

1 **PART 1.** Subsection (F) of City Code Section 25-2-1007 (*Parking Lots*) is
2 amended to read:

3 (F) A landscaped area that is required by this section:

4 (1) may consist of non-contiguous portions, and may be in the form
5 of features commonly referred to as medians, peninsulas, and
6 islands;

7 (2) must be evenly distributed throughout a parking lot, except that
8 the distribution and location of landscaped area may
9 accommodate existing trees or other natural features if the total
10 area requirement is satisfied; ~~and~~

11 (3) may count toward compliance with Section 25-2-1003(A)
12 (*General Requirements*); and

13 (4) must have an edge-of-pavement treatment that allows overland
14 flow of stormwater runoff across the landscape area except:

15 (a) perimeter landscape areas that are not required to drain to
16 a stormwater control measure;

17 (b) impervious areas on which the land use or activity may
18 generate highly contaminated runoff, as prescribed by the
19 Environmental Criteria Manual; and

20 (c) sites located within the Edwards Aquifer recharge zone.

21 **PART 2.** City Code Section 25-2-1008 (*Irrigation Requirements*) is amended to
22 read:

23 **§ 25-2-1008 IRRIGATION REQUIREMENTS.**

24 ~~[(A) An area equal to at least 50% of the total required landscaped area on~~
25 ~~a project must:~~

26 (1) ~~be undisturbed natural area(s) or undisturbed existing trees with~~
27 ~~no potable irrigation; or~~

28 ~~(2) be irrigated by stormwater runoff conveyed from impervious~~
29 ~~surfaces on the site using one or more of the following methods:~~

30 ~~(a) overland flow;~~

31 ~~(b) storm drains;~~

32 ~~(c) downspouts;~~

33 ~~(d) rainwater harvesting;~~

34 ~~(e) retention irrigation; or~~

35 ~~(f) other methods of conveyance as prescribed by rule.~~

36 ~~(B) The drainage area used to irrigate under Subsection (A) must be~~
37 ~~calculated to provide sufficient water for the landscaped area, as~~
38 ~~prescribed by rule.~~

39 ~~(C) Unless the landscaped area under Subsection (A) is being designed as~~
40 ~~a water quality control under Section 25-8-211, the drainage area used~~
41 ~~to irrigate the landscaped area:~~

42 ~~(1) may not include impervious areas on which the land use or~~
43 ~~activities may generate highly contaminated runoff, as~~
44 ~~prescribed by rule; and~~

45 ~~(2) may not include impervious areas used for parking or driving of~~
46 ~~vehicles if located within the Edwards Aquifer Recharge Zone as~~
47 ~~defined in Section 25-8-2.]~~

48 ~~(A)~~~~(D)~~ No permanent irrigation is required for all or a portion of a
49 required landscaped area that consists of:

50 (1) undisturbed natural area; or

51 (2) undisturbed existing trees;

52 ~~(B)~~~~(E)~~ [In addition to irrigation meeting the requirements of
53 ~~Subsection (A), supplemental~~ Supplemental irrigation using
54 irrigation methods described in Subsection ~~(C)~~~~(F)~~ is required:

- 55 (1) for the first two growing seasons for all or a portion of a newly
56 planted required landscaped area without permanent irrigation;
- 57 (2) permanently for all newly planted trees in a required landscape
58 area; and
- 59 (3) as prescribed by rule for all newly planted required landscaping
60 located in medians, islands, or peninsulas.

61 ~~(C)~~~~(F)~~ Irrigation required under Subsection (B) [~~subsection (E)~~] may
62 be provided only by one or more of the methods described below:

- 63 (1) an automatic irrigation system;
- 64 (2) a hose attachment, if:
- 65 (a) the hose attachment is within 100 feet of the landscaped
66 area or plant; and
- 67 (b) there is not a road or parking pavement between the hose
68 attachment and the landscaped area or plan; or
- 69 (3) a temporary, above ground automatic irrigation system, if the
70 system complies with the water conservation requirements in the
71 Environmental Criteria Manual.

72 ~~(D)~~~~(G)~~ An irrigation method must:

- 73 (1) provide a moisture level adequate to sustain growth of the plant
74 materials on a permanent basis;
- 75 (2) unless fiscal security is provided to the City for the installation
76 of the system, be operational at the time of the final landscape
77 inspection; and

78 (3) be maintained and kept operational.

79 ~~(E)~~~~(H)~~ A site plan must show:

80 (1) the drainage area(s) used to irrigate under Subsection ~~B~~~~(A)~~,
81 including notation of the land uses on impervious areas within
82 the drainage area(s);

83 (2) the nature and location of an irrigation system; and

84 (3) that there is no disturbance to the critical root zone of an existing
85 tree.

86 ~~(F)~~~~(H)~~ The director may grant an administrative variance to the
87 requirements in this section [~~Section~~]. An applicant for a variance
88 must demonstrate that:

89 (1) strict compliance with this section [~~Section~~] is infeasible due to
90 unique site conditions including but not limited to topography,
91 size, shape, and location of existing features such as trees or
92 previous development; and

93 (2) the proposed irrigation plan is the minimal departure from the
94 requirements of this section [~~Section~~].

95 **PART 3.** Subsection (B) of City Code Section 25-2-1179 (*Environmental*
96 *Protection*) is repealed. The remaining subsections are renumbered accordingly.

97 **PART 4.** Subsection (B) of City Code Section 25-5-3 (*Small Projects*) is amended
98 to read:

99 (B) The following are small projects:

100 (1) construction of a building or parking area if the proposed
101 construction:

102 (a) does not require a variance from a water quality
103 regulation;

- 104 (b) does not exceed 5,000 square feet of impervious cover;
105 and
- 106 (c) the construction site does not exceed 10,000 square feet,
107 including the following areas:
- 108 (i) construction;
- 109 (ii) clearing;
- 110 (iii) grading;
- 111 (iv) construction equipment access;
- 112 (v) driveway reconstruction;
- 113 (vi) temporary installations, including portable
114 buildings, construction trailers, storage areas for
115 building materials, spoil disposal areas, erosion
116 and sedimentation controls, and construction
117 entrances;
- 118 (vii) landscaping; and
- 119 (viii) other areas that the director determines are part of
120 the construction site;
- 121 (2) construction of a storm sewer not more than 30 inches in
122 diameter that is entirely in a public right-of-way or an easement;
- 123 (3) construction of a utility line not more than eight inches in
124 diameter that is entirely in a public right-of-way;
- 125 (4) construction of a left turn lane on a divided arterial street;
- 126 (5) construction of street intersection improvements;
- 127 (6) widening a public street to provide a deceleration lane if
128 additional right-of-way is not required;

- 129 (7) depositing less than two feet of earth fill, if the site is not in a 100
130 year floodplain and the fill is not to be deposited within the
131 dripline of a protected tree;
- 132 (8) construction of a boat dock as an accessory use to a single-family
133 residential use, duplex residential use, two-family residential
134 use, or secondary apartment special use if shoreline modification
135 or dredging of not more than 25 cubic yards is not required; or
- 136 (9) construction of a retaining wall, if the wall is less than 100 feet
137 in length and less than eight feet in height, and the back fill does
138 not reclaim a substantial amount of land except land that has
139 eroded because of the failure of an existing retaining wall;
- 140 (10) minor development that the director determines is similar to that
141 described in Subsections (B)(1) through (9) of this section;
- 142 (11) the replacement of development that is removed as a result of
143 right-of-way condemnation; ~~and~~
- 144 (12) the construction of a telecommunications tower described in
145 Subsection 25-2-839(F) or (G) (*Telecommunication Towers*);
146 and
- 147 (13) construction of a multi-family residential project that:
- 148 (a) does not exceed 11 units, unless an additional number of
149 units is allowed for a qualifying development under
150 Chapter 25-1, Article 15, Division 4 (*Affordability*
151 *Unlocked Bonus Program*);
- 152 (b) is located on a platted residential lot that:
- 153 (i) is not located within the Barton Springs Zone;
- 154 (ii) does not exceed 55% impervious cover; and
- 155 (iii) was originally part of a single family residential
156 subdivision; and

157 (c) is located on a site of less than half an acre.

158 **PART 5.** Subsection (A) of City Code Section 25-7-32 (*Director Authorized to*
159 *Require Erosion Hazard Zone Analysis*) is amended to read:

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

164 (1) within 100 feet of the centerline of a waterway with a drainage
165 area of 64 acres or greater; or

166 (2) within 400 [~~400~~] feet of the ordinary high water mark of the
167 Colorado River downstream from Longhorn Dam, as defined by
168 Code of Federal Regulations Title 33, Section 328.3
169 (*Definitions*); or

170 (3) located where significant erosion is present as determined by the
171 director.

172 **PART 6.** The definition of DIRECTOR in City Code Section 25-8-1 (*Definitions*)
173 is amended to read:

174 (7) DIRECTOR, when used without a qualifier, means the director
175 of the Watershed Protection [~~Planning and Development~~
176 ~~Review~~] Department, or the director's designee.

177 **PART 7.** Subsections (A), (B), and (C) of City Code Section 25-8-2 (*Descriptions*
178 *of Regulated Areas*) are amended to read:

179 (A) This section describes the watersheds, aquifers, and other water
180 quality protection zones that are regulated by this subchapter. A map
181 of these areas shall be [~~is~~] maintained by the Watershed Protection
182 Department and made available for reference online and [~~inspection~~]
183 at the offices of the Development Services [~~Planning and~~
184 ~~Development Review~~] Department.

185 (B) The director [~~of the Watershed Protection Department~~] shall
186 determine the boundaries of the areas described in Subsection (D).

187 (C) The director [~~of the Watershed Protection Department~~] may require an
188 applicant to verify the boundary of an area described in Subsection
189 (D). For property within 1,500 feet of an Edwards Aquifer recharge
190 zone boundary, the director [~~of the Watershed Protection Department~~]
191 may require that an applicant provide a certified report from a
192 geologist or hydrologist verifying the boundary location.

193 **PART 8.** City Code Section 25-8-21 (*Applicability*) is amended to read:

194 **§ 25-8-21 APPLICABILITY.**

195 (A) Except as provided in Subsection (B), this subchapter applies in the
196 planning jurisdiction.

197 (B) For a preliminary plan, final plat, or subdivision construction plan in
198 the portion of the city's extraterritorial jurisdiction that is within
199 Travis County:

200 (1) this subchapter does not apply; and

201 (2) Title 30 (*Austin/Travis County Subdivision Regulations*)
202 governs.

203 (C) This subsection specifies regulations of this subchapter applicable to
204 residential construction.

