

- 36 (B) The Zone Conversion Table is attached and incorporated as Exhibit B.
- 37 (C) If Exhibit A-2 conflicts with this ordinance or any attached exhibits to
- 38 this ordinance, then the ordinance and attached exhibits control.

39 **PART 3. Effect of Code Adoption.**

- 40 (A) Except provided in Subsections (B) through (G), the Land
- 41 Development Code, codified as Title 23, replaces and supersedes in its
- 42 entirety the current Land Development Code, codified as Title 25.
- 43 (B) The regulations in Chapter 25-8, Subchapter A (*Water Quality*) are
- 44 renumbered and reformatted as appropriate in Chapter 23-4D (*Water*
- 45 *Quality*) to ensure consistency within City Code Title 23 but is a
- 46 continuation of the regulations and not a new enactment. Distinct
- 47 amendments to Chapter 25-8 Subchapter A are included within
- 48 Chapter 23-4D.
- 49 (C) The adoption of this ordinance does not affect or supersede the
- 50 following classes of ordinances, rights or obligations:
- 51 (1) Regulations adopted under Title 25 which remain applicable to
- 52 property under Section 23-3C-9090 (*Former Title 25 (F25)*
- 53 *Zone*);
- 54 (2) Regulations adopted under a predecessor Land Development
- 55 Code which are directly referenced in:
- 56 (a) Title 23;
- 57 (b) Title 30 (*Austin/Travis County Subdivision Regulations*);
- 58 (c) a conditional use permit or similar permit issued prior to the
- 59 effective date of this ordinance, provided that the permit
- 60 remains active; or
- 61 (d) an ordinance or regulating plan applicable to property under
- 62 Section 23-3C-9080 (*East Riverside Corridor (ERC) Zone*),
- 63 Section 23-3C-9100 (*North Burnet/Gateway (NBG) Zone*),
- 64 Section 23C-9130 (*Planned Unit Development (PUD)*
- 65 *Zone*) or Section 23-3C-9140 (*Transit Oriented*
- 66 *Development (TOD) Zone*).

- 67 (3) Regulations applicable to property under a development
68 agreement, settlement agreement, or public restrictive covenant.
- 69 (D) Title 25 shall continue to apply to the extent required by state law.
- 70 (E) A concept site plan will be reviewed under Title 25 if the concept site
71 plan was accepted for filing before the effective date of this ordinance
72 and has not expired.
- 73 (F) A development application will be reviewed under Title 25 if the
74 development application has not expired and:
- 75 (1) was accepted for filing before the effective date of this
76 ordinance; or
- 77 (2) is based on a concept site plan that was reviewed under Title
78 25.
- 79 (G) A development permit will be reviewed under Title 25 if the
80 development permit:
- 81 (1) the development permit was accepted for filing before the
82 effective date of this ordinance; and
- 83 (2) if the approved development permit has not expired.
- 84 (H) The administrative rules adopted under Title 25 shall continue to
85 apply:
- 86 (1) to the extent the rules are not in conflict with Title 23; and
87 (2) until administrative rules are adopted under Title 23.

88 **PART 4. Initial Adoption of Title 23 Administrative Rules.**

- 89 (A) The initial adoption of any administrative rule under Title 23 must
90 comply with the provisions in this section.
- 91 (B) Planning Commission approval is required.
- 92 (C) During its review of the initial administrative rules under Title 23, the
93 Planning Commission may:
- 94 (1) accept or deny the initial adoption; and

95 (2) make suggestions.

96 (D) Notwithstanding the timeline described in Section 1-2-9 (*Failure to*
97 *Adopt a Rule*), the initial proposed rule must be adopted on or before
98 the 90th day after the notice of proposed rule is posted by the City
99 Clerk.

100 (E) Subsequent amendment of the initial administrative rule is subject to
101 standard city rulemaking processes.

102 **PART 5. Codification.**

103
104 In codifying Title 23 and any subsequent amendments thereto, code sections,
105 subsections, and paragraphs may be renumbered and reformatted as appropriate to
106 ensure consistency within the Land Development Code and with the numbering
107 and formatting of the City Code.

