base;
- (8) porous pavement designed in accordance with the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer Recharge Zone;
- (9) fire lanes designed as prescribed by the Environmental Criteria Manual, that consist of interlocking pavers, and are restricted from routine vehicle access; and
- (10) a subsurface portion of a parking structure if the director of the Watershed Protection Department determines that:
 - (a) the subsurface portion of the structure:
 - (i) is located within an urban or suburban watershed;
 - (ii) is below the grade of the land that existed before construction of the structure;
 - (iii) is covered by soil with a minimum depth of two feet and an average depth of not less than four feet; and
 - (iv) has an area not greater than fifteen percent of the site;

- (b) the structure is not associated with a use regulated by Section 1.2.2 of Subchapter F of Chapter 25-2 (*Residential Design and Compatibility Standards*);
- (c) the applicant submits an assessment of the presence and depth of groundwater at the site sufficient to determine whether groundwater will need to be discharged or impounded; and
- (d) the applicant submits documentation that the discharge or impoundment of groundwater from the structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property.

PART 40. Subsection (C) of City Code Section 30-5-65 (*Commercial Impervious Cover*) is amended to read:

- (C) Subsection (B) does not apply to an application for a roadway improvement with less than ~~[commercial site development, including a roadway project, which will not exceed]~~ 8,000 square feet of new impervious cover. For the purposes of this Section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.

PART 41. City Code Section 30-5-92 (*Critical Water Quality Zones Established*) is amended to read:

§ 30-5-92 CRITICAL WATER QUALITY ZONES ESTABLISHED.

- (A) In the water supply rural watersheds, water supply suburban watersheds, and Barton Springs zone, a critical water quality zone is established along each waterway classified under Section 30-5-91 (*Waterway Classifications*).
 - (1) The boundaries of a critical water quality zone coincide with the boundaries of the 100 year flood plain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual, except:

- (a) for a minor waterway, the boundaries of the critical water quality zone are located not less than 50 feet and not more than 100 feet from the centerline of the waterway;
 - (b) for an intermediate waterway, the boundaries of the critical water quality zone are located not less than 100 feet and not more than 200 feet from the centerline of the waterway;
 - (c) for a major waterway, the boundaries of the critical water quality zone are located not less than 200 feet and not more than 400 feet from the centerline of the waterway; and
 - (d) for the main channel of Barton Creek, the boundaries of the critical water quality zone are located 400 feet from the centerline of the creek.
- (2) Notwithstanding the provisions of Subsections (A)(1)(a), (b), and (c), a critical water quality zone does not apply to a previously modified drainage feature serving a railroad or public roadway right-of-way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition, as prescribed in the Environmental Criteria Manual.
- (B) In the suburban watersheds, a critical water quality zone is established along each waterway classified under Section 30-5-91 (*Waterway Classifications*).
 - (1) for a minor waterway, the boundaries of the critical water quality zone are located 100 feet from the centerline of the waterway;
 - (2) for an intermediate waterway, the boundaries of the critical water quality zone are located 200 feet from the centerline of the waterway; and
 - (3) for a major waterway, the boundaries of the critical water quality zone are located 300 feet from the centerline of the waterway;
 - (4) The critical water quality zone boundaries may be reduced to not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from

the centerline of a major waterway if the overall surface area of the critical water quality zone is the same or greater than the surface area that would be provided without the reduction, as prescribed in the Environmental Criteria Manual.

- (5) Notwithstanding the provisions of Subsections (B)(1), (2), and (3), a critical water quality zone does not apply to a previously modified drainage feature serving a railroad or public roadway right-of-way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition.

(C) In an urban watershed, a critical water quality zone is established along each waterway with a drainage area of at least 64 acres. This does not apply in the area bounded by IH-35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.

(1) The boundaries of the critical water quality zone coincide with the boundaries of the 100-year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual; provided that the boundary is not less than 50 feet and not more than 400 feet from the centerline of the waterway.

(2) Notwithstanding the provisions of Subsection (C)(1), a critical water quality zone does not apply to a previously modified drainage feature serving a railroad or public roadway right-of-way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition.

(D) [(C)] Critical water quality zones are established to include the inundated areas that constitute Lake Walter E. Long, Lake Austin, Lady Bird Lake, and the Colorado River downstream of Lady Bird Lake.