205 (1) Within the planning jurisdiction, the following regulations
206 apply to multi-family development that is eligible for approval
207 under Subsection 25-5-3(B)(13) (*Small Projects*):

208

209 (a) Section 25-8-63 (*Impervious Cover Calculations*);

210 (b) Article 2 (*Waterways Classified; Zones Established*) for a
211 legal tract or a lot platted on or after May 18, 1986, and for

- 212 development associated with boat docks, shoreline access,
213 or shoreline modifications including bulkheads and bank
214 stabilization;
- 215
- 216 (c) Article 5 (Erosion and Sedimentation Control; Overland
217 Flow);
- 218 (d) Section 25-8-261 (Critical Water Quality Zone
219 Restrictions), for a legal tract or a lot platted on or after
220 May 18, 1986, and for development associated with boat
221 docks, shoreline access, or shoreline modifications
222 including bulkheads and bank stabilization;
- 223
- 224 (e) Section 25-8-321 (Clearing of Vegetation);
- 225 (f) Section 25-8-323 (Temporary Storage Areas; Topsoil
226 Protection);
- 227 (g) Section 25-8-341 (Cut Requirements);
- 228 (h) Section 25-8-342 (Fill Requirements);
- 229 (i) Section 25-8-364 (Floodplain Modifications), for a legal
230 tract or a lot platted on or after May 18, 1986, and for
231 development associated with boat docks, shoreline access,
232 or shoreline modifications including bulkheads and bank
233 stabilization;
- 234
- 235 (j) Section 25-8-368 (Restrictions on Development
236 Impacting Lake Austin, Lady Bird Lake, and Lake Walter
237 E Long);
- 238 (k) Article 13 (Save Our Springs Initiative); and
- 239 (l) Municipal regulatory restrictions on a recorded plat or
240 covenant, unless the restrictions are determined to be
241 inapplicable under Chapter 25-1, Article 12 (Vested
242 Rights).

243 (2) Within the planning jurisdiction, multi-family development that
244 is not eligible for approval under Subsection 25-5-3(B)(13)
245 (Small Projects) is subject to all requirements of this
246 subchapter.

247 (3) Within the zoning jurisdiction, one- and two-family residential
248 development is subject to the regulations specified in
249 Subsection (C)(1).

250 **PART 9.** City Code Section 25-8-25 (*Redevelopment Exception in Urban and*
251 *Suburban Watersheds*) is amended to read:

252 **§ 25-8-25 REDEVELOPMENT EXCEPTION IN URBAN AND SUBURBAN**
253 **WATERSHEDS.**

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

256 (1) any development constructed without a permit after January 1,
257 1992, will be removed from the site and the area restored to
258 pre-development conditions; [no unpermitted development
259 occurred on the site after January 1, 1992,] and

260 (2) the applicant files a site plan application or concurrent
261 subdivision and site plan applications and elects [the property
262 owner files a site plan application and an election for the
263 property] to be governed by this section.

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

267 (B) [(C)] The requirements of this subchapter do not apply to the
268 redevelopment of the property if the redevelopment:

269 (1) does not increase the existing amount of impervious cover on
270 the site;

271 (2) removes existing impervious cover from within 50 feet of a
272 classified waterway, 50 feet from the shoreline of a lake, or 100
273 feet from the ordinary high water mark of the Colorado River;
274 and revegetates the area as prescribed by the Environmental
275 Criteria Manual;

276 (3)[(2)] provides the level of water quality treatment prescribed
277 by current regulations for the redeveloped area or an equivalent
278 area on the site;

279 ~~[(3) does not generate more than 2,000 vehicle trips a day above the~~
280 ~~estimated traffic level based on the most recent authorized use~~
281 ~~on the property;~~

282 ~~(4) is consistent with the neighborhood plan adopted by council, if~~
283 ~~any;]~~

284 (4)[(5)] does not increase non-compliance, if any, with Article 7,
285 Division 1 (*Critical Water Quality Zone Restrictions*), Section
286 25-8-281 (*Critical Environmental Features*), or Section 25-8-
287 282 (*Wetland Protection*);

288 (5) complies with Article 3 (*Environmental Resource Inventory;*
289 *Pollutant Attenuation Plan*) and all construction phase
290 environmental standards in effect at the time of construction,
291 including Article 5 (*Erosion and Sedimentation Control;*
292 *Overland Flow*); and

293 (6) does not place redevelopment within the Erosion Hazard Zone,
294 unless protective works are provided as prescribed in the
295 Drainage Criteria Manual.

296 ~~[(D) The redevelopment must comply with Section 25-8-121~~
297 ~~(*Environmental Resource Inventory Requirement*) and all construction~~
298 ~~phase environmental requirements in effect at the time of~~
299 ~~construction, including Chapter 25-8, Article 5 (*Erosion and*~~
300 ~~*Sedimentation Control; Overland Flow*)-.]~~

301 **PART 10.** Subsections (C) and (E) of City Code Section 25-8-26 (*Redevelopment*
302 *Exception in the Barton Springs Zone*) are amended to read:

303 (C) In this section:

304 (1) STANDARD POND [~~SEDIMENTATION/FILTRATION~~
305 ~~POND~~] means water quality controls that comply with Section
306 25-8-213 (*Water Quality Control Standards*) or are approved
307 under Section 25-8-151 (*Innovative Management Practices*);
308 and

309 (2) SOS POND means water quality controls that comply with all
310 requirements of Section 25-8-213 (*Water Quality Control*
311 *Standards*) and the pollutant removal requirements of Section
312 25-8-514(A) (*Pollution Prevention Required*).

313 (E) The requirements of this subchapter do not apply to the
314 redevelopment of property if the redevelopment meets all of the
315 following conditions:

316 (1) The redevelopment may not increase the existing amount of
317 impervious cover on the site.

318 (2) The redevelopment may not increase non-compliance, if any,
319 with Article 7, Division 1 (*Critical Water Quality Zone*
320 *Restrictions*), Section 25-8-281 (*Critical Environmental*
321 *Features*), Section 25-8-282 (*Wetland Protection*), or Section
322 25-8-482 (*Water Quality Transition Zone*).

323 (3) The redevelopment must comply with Section 25-8-121
324 (*Environmental Resource Inventory Requirement*) and all
325 construction phase environmental requirements in effect at the
326 time of construction, including Chapter 25-8, Article 5 (*Erosion*
327 *and Sedimentation Control; Overland Flow*) and Section 25-8-
328 234 (*Fiscal Security in the Barton Springs Zone*).

- 329 (4) The water quality controls on the redevelopment site must
330 provide a level of water quality treatment that is equal to or
331 greater than that which was previously provided.
- 332 (5) For a commercial or multifamily redevelopment, the owner or
333 operator must obtain a permit under Section 25-8-233 (*Barton*
334 *Springs Zone Operating Permit*) for both standard
335 [~~sedimentation/filtration~~] ponds and SOS ponds.
- 336 (6) For a site with more than 40 percent net site area impervious
337 cover, the redevelopment must have:
- 338 (a) standard [~~sedimentation/filtration~~] ponds for the entire
339 site; or
- 340 (b) SOS ponds for a portion of the site, and standard
341 [~~sedimentation/filtration~~] ponds for the remainder of the
342 redeveloped site.
- 343 (7) For a site with 40 percent or less net site area impervious cover,
344 the redevelopment must have SOS ponds for the entire site.
- 345 (8) The property owner must mitigate the effects of the
346 redevelopment, if required by and in accordance with
347 Subsection (H).
- 348 (9) Redevelopment may not be located within the Erosion Hazard
349 Zone, unless protective works are provided as prescribed in the
350 Drainage Criteria Manual.

351 **PART 11.** City Code Section 25-8-27 (*Redevelopment Exception in the Water*
352 *Supply Rural and Water Supply Suburban Watersheds*) is amended to read:

353 **§ 25-8-27 REDEVELOPMENT EXCEPTION IN THE WATER SUPPLY**
354 **RURAL AND WATER SUPPLY SUBURBAN WATERSHEDS.**

- 355 (A) This section applies to property located in a water supply rural or
356 water supply suburban watershed that has existing commercial

357 development or existing residential development with greater than two
358 dwelling units per lot if:

359 (1) any development constructed without a permit after January 1,
360 1992, will be removed from the site and the area restored to
361 pre-development conditions; [no unpermitted development
362 occurred on the site after January 1, 1992,] and

363 (2) the applicant files a site plan application or concurrent
364 subdivision and site plan applications and elects [the property
365 owner files a site plan application and an election for the
366 property] to be governed by this section.

367 (B) In this section, STANDARD [SEDIMENTATION/ FILTRATION]
368 POND means water quality controls that comply with Section 25-8-
369 213 (*Water Quality Control Standards*) or are approved under Section
370 25-8-151 (*Innovative Management Practices*).

371 [~~(C)~~—The requirements of this subchapter do not apply to the subdivision of
372 property if at the time of redevelopment under this section subdivision
373 and site plan applications are filed concurrently.]

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

377 (1) The redevelopment may not increase the existing amount of
378 impervious cover on the site.

379 (2) The redevelopment may not increase non-compliance, if any,
380 with Article 7, Division 1 (*Critical Water Quality Zone*
381 *Restrictions*), Section 25-8-281 (*Critical Environmental*
382 *Features*), Section 25-8-282 (*Wetland Protection*), Section 25-
383 *8-422 (Water Quality Transition Zone)*, or Section 25-8-452
384 (*Water Quality Transition Zone*).

385 (3) The redevelopment must remove any existing impervious cover
386 from within 50 feet of the centerline of a classified waterway or

387 50 feet form the shoreline of a lake and revegetate the area as
388 prescribed in the Environmental Criteria Manual.

389
390 (4)[(3)] The redevelopment must comply with Article 3
391 (Environmental Resource Inventory; Pollutant Attenuation
392 Plan) [Section 25-8-121 (~~Environmental Resource Inventory~~
393 ~~Requirement~~)] and all construction phase environmental
394 requirements in effect at the time of construction, including
395 Chapter 25-8, Article 5 (*Erosion and Sedimentation Control;*
396 *Overland Flow*).

397 (5)[(4)] The water quality controls for the redeveloped areas or an
398 equivalent area on the site must provide a level of water quality
399 treatment that is equal to or greater than that which was
400 previously provided. At a minimum, the site must provide
401 standard [sedimentation/filtration] ponds for the redeveloped
402 area or an equivalent area on the site.

403 (6)[(5)] The applicant [~~property owner~~] must mitigate the effects
404 of the redevelopment, if required by and in accordance with
405 Subsection (D)[(G)].

406 (7)[(6)] Redevelopment may not be located within the Erosion
407 Hazard Zone, unless protective works are provided as
408 prescribed in the Drainage Criteria Manual.

409 [~~(E) City Council approval of a redevelopment in accordance with~~
410 ~~Subsection (F) is required if the redevelopment:~~

411 (1) ~~includes more than 25 additional dwelling units;~~

412 (2) ~~is located outside the City's zoning jurisdiction;~~

413 (3) ~~is proposed on property with an existing industrial use;~~

414 (4) ~~is inconsistent with a neighborhood plan; or~~

415 (5) ~~will generate more than 2,000 vehicle trips a day above the~~
416 ~~estimated traffic level based on the most recent authorized use~~
417 ~~on the property.~~

418 (F) ~~City Council shall consider the following factors in determining~~
419 ~~whether to approve a proposed redevelopment:~~

420 (1) ~~benefits of the redevelopment to the community;~~

421 (2) ~~whether the proposed mitigation or manner of development~~
422 ~~offsets the potential environmental impact of the~~
423 ~~redevelopment;~~

424 (3) ~~the effects of off-site infrastructure requirements of the~~
425 ~~redevelopment; and~~

426 (4) ~~compatibility with the City's comprehensive plan.]~~

427 (D)[(G)] Redevelopment of property under this section requires the
428 purchase or restriction of mitigation land.