108
109 **PART 6. Legislative Record.**

110
111 The legislative record for this ordinance includes, but is not limited to:

112
113 (A) All documentary and testimonial evidence provided or referenced in
114 connection with the public hearings and deliberations conducted by
115 the Planning Commission and the City Council, as identified in Part 1
116 of this ordinance; and

117 (B) Exhibit C to this ordinance.

118

119
120
121
122
123
124
125
126
127
128
129
130
131
132

PART 7. This ordinance take effect on _____, 2020.

PASSED AND APPROVED

_____, 2020 § _____
§ _____

Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk

EXHIBIT A-1

CITY OF AUSTIN LAND DEVELOPMENT CODE

**Adopted by the City Council on _____,
2020 by Ordinance No. 2020_____-__**

EXHIBIT A-2

ZONING MAP REFLECTING TITLE 23

EXHIBIT B

ZONE CONVERSION TABLE

EXHIBIT C

BIBLIOGRAPHY OF BEST AVAILABLE SCIENCE AND PLANNING STUDIES

Bibliography of Best Available Science and Land Use Planning Studies

- Alexander, R.B., and E.W. Boyer, R.A. Smith, G.A. Schwarz, R.B. Moore. 2007. The Role of Headwater Streams in Downstream Water Quality. *Journal of the American Water Resources Association* 43(1).
- Arnold, C. L. and C. J. Gibbons. 1996. Impervious surface coverage: the emergence of a key environmental indicator. *Journal of the American Planning Association* 62:243-258.
- Booth, D., and L. Reinelt. 1993. Consequences of urbanization on aquatic systems: measured effects, degradation thresholds, and corrective strategies. Pages 545-550 *in* Proceedings, Watershed '93, A National Conference on Watershed Management. March 21-24, 1993. Alexandria, Virginia.
- Castelle, A. J., A. W. Johnson, and C. Conolly. 1994. Wetland and stream buffer size requirements - a review. *Journal of Environmental Quality* 23:878-882.
- CWP (Center for Watershed Protection). 2003. Impacts of urbanization on downstream receiving waters, section 2: Is impervious cover still important? Center for Watershed Protection Runoff Rundown Issue 9.
- DeGasperi, C.L., and H.B. Berge, K.R. Whiting, J.J. Burkey, J.L. Cassin, R.R. Fuerstenberg. 2009. Linking hydrologic alteration to biological impairment in urbanizing streams of the Puget lowland, Washington, USA. *Journal of the American Water Resources Association* 45(2):512-533.
- Dwyer, J.F., and E.G. McPherson, H.W. Schroeder, R.A. Rowntree. 1992. Assessing the benefits and costs of the urban forest. *Journal of Arboculture* 18(5): 227-234.
- Environmental Protection Agency (EPA). 1999. Preliminary data summary of urban storm water best management practices. EPA-821-R-99-012.
- Environmental Protection Agency (EPA). 2002. 8 Tools of Watershed Protection in Developing Areas.
- Hauwert, N. M., D. A. Johns, J. W. Sansom, and T. J. Aley. 2002. Groundwater tracing of the Barton Springs Segment of the Edwards Aquifer, Travis and Hays Counties, Texas. *Gulf Coast Association of Geological Society Transactions*. 52:377-384
- Herrington, C., and M. Scoggins. 2006. Potential Impacts of Hays County WCID No. 1 Proposed Wastewater Discharge on the Algae Communities of Bear Creek and Barton Springs. City of Austin Watershed Protection and Development Review Department, Water Resource Evaluation Section. SR-06-08.

