

Update, 5/23/17: In response to comments from the Codes and Ordinances Joint Committee, staff has withdrawn the proposed revisions to §25-8-25(C)(2) and §25-8-27(D)(4). The only updates from the 5/18/17 draft of this document are to those two subsections; an accompanying note is highlighted.

Comments and recommendations from the Codes and Ordinances Joint Committee are highlighted.

CHAPTER 25-1. - GENERAL REQUIREMENTS AND PROCEDURES.

§ 25-1-21 - DEFINITIONS.

Unless a different definition is expressly provided, in this title: [...]

(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. [...]

Renumber sections (5) through (133)

(2930) 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) agricultural activity that is not removal of vegetation or cultivating the soil for agricultural operations, unless prohibited by 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. [...]

Chapter 25-2, Subchapter B, Article 2, Division 5 – Planned Unit Developments.

§ 2.3. - TIER ONE REQUIREMENTS.

2.3.1. Minimum Requirements.

All PUDs must: [...]

D. comply with the City's Planned Unit Development Green Building Program provide a two-star Austin Energy Green Building Rating; [...]

§ 2.4. - TIER TWO REQUIREMENTS.

Austin Energy Green
Buildinger Program

Provides an rating under the Austin Energy Green Buildinger Program
Rating of three stars or above.

CHAPTER 25-7. - DRAINAGE.**§ 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) 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.

CHAPTER 25-8. - ENVIRONMENT.**§ 25-8-1 - DEFINITIONS.**

In this subchapter: [...]

(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. [...]

Renumber sections (10) through (16)

The Joint Committee expressed concern that the phrase "cross section" could be interpreted to mean a floodplain model hydraulic cross section.

§ 25-8-2 - DESCRIPTIONS OF REGULATED AREAS.

[...]

- (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 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. [...]

§ 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) 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;

Staff originally recommended revisions to this subsection, but the Joint Committee found that the proposed language was confusing. After further review, staff withdraws the proposed amendments and recommends leaving the existing code language in place.

- (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.

(DE) 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).

§ 25-8-26 - REDEVELOPMENT EXCEPTION IN THE BARTON SPRINGS ZONE.

[...]

(E) The requirements of this subchapter do not apply to the redevelopment of property if the redevelopment meets all of the following conditions: [...]

- (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). [...]

(G) City Council shall consider the following factors in determining whether to approve a proposed redevelopment: [...]

- (4) compatibility with the City's long-range planning goalscomprehensive plan. [...]

§ 25-8-27 - REDEVELOPMENT EXCEPTION IN THE WATER SUPPLY RURAL AND WATER SUPPLY SUBURBAN WATERSHEDS.

[...]

(D) The requirements of this subchapter do not apply to the redevelopment of property if the redevelopment meets all of the following conditions: [...]

- (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.

Staff originally recommended revisions to this subsection, but the Joint Committee found that the proposed language was confusing. After further review, staff withdraws the proposed amendments and recommends leaving the existing code language in place.

- (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: [...]
- (4) compatibility with the City's ~~long-range planning goals~~ comprehensive plan. [...]
- (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 required treatment area~~ 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. [...]

§ 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 ~~or the safety of property given available to owners of other similarly situated property with approximately contemporaneous development subject to similar code requirements~~;

The Joint Committee expressed concern that "similar code requirements" is too broad and recommended that the language be revised to "substantially similar" or "the same".

- (2) the variance:
 - (a) is not ~~based on a condition caused necessitated~~ 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 proposed development method provides greater overall environmental protection than is achievable without the variance;
 - (b) is the minimum change deviation from the code requirement 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 ~~change-deviation from the code requirement~~ 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.

§ 25-8-42 - ADMINISTRATIVE VARIANCES.

[...]

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

~~(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; [...]~~

Renumber sections (7) through (9)

The Joint Committee asked staff to calculate the potential fiscal impact of eliminating the administrative variance fee for this requirement, and whether the base application fee should be increased to reflect the additional review time.

§ 25-8-63 - IMPERVIOUS COVER CALCULATIONS.

[...]

- (C) Impervious cover calculations exclude: [...]

(6) ~~the water surface area of ground level ponds, pools, and fountains, and ponds; [...]~~

§ 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 ~~commercial site development, including a roadway project, roadway improvement which will not exceed 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.

§ 25-8-92 - 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 25-8-91 (Waterway Classifications). [...]
- (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). [...]