(E) [(D)] Critical water quality zones are established along and parallel to the shorelines of Lake Travis, Lake Austin, and Lady Bird Lake, and Lake Walter E. Long.

(1) The shoreline boundary of a critical water quality zone:

- (a) for Lake Travis, coincides with the 681.0 foot contour line;

- (b) for Lake Austin, coincides with the 492.8 foot contour line;
[and]
- (c) for Lady Bird Lake, coincides with the 429.0 foot contour line; and
- (d) for Lake Walter E. Long, coincides with the 554.5 foot contour line.

(2) The width of a critical water quality zone, measured horizontally inland, is:

- (a) 100 feet; or
- (b) for a detached single-family residential use, 75 feet.

(F) ~~[(E)]~~ Critical water quality zones are established along and parallel to the shorelines of the Colorado River downstream of Lady Bird Lake.

- (1) The shoreline boundary of a critical water quality zone coincides with the river's ordinary high water mark, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*).
- (2) The inland boundary of a critical water quality zone coincides with the boundary of the 100-year floodplain as delineated by the Federal Emergency Management Agency, except that the width of the critical water quality zone, measured horizontally inland, is not less than 200 feet and not more than 400 feet.

~~[(F)] In an urban watershed, a critical water quality zone is established along each waterway with a drainage area of at least 64 acres. This does not apply in the area bounded by IH 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.~~

- ~~(1) The boundaries of the critical water quality zone coincide with the boundaries of the 100-year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual; provided that the boundary is not less than 50 feet and not more than 400 feet from the centerline of the waterway.~~

- (2) ~~Notwithstanding the provisions of Subsection (F)(1), a critical water quality zone does not apply to a previously modified drainage feature serving a public roadway right-of-way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition.]~~

PART 42. Subsection (A) of City Code Section 30-5-121 (*Environmental Resource Inventory Requirement*) is amended to read:

- (A) An applicant shall file an environmental resource inventory with the director for proposed development located on a tract:
- (1) within the Edwards Aquifer recharge or contributing zone ~~[over a karst aquifer];~~
 - (2) within the Drinking Water Protection Zone ~~[an area draining to a karst aquifer or reservoir];~~
 - (3) ~~[in]~~ containing a water quality transition zone;
 - (4) ~~[in]~~ containing a critical water quality zone;
 - (5) ~~[in]~~ containing a floodplain; or
 - (6) ~~[on a tract]~~ with a gradient of more than 15 percent.

PART 43. Subsection (E) of City Code Section 30-5-211 (*Water Quality Control Requirement*) is amended to read:

- (E) The water quality control requirements in this division do not require water quality controls for a roadway improvement ~~[project]~~ with less than 8,000 square feet of new impervious cover. For the purposes of this Section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.

PART 44. City Code Section 30-5-261 (*Critical Water Quality Zone Redevelopment*) is amended to read:

§ 30-5-261 CRITICAL WATER QUALITY ZONE DEVELOPMENT.

In all watersheds, development is prohibited in a critical water quality zone except as provided in this Division. Development allowed in the critical water quality zone under this Division shall be revegetated and restored within the limits of construction as prescribed by the Environmental Criteria Manual.

- (A) A fence that does not obstruct flood flows is permitted in a critical water quality zone.
- (B) Open space is permitted in a critical water quality zone if a program of fertilizer, pesticide, and herbicide use is approved by the Watershed Protection Department director, subject to the conditions in this Subsection.
 - (1) In a water supply rural watershed, water supply suburban watershed, or the Barton Springs Zone, open space is limited to sustainable urban agriculture or a community garden if the requirements in subsection (B)(4) are met, multi-use trails, picnic facilities, and outdoor facilities, excluding stables, corrals for animals, and athletic fields.
 - (2) A master planned park that is approved by the council may include recreational development other than that described in Subsection (B)(1).
 - (3) A hard surfaced trail may cross the critical water quality zone pursuant to Section 30-5-262 (Critical Water Quality Zone Street Crossings). A hard surfaced trail that does not cross the critical water quality zone may be located within the critical water quality zone only if:
 - (a) designed in accordance with the Environmental Criteria Manual;
 - (b) located outside the erosion hazard zone unless protective works are provided as prescribed in the Drainage Criteria Manual;
 - (c) limited to 12 feet in width unless a wider trail is designated in the Urban Trails Master Plan adopted by Council;