- Horner, R.R., and D.B. Booth, A. Azous, C.W. May. 1996. Watershed determinants of ecosystem functioning. *In: Effects of watershed development and management on aquatic ecosystems. Proceedings of an Engineering Foundation Conference. ASCE, NY.*
- Jennings, D.B., and S.T. Jarnigan. 2002. Changes in anthropogenic impervious surfaces, precipitation and daily streamflow discharge: a historical perspective in a mid-Atlantic subwatershed. *Landscape Ecology* 17:471-489.
- Kennen, J.G., and M.A. Ayers. 2002. Relation of environmental characteristics to the composition of aquatic assemblages along a gradient of urban land use in New Jersey, 1996-1998. United States Geological Survey, Water Resources Investigations Report 02-4069.
- Klein, R.D. 1979. Urbanization and Stream Quality Impairment. *Water Resources Bulletin* 15:948-963.
- Leopold, L.B. 1968. The Hydrologic Effects of Urban Land Use: Hydrology for Urban Land Planning – A Guidebook of the Hydrologic Effects of Urban Land Use. USGS Circular 554.
- Mabe, J.A. 2007. Nutrient and biological conditions of selected small streams in the Edwards Plateau, Central Texas, 2005–06, and implications for development of nutrient criteria. U.S. Geological Survey Scientific Investigations Report 2007–5195.
- May, C.W., and R.R. Horner, J.R. Karr, B.W. Mar, E.B. Welch. 2000. Effects of urbanization on small streams in Puget Sound Ecoregion. *in The Practice of Watershed Protection: Article 18. Center for Watershed Protection.*
- Morisawa, M., and E. Laflure. 1979. Hydraulic geometry, stream equilibrium and urbanization. *In: Rhodes, D.D., Williams, G.P. (Eds.), Adjustments of the Fluvial System. Kendall-Hunt, Dubuque, Iowa, pp. 333–350.*
- Nelson, N., and J. Dorfman, L. Fowler. 2002. The Potential For Community Forests to Be Self-Financing: An Hedonic Analysis of The Enhancement Value of Georgia’s Trees. University of Georgia: Department of Agricultural and Applied Economics.
- Olivera, F., and B.B. McFee. 2007. Urbanization and its effect on runoff in the Whiteoak Bayou Watershed, Texas. *Journal of the American Water Resources Association* 43(1): 170-182.
- Opticos, Land Development Code Diagnosis. May 5, 2014.
- Pennington, S. R., M. D. Kaplowitz, and S. G. Witter. 2003. Reexamining best management practices for improving water quality in urban watersheds. *Journal of the American Water Resources Association* 39: 1027-1041.

- Roy, A.H., and A.D. Rosemond, M.J. Paul, D.S. Leigh, J.B. Wallace. 2003. Stream macroinvertebrate response to catchment urbanization (Georgia, USA). *Freshwater Biology* 48: 329-346.
- Scoggins, M. 2000. Effects of Hydrology on Bioassessment in Austin, Texas. City of Austin Environmental Resource Management Division. SR-00-02.
- Slade, R., M. Dorsey, and S. Stewart. 1986. Hydrology and water quality of the Edwards Aquifer associated with Barton Springs in the Austin area, Texas. U.S. Geological Survey Water-Resources Investigations Report 86-4036.
- Schueller, T. 1994. The Importance of Imperviousness. *Watershed Protection Techniques* 1(3):100-111.
- Schueller, T. 2003. Is impervious cover still important? A review of recent urban stream research. IN: Impacts of impervious cover on the quality of aquatic systems. Center for Watershed Protection, March 2003.
- Spalatro, F., and B. Provencher. 2001. An Analysis of Minimum Frontage Zoning to Preserve Lakefront Amenities. *Land Economics* 77(4): 469-481.
- Smiley Jr, P.C., and K.W. King, N.R. Fausey. 2010. Public health perspectives of channelized and unchannelized headwater streams in central Ohio: a case study. *Journal of Water and Health* 8(3).
- Taylor, S.L., and S.C. Roberts, C.J. Walsh, B.E. Hatt. 2004. Catchment urbanization and increased benthic algal biomass in streams: linking mechanisms to management. *Freshwater Biology* 49: 835-851.
- Texas State Data Center. 2002. Projections of the population of Texas and counties in Texas by age, sex and race/ethnicity for 2000-2040.
- Wang, L., and J. Lyons, P. Kanehl. 2001. Impacts of urbanization on stream habitat and fish across multiple spatial scales. *Environmental Management* 28(2): 255-266.
- Water Environment Research Foundation (WERF). 2005. Performance and Whole-Life Costs of Best Management Practices and Sustainable Urban Drainage Systems. 01-CTS-21-TA.
- Zucker Systems, Zucker Final Report. May 8, 2015.