(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 (F)(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) 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) 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) 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.~~

§ 25-8-121 - ENVIRONMENTAL RESOURCE INVENTORY REQUIREMENT.

- (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. [...]

§ 25-8-211 - WATER QUALITY CONTROL REQUIREMENT.

[...]

- (E) The water quality control requirements in this division do not require water quality controls for a roadway project improvement 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.

§ 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.

[...]

- (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)~~ designed in accordance with the Environmental Criteria Manual; and
 - ~~(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)~~ 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.
- [...]
- (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; ~~and~~
 - (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; [...]

Renumber sections (2) through (4)

- (F) In-channel ~~Detention~~ basins and wet ponds are ~~prohibited~~ allowed in the critical water quality zone 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 ~~protect the~~ address an existing threat to public health and safety, as determined by the director of the Watershed Protection Department; [...]
 - (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)~~ located outside the 100 year floodplain; and
 - ~~(5)~~ located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
 - (I) Development associated with 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.~~

§ 25-8-262 - CRITICAL WATER QUALITY ZONE STREET CROSSINGS.

[...]

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

[...]

- (3) A minor waterway critical water quality zone may be crossed by an arterial ~~and or~~ collector streets, except:
 - (a) a collector street crossing must be at least ~~1,000~~ 900 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. [...]

§ 25-8-321 - CLEARING OF VEGETATION.

[...]

- (B) Clearing of vegetation ~~on land used~~ for agricultural ~~purposes~~ operations 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. [...]

§ 25-8-341 - CUT REQUIREMENTS.

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

[...]

- (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 the cut is the minimum necessary for the appropriate functioning of the facility; [...]

Renumber (4) and (5)

§ 25-8-342 - FILL REQUIREMENTS.

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

[...]

- (4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if the fill is the minimum necessary for the appropriate functioning of the facility; [...]

Renumber (4) and (5)

§ 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) ~~Wastewater treatment by land application~~ Land application of treated wastewater effluent 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.

§ 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.~~

- (BC) Floodplain modification outside a critical water quality zone is allowed only if the modification proposed:

- (1) is necessary to ~~protect the~~ address an existing threat to public health and safety, 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).

- ~~(CD)~~ All 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. [...]

Reletter section (E)

§ 25-8-453 - UPLANDS ZONE.

[...]

- (C) This subsection applies to cluster housing. [...]

- (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 Subsection 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. [...]

- (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 Subsection 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.

ARTICLE 13. - SAVE OUR SPRINGS INITIATIVE.

§ 25-8-514 - POLLUTION PREVENTION REQUIRED.

- (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. [...]

§ 25-8-516 - APPLICATION TO EXISTING TRACTS, PLATTED LOTS, AND PUBLIC SCHOOLS.

[...]

- (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.

§ 25-8-606 - REPORTS.

The city arborist shall ~~annually report~~ annually to the Environmental ~~Board~~Commission ~~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.

§ 25-8-643 - LAND USE COMMISSION VARIANCE.

[...]

- (C) Consideration of a variance under this section requires:

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

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

§ 25-8-644 - APPEAL.

[...]

- (B) An appeal under this section requires:

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

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

§ 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;
- (98) a species included in the Balcones Canyonland Conservation Plan; or
- (109) a species classified as threatened or endangered by the United States Fish and Wildlife Service.

§ 25-8-695 - SALAMANDER SPECIES.

For an threatened or 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.

§ 25-8-696 - NOTICE.

- (A) On receipt-submission 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 director-applicant 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.

CHAPTER 30-1. - GENERAL PROVISIONS AND PROCEDURES.

§ 30-1-21 - DEFINITIONS.

Unless a different definition is expressly provided, in this title: [...]

- (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. [...]

Renumber sections (1) through (20)

- (2122) 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) agricultural activity that is not removal of vegetation or cultivating the soil for agricultural operations, unless prohibited by 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. [...]

Renumber sections (22) through (88)

CHAPTER 30-4. - DRAINAGE.

§ 30-4-32 - SINGLE OFFICE AUTHORIZED TO REQUIRE EROSION HAZARD ZONE ANALYSIS.

- (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) located where significant erosion is present. [...]

CHAPTER 30-5. - ENVIRONMENT.

§ 30-5-1 - DEFINITIONS.

In this subchapter: [...]

- (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. [...]

Renumber sections (10) through (16)

The Joint Committee expressed concern that the phrase "cross section" could be interpreted to mean a floodplain model hydraulic cross section.