- (d) located not less than 25 feet from the centerline of a waterway if within an urban watershed [~~and not crossing the Critical Water Quality Zone~~]; [~~and~~]
 - (e) located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if within a watershed other than an urban watershed [~~and not crossing the Critical Water Quality Zone~~];
 - (f) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in Section 30-5-92; and
 - (g) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam.
- (4) Open space may include sustainable urban agriculture or a community garden only if:
- (a) in an urban watershed and located not less than 25 feet from the centerline of a waterway, or in a watershed other than an urban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
 - (b) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in Section 30-5-92;
 - (c) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
 - (d) [(b)] designed in accordance with the Environmental Criteria Manual; and

- (e) ~~[(e)]~~ limited to garden plots and paths, with no storage facilities or other structures over 500 square feet.
- (5) In a suburban or urban watershed, open space may include an athletic field only if:
 - (a) ~~[the athletic field is]~~ in an urban watershed and located not less than 25 feet from the centerline of a waterway, or ~~[is]~~ in a suburban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway; ~~[and]~~
 - (b) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in Section 30-5-92;
 - (c) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam; and
 - (d) ~~[(b)]~~ the owner of the athletic field submits to the Watershed Protection Department a maintenance plan to keep the athletic field well vegetated and minimize compaction, as prescribed in the Environmental Criteria Manual.
- (C) The requirements of this subsection apply along Lake Travis, Lake Austin, or Lady Bird Lake.
 - (1) A dock, public boat ramp, bulkhead or marina, and necessary access and appurtenances, are permitted in a critical water quality zone subject to compliance with Chapter 25-2, Subchapter C, Article 12 (*Docks, Bulkheads, and Shoreline Access*). For a single-family residential use, necessary access may not exceed the minimum area of land disturbance required to construct a single means of access from the shoreline to a dock.
 - (2) Disturbed areas must be restored in accordance with the Environmental Criteria Manual and the following requirements:

- (a) Within a lakefront critical water quality zone, or an equivalent area within 25 feet of a shoreline, restoration must include:
 - (i) at least one native shade tree and one native understory tree, per 500 square feet of disturbed area; and
 - (ii) one native shrub per 150 square feet of disturbed area; and
 - (b) Remaining disturbed areas must be restored per standard specifications for native restoration.
- (3) Within the shoreline setback area defined by Section 25-2-551 (*Lake Austin (LA) District Regulations*) and within the overlay established by Section 25-2-180 (*Lake Austin (LA) Overlay District*), no more than 30 percent of the total number of shade trees of 8 inches or greater, as designated in the Environmental Criteria Manual, may be removed.
- (4) Approval by the Watershed Protection Department director of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released.
- (5) Bank erosion above the 100-year-flood plain may be stabilized within a lakefront critical water quality zone if the restoration meets the requirements of Subsection (B)(2) of this section.
- (D) A utility line, including a storm drain, is prohibited in the critical water quality zone, except as provided in subsection (E) or for a necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if:
 - (1) the utility line follows the most direct path into or across the critical water quality zone to minimize disturbance;
 - (2) the depth of the utility line and location of associated access shafts are not located within an erosion hazard zone, unless protective

works are provided as prescribed in the Drainage Criteria Manual;
and

- (3) in the Barton Springs Zone, is approved the Watershed Protection Department director.
- (E) In the urban and suburban watersheds, a utility line may be located parallel to and within the critical water quality zone if:
- (1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
 - (2) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in Section 30-5-92;
 - (3) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
 - (4) ~~(2)~~ designed in accordance with the Environmental Criteria Manual;
 - (5) ~~(3)~~ located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and
 - (6) ~~(4)~~ the project includes either riparian restoration of an area within the critical water quality zone equal in size to the area of disturbance in accordance with the Environmental Criteria Manual, or payment into the Riparian Zone Mitigation Fund of a non-refundable amount established by ordinance.
- (F) In-channel detention ~~[Detention]~~ basins and in-channel wet ponds are allowed ~~[prohibited]~~ in the critical water quality zone only if designed in accordance with the Environmental Criteria Manual ~~[unless the requirements of Section 30-5-364 (Floodplain Modification), Chapter 30-4 (Drainage), and the other provisions of this subchapter are met].~~
- (G) Floodplain modifications are prohibited in the critical water quality zone unless:

- (1) the floodplain modifications proposed are necessary to address an existing threat to [protect the] public health and safety, as determined by the Watershed Protection Department director;
 - (2) the floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual; or
 - (3) the floodplain modifications proposed are necessary for development allowed in the critical water quality zone under Section 30-5-261 (*Critical Water Quality Zone Development*), 30-5-262 (*Critical Water Quality Zone Street Crossings*), or Section 25-8-367 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*).
- (H) In the urban and suburban watersheds, vegetative filter strips, rain gardens, biofiltration ponds, areas used for irrigation or infiltration of stormwater, or other controls as prescribed by rule are allowed in the critical water quality zone if:
- (1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located no less than 50 feet from the centerline of a minor waterway, no less than 100 feet from the centerline of an intermediate waterway, and no less than 150 feet from the centerline of a major waterway;
 - (2) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in Section 30-5-92;
 - (3) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
 - (4) ~~(2)~~ located outside the 100 year floodplain; and
 - (5) ~~(3)~~ located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.

- (I) Development associated with power generation, transmission, or distribution at the Decker Creek Power Station is allowed in the critical water quality zone.
- (J) A residential lot that is 5,750 square feet or less in size may not include any portion of a critical water quality zone.
- ~~[(J) For the purposes of calculating the centerline of a waterway in an urban watershed under this Section, the waterway must have a drainage area of at least 64 acres and be located outside the area bounded by Interstate 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.]~~

PART 45. Subsection (B) of City Code Section 30-5-262 (*Critical Water Quality Zone Street Crossings*) is amended to read:

- (B) This subsection applies in a watershed other than an urban watershed.
 - (1) A major waterway critical water quality zone may be crossed by an arterial street identified in the Transportation Plan.
 - (2) An intermediate waterway critical water quality zone may be crossed by an arterial or collector street, except:
 - (a) a collector street crossing must be at least 2,500 feet from a collector or arterial street crossing on the same waterway; or
 - (b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least one mile from a collector or arterial street crossing on the same waterway.
 - (3) A minor waterway critical water quality zone may be crossed by an arterial or collector street, except:
 - (a) a collector street crossing must be at least 900 [~~1,000~~] feet from a collector or arterial street crossing on the same waterway; or

(b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least 2,000 feet from a collector or arterial street crossing on the same waterway.

(4) A minor waterway critical water quality zone may be crossed by a residential or commercial street if necessary to provide access to property that cannot otherwise be safely accessed.

PART 46. Subsection (B) of City Code Section 30-5-321 (*Clearing of Vegetation*) is amended to read:

(B) Clearing of vegetation [~~on land used~~] for agricultural operations [~~purposes~~] is prohibited if an application to develop for a non-agricultural use has been granted or is pending. The director may waive this prohibition after determining that the clearing has a bonafide agricultural purpose and is unrelated to the proposed development or sale of the land for non-agricultural uses.

PART 47. Subsection (A) of City Code Section 30-5-341 (*Cut Requirements*) is amended to read:

(A) Cuts on a tract of land may not exceed four feet of depth, except:

(1) in an urban watershed;

(2) in a roadway right-of-way;

(3) for construction of a building foundation or swimming pool;

(4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:

(a) the design and location of the facility within the site minimize the amount of cut over four feet;

(b) the cut is the minimum necessary for the appropriate functioning of the facility; and

(c) the cut is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;

(5)[(4)] for utility construction or a wastewater drain field, if the area is restored to natural grade;

~~[(5) — for a wastewater drain field;]~~

(6) in a state-permitted sanitary landfill or a sand or gravel excavation located in the extraterritorial jurisdiction, if:

(a) the cut is not in a critical water quality zone;

(b) the cut does not alter a 100-year floodplain;

(c) the landfill or excavation has an erosion and restoration plan approved by the single office; and

(d) all other applicable City Code and County Code provisions are met.