429 (1) The combined impervious cover of the mitigation land and the
430 portion of the redevelopment treated by sedimentation/filtration
431 ponds may not exceed 20 percent of gross site area if in a water
432 supply rural watershed or 40 percent of gross site area if in a
433 water supply suburban watershed.

434 (2) The mitigation requirement may be satisfied by:

435 (a) paying into the Water Supply Mitigation Fund a
436 nonrefundable amount established by ordinance;

437 (b) transferring to the City in accordance with Paragraph (3)
438 mitigation land approved by the director [~~of the~~
439 ~~Watershed Protection Department~~] within a water supply
440 rural or water supply suburban watershed, either inside or
441 outside the City's jurisdiction;

- 442 (c) placing restrictions in accordance with Paragraph (3) on
443 mitigation land approved by the director [~~of the~~
444 ~~Watershed Protection Department~~] within a water supply
445 rural or water supply suburban watershed, either inside or
446 outside the City's jurisdiction; or
- 447 (d) a combination of the mitigation methods described in
448 Subparagraphs (a)—(c), if approved by the director [~~of~~
449 ~~the Watershed Protection Department~~].
- 450 (3) An applicant [~~A person~~] redeveloping under this section shall
451 pay all costs of restricting the mitigation land or transferring the
452 mitigation land to the City, including the costs of:
- 453 (a) an environmental site assessment without any
454 recommendations for further clean-up, certified to the
455 City not earlier than the 120th day before the closing date
456 transferring land to the City;
- 457 (b) a category 1(a) land title survey, certified to the City and
458 the title company not earlier than the 120th day before
459 the closing date transferring land to the City;
- 460 (c) a title commitment with copies of all Schedule B and C
461 documents, and an owner's title policy;
- 462 (d) a fee simple deed, or, for a restriction, a restrictive
463 covenant approved as to form by the City Attorney;
- 464 (e) taxes prorated to the closing date;
- 465 (f) recording fees; and
- 466 (g) charges or fees collected by the title company.
- 467 (H) The Watershed Protection Department shall adopt rules to identify
468 criteria [~~for director approval~~] under this section to ensure that the
469 proposed mitigation, manner of development, and water quality

470 controls offset the potential environmental impact of the
471 redevelopment.

472 **PART 12.** Section 25-8-42 (*Administrative Variances*) is amended to read:

473 **§ 25-8-42 ADMINISTRATIVE VARIANCES.**

474 (A) A variance under this section may not vary the requirements of Article
475 13 (*Save Our Springs Initiative*) [~~and may not be granted for~~
476 ~~development of a property if any portion of the property abuts or is~~
477 ~~within 500 feet of the shoreline of Lake Austin, measured~~
478 ~~horizontally~~].

479 (B) The director [~~of the Watershed Protection Department~~] may grant a
480 variance from a requirement of:

481 (1) Subsection 25-8-213(C) (*Water Quality Control Standards*)

482 (2)[(4)] Section 25-8-261 (*Critical Water Quality Zone*
483 *Development*), only if:

484 (a) necessary to protect public health and safety, or if the
485 type of development requiring the variance directly
486 contributes to [~~it would provide~~] a significant,
487 demonstrable environmental benefit, as determined by a
488 functional assessment of floodplain health as prescribed
489 by the Environmental Criteria Manual; [;]

490 (b) necessary to allow an athletic field in existence on
491 October 28, 2013, to be maintained, improved, or
492 replaced; [;]

493 (c) necessary to allow an athletic field to be located in an
494 area not otherwise allowed under Subsection [~~Section~~]
495 25-8-261(B)(5); [~~or~~]

496 (d) necessary to allow a hard surfaced trail to be located in
497 an area not otherwise allowed under Subsection [Section]
498 25-8-261(B)(3);

499 (e) necessary to allow the specified green stormwater
500 infrastructure to be located in an area not otherwise
501 allowed under Subsection 25-8-261(H);

502 (f) except in the Barton Springs Zone, necessary to allow a
503 private driveway or private street to cross a critical water
504 quality zone if the crossing is necessary to provide
505 primary access to the right-of-way or the crossing is
506 required to comply with public health and safety
507 requirements; or

508 (g) necessary to allow residential use of up to 11 units
509 located on an existing single family platted lot.

510 (3)[(2)] Section 25-8-261 (*Critical Water Quality Zone*
511 *Development*), for development within an urban watershed,
512 only if the proposed development:

513 (a) is located not less than 25 feet from the centerline of a
514 waterway,

515 (b) is located outside the erosion hazard zone, unless
516 protective works are provided as prescribed in the
517 Drainage Criteria Manual,

518 (c) does not increase non-compliance, if any, with Article 7,
519 Division 1 (*Critical Water Quality Zone Restrictions*),
520 Section 25-8-281 (*Critical Environmental Features*) or
521 Section 25-8-282 (*Wetland Protection*), and

522 (d) restores native vegetation and soils if development is
523 removed from the Critical Water Quality Zone;

- 524 ~~(4)~~~~(3)~~ Subsection 25-8-262(B) (*Critical Water Quality Zone*
525 *Street Crossings*), only outside the Barton Springs Zone;
- 526 ~~(5)~~~~(4)~~ Section 25-8-281 (*Critical Environmental Features*);
- 527 ~~(6)~~~~(5)~~ Section 25-8-322 (*Clearing for a Roadway*);
- 528 ~~(7)~~~~(6)~~ Section 25-8-341 (*Cut Requirements*) or Section 25-8-
529 342 (*Fill Requirements*), for a cut or fill of not more than eight
530 feet:
- 531 ~~(a)~~ in the desired development zone; ~~and,~~
- 532 ~~(b)~~ for a public primary or secondary educational facility[,
533 ~~within the desired development zone or the drinking~~
534 ~~water protection zone~~]; ~~or~~
- 535 ~~(c)~~ for residential construction of up to 11 units located on
536 an existing single family platted lot.
- 537 ~~(8)~~~~(7)~~ Subsection 25-8-343(A) (*Spoil Disposal*);
- 538 ~~(9)~~~~(8)~~ Section 25-8-365 (*Interbasin Diversion*); or
- 539 ~~(10)~~~~(9)~~ Subsection 25-8-392(B)(6) (*Uplands Zone*), Subsection
540 25-8-392(C)(6) (*Uplands Zone*), Subsection 25-8-423(D)
541 (*Uplands Zone*), or Subsection 25-8-453(E) (*Uplands Zone*).
- 542 (C) It is the applicant's burden to establish that the findings described in
543 this Section have been met.
- 544 (D) The director [~~of the Watershed Protection Department~~] may grant a
545 variance described in Subsection (B) only after determining that
546 development in accordance with the variance meets the objective of
547 the requirement for which the variance is requested and:
- 548 (1) for property in the Barton Springs Zone, the variance will result
549 in water quality that is at least equal to the water quality
550 achievable without the variance;

551 (2) for a variance from Subsection 25-8-213(C), that the proposed
552 water quality control is necessitated by unique site conditions,
553 excluding any potential loss of impervious cover entitlements
554 resulting from full compliance;

555 (3) for a variance from Section 25-8-261, that the development is
556 necessary to allow a private driveway or private street to cross a
557 critical water quality zone; The applicant must also demonstrate
558 compliance with the following:

559 (a) The crossing must span the active channel or use open
560 bottom culverts as determined by the director;

561 (b) In suburban watersheds, critical water quality zone buffer
562 averaging must be applied to the extent feasible in order
563 to minimize the area of the private driveway within the
564 critical water quality zone impacted by the crossing.

565 (c) The location of the crossing must minimize impacts to
566 critical environmental features, protected and heritage
567 trees, and slopes greater than 15%, and must minimize
568 the amount of cut or fill necessary for construction.

569 (d) The construction is not located in the Barton Springs
570 Zone.

571 (4) for a variance from Section 25-8-261, the development is
572 necessary to allow residential construction of up to 11 units
573 located on an existing single family platted lot if:

574 (a) the modification is the minimum deviation necessary to
575 ensure reasonable use and maintenance of the property
576 for an existing nonconforming structure;

577 (b) for new development, the director determines that:

578 (i) the usable lot area cannot accommodate the
579 assumed square footage of impervious cover

580 established under Section 25-8-64 (*Impervious*
581 *Cover Assumptions*), after accounting for all
582 applicable regulations;

583 (ii) the total proposed impervious cover does not
584 exceed the assumed square footage of impervious
585 cover established under Section 25-8-64; and

586 (iii) the development is the minimum deviation
587 necessary to accommodate the development.

588 (5)~~(2)~~ for a variance from Subsection [Section] 25-8-261(B)(5),
589 that the proposed work on or placement of the athletic field will
590 have no adverse environmental impacts;

591 (6) for a variance from Subsection 25-8-261(H), that the green
592 stormwater infrastructure is:

593 (a) not required for regulatory compliance with 25-8-211
594 (*Water Quality Control Requirement*);

595 (b) designed to capture runoff from existing, untreated
596 impervious cover; and

597 (c) proposed in a location that is the minimum necessary
598 departure from the code requirement;

599 (7)~~(3)~~ for a variance from Section 25-8-281, that the proposed
600 measures preserve all characteristics of the critical
601 environmental feature;

602 (8)~~(4)~~ for a variance from Section 25-8-341 or Section 25-8-
603 342, the cut or fill is not located on a slope with a gradient of
604 more than 15 percent or within 100 feet of a classified
605 waterway;

- 606 (9) for a variance from Section 25-8-341 or Section 25-8-342
607 necessary to allow residential construction of up to 11 units
608 located on an existing single family platted lot, if:
- 609 (a) for an existing nonconforming structure, the modification
610 is the minimum deviation necessary to ensure reasonable
611 use and maintenance of the property; or
- 612 (b) for new development, the director determines that:
- 613 (i) the usable lot area cannot accommodate the
614 assumed square footage of impervious cover
615 established under 25-8-64 (*Impervious Cover*
616 *Assumptions*), after accounting for all applicable
617 regulations;
- 618 (ii) the total proposed impervious cover does not
619 exceed the assumed square footage of impervious
620 cover established under 25-8-64; and
- 621 (iii) the development is the minimum deviation
622 necessary to accommodate the development.
- 623 (10)[(5)] for a variance from Subsection [Section] 25-8-343(A),
624 use of the spoil provides a necessary public benefit. Necessary
625 public benefits include:
- 626 (a) roadways;
- 627 (b) stormwater detention facilities;
- 628 (c) public or private park sites; and
- 629 (d) building sites that comply with Section 25-8-341 (*Cut*
630 *Requirements*), Section 25-8-342 (*Fill Requirements*),
631 and Chapter 25-7 (*Drainage*); ~~and~~
- 632 (11)[(6)] for a variance from Section 25-8-365, there are no
633 adverse environmental or drainage impacts; and

634 (12)~~(7)~~ a variance from Subsection 25-8-392(B)(6), Subsection
635 25-8-392(C)(6), Subsection 25-8-423(D), or Subsection 25-8-
636 453(E), the variance:

637 (a) is the minimum deviation needed to provide necessary
638 improvements for a public mobility project in the right-
639 of-way; and

640 (b) does not create significant adverse environmental
641 impacts.