§ 30-5-2 - DESCRIPTIONS OF REGULATED AREAS.

[...]

- (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 boundary, the Watershed Protection Department may require that an applicant provide a certified report from a geologist or hydrologist verifying the boundary location. [...]

§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 or the safety of property given available to owners of other similarly situated property with approximately contemporaneous development subject to similar code requirements;

The Joint Committee expressed concern that "similar code requirements" is too broad and recommended that the language be revised to "substantially similar" or "the same".

- (2) the variance:
- (a) is not based on a condition caused/necessitated 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 proposed development ~~method~~ provides greater overall environmental protection than is achievable without the variance;
- (b) is the minimum change/deviation from the code requirement 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 change/deviation from the code requirement 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.

§ 30-5-42 - ADMINISTRATIVE VARIANCES.

[...]

(B) The Watershed Protection Department director may grant a variance from a requirement of: [...]

~~(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; [...]~~

Renumber sections (7) through (9)

The Joint Committee asked staff to calculate the potential fiscal impact of eliminating the administrative variance fee for this requirement, and whether the base application fee should be increased to reflect the additional review time.

§ 30-5-63 - IMPERVIOUS COVER CALCULATIONS.

[...]

(C) Impervious cover calculations exclude: [...]

(6) the water surface area of ground level ponds, pools, and fountains, and ponds; [...]

§ 30-5-65 - 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 ~~commercial site development, including a roadway project, roadway improvement that will not exceed 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.

§ 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). [...]

(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). [...]

(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.

(CF) 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 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.

~~(DE)~~ 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.

~~(ED)~~ 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.

~~(FE)~~ 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.~~

§ 30-5-121 - ENVIRONMENTAL RESOURCE INVENTORY REQUIREMENT.

(A) An applicant shall file an environmental resource inventory with the Watershed Protection Department 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. [...]

§ 30-5-211 - WATER QUALITY CONTROL REQUIREMENT.

[...]

- (E) The water quality control requirements in this division do not require water quality controls for a roadway ~~project-improvement~~ 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.

§ 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.

[...]

- (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, 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)~~ designed in accordance with the Environmental Criteria Manual; and
 - ~~(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)~~ 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.
- [...]
- (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; [...]
- Renumber sections (2) through (4)*
- (F) In-channel ~~D~~etention basins and wet ponds are ~~prohibited~~ allowed in the critical water quality zone ~~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 ~~protect the~~ address an existing threat to public health and safety, as determined by the Watershed Protection Department director; [...]
 - (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;
- ~~(42)~~ located outside the 100 year floodplain; and
- ~~(53)~~ located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (I) Development associated with 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.~~

§ 30-5-262 - CRITICAL WATER QUALITY ZONE STREET CROSSINGS.

[...]

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

[...]

- (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 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. [...]

§ 30-5-321 - CLEARING OF VEGETATION.

[...]

- (B) Clearing of vegetation ~~on land used~~ for agricultural ~~purposes operations~~ 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. [...]

§ 30-5-341 - CUT REQUIREMENTS.

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

[...]

- (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 the cut is the minimum necessary for the appropriate functioning of the facility; [...]
- (45) for utility construction or a wastewater drain field, if the area is restored to natural grade;
- ~~(5) for a wastewater drain field;~~

§ 30-5-342 - FILL REQUIREMENTS.

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

(4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if the fill is the minimum necessary for the appropriate functioning of the facility; [...]

Renumber sections (4) and (5)

§ 30-5-361 - WASTEWATER RESTRICTIONS.

- (A) ~~Wastewater treatment by land application~~ and application of treated wastewater effluent 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. [...]

§ 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~~ address an existing threat to public health and safety, as determined by the Watershed Protection Department director;
 - (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).

(~~CD~~) All 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. [...]

Reletter section (E)

§ 30-5-453 - UPLANDS ZONE.

[...]

(C) This Subsection applies to cluster housing. [...]

- (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 Subsection 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, multifamily residential use or mixed use. [...]

- (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 Subsection 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.

ARTICLE 13. - SAVE OUR SPRINGS INITIATIVE.

§ 30-5-514 - POLLUTION PREVENTION REQUIRED.

- (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. [...]

The Joint Committee asked whether fecal streptococci is regulated under the health code and why it was previously removed from §25-8-514.

§ 30-5-516 - APPLICATION TO EXISTING TRACTS, PLATTED LOTS, AND PUBLIC SCHOOLS.

[...]

- | (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.