PART 48. Subsection (A) of City Code Section 30-5-342 (*Fill Requirements*) is amended to read:

(A) Fill on a tract of land may not exceed four feet of depth, except:

(1) in an urban watershed;

(2) in a roadway right-of-way;

(3) under a foundation with sides perpendicular to the ground, or with pier and beam construction;

(4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:

(a) the design and location of the facility within the site minimize the amount of fill over four feet;

(b) the fill is the minimum necessary for the appropriate functioning of the facility; and

(c) the fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;

(5)[(4)] for utility construction or a wastewater drain field; or

(6)[(5)] in a state-permitted sanitary landfill located in the extraterritorial jurisdiction, if:

- (a) the fill is derived from the landfill operation;
- (b) the fill is not placed in a critical water quality zone or a 100-year floodplain;
- (c) the landfill operation has an erosion and restoration plan approved by the single office; and
- (d) all other applicable City Code and County Code provisions are met.

PART 49. City Code Section 30-5-361 (*Wastewater Restrictions*) is amended to read:

§ 30-5-361 WASTEWATER RESTRICTIONS.

(A) Land application of treated wastewater effluent [~~Wastewater treatment by land application~~] is prohibited:

- (1) on a slope with a gradient of more than 15 percent;
- (2) in a critical water quality zone;
- (3) in a 100-year floodplain;
- (4) on the trunk of [surveyed] trees required to be surveyed as prescribed in the Environmental Criteria Manual;
- (5) in the buffer zone established around a critical environmental feature under Section 30-5-281 (*Critical Environmental Features*); or
- (6) during wet weather conditions.

- (B) A lot in the Edwards Aquifer recharge zone with private on-site sewage facilities must demonstrate compliance with City Code Chapter 15-5 (*Private Sewage Facilities*).

PART 50. City Code Section 30-5-364 (*Floodplain Modification*) is amended to read:

§ 30-5-364 FLOODPLAIN MODIFICATION.

- (A) Floodplain modification within a critical water quality zone is prohibited except as allowed under Section 30-5-261 (*Critical Water Quality Zone Development*).

~~(B) Floodplain modification outside a critical water quality zone is prohibited except as allowed in this section.~~

(B) [(C)] Floodplain modification outside a critical water quality zone is allowed only if the modification proposed:

- (1) is necessary to protect ~~[the]~~ public health and safety by addressing an existing threat, as determined by the director of the Watershed Protection Department;
- (2) would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual;
- (3) is located within a floodplain area classified as in fair or poor condition, as determined by a functional assessment of floodplain health, prescribed by the Environmental Criteria Manual; or
- (4) is necessary for development allowed under Section 30-5-261 (*Critical Water Quality Development*) or 30-5-262 (*Critical Water Quality Zone Street Crossings*).

(C) [(D)] All floodplain ~~[Floodplain]~~ modifications must:

- (1) be designed to accommodate existing and fully-vegetated conditions;

- (2) encourage sound engineering and ecological practices, prevent and reduce degradation of water quality, and encourage the stability and integrity of floodplains and waterways, as prescribed in the floodplain modification criteria in the Environmental Criteria Manual;
 - (3) restore floodplain health, or provide mitigation if restoration is infeasible, to support natural functions and processes as prescribed in the floodplain modification criteria in the Environmental Criteria Manual; and
 - (4) comply with the requirements of Chapter 30-4 (Drainage), the Drainage Criteria Manual, and the Environmental Criteria Manual.
- (D) ~~(E)~~ If mitigation is required under this Section, it may be satisfied by:
- (1) paying into the Riparian Zone Mitigation Fund a nonrefundable amount established by ordinance;
 - (2) transferring in fee simple or placing restrictions on mitigation land approved by the Watershed Protection Department director and meeting the following conditions:
 - (a) located within the same watershed classification;
 - (b) in accordance with the procedures in Section 25-8-26 (*Redevelopment in the Barton Springs Zone*), Subsection (H) (3);
 - (c) dedicated to or restricted for the benefit of the City or another entity approved by the Watershed Protection Department director and which the City or other approved entity accepts; or
 - (3) a combination of the mitigation methods described in Subparagraphs (1) and (2), if approved by the Watershed Protection Department director.

PART 51. City Code Section 30-5-453 (*Uplands Zone*) is amended to read:

§ 30-5-453 UPLANDS ZONE.