642 (E) The [~~Watershed Protection Department~~] director shall prepare written
643 findings to support the grant or denial of a variance request under this
644 section.

645 **PART 13.** Subsection (A) of City Code Section 25-8-62 (*Net Site Area*) is
646 amended to read:

647 (A) Net site area includes only the portions of a site that lie in an uplands
648 zone and have not been designated for surface or subsurface
649 wastewater irrigation.

650 **PART 14.** Subsection (C) of Section 25-8-63 (*Impervious Cover Calculations*) is
651 amended to read:

652 (C) Impervious cover calculations exclude:

653 (1) sidewalks in a public right-of-way or public easement;

654 (2) multi-use trails open to the public and located on public land or
655 in a public easement;

656 (3) water quality controls, excluding subsurface water quality
657 controls;

658 (4) detention basins, excluding subsurface detention basins;

659 (5) ground level rainwater harvesting cisterns, excluding
660 subsurface cisterns;

- 661 (6)[~~(5)~~] drainage swales and conveyances;
- 662 (7)[~~(6)~~] the water surface area of ground level pools, fountains,
663 and ponds;
- 664 (8)[~~(7)~~] areas with gravel placed over pervious surfaces that are
665 used only for landscaping or by pedestrians and are not
666 constructed with compacted base;
- 667 (9)[~~(8)~~] porous pavement designed in accordance with the
668 Environmental Criteria Manual, limited to only pedestrian
669 walkways and multi-use trails, and located outside the Edwards
670 Aquifer Recharge Zone;
- 671 (10)[~~(9)~~] fire lanes designed as prescribed by the Environmental
672 Criteria Manual, that consist of interlocking pavers, and are
673 restricted from routine vehicle access;
- 674 (11)[~~(10)~~] an access ramp for an existing single-family and duplex
675 residential unit if:
- 676 (a) a person with a disability requires access to a dwelling
677 entrance that meets the requirements of the Residential
678 Code, Section R320.6 (*Visitable dwelling entrance*);
- 679 (b) the building official determines that the ramp will not
680 pose a threat to public health and safety;
- 681 (c) the ramp:
- 682 (i) is no wider than 48 inches, except that any portion
683 of a landing for the ramp required for turns may be
684 no wider than 60 inches; and
- 685 (ii) may have a hand railing, but may not have a roof
686 or walls; and
- 687 (d) the ramp is located in a manner that utilizes existing
688 impervious cover to the greatest extent possible if:

- 689 (i) impervious cover on the property is at or above the
690 maximum amount of impervious cover allowed by
691 this title; or
- 692 (ii) if placement of the ramp would result in the
693 property exceeding the maximum amount of
694 impervious cover allowed by this title; and
- 695 (12)[(11)] a subsurface portion of a parking structure if the director
696 [~~of the Watershed Protection Department~~] determines that:
- 697 (a) the subsurface portion of the structure:
- 698 (i) is located within an urban or suburban watershed;
- 699 (ii) is below the grade of the land that existed before
700 construction of the structure;
- 701 (iii) is covered by soil with a minimum depth of two
702 feet and an average depth of not less than four feet;
703 and
- 704 (iv) has an area not greater than fifteen percent of the
705 site;
- 706 (b) the structure is not associated with a use regulated by
707 Section 1.2.2 of Subchapter F of Chapter 25-2
708 (*Residential Design and Compatibility Standards*);
- 709 (c) the applicant submits an assessment of the presence and
710 depth of groundwater at the site sufficient to determine
711 whether groundwater will need to be discharged or
712 impounded; ~~and~~
- 713 (d) the applicant submits documentation that the discharge or
714 impoundment of groundwater from the structure, if any,
715 will be managed to avoid adverse effects on public health
716 and safety, the environment, and adjacent property; and

717 (13) for purposes of residential building permit review only, no
718 more than two feet of elevated, projecting elements such as
719 eaves, overhangs, cantilevered portions of structures, balconies,
720 awnings, and bay windows. This exemption does not apply to
721 site plans or the calculation of the drainage charge under
722 Section 15-2-5 (Impervious Cover Calculation).

723 **PART 15.** City Code Section 25-8-64 (*Impervious Cover Assumptions*) is amended
724 to add a new Subsection (E) to read:

725 (E) The applicant must demonstrate that all proposed one- and two-unit
726 residential lots have usable lot area that can reasonably accommodate
727 the assumed square footage of impervious cover established by
728 Subsection (B). The usable lot area must account for all applicable
729 waterway setbacks, floodplains, steep slopes, critical environmental
730 features, protected trees, on-site sewage facilities, and other relevant
731 code restrictions.

732 **PART 16.** Subsections (A), (B), (C), and (F) of City Code Section 25-8-92
733 (*Critical Water Quality Zones Established*) are amended to read:

734 (A) In the water supply rural watersheds, water supply suburban
735 watersheds, and Barton Springs Zone, a critical water quality zone is
736 established along each waterway classified under Section 25-8-91
737 (*Waterway Classifications*).

738 (1) The boundaries of a critical water quality zone coincide with
739 the boundaries of the 100-year flood plain as determined under
740 Section 25-7-6 (Determination of the 100-Year Floodplain),
741 except:

742 (a) for a minor waterway, the boundaries of the critical water
743 quality zone are located not less than 50 feet and not
744 more than 100 feet from the centerline of the waterway;

745 (b) for an intermediate waterway, the boundaries of the
746 critical water quality zone are located not less than 100

747 feet and not more than 200 feet from the centerline of the
748 waterway;

749 (c) for a major waterway, the boundaries of the critical water
750 quality zone are located not less than 200 feet and not
751 more than 400 feet from the centerline of the waterway;
752 and

753 (d) for the main channel of Barton Creek, the boundaries of
754 the critical water quality zone are located 400 feet from
755 the centerline of the creek.

756 (2) Notwithstanding the provisions of Subsections (A)(1)(a), (b),
757 and (c), a critical water quality zone does not apply to a
758 drainage ditch located parallel and adjacent to [previously
759 modified drainage feature serving] a railroad or public roadway
760 right-of-way if the ditch: [that does not possess any natural and
761 traditional character and cannot reasonably be restored to a
762 natural condition, as prescribed in the Environmental Criteria
763 Manual.]

764 (a) was designed and constructed primarily to serve the
765 adjacent railroad or public roadway;

766 (b) is not a segment or modification of a natural waterway;

767 (c) does not possess any natural and traditional character;
768 and

769 (d) cannot reasonably be restored to a natural condition due
770 to existing site constraints.

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

- 774 (1) For [fɔɹ] a minor waterway, the boundaries of the critical water
775 quality zone are located 100 feet from the centerline of the
776 waterway.[;]
- 777 (2) For [fɔɹ] an intermediate waterway, the boundaries of the
778 critical water quality zone are located 200 feet from the
779 centerline of the waterway.[;]
- 780 (3) For [fɔɹ] a major waterway, the boundaries of the critical water
781 quality zone are located 300 feet from the centerline of the
782 waterway.[;]
- 783 (4) The [the] critical water quality zone boundaries may be reduced
784 to not less than 50 feet from the centerline of a minor waterway,
785 100 feet from the centerline of an intermediate waterway, [~~and~~]
786 150 feet from the centerline of a major waterway, and 200 feet
787 from the ordinary high water mark of the Colorado River
788 downstream of the Longhorn Dam if the overall surface area of
789 the critical water quality zone is the same or greater than the
790 surface area that would be provided without the reduction, as
791 prescribed in the Environmental Criteria Manual.[; ~~and~~]
- 792 (5) Notwithstanding [~~notwithstanding~~] the provisions of
793 Subsections (B)(1), (2), and (3), a critical water quality zone
794 does not apply to a drainage ditch located parallel and adjacent
795 to [~~previously modified drainage feature serving~~] a railroad or
796 public roadway right-of-way if the ditch: [~~that does not possess~~
797 ~~any natural and traditional character and cannot reasonably be~~
798 ~~restored to a natural condition.~~]
- 799 (a) was designed and constructed primarily to serve the
800 adjacent railroad or public roadway;
- 801 (b) is not a segment or modification of a natural waterway;
- 802 (c) does not possess any natural and traditional character;
803 and

804 (d) cannot reasonably be restored to a natural condition due
805 to existing site constraints.

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

810 (1) The boundaries of the critical water quality zone coincide with
811 the boundaries of the 100-year floodplain as determined under
812 Section 25-7-6 (*Determination of the 100-Year Floodplain*),
813 provided that the boundary is not less than 50 feet and not more
814 than 400 feet from the centerline of the waterway.

815 (2) Notwithstanding the provisions of Subsection (C)(1), a critical
816 water quality zone does not apply to a drainage ditch located
817 parallel and adjacent to [~~previously modified drainage feature~~
818 ~~servicing~~] a railroad or public roadway right-of-way if the ditch:
819 [~~that does not possess any natural and traditional character and~~
820 ~~cannot reasonably be restored to a natural condition.~~]

821 (a) was designed and constructed primarily to serve the
822 adjacent railroad or public roadway;

823 (b) is not a segment or modification of a natural waterway;

824 (c) does not possess any natural and traditional character;
825 and

826 (d) cannot reasonably be restored to a natural condition due
827 to existing site constraints.

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

830 (1) The shoreline boundary of a critical water quality zone
831 coincides with the river's ordinary high water mark, as defined

832 by Code of Federal Regulations Title 33, Section 328.3
833 (*Definitions*).

834 (2) The width of a critical water quality zone, measured
835 horizontally inland, is 400 feet. [~~The inland boundary of a~~
836 ~~critical water quality zone coincides with the boundary of the~~
837 ~~100-year floodplain as determined under Section 25-7-6~~
838 ~~(*Determination of the 100-Year Floodplain*) except that the~~
839 ~~width of the critical water quality zone, measured horizontally~~
840 ~~inland, is not less than 200 feet and not more than 400 feet.~~]

841 **PART 17.** Subsection (A) of City Code Section 25-8-121 (*Environmental*
842 *Resource Inventory Requirement*) is amended to read:

843 (A) An applicant shall file an environmental resource inventory with the
844 director for proposed development located on a tract:

845 (1) within the Edwards Aquifer recharge [~~or contributing~~] zone;

846 [~~(2) within the Drinking Water Protection Zone;~~

847 ~~(3) containing a water quality transition zone;]~~

848 (2)[(4)] containing a critical water quality zone; [ø]

849 (3)[(5)] with a gradient of more than 15 percent;

850 (4) containing, or within 150 feet of, a potential or verified wetland
851 feature as identified in a map maintained by the Watershed
852 Protection Department and made available for reference online
853 and at the offices of the Development Services Department.

854 **PART 18.** Subsection (A) of City Code Section 25-8-182 (*Development*
855 *Completion*) is amended to read:

856 (A) Development is not completed until:

857 (1) permanent revegetation is established; and

858 (2) the director [~~Planning and Development Review Department~~]:

859 (a) receives the engineer's concurrence letter; and

860 (b) certifies installation of the vegetation for acceptance.

