

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-9 (WATER AND WASTEWATER) RELATING TO ESTABLISHING NEW REQUIREMENTS FOR WATER CONSERVATION IN THE IMPLEMENTATION OF THE WATER FORWARD PLAN, INCLUDING EXPANSION OF THE RECLAIMED WATER CONNECTION REQUIREMENT, WATER BENCHMARKING, AND MANDATORY ONSITE WATER REUSE FOR CERTAIN NEW DEVELOPMENT.

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

PART 1. City Code Chapter 25-9 (*Water and Wastewater*) is amended to add a new Section 25-9-410 to read:

25-9-410 Definitions.

In this article:

- (1) DIRECTOR means the director of Austin Water.
- (2) LARGE DEVELOPMENT PROJECT means the construction of one or more multi-family, mixed use, or commercial buildings on one or more parcels in accordance with a phased plan or approved site plan, with a total gross floor area for the building(s) of 250,000 square feet or more.
- (3) ONSITE WATER REUSE SYSTEM means a system that collects, treats, and uses alternative water sources for non-potable uses at the building to district or neighborhood scale, generally at a location near the point of generation.
- (4) SMALL DEVELOPMENT PROJECT means the construction of one or more multi-family, mixed use, or commercial buildings on one or more parcels in accordance with a phased plan or approved site plan, with a total gross floor area for the building(s) of less than 250,000 square feet.

- 1 (5) WATER BENCHMARKING APPLICATION means the form approved
2 by the director that provides information on a proposed development
3 project's anticipated water usage by source, and that provides a water
4 balance calculation for the project.

5 **PART 2.** City Code Chapter 25-9 (*Water and Wastewater*) is amended to add a
6 new Section 25-9-411 to read:

7 **25-9-411 Reclaimed Water Connection Requirements.**

- 8 (A) A small development project located within 250 feet of a reclaimed water
9 line shall connect to a reclaimed water line and use reclaimed water for
10 irrigation, cooling, toilet flushing, and other significant non-potable water
11 uses identified in the water balance calculator.
- 12 (B) A large development project located within 500 feet of a reclaimed water
13 line shall connect to a reclaimed water line and use reclaimed water for
14 irrigation, cooling, toilet flushing and other significant non-potable water
15 uses identified in the water balance calculator.
- 16 (C) The director may grant a variance for the requirements of this section for:
- 17 (1) small development projects if site conditions are such that compliance
18 would represent a significant financial hardship or health risk to the
19 applicant or the public;
- 20 (2) large development projects if site conditions are such that compliance
21 would represent a health risk to the applicant or the public; or
- 22 (3) municipal uses associated with law enforcement or public
23 health and safety.

1 (D) The director shall grant a variance for the requirements of this section for a
2 large development with a multifamily component that is more than 250 feet
3 from and within 500 feet of a reclaimed water line until December 1, 2023.
4

5 **PART 3.** City Code Chapter 25-9 (*Water and Wastewater*) is amended to add a
6 new Section 25-9-412 to read:

7 **25-9-412 Development Project Requirements.**

8 (A) Water Benchmarking Application.

9 (1) Applicability. This subsection applies to a small or large development
10 project for which a site plan application is submitted under Chapter
11 25-5 (*Site Plans*).

12 (2) Director's Review and Approval.

13 (a) A site plan application must include a completed water
14 benchmarking application.

15 (b) Approval of the water benchmarking application by the director
16 is required as a condition of site plan approval.

17 (B) Director Consultation Required. In addition to the requirements in
18 Subsection (A), an applicant requesting approval of a large development
19 project must meet with the director prior to site plan release to discuss water
20 efficiency code requirements, water use benchmarking data, and incentives
21 and rebates for alternative water use.

22 **PART 4.** City Code Chapter 25-9 (*Water and Wastewater*) is amended to add a
23 new Section 25-9-413 to read:

25-9-413 Onsite Water Reuse System Requirement.

An onsite water reuse system is required for a large development project for which a site plan application is submitted under Chapter 25-5 (*Site Plans*).

PART 5. City Code Chapter 25-9 (*Water and Wastewater*) is amended to add a new Article 5 (*Additional Water Conservation Requirements*) that includes Section 25-9-410 (*Definitions*), Section 25-9-411 (*Reclaimed Water Connection Requirements*), Section 25-9-412 (*Development Project Requirements*), and Section 25-9-413 (*Onsite Water Reuse System Requirement*) to read as follows:

ARTICLE 5. ADDITIONAL WATER CONSERVATION REQUIREMENTS.

PART 6. Subsection (E) of City Code Section 6-4-11 (*General Regulations*) is repealed and the remaining subsections in this section are renumbered accordingly.

PART 7. Subsection (F) of City Code Section 6-4-30 (*Variance*) is repealed and the remaining subsections in this section are renumbered accordingly.

PART 8. On or before September 28, 2023, the City Manager shall provide a report and possible actions for council consideration concerning the impact of the requirements for an Onsite Water Reuse System and the expansion of the current Reclaimed Water Connection mandate on housing affordability.

PART 9. Parts 1, 2, 3, 5, 6, 7, and 8 of this ordinance take effect on December 1, 2021. Parts 2, 4, 6 and 7 of this ordinance takes effect on December 1, 2023.

Formatted: Left, Right: 0", Space After: 0 pt, Line spacing: single

PASSED AND APPROVED

_____, 2021 § _____
§ _____
§ _____

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

DRAFT