- (A) This section applies to development in an uplands zone. Density and impervious cover limits are based on net site area.
- (B) For a duplex or single family residential use, density may not exceed:
 - (1) one unit for each two acres, with a minimum lot size of three-quarters acre; or
 - (2) if development intensity is transferred under Section 30-5-454 (*Transfer Of Development Intensity*), one unit for each acre, with a minimum lot size of one-half acre.
- (C) This Subsection applies to cluster housing.
 - (1) density may not exceed:
 - (a) one unit for each acre; or
 - (b) if development intensity is transferred under Section 30-5-454 (*Transfer Of Development Intensity*), two units for each acre.
 - (2) At least 40 percent of the uplands area of a site must be retained in or restored to its natural state to serve as a buffer. The buffer must be contiguous to the development, and must receive overland drainage from the developed areas of the site unless a water quality control is provided. Use of the buffer is limited to fences, water quality controls that comply with Subdivision 30-5-213(C)(3) (*Water Quality Control Standards*), utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction. A wastewater disposal area may not be located in the buffer.
- (D) This subsection applies to a commercial, residential multifamily use or mixed use.
 - (1) Impervious cover may not exceed:
 - (a) 20 percent; or

(b) if development intensity is transferred under Section 30-5-454 (*Transfer Of Development Intensity*), 25 percent.

- (2) At least 40 percent of the uplands area of a site must be retained in or restored to its natural state to serve as a buffer. The buffer must be contiguous to the development, and must receive overland drainage from the developed areas of the site unless a water quality control is provided. Use of the buffer is limited to fences, water quality controls that comply with Subdivision 30-5-213(C)(3) (*Water Quality Control Standards*), utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction. A wastewater disposal area may not be located in the buffer.

PART 52. Subsection (A) of City Code Section 30-5-514 (*Pollution Prevention Required*) is amended to read:

- (A) In the watersheds contributing to Barton Springs, no development nor any revision, extension, or amendment thereof, may be approved unless it is designed, carried out, and maintained on a site-by-site basis to meet the pollution prevention requirements set forth below for the life of the project. In order to prevent pollution, impervious cover for all such development shall be limited to a maximum of 15 percent in the entire recharge zone, 20 percent of the contributing zone within the Barton Creek watershed, and 25 percent in the remainder of the contributing zone. The impervious cover limits shall be calculated on a net site area basis. In addition, runoff from such development shall be managed through water quality controls and onsite pollution prevention and assimilation techniques so that no increases occur in the respective average annual loadings of total suspended solids, total phosphorus, total nitrogen, chemical oxygen demand, total lead, cadmium, E. coli., [~~fecal streptococci~~], volatile organic compounds, [~~total organic carbon~~], pesticides, and herbicides from the site. For a given project, impervious cover shall be reduced if needed to assure compliance with these pollutant load restrictions.

PART 53. Subsection (D) of City Code Section 30-5-516 (*Application to Existing Tracts, Platted Lots, and Public Schools*) is amended to read:

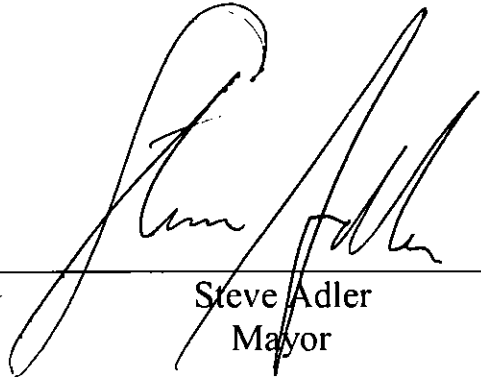
- (D) This article does not apply to a roadway improvement [~~project~~] with less than 8,000 square feet of new impervious cover. For the purposes of this Section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.

PART 54. Parts 1 through 32 of this ordinance take effect on June 26, 2017. Parts 33 through 53 of this ordinance take effect on the effective date of a Travis County ordinance enacting the same or substantially similar provisions.

PASSED AND APPROVED


_____, June 15, 2017

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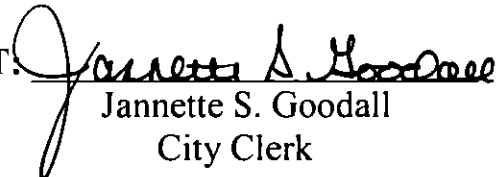
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk