

CHAPTER 25-1 GENERAL REQUIREMENTS AND PROCEDURES
ARTICLE 2. DEFINITIONS; MEASUREMENTS

§ 25-1-23 IMPERVIOUS COVER MEASUREMENT.

(A) Except as otherwise provided in this section, impervious cover means the total area of any surface that prevents the infiltration of water into the ground, such as roads, parking areas, concrete, and buildings [~~is the total horizontal area of covered spaces, paved areas, walkways, and driveways~~].

(B) Impervious cover shall be calculated in accordance with the Environmental Criteria Manual and Section 25-8-63 (Impervious Cover Calculations). [~~excludes~~

- ~~_____ (1) pools;~~
- ~~_____ (2) ponds;~~
- ~~_____ (3) fountains;~~
- ~~_____ (4) areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians; and~~
- ~~_____ (5) a subsurface portion of a parking structure if the director determines that:~~
 - ~~_____ (a) the subsurface portion of the structure:~~
 - ~~_____ (i) is located within the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), but outside the Barton Springs Zone;~~
 - ~~_____ (ii) is below the grade of the land that existed before the 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 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.~~

~~_____ (C) For an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, 50 percent of the horizontal area of the deck is included in the measurement of impervious cover.~~

~~_____ (D) The measurement of impervious cover to determine compliance with Chapter 25-8, Subchapter A (Water Quality) is prescribed by Chapter 25-8, Subchapter A, Article 1, Division 4 (Impervious Cover Determinations).]~~

CHAPTER 25-2 ZONING
SUBCHAPTER B. ZONING PROCEDURES
ARTICLE 2. SPECIAL REQUIREMENTS FOR CERTAIN DISTRICTS

Division 5. Planned Unit Developments
Subpart B. Planned Unit Development Standards
§ 2.4. TIER TWO REQUIREMENTS.

This section contains criteria for determining the extent to which development proposed for a PUD district would be superior to that which would occur under conventional zoning and subdivision regulations as required under Section 1.1 (*General Intent*). A proposed PUD need not address all criteria in this section to achieve superiority, and the council may consider any other criteria the council deems appropriate.

Open Space	Provides open space at least 10% above the requirements of Section 2.3.1.A. (<i>Minimum Requirements</i>). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.
Environment/ <u>Drainage</u>	[Does not request exceptions to or modifications of environmental regulations.] <u>Complies with current code instead of asserting entitlement to follow older code provisions by application of law or agreement.</u>
	Provides water quality controls superior to those otherwise required by code.
	Uses [innovative] <u>green</u> water quality controls as described in the <u>Environmental Criteria Manual</u> to [that] treat at least <u>50</u> [25] percent of the additional water quality volume and provide <u>20</u> percent greater pollutant removal, in addition to the minimum water quality volume required by code.
	Provides water quality treatment for currently untreated, <u>developed</u> [undeveloped] off-site areas of at least 10 acres in size. [with a drainage area of at least 25 percent of the subject tract.]
	Reduces impervious cover [or single family density] by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.
	Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of <u>32</u> [five] acres [or greater] .
	Provides volumetric flood detention as described in the Drainage

	<p><u>Criteria Manual.</u></p> <p><u>Provides drainage upgrades to off-site drainage infrastructure that does not meet current criteria in the Drainage or Environmental Criteria Manuals, such as storm drains and culverts that provide a public benefit.</u></p> <p><u>Proposes no modifications to the existing 100-year floodplain</u></p> <p><u>Uses natural channel design techniques as described in the Drainage Criteria Manual.</u></p> <p><u>Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas.</u></p>
	<p><u>Removes existing impervious cover from the Critical Water Quality Zone.</u></p>
	<p><u>Preserves all heritage trees; preserves 75% of the caliper inches associated with native protected size trees; and preserves 75% of all of the native caliper inches.</u></p>
	<p><u>Tree plantings using seed stock native to Central Texas and with adequate soil volume.</u></p>
Environment/Drainage (Cont.)	<p>Provides at least a 50 percent increase in the minimum waterway <u>and/or [and]</u> critical environmental feature setbacks required by code.</p> <p>Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.</p> <p><u>Provides porous pavement [pervious paving] for at least 20 [50] percent or more of all paved areas for non-pedestrian use in non-aquifer recharge areas.</u></p> <p><u>Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian use.</u></p> <p><u>Provides rainwater harvesting for landscaping irrigation to serve not less than 50% of the landscaped area.</u></p> <p><u>Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.</u></p>

WPO: Various Title 25 sections
 June 11, 2013 DRAFT
 Language changes since April 11, 2013 draft in yellow

	Employs other creative or innovative measures <u>to provide environmental protection.</u>
Austin Green Builder Program	Provides a rating under the Austin Green Builder Program of three stars or above.
Art	Provides art approved by the Art in Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art in Public Places Program or a successor program.
Great Streets	Complies with City's Great Streets Program, or a successor program. Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>).
Community Amenities	Provides community or public amenities, which may include spaces for community meetings, <u>community gardens or urban farms</u> , day care facilities, non-profit organizations, or other uses that fulfill an identified community need.
	<u>Provides publicly accessible multi-use trail and greenway along creek or waterway.</u>
Transportation	Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.
Building Design	Exceeds the minimum points required by the Building Design Options of Section 3.3.2. of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>).
Parking Structure Frontage	In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) in ground floor spaces.
Affordable Housing	Provides for affordable housing or participation in programs to achieve affordable housing.
Historic Preservation	Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.
Accessibility	Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.
Local Small Business	Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is

	within the Austin metropolitan statistical area.
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CHAPTER 25-2 ZONING
SUBCHAPTER C. USE AND DEVELOPMENT REGULATIONS
ARTICLE 9. LANDSCAPING

Division 1. General Provisions

§ 25-2-982 CONFLICTS WITH OTHER PROVISIONS.

(A) Except as provided by Subsection (B), if this article conflicts with other provisions of this title, this article prevails.

(B) If this article conflicts with a provision of Chapter 25-6 (*Transportation*), Chapter 25-7 (*Drainage*), Chapter 25-8 (*Environment*), or another provision of this chapter, those provisions prevail.

CHAPTER 25-2 ZONING
SUBCHAPTER C. USE AND DEVELOPMENT REGULATIONS
ARTICLE 10 COMPATIBIITY STANDARDS

Division 1. General Provisions

§ 25-2-1052 EXCEPTIONS.

Subsection (D)

(D) This article does not apply to a passive use, including a park and hike and bike trail, in the 100 year flood plain if:

- (1) the requirements of Chapter 25-8 (*Environment*) are met; and
- (2) The use is within an easement dedicated to the City [~~a license agreement to place the use in a dedicated drainage easement is obtained~~], if applicable.

CHAPTER 25-2 ZONING
SUBCHAPTER C. USE AND DEVELOPMENT REGULATIONS
ARTICLE 10 COMPATIBIITY STANDARDS

Division 2. Development Standards.

§ 25-2-1062 HEIGHT LIMITATIONS AND SETBACKS FOR SMALL SITES.

Subsection (A) and (B)

(A) This section applies to a site that has:

- (1) an area that does not exceed 20,000 square feet; and
- (2) a street frontage that does not exceed 100 feet.

(B) In this section, the term “structure” excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. If a site has a street frontage of 50 feet or less, a person may not construct a structure 15 feet or less from property:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

§ 25-2-1063 HEIGHT LIMITATIONS AND SETBACKS FOR LARGE SITES.

Subsections A and B

(A) This section applies to a site that has:

- (1) an area that exceeds 20,000 square feet; or
- (2) a street frontage that exceeds 100 feet.

(B) In this section, the term “structure” excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

§ 25-2-1067 DESIGN REGULATIONS.

subsection F

(F) An intensive recreational use, excluding a multi-use trail and including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property:

- (1) in an SF-5 or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

Chapter 25-2, Subchapter E, Article 2 (Site Development Standards) Section 2.3 Connectivity, subsection 2.3.1 B. 5.Sidewalk Credit.

CHAPTER 25-2 ZONING

SUBCHAPTER E. DESIGN STANDARDS AND MIXED USE

ARTICLE 2. SITE DEVELOPMENT STANDARDS

§ 2.3.1. Internal Circulation Systems for Large Sites.

Subsection B. 5.

B. **Standards.** Any site for that is subject to this Section 2.3.1. must comply with the following:

~~[5. **Sidewalk Credit.** Sidewalks and curbs alongside Internal Circulation Routes and adjacent public roadways may result in an exceedance of up to five percent above the watershed impervious cover limits. These sidewalk and curb areas:~~

- ~~_____ a. May not exceed 15 feet in width; and~~
- ~~_____ b. Shall be constructed of porous concrete or other surfaces as approved by the Director.~~

~~_____ This provision applies only to sites outside the Barton Springs Zone and that are five acres or larger. Impervious cover resulting from this exceedance must be treated to meet current water quality and drainage standards.]~~

CHAPTER 25-4. SUBDIVISION.

ARTICLE 3. PLATTING REQUIREMENTS.

Division 1. Property Markers, Easements, and Alleys.

§ 25-4-132 EASEMENTS AND ALLEYS.

(A) Easements for public utilities and drainage ways shall be retained in all subdivisions in the widths and locations determined necessary by the director. All easements shall be dedicated to public use for the named purpose and shall be aligned to minimize construction and future maintenance costs [eost].

(B) Off-street loading and unloading facilities shall be provided on all commercial and industrial lots, except in the area described in Subsection (C). The subdivider shall note this requirement on a preliminary plan and a plat.

(C) An alley at least 20 feet wide is required to serve a commercial or industrial lot in the area bounded by Town Lake, IH-35, Martin Luther King, Jr. Boulevard, and Lamar Boulevard. The Land Use Commission may waive this requirement.

**CHAPTER 25-8 ENVIRONMENT
SUBCHAPTER B. TREE AND NATURAL AREA PROTECTION;
ENDANGERED SPECIES**

ARTICLE 1. TREE AND NATURAL AREA PROTECTION

Division 4. Shoreline Relocation; Lake Fill

§ 25-8-652 FILLS AT LAKE AUSTIN, LADY BIRD [TOWN] LAKE, AND DECKER LAKE.

(A) Approval by the Parks and Recreation Board is required to place fill in Lake Austin, Lady Bird [Town] Lake, or Lake Walter E. Long.

(B) A person must file a written application with the Parks and Recreation Board for an approval under this section.

(C) This section applies to a development application that includes a proposal to:

(1) modify the shoreline of Lake Austin, Lady Bird Lake, or Lake Walter E. Long; or

(2) dredge in or along that lake.

(D) Before the director may approve the site plan, the director must submit the site plan to the Parks and Recreation Board.

(E) The board shall review and comment on:

(1) the navigational safety of the proposed development; and

(2) the effect of the development on the recreational and natural character of the lake.

(F) The board may develop specific criteria for determining:

(1) the navigational safety of a proposed development; or

(2) the effect of a proposed development on the recreational and natural character of Lake Austin, Lady Bird Lake, or Lake Walter E. Long.

**CHAPTER 25-8 ENVIRONMENT
SUBCHAPTER B. TREE AND NATURAL AREA PROTECTION;
ENDANGERED SPECIES**

ARTICLE 2. ENDANGERED SPECIES

§ 25-8-691 APPLICABILITY.

(A) Except as provided in Subsection (B), this article applies to development in the areas of the planning jurisdiction described in Sections 25-8-693 (*Birds and Plants*), ~~and~~ 25-8-694 (Cave Species), and 25-8-695 (*Salamander Species*).

(B) This article does not apply to development of:

- (1) a subdivision for which a preliminary plan or final plat was approved before August 27, 1989;
- (2) a site for which a site plan or site development permit was approved before August 27, 1989; or
- (3) a tract of land containing not more than ten acres, if the tract:
 - (a) is legally platted; or
 - (b) existed in its current configuration when it became subject to City subdivision regulations.

§ 25-8-693 BIRDS AND PLANTS.

For an endangered bird or plant species, the requirements of Section 25-8-696 (*Notice*) ~~25-8-695 (*Habitat Survey*)~~ apply west of a line bounded by U. S. 183 North at the City's extraterritorial boundary limit, then southeast to Loop 1, then south along Loop 1 to U.S. 290 West, then west on U. S. 290 to R.M. 1826, and then south to the City's extraterritorial boundary limit.

§ 25-8-694 CAVE SPECIES.

For an endangered cave species, the requirements of Section 25-8-696 (*Notice*) ~~25-8-695 (*Habitat Survey*)~~ apply in the ~~[Northern and Barton Springs segments of the]~~ Edwards Aquifer Recharge Zone as defined by Section 25-8-2 (*Description of Regulated Areas*) ~~[illustrated in the following maps:~~

- (1) —— “Recharge Zones of the Edwards Aquifer Hydrologically Associated with Barton Springs in the Austin, Area, Texas,” D. L. Slagle, A. F. Ardis and R. M. Slade, Jr., published by U. S. G. S. and the City of Austin, U.S.G.S. Water Resources Investigations Rept. 86-4062, 1986; and
- (2) —— “Recharge Zone of the Northern Edwards Aquifer near Austin, Texas,” L. DeLa Garza and D. L. Slade, published by the City of Austin Department of Environmental and Conservation Services, 1988.]

§ 25-8-695 SALAMANDER SPECIES.

For 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.

[§ 25-8-695 HABITAT SURVEY.

- (A) —— An application for subdivision or site plan approval in an area described in Section 25-8-693 (*Birds And Plants*) or 25-8-694 (*Cave Species*) must include a habitat survey for the described endangered species in accordance with the Environmental Criteria Manual.
- (B) —— An endangered species habitat survey must include, as applicable:

- ~~_____ (1) information regarding suitable habitat, including migratory or winter habitat;~~
- ~~_____ (2) territorial mapping of nesting areas of endangered species of birds;~~
- ~~_____ (3) information regarding karst features for caves within which endangered species may live; and~~
- ~~_____ (4) information regarding endangered plant species.]~~

§ 25-8-696 NOTICE.

(A) On receipt of an application for subdivision or site plan approval in an area described in Section 25-8-693 (*Birds and Plants*), ~~[or]~~ 25-8-694 (*Cave Species*), or 25-8-695 (*Salamander Species*) the director shall give notice of the application ~~[under Section 25-1-133(A) (Notice Of Applications And Administrative Decisions)]~~ to the:

- ~~_____ (1) United States Fish and Wildlife Service;~~
- ~~_____ (2) Texas Parks and Wildlife Department - Natural Heritage Program;~~
- ~~_____ [(3) Land Use Commission;~~
- ~~_____ (4) Environmental Board;~~
- ~~_____ (5) City council;~~
- ~~_____ (6) Travis County Commissioners Court; and]~~
- (3) [(7)] Balcones Canyonland Conservation Plan Coordinating Committee

Secretary.

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