861 **PART 19.** Subsections (B) and (C) of City Code Section 25-8-184 (*Additional*
862 *Erosion and Sedimentation Control Requirements in the Barton Springs Zone*) are
863 amended to read:

864 (B) A temporary erosion and sedimentation control plan and a water
865 quality plan certified by a registered professional engineer and
866 approved by the director [~~Planning and Development Review~~
867 ~~Department~~] is required.

868 (1) The plans must describe the temporary structural controls, site
869 management practices, or other approved methods that will be
870 used to control of off-site sedimentation until permanent
871 revegetation is certified as completed under Section 25-8-182
872 (*Development Completion*).

873 (2) The temporary erosion control plan must be phased to be
874 effective at all stages of construction. Each temporary erosion
875 control method must be adjusted, maintained, and repaired as
876 necessary.

877 (C) The director [~~Planning and Development Review Department~~] may
878 require a modification of the temporary erosion control plan after
879 determining that the plan does not adequately control off-site
880 sedimentation from the development. Approval by the director
881 [~~Planning and Development Review Department~~] and the engineer
882 who certified the plan is required for a major modification of the plan.

883 **PART 20.** Subsection (A) of City Code Section 25-8-185 (*Overland Flow*) is
884 amended to read:

885 (A) Drainage patterns must be designed to:

- 886 (1) prevent erosion;
- 887 (2) maintain infiltration and recharge of local seeps, ~~and~~ springs,
- 888 and waterways;
- 889 (3) attenuate the harm of contaminants collected and transported by
- 890 stormwater; ~~and~~
- 891 (4) where feasible ~~[possible]~~, maintain and restore overland sheet
- 892 flow, maintain natural drainage features and patterns, and
- 893 disperse runoff back to sheet flow; and
- 894 (5) where feasible, direct stormwater to landscape areas including
- 895 islands, medians, peninsulas, and other similar areas. Exceptions
- 896 to this requirement include:
- 897 (a) perimeter landscape areas that are not required to drain to
- 898 a stormwater control measure;
- 899 (b) impervious areas on which the land use or activity may
- 900 generate highly contaminated runoff, as prescribed by the
- 901 Environmental Criteria Manual; and
- 902 (c) impervious areas used for parking or driving of vehicles if
- 903 located within the Edwards Aquifer recharge zone.

904 **PART 21.** City Code Section 25-8-213 (*Water Quality Control Standards*) is

905 amended to read:

906 **§ 25-8-213 WATER QUALITY CONTROL STANDARDS.**

- 907 (A) A water quality control must be designed in accordance with the
- 908 Environmental Criteria Manual.
- 909 (1) The control must achieve the load reduction standards
- 910 prescribed in ~~[provide at least the treatment level of a~~
- 911 ~~sedimentation/filtration system under]~~ the Environmental
- 912 Criteria Manual.

- 913 (2) An impervious liner is required for structural water quality
914 controls over the Edwards Aquifer recharge zone [~~in an area~~
915 ~~where there is surface runoff to groundwater conductivity~~]. If a
916 liner is required and there are multiple controls [~~are located~~] in
917 series, liners are only required for the first control in the series
918 [~~not required for the second or later in the series following~~
919 ~~sedimentation, extended detention, or sedimentation/filtration~~].
- 920 (3) The control must be accessible for maintenance and inspection
921 as prescribed in the Environmental Criteria Manual.
- 922 (B) A water quality control must capture and treat the water draining to
923 the control from the contributing area. The required capture volume
924 is:
- 925 (1) the first one-half inch of runoff; and
- 926 (2) for each 10 percent increase in impervious cover over 20
927 percent of gross site area, an additional one-tenth of an inch of
928 runoff.
- 929 (C) The required water quality treatment must be provided using green
930 stormwater control measures, as prescribed in the Environmental
931 Criteria Manual.
- 932 (D) Notwithstanding Subsection (C), all or part of the required water
933 quality treatment may be provided using other water quality controls
934 for:
- 935 (1) areas with land uses or activities that may generate highly
936 contaminated runoff, as described in the Environmental Criteria
937 Manual;
- 938 (2) a project that provides water quality treatment for currently
939 untreated, developed off-site areas of at least ten acres in size;
940 or

941 (3) sites with impervious cover of greater than 90 percent gross site
942 area.

943 (E)[(E)] The location of a water quality control:

944 (1) must avoid recharge features to the greatest extent possible;

945 (2) must be shown on the slope map, preliminary plan, site plan, or
946 subdivision construction plan, as applicable; and

947 (3) in a water supply rural watershed, may not be in the 40 percent
948 buffer zone, unless the control disturbs less than 50% of the
949 buffer, and is located to maximize overland flow and recharge
950 in the undisturbed remainder of the 40 percent buffer zone.

951 (F)[(D)] This subsection provides additional requirements for the Barton
952 Springs Zone.

953 (1) Approval by the Watershed Protection Department is required
954 for a proposed water quality control that is not described in the
955 Environmental Criteria Manual. The applicant must substantiate
956 the pollutant removal efficiency of the proposed control with
957 published literature or a verifiable engineering study.

958 (2) Water quality controls must be placed in sequence if necessary
959 to remove the required amount of pollutant. The sequence of
960 controls must be:

961 (a) based on the Environmental Criteria Manual or generally
962 accepted engineering principles; and

963 (b) designed to minimize maintenance requirements.

964 **PART 22.** Subsection (A) of City Code Section 25-8-214 (*Optional Payment*
965 *Instead of Structural Controls in Urban Watersheds*) is amended to read as
966 follows:

967 (A) The director [~~of the Watershed Protection Department~~] shall identify
968 and prioritize water quality control facilities for the urban watersheds

969 in an Urban Watersheds Structural Control Plan. The Environmental
970 Commission [~~Board~~] shall review the plan annually [~~in January of~~
971 ~~each year~~].

972 **PART 23.** Subsection (B) of City Code Section 25-8-232 (*Dedicated Fund*) is
973 amended to read:

- 974 (B) An applicant shall pay the required fee into the fund:
- 975 (1) for development that does not require a site plan, when the
976 applicant posts fiscal security for the subdivision or requests
977 that the director of the Development Services Department
978 record the subdivision plat, whichever occurs first; or
- 979 (2) for development that requires a site plan, when the site plan is
980 approved.

981 **PART 24.** City Code Section 25-8-233 (*Barton Springs Zone Operating Permit*) is
982 amended to read:

983 **§ 25-8-233 BARTON SPRINGS ZONE OPERATING PERMIT.**

- 984 (A) In the Barton Springs Zone, the owner or operator of a commercial or
985 multifamily development is required to obtain an annual operating
986 permit for the required water quality controls.
- 987 (B) To obtain an annual operating permit, an applicant must:
- 988 (1) provide the director [~~Planning and Development Review~~
989 ~~Department~~] with:
- 990 (a) a maintenance plan; and
- 991 (b) the information necessary to verify that the water quality
992 controls are in proper operating condition; and
- 993 (2) pay the required, nonrefundable fee.

994 (C) The director [~~Planning and Development Review Department~~] may
995 verify that a water quality control is in proper operating condition by
996 either inspecting the water quality control or accepting a report from a
997 registered engineer.

998 (D) The director [~~Planning and Development Review Department~~] shall
999 issue an operating permit after determining that:

1000 (1) the applicant has complied with the requirements of Subsection
1001 (B); and

1002 (2) the water quality controls are in proper operating condition.

1003 (E) The director [~~Planning and Development Review Department~~] shall
1004 transfer an operating permit to a new owner or operator if, not later
1005 than 30 days after a change in ownership or operation, the new owner
1006 or operator:

1007 (1) signs the operating permit;

1008 (2) accepts responsibility for the water quality controls; and

1009 (3) documents the transfer on a form provided by the director
1010 [~~Planning and Development Review Department~~].

1011 **Part 25.** Chapter 25-8, Article 7, Division 1 (*Critical Water Quality Zone*
1012 *Restrictions*) is renamed to read:

1013 **Division 1. Waterway and Floodplain Protection.**

1014 **PART 26.** City Code Section 25-8-261 (*Critical Water Quality Zone*
1015 *Development*) is amended to read:

1016 **§ 25-8-261 CRITICAL WATER QUALITY ZONE DEVELOPMENT.**

1017 In all watersheds, development is prohibited in a critical water quality zone
1018 except as provided in this Division. Development allowed in the critical
1019 water quality zone under this Division shall be revegetated and restored

1020 within the limits of construction as prescribed by the Environmental Criteria
1021 Manual.

1022 (A) A fence that does not obstruct flood flows is permitted in a
1023 critical water quality zone.

1024 (B) Open space is permitted in a critical water quality zone if a
1025 program of fertilizer, pesticide, and herbicide use is approved
1026 by the Watershed Protection Department, subject to the
1027 conditions in this Subsection.

1028 (1) In a water supply rural watershed, water supply
1029 suburban, or the Barton Springs Zone, open space is
1030 limited to sustainable urban agriculture or a community
1031 garden if the requirements in subsection (B)(4) are met,
1032 multi-use trails, picnic facilities, and outdoor facilities,
1033 excluding stables, corrals for animals and athletic fields.

1034 (2) A [~~master planned~~] park with a council-adopted plan
1035 [~~that is approved by the council~~] may include recreational
1036 development other than that described in Subsection
1037 (B)(1).

1038 (3) A hard surfaced trail may cross the critical water quality
1039 zone pursuant to Section 25-8-262 (*Critical Water*
1040 *Quality Zone Street Crossings*). A hard surfaced trail that
1041 does not cross the critical water quality zone may be
1042 located within the critical water quality zone only if:

1043 (a) designed in accordance with the Environmental
1044 Criteria Manual;

1045 (b) located outside the erosion hazard zone unless
1046 protective works are provided as prescribed in the
1047 Drainage Criteria Manual;

- 1048 (c) limited to 12 feet in width plus one-foot compacted
1049 sub-grade shoulders, unless a wider trail is
1050 designated in a Council-adopted plan;
- 1051 (d) located not less than 25 feet from the centerline of
1052 a waterway if within an urban watershed;
- 1053 (e) located not less than 50 feet from the centerline of
1054 a minor waterway, 100 feet from the centerline of
1055 an intermediate waterway, and 150 feet from the
1056 centerline of a major waterway if within a
1057 watershed other than an urban watershed;
- 1058 (f) located not less than 50 feet from the shoreline of
1059 Lake Travis, Lake Austin, Lady Bird Lake, and
1060 Lake Walter E. Long, as defined in Section 25-8-
1061 92; and
- 1062 (g) located not less than 200 [~~100~~] feet from the
1063 ordinary high water mark of the Colorado River
1064 downstream from Longhorn Dam.
- 1065 (4) Open space may include sustainable urban agriculture or
1066 a community garden only if:
- 1067 (a) in an urban watershed and located not less than 25
1068 feet from the centerline of a waterway, or in a
1069 watershed other than an urban watershed and
1070 located not less than 50 feet from the centerline of
1071 a minor waterway, 100 feet from the centerline of
1072 an intermediate waterway, and 150 feet from the
1073 centerline of a major waterway;
- 1074 (b) located not less than 50 feet from the shoreline of
1075 Lake Travis, Lake Austin, Lady Bird Lake, and
1076 Lake Walter E. Long, as defined in Section 25-8-
1077 92;

- 1078 (c) located not less than 200 [~~100~~] feet from the
1079 ordinary high water mark of the Colorado River
1080 downstream from Longhorn Dam;
- 1081 (d) designed in accordance with the Environmental
1082 Criteria Manual; and
- 1083 (e) limited to garden plots and paths, with no storage
1084 facilities or other structures over 500 square feet.
- 1085 (5) In a suburban or urban watershed, open space may
1086 include an athletic field only if:
- 1087 (a) in an urban watershed and located not less than 25
1088 feet from the centerline of a waterway, or in a
1089 suburban watershed and located not less than 50
1090 feet from the centerline of a minor waterway, 100
1091 feet from the centerline of an intermediate
1092 waterway, and 150 feet from the centerline of a
1093 major waterway;
- 1094 (b) located not less than 50 feet from the shoreline of
1095 Lady Bird Lake and Lake Walter E. Long, as
1096 defined in Section 25-8-92;
- 1097 (c) located not less than 200 [~~100~~] feet from the
1098 ordinary high water mark of the Colorado River
1099 downstream from Longhorn Dam; and
- 1100 (d) the owner of the athletic field submits to the
1101 Watershed Protection Department a maintenance
1102 plan to keep the athletic field well vegetated and
1103 minimize compaction, as prescribed in the
1104 Environmental Criteria Manual.
- 1105 (C) The requirements of this subsection apply along Lake Travis,
1106 Lake Austin, Lake Walter E. Long, or Lady Bird Lake.

- 1107 (1) A dock, public boat ramp, bulkhead or marina, and
1108 necessary access and appurtenances, are permitted in a
1109 critical water quality zone subject to compliance with
1110 Chapter 25-2, Subchapter C, Article 12 (*Docks,*
1111 *Bulkheads, and Shoreline Access*). For a single-family
1112 residential use, necessary access may not exceed the
1113 minimum area of land disturbance required to construct a
1114 single means of access from the shoreline to a dock.
- 1115 (2) Disturbed areas must be restored in accordance with the
1116 Environmental Criteria Manual and the following
1117 requirements:
- 1118 (a) Within a lakefront critical water quality zone, or an
1119 equivalent area within 25 feet of a shoreline,
1120 restoration must include:
- 1121 (i) at least one native shade tree and one native
1122 understory tree, per 500 square feet of
1123 disturbed area; and
- 1124 (ii) one native shrub per 150 square feet of
1125 disturbed area; and
- 1126 (b) Remaining disturbed areas must be restored per
1127 standard specifications for native restoration.
- 1128 (3) Within the shoreline setback area defined by Section 25-
1129 2-551 (*Lake Austin (LA) District Regulations*) and within
1130 the overlay established by Section 25-2-180 (*Lake Austin*
1131 *(LA) Overlay District*), no more than 30 percent of the
1132 total number of shade trees of 8 inches or greater, as
1133 designated in the Environmental Criteria Manual, may be
1134 removed.
- 1135 (4) Before a building permit may be issued or a site plan
1136 released, approval by the Watershed Protection

1137 Department is required for chemicals used to treat
1138 building materials that will be submerged in water.

1139 (5) Bank erosion above the 100-year-flood plain may be
1140 stabilized within a lakefront critical water quality zone if
1141 the restoration meets the requirements of Subsection (B)
1142 (2) of this section.

1143 (6) A retaining wall, bulkhead, or other erosion protection
1144 device must be designed and constructed to minimize
1145 wave return and wave action in compliance with the
1146 Environmental Criteria Manual. A shoreline modification
1147 within the wave action zone with a greater than 45 degree
1148 vertical slope for any portion greater than one foot in
1149 height is not allowed on or adjacent to the shoreline of a
1150 lake, unless the shoreline modification is located within
1151 an existing man-made channel.

1152 (7) A retaining wall, bulkhead, or other erosion protection
1153 device may not capture or recapture land from a lake
1154 unless doing so is required to restore the shoreline to
1155 whichever of the following boundaries would encroach
1156 the least into the lake:

1157 (a) the shoreline as it existed ten years prior to the date
1158 of application, with documentation as prescribed by
1159 the Environmental Criteria Manual; or

1160 (b) the lakeside boundary of the subdivided lot line.

1161 (8) A bulkhead may be replaced in front of an existing
1162 bulkhead once, if:

1163 (a) the existing bulkhead was legally constructed;

1164 (b) construction of the replacement bulkhead does not
1165 change the location of the shoreline by more than 6
1166 inches; and

1167 (c) the director determines that there is no reasonable
1168 alternative to replacement of the bulkhead in the
1169 location of the existing bulkhead.

1170 (9) Dredging is prohibited unless:

1171 (a) the area of dredging is less than 25 cubic yards; and

1172 (b) the dredging is necessary for navigation safety.

1173 (D) A new utility line or major replacement of an existing utility
1174 line, including a storm drain, or a utility easement associated
1175 with planned infrastructure, is prohibited in the critical water
1176 quality zone, except as provided in subsection (E) or for a
1177 necessary crossing. A necessary utility crossing may cross into
1178 or through a critical water quality zone only if:

1179 (1) the utility line follows the most direct path into or across
1180 the critical water quality zone to minimize disturbance,
1181 unless boring or tunneling is the proposed method of
1182 installation for the entire crossing and all bore pits are
1183 located outside of the critical water quality zone;

1184 (2) the depth of the utility line and location of associated
1185 access shafts are not located within an erosion hazard
1186 zone, unless protective works are provided as prescribed
1187 in the Drainage Criteria Manual;

1188 (3) stormwater outfalls minimize disturbance to the bank of
1189 the Colorado River by locating outfalls in upstream
1190 drainages where feasible; and

1191 (4)[(3)] in the Barton Springs Zone, the crossing is
1192 approved by the director [~~of the Watershed Protection~~
1193 ~~Department~~].

1194 (E) In the urban and suburban watersheds, a new utility line or
1195 major replacement of an existing utility line, or a utility
1196 easement associated with planned infrastructure, may be located
1197 parallel to and within the critical water quality zone if:

1198 (1) in an urban watershed and located not less than 50 feet
1199 from the centerline of a waterway, or in a watershed
1200 other than urban and located not less than 50 feet from
1201 the centerline of a minor waterway, 100 feet from the
1202 centerline of an intermediate waterway, and 150 feet
1203 from the centerline of a major waterway;

1204 (2) located not less than 50 feet from the shoreline of Lady
1205 Bird Lake and Lake Walter E. Long, as defined in
1206 Section 25-8-92;

1207 (3) located not less than 200 [~~100~~] feet from the ordinary
1208 high water mark of the Colorado River downstream from
1209 Longhorn Dam;

1210 (4) designed in accordance with the Environmental Criteria
1211 Manual;

1212 (5) located outside the erosion hazard zone, unless protective
1213 works are provided as prescribed in the Drainage Criteria
1214 Manual; and

1215 (6) the project includes either riparian restoration of an area
1216 within the critical water quality zone equal in size to the
1217 area of disturbance in accordance with the Environmental
1218 Criteria Manual, or payment into the Riparian Zone
1219 Mitigation Fund of a non-refundable amount established
1220 by ordinance.

- 1221 (F) In-channel detention basins and in-channel wet ponds are
1222 allowed in the critical water quality zone only if:
- 1223 (1) proposed as part of a public capital improvement project
1224 or public private partnership;
- 1225 (2) no alternative location is feasible; and
- 1226 (3) designed in accordance with the Environmental Criteria
1227 Manual.
- 1228 (G) Floodplain modification is [~~modifications are~~] prohibited in the
1229 critical water quality zone unless the modification proposed:
- 1230 (1) is [~~the floodplain modifications proposed are~~] necessary
1231 to address an existing threat to public health and safety,
1232 as determined by the director [~~of the Watershed~~
1233 ~~Protection Department~~];
- 1234 (2) is designed solely to improve floodplain health [~~the~~
1235 ~~floodplain modifications proposed would provide a~~
1236 ~~significant, demonstrable environmental benefit,~~] as
1237 determined by a functional assessment of floodplain
1238 health as prescribed by the Environmental Criteria
1239 Manual; or
- 1240 (3) is the minimum [~~the floodplain modifications proposed~~
1241 ~~are~~] necessary for development allowed in the critical
1242 water quality zone under Section 25-8-261 (*Critical*
1243 *Water Quality Zone Development*), Section 25-8-262
1244 (*Critical Water Quality Zone Street Crossings*), or
1245 Section 25-8-367 (*Restrictions on Development*
1246 *Impacting Lake Austin, Lady Bird Lake, and Lake Walter*
1247 *E. Long*) as prescribed by the Environmental Criteria
1248 Manual.

- 1249 (H) In the urban and suburban watersheds, vegetative filter strips,
1250 rain gardens, biofiltration ponds, areas used for irrigation or
1251 infiltration of stormwater, or other controls as prescribed by
1252 rule are allowed in the critical water quality zone if:
- 1253 (1) in an urban watershed and located not less than 50 feet
1254 from the centerline of a waterway, or in a watershed
1255 other than urban and located no less than 50 feet from the
1256 centerline of a minor waterway, no less than 100 feet
1257 from the centerline of an intermediate waterway, and no
1258 less than 150 feet from the centerline of a major
1259 waterway;
- 1260 (2) located not less than 50 feet from the shoreline of Lady
1261 Bird Lake and Lake Walter E. Long, as defined in
1262 Section 25-8-92;
- 1263 (3) located not less than 200 [~~100~~] feet from the ordinary
1264 high water mark of the Colorado River downstream from
1265 Longhorn Dam;
- 1266 (4) located outside the 100-year floodplain; and
- 1267 (5) located outside the erosion hazard zone, unless protective
1268 works are provided as prescribed in the Drainage Criteria
1269 Manual.
- 1270 (I) Development associated with power generation, transmission,
1271 or distribution at the Decker Creek Power Station is allowed in
1272 the critical water quality zone.
- 1273 (J) A residential lot that is 5,750 square feet or less in size may not
1274 include any portion of a critical water quality zone.

1275 **PART 27.** Subsections (B) and (C) of City Code Section 25-8-262 (*Critical Water*
1276 *Quality Zone Mobility Crossings*) are amended to read:

- 1277 (B) This subsection applies in a watershed other than an urban watershed.

- 1278 (1) A major waterway critical water quality zone may be crossed
1279 by a Level 3, 4, or 5 [~~an arterial~~] street or rail line identified in
1280 the Transportation Plan.
- 1281 (2) An intermediate waterway critical water quality zone may be
1282 crossed by a Level 2, 3, 4, or 5 [~~an arterial street, collector~~]
1283 street or rail line, except:
- 1284 (a) a Level 2 [~~collector~~] street crossing must be at least 2,500
1285 feet, measured along the centerline of the waterway, from
1286 a Level 2, 3, 4, or 5 [~~collector or arterial~~] street crossing
1287 on the same waterway; or
- 1288 (b) in a water supply suburban or water supply rural
1289 watershed, or the Barton Springs Zone, a Level 2
1290 [~~collector~~] street crossing must be at least one mile,
1291 measured along the centerline of the waterway, from a
1292 Level 2, 3, 4, or 5 [~~collector or arterial~~] street crossing on
1293 the same waterway.
- 1294 (3) A minor waterway critical water quality zone may be crossed
1295 by a Level 2, 3, 4, or 5 [~~an arterial street, collector~~] street[,] or
1296 rail line, except:
- 1297 (a) a Level 2 [~~collector~~] street crossing must be at least 900
1298 feet, measured along the centerline of the waterway, from
1299 a Level 2, 3, 4, or 5 [~~collector or arterial~~] street crossing
1300 on the same waterway; or
- 1301 (b) in a water supply suburban or water supply rural
1302 watershed, or the Barton Springs Zone, a Level 2
1303 [~~collector~~] street crossing must be at least 2,000 feet,
1304 measured along the centerline of the waterway, from a
1305 Level 2, 3, 4, or 5 [~~collector or arterial~~] street crossing on
1306 the same waterway.

1307 (4) A minor waterway critical water quality zone may be crossed
1308 by a Level 1 or 2 [~~residential or commercial~~] street if necessary
1309 to provide access to property that cannot otherwise be safely
1310 accessed.

1311 (C) In all watersheds, multi-use trails may cross a critical water quality
1312 zone of any waterway if:

1313 (1) designed in compliance with the Environmental Criteria
1314 Manual; and

1315 (2) the development demonstrates no additional adverse impact
1316 from flood or erosion potential.

1317 **Part 28.** City Code Chapter 25-8 (*Environment*) is amended to add a new Section
1318 25-8-263 to read:

1319 **§ 25-8-263 FLOODPLAIN MODIFICATION.**

1320 (A) All floodplain modifications must:

1321 (1) be designed to accommodate existing and fully-vegetated
1322 hydraulic conditions;

1323 (2) apply sound engineering and ecological practices, prevent and
1324 reduce degradation of water quality, and demonstrate the
1325 stability and integrity of floodplains and waterways, as
1326 prescribed in the Environmental Criteria Manual;

1327 (3) restore floodplain health, or provide mitigation if restoration is
1328 infeasible, to support natural functions and processes as
1329 prescribed in the floodplain modification criteria in the
1330 Environmental Criteria Manual; and

1331 (4) comply with the requirements of Chapter 25-7 (*Drainage*), the
1332 Drainage Criteria Manual, and the Environmental Criteria
1333 Manual.

- 1334 (B) Floodplain modification within a critical water quality zone is
1335 prohibited except as allowed under Section 25-8-261 (*Critical Water*
1336 *Quality Zone Development*).
- 1337 (C) Floodplain modification outside a critical water quality zone is
1338 allowed only if the modification proposed:
- 1339 (1) is necessary to protect public health and safety by addressing an
1340 existing threat, as determined by the director;
- 1341 (2) is designed solely to improve floodplain health, as determined by
1342 a functional assessment of floodplain health as prescribed by the
1343 Environmental Criteria Manual;
- 1344 (3) is located within a floodplain area classified as in fair or poor
1345 condition, as determined by a functional assessment of
1346 floodplain health, and provides restoration or mitigation in
1347 accordance with the ratios and specifications prescribed in the
1348 Environmental Criteria Manual; or
- 1349 (4) is the minimum modification necessary for development allowed
1350 under Section 25-8-261 (*Critical Water Quality Development*) or
1351 25-8-262 (*Critical Water Quality Zone Mobility Crossings*).
- 1352 (D) If on-site restoration, as prescribed in the Environmental Criteria
1353 Manual, is infeasible and mitigation is required under this section, it
1354 may be satisfied by:
- 1355 (1) paying into the Riparian Zone Mitigation Fund a nonrefundable
1356 amount established by ordinance;
- 1357 (2) transferring in fee simple or placing restrictions on mitigation
1358 land approved by the director and meeting the following
1359 conditions:
- 1360 (a) located within the same watershed classification;

- 1361 (b) in accordance with the procedures in Subsection (H)(3)
1362 of Section 25-8-26 (*Redevelopment Exception in the*
1363 *Barton Springs Zone*);
- 1364 (c) dedicated to or restricted for the benefit of the City or
1365 another entity approved by the director and which the
1366 City or other approved entity accepts; and
- 1367 (d) an amount proportionate to the amount of area within the
1368 existing floodplain that is proposed to be modified, as
1369 prescribed in the Environmental Criteria Manual; or
- 1370 (3) a combination of the mitigation methods described in
1371 Subsections (D)(1) and (D)(2), if approved by the director.

1372 **PART 29.** Subsections (B) and (C) of City Code Section 25-8-281 (*Critical*
1373 *Environmental Features*) are amended to read:

- 1374 (B) A residential lot may not include a critical environmental feature or a
1375 critical environmental feature buffer zone and may not be located
1376 within 50 feet of a critical environmental feature.
- 1377 (C) This subsection prescribes the requirements for critical environmental
1378 feature buffer zones.
- 1379 (1) A buffer zone is established around each critical environmental
1380 feature described in this subchapter.
- 1381 (a) Except as provided in Subsection (C)(1)(b), the width of
1382 the buffer zone is 150 feet from the edge of the critical
1383 environmental feature.
- 1384 (b) For a point recharge feature, the buffer zone coincides
1385 with the topographically defined catchment basin, except
1386 that the width of the buffer zone from the edge of the
1387 critical environmental feature is:
- 1388 (i) not less than 150 feet;

- 1389 (ii) not more than 300 feet; and
1390 (iii) calculated in accordance with the Environmental
1391 Criteria Manual.

1392 (2) Within a buffer zone described in this subsection:

1393 (a) the natural vegetative cover must be retained to the
1394 maximum extent practicable;

1395 (b) construction is prohibited; and

1396 (c) wastewater disposal or irrigation is prohibited.

1397 (3) If located at least 50 feet from the edge of the critical
1398 environmental feature, the prohibition of Subsection (C)(2)(b)
1399 does not apply to:

1400 (a) a [~~yard~~] hiking trail; [~~or~~]

1401 (b) a recharge basin approved under Section 25-8-213
1402 (*Water Quality Control Standards*) that discharges to a
1403 point recharge feature; or[-]

1404 (c) an innovative runoff management practice approved
1405 under Section 25-8-151 (*Innovative Management*
1406 *Practices*) that is designed to address the standards of this
1407 section, enhance the recharge of groundwater and the
1408 discharge of springs, and maintain the function of critical
1409 environmental features.

1410 (4) Perimeter fencing with not less than one access gate must be
1411 installed at the outer edge of the buffer zone for all point
1412 recharge features. The fencing must comply with the Standard
1413 Specifications Manual.

1414 (5) The owner must maintain the buffer zone in accordance with
1415 standards in the Environmental Criteria Manual to preserve the
1416 water quality function of the buffer.

1417 (6) All critical environmental feature locations and required setbacks
1418 must be shown on preliminary subdivision plans, site plans, and
1419 other permits as determined by the director.

1420 (7) All critical environmental feature locations must be shown on
1421 final plats.

1422 **PART 30.** City Code Section 25-8-282 (*Wetland Protection*) is amended to read:

1423 **§ 25-8-282 WETLAND PROTECTION.**

1424 (A) Wetlands must be protected in all watersheds except for wetlands
1425 located within the area [in the] bounded by Interstate 35, Riverside
1426 Drive, Barton Springs Road, Lamar Boulevard, and 15th Street that
1427 are not associated with the critical water quality zone of Lady Bird
1428 Lake.

1429 (B) Protection methods for wetlands require the approval of the director,
1430 and may include:

1431 (1) appropriate setbacks that preserve the wetlands or wetland The
1432 functions;

1433 (2) wetland mitigation, including wetland replacement; or

1434 (3) wetland restoration or enhancement[~~;~~];

1435 [~~(4) use of a wetlands for water quality controls.~~]

1436 [~~(C) The director of the Watershed Protection Department may approve:~~

1437 (1) ~~the removal and replacement of a wetland; or~~

1438 (2) ~~the elimination of setbacks from a wetland that is proposed to~~
1439 ~~be used as a water quality control.]~~

1440 **PART 31.** City Code Section 25-8-323 (*Temporary Storage Areas; Topsoil*
1441 *Protection*) is amended to add a new Subsection (C) to read:

1442 (C) For areas on the site that are to remain pervious after development,
1443 any soils that are compacted during site grading and construction
1444 operations must be decompacted in compliance with the
1445 Environmental Criteria Manual and the Standard Specifications
1446 Manual.

1447 **PART 32.** City Code Section 25-8-341 (*Cut Requirements*) is amended to read:

1448 **§ 25-8-341 CUT REQUIREMENTS.**

1449 (A) Cuts on a tract of land may not exceed four feet of depth, except:

1450 (1) in an urban watershed;

1451 (2) in a roadway right-of-way;

1452 (3) for construction of a building foundation or swimming pool;

1453 (4) for construction of a water quality control or detention facility
1454 and appurtenances for conveyance such as swales, drainage
1455 ditches, and diversion berms, if:

1456 (a) the design and location of the facility within the site
1457 minimize the amount of cut over four feet;

1458 (b) the cut is the minimum necessary for the appropriate
1459 functioning of the facility; and

1460 (c) the cut is not located on a slope with a gradient of more
1461 than 15 percent or within 100 feet of a classified
1462 waterway;

1463 (5) for utility construction or a wastewater drain field, if the area is
1464 restored to natural grade;

1465 (6) in a state-permitted sanitary landfill or a sand or gravel
1466 excavation located in the extraterritorial jurisdiction, if:

1467 (a) the cut is not in a critical water quality zone;

- 1468 (b) the cut does not alter a 100-year floodplain;
- 1469 (c) the landfill or excavation has an erosion and restoration
1470 plan approved by the City; and
- 1471 (d) all other applicable City Code provisions are met.
- 1472 (7) for any cut associated with construction of a multi-use trail, if:
- 1473 (a) the cut is not located on a slope with a gradient of more
1474 than 15 percent or within 100 feet of a classified
1475 waterway;
- 1476 (b) the cut is limited to no more than eight feet in depth;
- 1477 (c) the cut is located in a public right-of-way or public
1478 easement; and
- 1479 (d) the trail is designed in accordance with the
1480 Environmental Criteria Manual; or
- 1481 (8) for construction of a street or driveway necessary to provide
1482 primary access if:
- 1483 (a) the construction complies with Division 3 (*Construction*
1484 *on Slopes*) of this article;
- 1485 (b) the cut is not within a critical water quality zone;
- 1486 (c) the cut is limited to no more than eight feet in depth;
- 1487 (d) the cut over four feet is the minimum amount necessary
1488 to comply with safety access requirements and the
1489 horizontal and vertical curve requirements of the
1490 Transportation Criteria Manual; and
- 1491 (e) there is no other feasible alternative for the street or
1492 driveway location.

1493 **PART 33.** Subsection (A) of City Code Section 25-8-342 (*Fill Requirements*) is
1494 amended to read:

1495 (A) Fill on a tract of land may not exceed four feet of depth, except:

1496 (1) in an urban watershed;

1497 (2) in a roadway right-of-way;

1498 (3) under a foundation with sides perpendicular to the ground, or
1499 with pier and beam construction;

1500 (4) for construction of a water quality control or detention facility
1501 and appurtenances for conveyance such as swales, drainage
1502 ditches, and diversion berms, if:

1503 (a) the design and location of the facility within the site
1504 minimize the amount of fill over four feet;

1505 (b) the fill is the minimum necessary for the appropriate
1506 functioning of the facility; and

1507 (c) the fill is not located on a slope with a gradient of more
1508 than 15 percent or within 100 feet of a classified
1509 waterway;

1510 (5) for utility construction or a wastewater drain field;

1511 (6) in a state-permitted sanitary landfill located in the
1512 extraterritorial jurisdiction, if:

1513 (a) the fill is derived from the landfill operation;

1514 (b) the fill is not placed in a critical water quality zone or a
1515 100-year floodplain;

1516 (c) the landfill operation has an erosion and restoration plan
1517 approved by the City; and

1518 (d) all other applicable City Code provisions are met; [ø]

- 1519 (7) for fill associated with construction of a multi-use trail, if:
- 1520 (a) the fill is not located on a slope with a gradient of more
1521 than 15 percent or within 100 feet of a classified
1522 waterway;
- 1523 (b) the fill is limited to no more than eight feet in depth;
- 1524 (c) the fill is located in a public right-of-way or public
1525 easement; and
- 1526 (d) the trail is designed in accordance with the
1527 Environmental Criteria Manual; or[-]
- 1528 (8) for construction of a street or driveway necessary to provide
1529 primary access if:
- 1530 (a) the construction complies with Division 3 (*Construction*
1531 *on Slopes*) of this article;
- 1532 (b) the fill is not within a critical water quality zone;
- 1533 (c) the fill is limited to no more than eight feet in depth;
- 1534 (d) the fill over four feet is the minimum amount necessary
1535 to comply with safety access requirements and the
1536 horizontal and vertical curve requirements of the
1537 Transportation Criteria Manual; and
- 1538 (e) there is no other feasible alternative for the street or
1539 driveway location.

1540 **PART 34.** City Code § 25-8-364 (*Floodplain Modification*) is repealed.

1541 **PART 35.** City Code § 25-8-367 (*Relocation of Shoreline Between Tom Miller*
1542 *Dam and Longhorn Dam*) is repealed.

1543 **PART 36.** City Code § 25-8-368 (*Restrictions on Development Impacting Lake*
1544 *Austin, Lady Bird Lake, and Lake Walter E. Long*) is repealed.

1545 **PART 37.** Subsection (A) of City Code Section 25-8-422 (*Water Quality*
1546 *Transition Zone*) is amended to read:

1547 (A) Development is prohibited in a water quality transition zone that lies
1548 over the South Edwards Aquifer recharge zone, except for:

1549 (1) development described in Article 7, Division 1 (*Critical Water*
1550 *Quality Zone Restrictions*); and

1551 (2) minor drainage facilities or water quality controls that comply
1552 with Section 25-8-263 [~~25-8-364~~] (*Floodplain Modification*) and
1553 the floodplain modification criteria in the Environmental Criteria
1554 Manual.

1555 **PART 38.** City Code Section 25-8-452 (*Water Quality Transition Zone*) is
1556 amended to read:

1557 **§ 25-8-452 WATER QUALITY TRANSITION ZONE.**

1558 (A) Development is prohibited in a water quality transition zone that lies
1559 over the South Edwards Aquifer recharge zone, except for:

1560 (1) development described in Article 7, Division 1 (*Critical Water*
1561 *Quality Zone Restrictions*); and

1562 (2) minor drainage facilities or water quality controls that comply
1563 with Section 25-8-263 [~~25-8-364~~] (*Floodplain Modification*) and
1564 the floodplain modification criteria in the Environmental Criteria
1565 Manual.

1566 (B) Development is prohibited in a water quality transition zone that lies
1567 outside the South Edwards Aquifer recharge zone, except for:

1568 (1) development described in Article 7, Division 1 (*Critical Water*
1569 *Quality Zone Restrictions*);

1570 (2) streets;

1571 (3) minor drainage facilities or water quality controls that comply
1572 with Section 25-8-263 [~~25-8-364~~] (*Floodplain Modification*) and
1573 the floodplain modification guidelines of the Environmental
1574 Criteria Manual; and

1575 (4) duplex or single-family residential development with a minimum
1576 lot size of two acres and a density of not more than one unit for
1577 each three acres, excluding acreage in the 100 year flood plain.

1578 (C) A lot that lies within a critical water quality zone must also include at
1579 least two acres in a water quality transition zone or uplands zone.

1580 **PART 39.** City Code Section 25-8-482 (*Water Quality Transition Zone*) is
1581 amended to read:

1582 **§ 25-8-482 WATER QUALITY TRANSITION ZONE.**

1583 (A) Development is prohibited in a water quality transition zone that lies
1584 over the Edwards Aquifer recharge zone, except for:

1585 (1) development described in Article 7, Division 1 (*Critical Water*
1586 *Quality Zone Restrictions*); and

1587 (2) minor drainage facilities or water quality controls that comply
1588 with Section 25-8-263 [~~25-8-364~~] (*Floodplain Modification*) and
1589 the floodplain modification criteria of the Environmental Criteria
1590 Manual.

1591 (B) Development is prohibited in a water quality transition zone that lies
1592 outside the Edwards Aquifer recharge zone, except for:

1593 (1) development described in Article 7, Division 1 (*Critical Water*
1594 *Quality Zone Restrictions*);

1595 (2) minor drainage facilities or water quality controls that comply
1596 with Section 25-8-263 [~~25-8-364~~] (*Floodplain Modification*) and
1597 the floodplain modification guidelines of the Environmental
1598 Criteria Manual;

- 1599 (3) streets; and
- 1600 (4) duplex or single-family residential housing with a minimum lot
- 1601 size of two acres and a density of not more than one unit for each
- 1602 three acres, excluding acreage in the 100-year floodplain.

1603 **Part 40.** City Code Chapter 25-8, Subchapter B, Article 2 (*Endangered Species*) is

1604 repealed.

1605 **Part 41.** City Code Chapter 25-8, Subchapter B, is amended to add a new Article 2

1606 to read:

1607 ***ARTICLE 2. THREATENED OR ENDANGERED SPECIES NOTIFICATION***

1608 **§ 25-8-691 THREATENED OR ENDANGERED SPECIES NOTIFICATION.**

1609 (A) This section applies in areas of the planning jurisdiction that may

1610 contain habitat for federally listed threatened or endangered species

1611 identified in the map maintained by the City online or available for

1612 inspection in the office of the Development Services Department.

1613 (B) On submission of an application for a subdivision or site plan in an

1614 area described in Subsection (A), the applicant must give notice of the

1615 application to the appropriate authority, including:

1616 (1) United States Fish and Wildlife Service;

1617 (2) Balcones Canyonlands Conservation Plan Coordinating

1618 Committee Secretary; and

1619 (3) Travis or Williamson County, as applicable depending on

1620 project location.

1621 (C) The notice must include a statement that the development could cause

1622 the loss of threatened or endangered species habitat.

1623 **PART 42.** City Code Chapter 25-8 (*Environment*) is amended to add a new

1624 Subchapter C to read:

1625 **SUBCHAPTER C. FUNCTIONAL GREEN.**

1626 **25-8-701 APPLICABILITY.**

1627 (A) This subchapter applies in the zoning jurisdiction.

1628 (B) This subchapter applies to a site:

1629 (1) in an urban watershed as defined in Section 25-8-1 (*Definitions*),
1630 with a maximum impervious cover greater than 80% as determined
1631 under Chapter 25-2 (*Zoning*); and

1632 (2) in a watershed defined in Section 25-8-1 (*Definitions*) other than an
1633 urban watershed, with total allowable impervious cover greater than
1634 80% gross site area as determined under Subchapter A.

1635 **25-8-702 FUNCTIONAL GREEN REQUIREMENTS.**

1636 A site plan for a site to which this subchapter applies shall:

1637 (A) meet or exceed a functional green score of 0.3 as calculated under
1638 Section 25-8-703 (*Functional Green Score*) and the Environmental
1639 Criteria Manual;

1640 (B) except for property zoned central business district or downtown
1641 mixed use district, comply with landscape requirements for a site
1642 plan per Chapter 25-2, Subchapter C, Article 9 (*Landscaping*) and
1643 the Environmental Criteria Manual; and

1644 (C) provide 100 percent of plant selections as prescribed by the
1645 Environmental Criteria Manual.

1646 **25-8-703 FUNCTIONAL GREEN SCORE.**

1647 A functional green score shall be calculated using the following steps:

1648 (A) Identify all proposed landscape elements, sorted into the categories
1649 in Table A.

- 1650 (B) Multiply the square feet, or equivalent square footage where
 1651 applicable, of each landscape element by the multiplier in Table A
 1652 and according to the following provisions:
- 1653 (1) If multiple elements listed in Table A occupy the same area,
 1654 groundcover under a tree for example, count the full square
 1655 footage or equivalent square footage of each element.
- 1656 (2) Landscaping elements in the right-of-way between the lot
 1657 line and the roadway may be counted.
- 1658 (3) Elements in Table A that are provided to satisfy other
 1659 regulations may be counted.
- 1660 (4) Provide a minimum of three different landscape elements
 1661 from Table A, of which at least two landscape elements must
 1662 be living elements; trees and shrubs or ornamental grasses of
 1663 different sizes may be counted as different landscape
 1664 elements.
- 1665 (C) Add together all the products calculated under Subsection (B) to
 1666 determine the functional green numerator.
- 1667 (D) Divide the functional green numerator by the lot area, excluding
 1668 public right-of-way, to determine the functional green score.

1669 **TABLE A.**

	Landscape element	Multiplier
	PLANTED AREA	
A	Existing tree	0.8
B.1	Large, newly planted tree (mature width 40' or greater)	0.6
B.2	Medium, newly planted tree (mature width 20-39')	0.5
B.3	Small, newly planted tree (mature width 10- 19')	0.4
C.1	Large shrubs, ornamental grasses, or perennial forbs	0.3
C.2	Small shrubs, ornamental grasses, or perennial forbs	0.3
D	Groundcover	0.2
E	Turf	0.1
F	Vegetated wall	0.5

SPECIALIZED MEDIA		
G.1	Intensive vegetated (green) roof media (depth 12 inches or greater)	0.6
G.2	Extensive vegetated (green) roof media (depth 6-11.9 inches)	0.5
H	Rain garden Media	0.3
ADDITIONAL ELEMENTS		
I	Irrigation with alternative water source	0.2
J	Porous pavement	0.2
K	Suspended pavement system	0.2
BONUS OPTIONS		
L	Bonus: Pollinator resources	0.05
M	Bonus: Publicly Accessible Green	0.05

1670