

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-2, 25-5, 25-7,
AND 25-8 RELATING TO ENVIRONMENTAL, DRAINAGE,
LANDSCAPE, AND SITE PLAN REQUIREMENTS.

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

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

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

- (1) may consist of non-contiguous portions, and may be in the form of features commonly referred to as medians, peninsulas, and islands;
- (2) must be evenly distributed throughout a parking lot, except that the distribution and location of landscaped area may accommodate existing trees or other natural features if the total area requirement is satisfied; ~~and~~
- (3) may count toward compliance with Section 25-2-1003(A) (*General Requirements*); and
- (4) must have an edge-of-pavement treatment that allows overland flow of stormwater runoff across the landscape area except:
 - (a) perimeter landscape areas that are not required to drain to a stormwater control measure;
 - (b) impervious areas on which the land use or activity may generate highly contaminated runoff, as prescribed by the Environmental Criteria Manual; and
 - (c) sites located within the Edwards Aquifer recharge zone.

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

§ 25-2-1008 IRRIGATION REQUIREMENTS.

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

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

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

~~(a) overland flow;~~

~~(b) storm drains;~~

~~(c) downspouts;~~

~~(d) rainwater harvesting;~~

~~(e) retention irrigation; or~~

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

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

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

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

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

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

(1) undisturbed natural area; or

(2) undisturbed existing trees;

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

(1) for the first two growing seasons for all or a portion of a newly
planted required landscaped area without permanent irrigation;

(2) permanently for all newly planted trees in a required landscape
area; and

(3) as prescribed by rule for all newly planted required landscaping
located in medians, islands, or peninsulas.

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

(1) an automatic irrigation system;

(2) a hose attachment, if:

(a) the hose attachment is within 100 feet of the landscaped
area or plant; and

(b) there is not a road or parking pavement between the hose
attachment and the landscaped area or plan; or

(3) a temporary, above ground automatic irrigation system, if the
system complies with the water conservation requirements in
the Environmental Criteria Manual.

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

(1) provide a moisture level adequate to sustain growth of the plant
materials on a permanent basis;

(2) unless fiscal security is provided to the City for the installation
of the system, be operational at the time of the final landscape
inspection; and

86 (3) be maintained and kept operational.

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

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

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

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

94 (F)~~(I)~~ The director may grant an administrative variance to the
95 requirements in this section ~~[Section]~~. An applicant for a variance
96 must demonstrate that:

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

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

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

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

107 (B) The following are small projects:

108 (1) construction of a building or parking area if the proposed
109 construction:

110 (a) does not require a variance from a water quality
111 regulation;

112 (b) does not exceed 5,000 square feet of impervious cover;
113 and

(c) the construction site does not exceed 10,000 square feet, including the following areas:

(i) construction;

(ii) clearing;

(iii) grading;

(iv) construction equipment access;

(v) driveway reconstruction;

(vi) temporary installations, including portable buildings, construction trailers, storage areas for building materials, spoil disposal areas, erosion and sedimentation controls, and construction entrances;

(vii) landscaping; and

(viii) other areas that the director determines are part of the construction site;

(2) construction of a storm sewer not more than 30 inches in diameter that is entirely in a public right-of-way or an easement;

(3) construction of a utility line not more than eight inches in diameter that is entirely in a public right-of-way;

(4) construction of a left turn lane on a divided arterial street;

(5) construction of street intersection improvements;

(6) widening a public street to provide a deceleration lane if additional right-of-way is not required;

(7) depositing less than two feet of earth fill, if the site is not in a 100 year floodplain and the fill is not to be deposited within the dripline of a protected tree;

- 142 (8) construction of a boat dock as an accessory use to a single-
143 family residential use, duplex residential use, two-family
144 residential use, or secondary apartment special use if shoreline
145 modification or dredging of not more than 25 cubic yards is not
146 required; or
- 147 (9) construction of a retaining wall, if the wall is less than 100 feet
148 in length and less than eight feet in height, and the back fill
149 does not reclaim a substantial amount of land except land that
150 has eroded because of the failure of an existing retaining wall;
- 151 (10) minor development that the director determines is similar to
152 that described in Subsections (B)(1) through (9) of this section;
- 153 (11) the replacement of development that is removed as a result of
154 right-of-way condemnation; ~~and~~
- 155 (12) the construction of a telecommunications tower described in
156 Subsection 25-2-839(F) or (G) (*Telecommunication Towers*);
157 and
- 158 (13) construction of a multi-family residential project that:
- 159 (a) does not exceed 11 units, unless an additional number of
160 units is allowed for a qualifying development under
161 Chapter 25-1, Article 15, Division 4 (*Affordability*
162 *Unlocked Bonus Program*);
- 163 (b) is located on a platted residential lot that:
- 164 (i) is not located within the Barton Springs Zone;
165 (ii) does not exceed 55% impervious cover; and
166 (iii) was originally part of a single family residential
167 subdivision; and
- 168 (c) is located on a site of less than half an acre.

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

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

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

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

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

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

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

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

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

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

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

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

§ 25-8-21 APPLICABILITY.

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

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

(1) this subchapter does not apply; and

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

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

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

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

(b) Article 2 (*Waterways Classified; Zones Established*) for a legal tract or a lot platted on or after May 18, 1986, and for development associated with boat docks, shoreline access, or shoreline modifications including bulkheads and bank stabilization;

(c) Article 5 (*Erosion and Sedimentation Control; Overland Flow*);

(d) Section 25-8-261 (*Critical Water Quality Zone Restrictions*), for a legal tract or a lot platted on or after May 18, 1986, and for development associated with boat docks, shoreline access, or shoreline modifications including bulkheads and bank stabilization;

(e) Section 25-8-321 (*Clearing of Vegetation*);

- 233 (f) Section 25-8-323 (Temporary Storage Areas; Topsoil
234 Protection);
- 235 (g) Section 25-8-341 (Cut Requirements);
- 236 (h) Section 25-8-342 (Fill Requirements);
- 237 (i) Section 25-8-364 (Floodplain Modifications), for a legal
238 tract or a lot platted on or after May 18, 1986, and for
239 development associated with boat docks, shoreline
240 access, or shoreline modifications including bulkheads
241 and bank stabilization;
- 242 (j) Section 25-8-368 (Restrictions on Development
243 Impacting Lake Austin, Lady Bird Lake, and Lake Walter
244 E Long);
- 245 (k) Article 13 (Save Our Springs Initiative); and
- 246 (l) Municipal regulatory restrictions on a recorded plat or
247 covenant, unless the restrictions are determined to be
248 inapplicable under Chapter 25-1, Article 12 (Vested
249 Rights).
- 250 (2) Within the planning jurisdiction, multi-family development that
251 is not eligible for approval under Subsection 25-5-3(B)(13)
252 (Small Projects) is subject to all requirements of this
253 subchapter.
- 254 (3) Within the zoning jurisdiction, one- and two-family residential
255 development is subject to the regulations specified in
256 Subsections (C)(1)(a)-(l).

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

259 **§ 25-8-25 REDEVELOPMENT EXCEPTION IN URBAN AND SUBURBAN**
260 **WATERSHEDS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) In this section:

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

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

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

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

(2) The redevelopment may not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 25-8-281 (*Critical Environmental*

328 *Features*), Section 25-8-282 (*Wetland Protection*), or Section
329 25-8-482 (*Water Quality Transition Zone*).

330 (3) The redevelopment must comply with Section 25-8-121
331 (*Environmental Resource Inventory Requirement*) and all
332 construction phase environmental requirements in effect at the
333 time of construction, including Chapter 25-8, Article 5 (*Erosion*
334 *and Sedimentation Control; Overland Flow*) and Section 25-8-
335 234 (*Fiscal Security in the Barton Springs Zone*).

336 (4) The water quality controls on the redevelopment site must
337 provide a level of water quality treatment that is equal to or
338 greater than that which was previously provided.

339 (5) For a commercial or multifamily redevelopment, the owner or
340 operator must obtain a permit under Section 25-8-233 (*Barton*
341 *Springs Zone Operating Permit*) for both standard
342 [~~sedimentation/filtration~~] ponds and SOS ponds.

343 (6) For a site with more than 40 percent net site area impervious
344 cover, the redevelopment must have:

345 (a) standard [~~sedimentation/filtration~~] ponds for the entire
346 site; or

347 (b) SOS ponds for a portion of the site, and standard
348 [~~sedimentation/filtration~~] ponds for the remainder of the
349 redeveloped site.

350 (7) For a site with 40 percent or less net site area impervious cover,
351 the redevelopment must have SOS ponds for the entire site.

352 (8) The property owner must mitigate the effects of the
353 redevelopment, if required by and in accordance with
354 Subsection (H).

355 (9) Redevelopment may not be located within the Erosion Hazard
356 Zone, unless protective works are provided as prescribed in the
357 Drainage Criteria Manual.

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

360 § 25-8-27 REDEVELOPMENT EXCEPTION IN THE WATER SUPPLY
361 RURAL AND WATER SUPPLY SUBURBAN WATERSHEDS.

362 (A) This section applies to property located in a water supply rural or
363 water supply suburban watershed that has existing commercial
364 development or existing residential development with greater than two
365 dwelling units per lot if:

366 (1) any development constructed without a permit after January 1,
367 1992, will be removed from the site and the area restored to
368 pre-development conditions; [no unpermitted development
369 occurred on the site after January 1, 1992,] and

370 (2) the applicant files a site plan application or concurrent
371 subdivision and site plan applications and elects [the property
372 owner files a site plan application and an election for the
373 property] to be governed by this section.

374 (B) In this section, STANDARD [~~SEDIMENTATION/FILTRATION~~]
375 POND means water quality controls that comply with Section 25-8-
376 213 (*Water Quality Control Standards*) or are approved under Section
377 25-8-151 (*Innovative Management Practices*).

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

381 (C)~~(D)~~ The requirements of this subchapter do not apply to the
382 redevelopment of property if the redevelopment meets all of the
383 following conditions:

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

386 (2) The redevelopment may not increase non-compliance, if any,
387 with Article 7, Division 1 (*Critical Water Quality Zone*
388 *Restrictions*), Section 25-8-281 (*Critical Environmental*
389 *Features*), Section 25-8-282 (*Wetland Protection*), Section 25-
390 8-422 (*Water Quality Transition Zone*), or Section 25-8-452
391 (*Water Quality Transition Zone*).

(3) The redevelopment must remove any existing impervious cover from within 50 feet of the centerline of a classified waterway or 50 feet from the shoreline of a lake and revegetate the area as prescribed in the Environmental Criteria Manual.

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

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

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

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

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

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

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

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

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

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

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

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

427 ~~(2)~~ whether the proposed mitigation or manner of development
428 offsets the potential environmental impact of the
429 redevelopment;

430 ~~(3)~~ the effects of off-site infrastructure requirements of the
431 redevelopment; and

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

433 (D)~~(G)~~ Redevelopment of property under this section requires the
434 purchase or restriction of mitigation land.

435 (1) The combined impervious cover of the mitigation land and the
436 portion of the redevelopment treated by sedimentation/filtration
437 ponds may not exceed 20 percent of gross site area if in a water
438 supply rural watershed or 40 percent of gross site area if in a
439 water supply suburban watershed.

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

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

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

448 (c) placing restrictions in accordance with Paragraph (3) on
449 mitigation land approved by the director [~~of the~~
450 ~~Watershed Protection Department~~] within a water supply
451 rural or water supply suburban watershed, either inside or
452 outside the City's jurisdiction; or

(d) a combination of the mitigation methods described in Subparagraphs (a) - (c), if approved by the director [~~of the Watershed Protection Department~~].

(3) An applicant [~~A person~~] redeveloping under this section shall pay all costs of restricting the mitigation land or transferring the mitigation land to the City, including the costs of:

(a) an environmental site assessment without any recommendations for further clean-up, certified to the City not earlier than the 120th day before the closing date transferring land to the City;

(b) a category 1(a) land title survey, certified to the City and the title company not earlier than the 120th day before the closing date transferring land to the City;

(c) a title commitment with copies of all Schedule B and C documents, and an owner's title policy;

(d) a fee simple deed, or, for a restriction, a restrictive covenant approved as to form by the City Attorney;

(e) taxes prorated to the closing date;

(f) recording fees; and

(g) charges or fees collected by the title company.

(H) The Watershed Protection Department shall adopt rules to identify criteria [~~for director approval~~] under this section to ensure that the proposed mitigation, manner of development, and water quality controls offset the potential environmental impact of the redevelopment.

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

§ 25-8-42 ADMINISTRATIVE VARIANCES.

(A) A variance under this section may not vary the requirements of Article 13 (*Save Our Springs Initiative*) [~~and may not be granted for development of a property if any portion of the property abuts or is~~]

484 within 500 feet of the shoreline of Lake Austin, measured
485 horizontally].

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

488 (1) Subsection 25-8-213(C) (Water Quality Control Standards);

489 (2)[(4)] Section 25-8-261 (*Critical Water Quality Zone*
490 *Development*), only if:

491 (a) necessary to protect public health and safety, or if the
492 type of development requiring the variance directly
493 contributes to [it would provide] a significant,
494 demonstrable environmental benefit, as determined by a
495 functional assessment of floodplain health as prescribed
496 by the Environmental Criteria Manual; [;]

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

500 (c) necessary to allow an athletic field to be located in an
501 area not otherwise allowed under Subsection [Section]
502 25-8-261(B)(5); [; or]

503 (d) necessary to allow a hard surfaced trail to be located in
504 an area not otherwise allowed under Subsection [Section]
505 25-8-261(B)(3);

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

509 (f) except in the Barton Springs Zone, necessary to allow a
510 private driveway or private street to cross a critical water
511 quality zone if the crossing is necessary to provide
512 primary access to the right-of-way or the crossing is
513 required to comply with public health and safety
514 requirements; or

- 515 (g) necessary to allow residential use of up to 11 units
516 located on an existing single family platted lot;
- 517 (3)[(2)] Section 25-8-261 (*Critical Water Quality Zone*
518 *Development*), for development within an urban watershed,
519 only if the proposed development:
- 520 (a) is located not less than 25 feet from the centerline of a
521 waterway;[;]
- 522 (b) is located outside the erosion hazard zone, unless
523 protective works are provided as prescribed in the
524 Drainage Criteria Manual;[;]
- 525 (c) does not increase non-compliance, if any, with Article 7,
526 Division 1 (*Critical Water Quality Zone Restrictions*),
527 Section 25-8-281 (*Critical Environmental Features*) or
528 Section 25-8-282 (*Wetland Protection*);[;] and
- 529 (d) restores native vegetation and soils if development is
530 removed from the Critical Water Quality Zone;
- 531 (4)[(3)] Subsection 25-8-262(B) (*Critical Water Quality Zone*
532 *Street Crossings*), only outside the Barton Springs Zone;
- 533 (5)[(4)] Section 25-8-281 (*Critical Environmental Features*);
- 534 (6)[(5)] Section 25-8-322 (*Clearing for a Roadway*);
- 535 (7)[(6)] Section 25-8-341 (*Cut Requirements*) or Section 25-8-
536 342 (*Fill Requirements*), for a cut or fill of not more than eight
537 feet;
- 538 (a) in the desired development zone; [~~and;~~]
- 539 (b) for a public primary or secondary educational facility[;
540 ~~within the desired development zone or the drinking~~
541 ~~water protection zone~~]; or
- 542 (c) for residential construction of up to 11 units located on
543 an existing single family platted lot;
- 544

545 (8)[(7)] Subsection 25-8-343(A) (*Spoil Disposal*);
546 (9)[(8)] Section 25-8-365 (*Interbasin Diversion*); or
547 (10)[(9)] Subsection 25-8-392(B)(6) (*Uplands Zone*), Subsection
548 25-8-392(C)(6) (*Uplands Zone*), Subsection 25-8-423(D)
549 (*Uplands Zone*), or Subsection 25-8-453(E) (*Uplands Zone*).

550 (C) It is the applicant's burden to establish that the findings described in
551 this section [~~Section~~] have been met.

552 (D) The director [~~of the Watershed Protection Department~~] may grant a
553 variance described in Subsection (B) only after determining that
554 development in accordance with the variance meets the objective of
555 the requirement for which the variance is requested and:

556 (1) for property in the Barton Springs Zone, the variance will result
557 in water quality that is at least equal to the water quality
558 achievable without the variance;

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

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

567 (a) The crossing must span the active channel or use open
568 bottom culverts as determined by the director.

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

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

- 577 (d) The construction is not located in the Barton Springs
578 Zone.
- 579 (4) for a variance from Section 25-8-261, the development is
580 necessary to allow residential construction of up to 11 units
581 located on an existing single family platted lot if:
- 582 (a) the modification is the minimum deviation necessary to
583 ensure reasonable use and maintenance of the property
584 for an existing nonconforming structure; and
- 585 (b) for new development, the director determines that:
- 586 (i) the usable lot area cannot accommodate the
587 assumed square footage of impervious cover
588 established under Section 25-8-64 (*Impervious*
589 *Cover Assumptions*), after accounting for all
590 applicable regulations;
- 591 (ii) the total proposed impervious cover does not
592 exceed the assumed square footage of impervious
593 cover established under Section 25-8-64; and
- 594 (iii) the development is the minimum deviation
595 necessary to accommodate the development;
- 596 (5)[(2)] for a variance from Subsection [Section] 25-8-261(B)(5),
597 that the proposed work on or placement of the athletic field will
598 have no adverse environmental impacts;
- 599 (6) for a variance from Subsection 25-8-261(H), that the green
600 stormwater infrastructure is:
- 601 (a) not required for regulatory compliance with 25-8-211
602 (*Water Quality Control Requirement*);
- 603 (b) designed to capture runoff from existing, untreated
604 impervious cover; and
- 605 (c) proposed in a location that is the minimum necessary
606 departure from the code requirement;

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

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

(9) for a variance from Section 25-8-341 or Section 25-8-342 necessary to allow residential construction of up to 11 units located on an existing single family platted lot, if:

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

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

(i) the usable lot area cannot accommodate the assumed square footage of impervious cover established under 25-8-64 (*Impervious Cover Assumptions*), after accounting for all applicable regulations;

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

(iii) the development is the minimum deviation necessary to accommodate the development;

(10)[(5)] for a variance from Subsection ~~[Section]~~ 25-8-343(A), use of the spoil provides a necessary public benefit. Necessary public benefits include:

(a) roadways;

(b) stormwater detention facilities;

(c) public or private park sites; and

(d) building sites that comply with Section 25-8-341 (*Cut Requirements*), Section 25-8-342 (*Fill Requirements*), and Chapter 25-7 (*Drainage*); ~~and~~

~~(11)~~~~(6)~~ for a variance from Section 25-8-365, there are no adverse environmental or drainage impacts; and

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

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

(b) does not create significant adverse environmental impacts.

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

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

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

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

(C) Impervious cover calculations exclude:

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

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

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

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

(d) the ramp is located in a manner that utilizes existing impervious cover to the greatest extent possible if:

(i) impervious cover on the property is at or above the maximum amount of impervious cover allowed by this title; or

(ii) if placement of the ramp would result in the property exceeding the maximum amount of impervious cover allowed by this title; and

(12)[(14)] a subsurface portion of a parking structure if the director [of the Watershed Protection Department] determines that:

(a) the subsurface portion of the structure:

(i) is located within an urban or suburban watershed;

(ii) is below the grade of the land that existed before construction of the structure;

(iii) is covered by soil with a minimum depth of two feet and an average depth of not less than four feet; and

(iv) has an area not greater than fifteen percent of the site;

(b) the structure is not associated with a use regulated by Section 1.2.2 of Subchapter F of Chapter 25-2 (*Residential Design and Compatibility Standards*);

(c) the applicant submits an assessment of the presence and depth of groundwater at the site sufficient to determine whether groundwater will need to be discharged or impounded; ~~and~~

(d) the applicant submits documentation that the discharge or impoundment of groundwater from the structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property; and

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

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

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

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

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

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

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

(b) for an intermediate waterway, the boundaries of the critical water quality zone are located not less than 100 feet and not more than 200 feet from the centerline of the waterway;

759 (c) for a major waterway, the boundaries of the critical water
760 quality zone are located not less than 200 feet and not
761 more than 400 feet from the centerline of the waterway;
762 and

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

766 (2) Notwithstanding the provisions of Subsections (A)(1)(a), (b),
767 and (c), a critical water quality zone does not apply to a
768 drainage ditch located parallel and adjacent to [previously
769 modified drainage feature serving] a railroad or public roadway
770 right-of-way if the ditch: [that does not possess any natural and
771 traditional character and cannot reasonably be restored to a
772 natural condition, as prescribed in the Environmental Criteria
773 Manual.]

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

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

777 (c) does not possess any natural and traditional character;
778 and

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

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

784 (1) For [fɔr] a minor waterway, the boundaries of the critical water
785 quality zone are located 100 feet from the centerline of the
786 waterway.[ɪ]

787 (2) For [fɔr] an intermediate waterway, the boundaries of the
788 critical water quality zone are located 200 feet from the
789 centerline of the waterway.[ɪ]

790 (3) For [fɔr] a major waterway, the boundaries of the critical water
791 quality zone are located 300 feet from the centerline of the
792 waterway.[;]

793 (4) The [the] critical water quality zone boundaries may be reduced
794 to not less than 50 feet from the centerline of a minor waterway,
795 100 feet from the centerline of an intermediate waterway, [and]
796 150 feet from the centerline of a major waterway, and 200 feet
797 from the ordinary high water mark of the Colorado River
798 downstream of the Longhorn Dam if the overall surface area of
799 the critical water quality zone is the same or greater than the
800 surface area that would be provided without the reduction, as
801 prescribed in the Environmental Criteria Manual.[; and]

802 (5) Notwithstanding [notwithstanding] the provisions of
803 Subsections (B)(1), (2), and (3), a critical water quality zone
804 does not apply to a drainage ditch located parallel and adjacent
805 to [previously modified drainage feature serving] a railroad or
806 public roadway right-of-way if the ditch: [that does not possess
807 any natural and traditional character and cannot reasonably be
808 restored to a natural condition.]

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

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

812 (c) does not possess any natural and traditional character;
813 and

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

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

820 (1) The boundaries of the critical water quality zone coincide with
821 the boundaries of the 100-year floodplain as determined under
822 Section 25-7-6 (*Determination of the 100-Year Floodplain*),

823 provided that the boundary is not less than 50 feet and not more
824 than 400 feet from the centerline of the waterway.

825 (2) Notwithstanding the provisions of Subsection (C)(1), a critical
826 water quality zone does not apply to a drainage ditch located
827 parallel and adjacent to [~~previously modified drainage feature~~
828 ~~serving~~] a railroad or public roadway right-of-way if the ditch:
829 [~~that does not possess any natural and traditional character and~~
830 ~~cannot reasonably be restored to a natural condition.~~]

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

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

834 (c) does not possess any natural and traditional character;
835 and

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

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

840 (1) The shoreline boundary of a critical water quality zone
841 coincides with the river's ordinary high water mark, as defined
842 by Code of Federal Regulations Title 33, Section 328.3
843 (*Definitions*).

844 (2) The width of a critical water quality zone, measured
845 horizontally inland, is 400 feet. [~~The inland boundary of a~~
846 ~~critical water quality zone coincides with the boundary of the~~
847 ~~100-year floodplain as determined under Section 25-7-6~~
848 ~~(Determination of the 100-Year Floodplain) except that the~~
849 ~~width of the critical water quality zone, measured horizontally~~
850 ~~inland, is not less than 200 feet and not more than 400 feet.~~]

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

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

- 855 (1) within the Edwards Aquifer recharge [~~or contributing~~] zone;
856 [~~(2) within the Drinking Water Protection Zone;~~
857 ~~(3) containing a water quality transition zone;~~
858 (2)[(4)] containing a critical water quality zone; [~~or~~]
859 (3)[(5)] with a gradient of more than 15 percent; or
860 (4) containing, or within 150 feet of, a potential or verified wetland
861 feature as identified in a map maintained by the Watershed
862 Protection Department and made available for reference online
863 and at the offices of the Development Services Department.

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

- 866 (A) Development is not completed until:
867 (1) permanent revegetation is established; and
868 (2) the director [~~Planning and Development Review Department~~]:
869 (a) receives the engineer's concurrence letter; and
870 (b) certifies installation of the vegetation for acceptance.

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

- 874 (B) A temporary erosion and sedimentation control plan and a water
875 quality plan certified by a registered professional engineer and
876 approved by the director [~~Planning and Development Review~~
877 ~~Department~~] is required.
878 (1) The plans must describe the temporary structural controls, site
879 management practices, or other approved methods that will be
880 used to control of off-site sedimentation until permanent
881 revegetation is certified as completed under Section 25-8-182
882 (*Development Completion*).

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

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

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

(A) Drainage patterns must be designed to:

(1) prevent erosion;

(2) maintain infiltration and recharge of local seeps, ~~and~~ springs, and waterways;

(3) attenuate the harm of contaminants collected and transported by stormwater; ~~and~~

(4) where feasible [~~possible~~], maintain and restore overland sheet flow, maintain natural drainage features and patterns, and disperse runoff back to sheet flow; and

(5) where feasible, direct stormwater to landscape areas including islands, medians, peninsulas, and other similar areas. Exceptions to this requirement include:

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

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

(c) impervious areas used for parking or driving of vehicles if located within the Edwards Aquifer recharge zone.

PART 21. City Code Section 25-8-213 (*Water Quality Control Standards*) is amended to read:

§ 25-8-213 WATER QUALITY CONTROL STANDARDS.

(A) A water quality control must be designed in accordance with the Environmental Criteria Manual.

(1) The control must provide at least the treatment level of a sedimentation/filtration system under the Environmental Criteria Manual.

(2) An impervious liner is required for structural water quality controls over the Edwards Aquifer recharge zone ~~[in an area where there is surface runoff to groundwater conductivity]~~. If a liner is required and there are multiple controls ~~[are located]~~ in series, liners are only required for the first control in the series ~~[not required for the second or later in the series following sedimentation, extended detention, or sedimentation/filtration]~~.

(3) The control must be accessible for maintenance and inspection as prescribed in the Environmental Criteria Manual.

(B) A water quality control must capture and treat the water draining to the control from the contributing area. The required capture volume is:

(1) the first one-half inch of runoff; and

(2) for each 10 percent increase in impervious cover over 20 percent of gross site area, an additional one-tenth of an inch of runoff.

(C) The required water quality treatment must be provided using green stormwater control measures, as prescribed in the Environmental Criteria Manual.

(D) Notwithstanding Subsection (C), all or part of the required water quality treatment may be provided using other water quality controls for:

944 (1) areas with land uses or activities that may generate highly
945 contaminated runoff, as described in the Environmental Criteria
946 Manual;

947 (2) a project that provides water quality treatment for currently
948 untreated, developed off-site areas of at least ten acres in size;
949 or

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

952 ~~(E)~~[(C)] The location of a water quality control:

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

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

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

960 ~~(F)~~[(D)] This subsection provides additional requirements for the Barton
961 Springs Zone.

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

967 (2) Water quality controls must be placed in sequence if necessary
968 to remove the required amount of pollutant. The sequence of
969 controls must be:

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

972 (b) designed to minimize maintenance requirements.

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

- (A) The director [~~of the Watershed Protection Department~~] shall identify and prioritize water quality control facilities for the urban watersheds in an Urban Watersheds Structural Control Plan. The Environmental Commission [~~Board~~] shall review the plan annually [~~in January of each year~~].

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

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

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

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

- (A) In the Barton Springs Zone, the owner or operator of a commercial or multifamily development is required to obtain an annual operating permit for the required water quality controls.

- (B) To obtain an annual operating permit, an applicant must:

- (1) provide the director [~~Planning and Development Review Department~~] with:
- (a) a maintenance plan; and
- (b) the information necessary to verify that the water quality controls are in proper operating condition; and

- (2) pay the required, nonrefundable fee.
- (C) The director [~~Planning and Development Review Department~~] may verify that a water quality control is in proper operating condition by either inspecting the water quality control or accepting a report from a registered engineer.
- (D) The director [~~Planning and Development Review Department~~] shall issue an operating permit after determining that:
- (1) the applicant has complied with the requirements of Subsection (B); and
 - (2) the water quality controls are in proper operating condition.
- (E) The director [~~Planning and Development Review Department~~] shall transfer an operating permit to a new owner or operator if, not later than 30 days after a change in ownership or operation, the new owner or operator:
- (1) signs the operating permit;
 - (2) accepts responsibility for the water quality controls; and
 - (3) documents the transfer on a form provided by the director [~~Planning and Development Review Department~~].

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

Division 1. Waterway and Floodplain Protection.

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

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

In all watersheds, development is prohibited in a critical water quality zone except as provided in this Division. Development allowed in the critical water quality zone under this Division shall be revegetated and restored within the limits of construction as prescribed by the Environmental Criteria Manual.

1032 (A) A fence that does not obstruct flood flows is permitted in a
1033 critical water quality zone.

1034 (B) Open space is permitted in a critical water quality zone if a
1035 program of fertilizer, pesticide, and herbicide use is approved
1036 by the Watershed Protection Department, subject to the
1037 conditions in this Subsection.

1038 (1) In a water supply rural watershed, water supply
1039 suburban, or the Barton Springs Zone, open space is
1040 limited to sustainable urban agriculture or a community
1041 garden if the requirements in subsection (B)(4) are met,
1042 multi-use trails, picnic facilities, and outdoor facilities,
1043 excluding stables, corrals for animals and athletic fields.

1044 (2) A ~~[master planned]~~ park with a council-adopted plan
1045 ~~[that is approved by the council]~~ may include recreational
1046 development other than that described in Subsection
1047 (B)(1).

1048 (3) A hard surfaced trail may cross the critical water quality
1049 zone pursuant to Section 25-8-262 (*Critical Water*
1050 *Quality Zone Street Crossings*). A hard surfaced trail that
1051 does not cross the critical water quality zone may be
1052 located within the critical water quality zone only if:

1053 (a) designed in accordance with the Environmental
1054 Criteria Manual;

1055 (b) located outside the erosion hazard zone unless
1056 protective works are provided as prescribed in the
1057 Drainage Criteria Manual;

1058 (c) limited to 12 feet in width plus one-foot compacted
1059 sub-grade shoulders, unless a wider trail is
1060 designated in a Council-adopted plan;

1061 (d) located not less than 25 feet from the centerline of
1062 a waterway if within an urban watershed;

- (e) located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if within a watershed other than an urban watershed;
- (f) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in Section 25-8-92; and
- (g) located not less than 200 [~~400~~] feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam.
- (4) Open space may include sustainable urban agriculture or a community garden only if:
- (a) in an urban watershed and located not less than 25 feet from the centerline of a waterway, or in a watershed other than an urban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
- (b) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in Section 25-8-92;
- (c) located not less than 200 [~~400~~] feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
- (d) designed in accordance with the Environmental Criteria Manual; and
- (e) limited to garden plots and paths, with no storage facilities or other structures over 500 square feet.

- 1096 (5) In a suburban or urban watershed, open space may
1097 include an athletic field only if:
- 1098 (a) in an urban watershed and located not less than 25
1099 feet from the centerline of a waterway, or in a
1100 suburban watershed and located not less than 50
1101 feet from the centerline of a minor waterway, 100
1102 feet from the centerline of an intermediate
1103 waterway, and 150 feet from the centerline of a
1104 major waterway;
- 1105 (b) located not less than 50 feet from the shoreline of
1106 Lady Bird Lake and Lake Walter E. Long, as
1107 defined in Section 25-8-92;
- 1108 (c) located not less than 200 [~~100~~] feet from the
1109 ordinary high water mark of the Colorado River
1110 downstream from Longhorn Dam; and
- 1111 (d) the owner of the athletic field submits to the
1112 Watershed Protection Department a maintenance
1113 plan to keep the athletic field well vegetated and
1114 minimize compaction, as prescribed in the
1115 Environmental Criteria Manual.

1116 (C) The requirements of this subsection apply along Lake Travis,
1117 Lake Austin, Lake Walter E. Long, and ~~[or]~~ Lady Bird Lake.

- 1118 (1) A dock, public boat ramp, bulkhead or marina, and
1119 necessary access and appurtenances, are permitted in a
1120 critical water quality zone subject to compliance with
1121 Chapter 25-2, Subchapter C, Article 12 (*Docks,*
1122 *Bulkheads, and Shoreline Access*). For a single-family
1123 residential use, necessary access may not exceed the
1124 minimum area of land disturbance required to construct a
1125 single means of access from the shoreline to a dock.
- 1126 (2) Disturbed areas must be restored in accordance with the
1127 Environmental Criteria Manual and the following
1128 requirements:

(a) Within a lakefront critical water quality zone, or an equivalent area within 25 feet of a shoreline, restoration must include:

(i) at least one native shade tree and one native understory tree, per 500 square feet of disturbed area; and

(ii) one native shrub per 150 square feet of disturbed area; and

(b) Remaining disturbed areas must be restored per standard specifications for native restoration.

(3) Within the shoreline setback area defined by Section 25-2-551 (*Lake Austin (LA) District Regulations*) and within the overlay established by Section 25-2-180 (*Lake Austin (LA) Overlay District*), no more than 30 percent of the total number of shade trees of 8 inches or greater, as designated in the Environmental Criteria Manual, may be removed.

(4) Before a building permit may be issued or a site plan released, approval by the Watershed Protection Department is required for chemicals used to treat building materials that will be submerged in water.

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

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

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

(a) the shoreline as it existed 10 years before the date of application, with documentation as prescribed by the Environmental Criteria Manual; or

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

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

(a) the existing bulkhead was legally constructed;

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

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

(9) Dredging is prohibited unless:

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

(b) the dredging is necessary for navigation safety.

(D) A utility line, including a storm drain, is prohibited in the critical water quality zone, except as provided in subsection (E) or for a necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if:

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

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

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

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

(E) In the urban and suburban watersheds, a utility line may be located parallel to and within the critical water quality zone if:

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

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

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

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

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

(6) the project includes either riparian restoration of an area within the critical water quality zone equal in size to the area of disturbance in accordance with the Environmental Criteria Manual, or payment into the Riparian Zone

Mitigation Fund of a non-refundable amount established by ordinance.

(F) In-channel detention basins and in-channel wet ponds are allowed in the critical water quality zone only if:

(1) proposed as part of a public capital improvement project or public private partnership;

(2) no alternative location is feasible; and

(3) designed in accordance with the Environmental Criteria Manual.

(G) Floodplain modification is ~~[modifications are]~~ prohibited in the critical water quality zone unless the modification proposed:

(1) is ~~[the floodplain modifications proposed are]~~ necessary to address an existing threat to public health and safety, as determined by the director ~~[of the Watershed Protection Department];~~

(2) is designed solely to improve floodplain health ~~[the floodplain modifications proposed would provide a significant, demonstrable environmental benefit,]~~ as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual; or

(3) is the minimum ~~[the floodplain modifications proposed are]~~ necessary for development allowed in the critical water quality zone under Section 25-8-261 (*Critical Water Quality Zone Development*), Section 25-8-262 (*Critical Water Quality Zone Street Crossings*), or Section 25-8-367 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*) as prescribed by the Environmental Criteria Manual.

(H) In the urban and suburban watersheds, vegetative filter strips, rain gardens, biofiltration ponds, areas used for irrigation or

infiltration of stormwater, or other controls as prescribed by rule are allowed in the critical water quality zone if:

- (1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located no less than 50 feet from the centerline of a minor waterway, no less than 100 feet from the centerline of an intermediate waterway, and no less than 150 feet from the centerline of a major waterway;
 - (2) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in Section 25-8-92;
 - (3) located not less than 200 [~~100~~] feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
 - (4) located outside the 100-year floodplain; and
 - (5) located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (I) Development associated with power generation, transmission, or distribution at the Decker Creek Power Station is allowed in the critical water quality zone.
- (J) A residential lot that is 5,750 square feet or less in size may not include any portion of a critical water quality zone.

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

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

- (1) A major waterway critical water quality zone may be crossed by a Level 3, 4, or 5 [~~an arterial~~] street or rail line identified in the Transportation Plan.

1289 (2) An intermediate waterway critical water quality zone may be
1290 crossed by a Level 2, 3, 4, or 5 [~~an arterial street, collector~~]
1291 street or rail line, except:

1292 (a) a Level 2 [~~collector~~] street crossing must be at least 2,500
1293 feet, measured along the centerline of the waterway, from
1294 a Level 2, 3, 4, or 5 [~~collector or arterial~~] street crossing
1295 on the same waterway; or

1296 (b) in a water supply suburban or water supply rural
1297 watershed, or the Barton Springs Zone, a Level 2
1298 [~~collector~~] street crossing must be at least one mile,
1299 measured along the centerline of the waterway, from a
1300 Level 2, 3, 4, or 5 [~~collector or arterial~~] street crossing on
1301 the same waterway.

1302 (3) A minor waterway critical water quality zone may be crossed
1303 by a Level 2, 3, 4, or 5 [~~an arterial street, collector~~] street[, or
1304 rail line, except:

1305 (a) a Level 2 [~~collector~~] street crossing must be at least 900
1306 feet, measured along the centerline of the waterway, from
1307 a Level 2, 3, 4, or 5 [~~collector or arterial~~] street crossing
1308 on the same waterway; or

1309 (b) in a water supply suburban or water supply rural
1310 watershed, or the Barton Springs Zone, a Level 2
1311 [~~collector~~] street crossing must be at least 2,000 feet,
1312 measured along the centerline of the waterway, from a
1313 Level 2, 3, 4, or 5 [~~collector or arterial~~] street crossing on
1314 the same waterway.

1315 (4) A minor waterway critical water quality zone may be crossed
1316 by a Level 1 or 2 [~~residential or commercial~~] street if necessary
1317 to provide access to property that cannot otherwise be safely
1318 accessed.

1319 (C) In all watersheds, multi-use trails may cross a critical water quality
1320 zone of any waterway if:

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

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

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

§ 25-8-263 FLOODPLAIN MODIFICATION.

(A) All floodplain modifications must:

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

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

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

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

(B) Floodplain modification within a critical water quality zone is prohibited except as allowed under Section 25-8-261 (*Critical Water Quality Zone Development*).

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

(1) is necessary to protect public health and safety by addressing an existing threat, as determined by the director;

(2) is designed solely to improve floodplain health, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual;

(3) is located within a floodplain area classified as in fair or poor condition, as determined by a functional assessment of floodplain health, and provides restoration or mitigation in accordance with the ratios and specifications prescribed in the Environmental Criteria Manual; or

(4) is the minimum modification necessary for development allowed under Section 25-8-261 (*Critical Water Quality Development*) or 25-8-262 (*Critical Water Quality Zone Mobility Crossings*).

(D) If on-site restoration, as prescribed in the Environmental Criteria Manual, is infeasible and mitigation is required under this section, it may be satisfied by:

(1) paying into the Riparian Zone Mitigation Fund a nonrefundable amount established by ordinance;

(2) transferring in fee simple or placing restrictions on mitigation land approved by the director and meeting the following conditions:

(a) located within the same watershed classification;

(b) in accordance with the procedures in Subsection (H)(3) of Section 25-8-26 (*Redevelopment Exception in the Barton Springs Zone*);

(c) dedicated to or restricted for the benefit of the City, or another entity approved by the director, and which the City or other approved entity accepts; and

(d) an amount proportionate to the amount of area within the existing floodplain that is proposed to be modified, as prescribed in the Environmental Criteria Manual; or

(3) a combination of the mitigation methods described in Subsections (D)(1) and (D)(2), if approved by the director.

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

(B) A residential lot may not include a critical environmental feature or a critical environmental feature buffer zone and may not be located within 50 feet of a critical environmental feature.

(C) This subsection prescribes the requirements for critical environmental feature buffer zones.

(1) A buffer zone is established around each critical environmental feature described in this subchapter.

(a) Except as provided in Subsection (C)(1)(b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature.

(b) For a point recharge feature, the buffer zone coincides with the topographically defined catchment basin, except that the width of the buffer zone from the edge of the critical environmental feature is:

(i) not less than 150 feet;

(ii) not more than 300 feet; and

(iii) calculated in accordance with the Environmental Criteria Manual.

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

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

(b) construction is prohibited; and

(c) wastewater disposal or irrigation is prohibited.

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

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

- (b) a recharge basin approved under Section 25-8-213 (*Water Quality Control Standards*) that discharges to a point recharge feature; or[-]
- (c) an innovative runoff management practice approved under Section 25-8-151 (*Innovative Management Practices*) that is designed to address the standards of this section, enhance the recharge of groundwater and the discharge of springs, and maintain the function of critical environmental features.
- (4) Perimeter fencing with not less than one access gate must be installed at the outer edge of the buffer zone for all point recharge features. The fencing must comply with the Standard Specifications Manual.
- (5) The owner must maintain the buffer zone in accordance with standards in the Environmental Criteria Manual to preserve the water quality function of the buffer.
- (6) All critical environmental feature locations and required setbacks must be shown on preliminary subdivision plans, site plans, and other permits as determined by the director.
- (7) All critical environmental feature locations must be shown on final plats.

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

§ 25-8-282 WETLAND PROTECTION.

- (A) Wetlands must be protected in all watersheds except for wetlands located within the area [in the] bounded by Interstate 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street that are not associated with the critical water quality zone of Lady Bird Lake.
- (B) Protection methods for wetlands require the approval of the director, and may include:
- (1) appropriate setbacks that preserve the wetlands or wetland functions;

(2) wetland mitigation, including wetland replacement; or

(3) wetland restoration or enhancement~~[:or]~~

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

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

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

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

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

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

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

§ 25-8-341 CUT REQUIREMENTS.

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

(1) in an urban watershed;

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

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

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

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

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

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

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

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

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

(b) the cut does not alter a 100-year floodplain;

(c) the landfill or excavation has an erosion and restoration plan approved by the City; and

(d) all other applicable City Code provisions are met.

(7) for any cut associated with construction of a multi-use trail, if:

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

(b) the cut is limited to no more than eight feet in depth;

(c) the cut is located in a public right-of-way or public easement; and

(d) the trail is designed in accordance with the Environmental Criteria Manual; or

(8) for construction of a street or driveway necessary to provide primary access if:

(a) the construction complies with Division 3 (*Construction on Slopes*) of this article;

(b) the cut is not within a critical water quality zone;

(c) the cut is limited to no more than eight feet in depth;

1497 (d) the cut over four feet is the minimum amount necessary
1498 to comply with safety access requirements and the
1499 horizontal and vertical curve requirements of the
1500 Transportation Criteria Manual; and

1501 (e) there is no other feasible alternative for the street or
1502 driveway location.

1503 **PART 33.** Subsection (A) of City Code Section 25-8-342 (*Fill Requirements*) is
1504 amended to read:

1505 (A) Fill on a tract of land may not exceed four feet of depth, except:

1506 (1) in an urban watershed;

1507 (2) in a roadway right-of-way;

1508 (3) under a foundation with sides perpendicular to the ground, or
1509 with pier and beam construction;

1510 (4) for construction of a water quality control or detention facility
1511 and appurtenances for conveyance such as swales, drainage
1512 ditches, and diversion berms, if:

1513 (a) the design and location of the facility within the site
1514 minimize the amount of fill over four feet;

1515 (b) the fill is the minimum necessary for the appropriate
1516 functioning of the facility; and

1517 (c) the fill is not located on a slope with a gradient of more
1518 than 15 percent or within 100 feet of a classified
1519 waterway;

1520 (5) for utility construction or a wastewater drain field;

1521 (6) in a state-permitted sanitary landfill located in the
1522 extraterritorial jurisdiction, if:

1523 (a) the fill is derived from the landfill operation;

1524 (b) the fill is not placed in a critical water quality zone or a
1525 100-year floodplain;

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

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

(7) for fill associated with construction of a multi-use trail, if:

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

(b) the fill is limited to no more than eight feet in depth;

(c) the fill is located in a public right-of-way or public easement; and

(d) the trail is designed in accordance with the Environmental Criteria Manual; or[-]

(8) for construction of a street or driveway necessary to provide primary access if:

(a) the construction complies with Division 3 (*Construction on Slopes*) of this article;

(b) the fill is not within a critical water quality zone;

(c) the fill is limited to no more than eight feet in depth;

(d) the fill over four feet is the minimum amount necessary to comply with safety access requirements and the horizontal and vertical curve requirements of the Transportation Criteria Manual; and

(e) there is no other feasible alternative for the street or driveway location.

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

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

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

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

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

- (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*); and
- (2) minor drainage facilities or water quality controls that comply with Section 25-8-263 [~~25-8-364~~] (*Floodplain Modification*) and the floodplain modification criteria in the Environmental Criteria Manual.

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

§ 25-8-452 WATER QUALITY TRANSITION ZONE.

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

- (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*); and
- (2) minor drainage facilities or water quality controls that comply with Section 25-8-263 [~~25-8-364~~] (*Floodplain Modification*) and the floodplain modification criteria in the Environmental Criteria Manual.

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

- (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*);
- (2) streets;

- (3) minor drainage facilities or water quality controls that comply with Section 25-8-263 [~~25-8-364~~] (*Floodplain Modification*) and the floodplain modification guidelines of the Environmental Criteria Manual; and
- (4) duplex or single-family residential development with a minimum lot size of two acres and a density of not more than one unit for each three acres, excluding acreage in the 100 year flood plain.
- (C) A lot that lies within a critical water quality zone must also include at least two acres in a water quality transition zone or uplands zone.

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

§ 25-8-482 WATER QUALITY TRANSITION ZONE.

- (A) Development is prohibited in a water quality transition zone that lies over the Edwards Aquifer recharge zone, except for:
- (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*); and
- (2) minor drainage facilities or water quality controls that comply with Section 25-8-263 [~~25-8-364~~] (*Floodplain Modification*) and the floodplain modification criteria of the Environmental Criteria Manual.
- (B) Development is prohibited in a water quality transition zone that lies outside the Edwards Aquifer recharge zone, except for:
- (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*);
- (2) minor drainage facilities or water quality controls that comply with Section 25-8-263 [~~25-8-364~~] (*Floodplain Modification*) and the floodplain modification guidelines of the Environmental Criteria Manual;
- (3) streets; and

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

Part 40. City Code Chapter 25-8, Subchapter B, Article 2 (*Endangered Species*) is repealed and replaced as follows:

ARTICLE 2. THREATENED OR ENDANGERED SPECIES NOTIFICATION

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

- (A) This section applies in areas of the planning jurisdiction that may contain habitat for federally listed threatened or endangered species identified in the map maintained by the City online or available for inspection in the office of the Development Services Department.
- (B) On submission of an application for a subdivision or site plan in an area described in Subsection (A), the applicant must give notice of the application to the appropriate authority, including:
- (1) United States Fish and Wildlife Service;
 - (2) Balcones Canyonlands Conservation Plan Coordinating Committee Secretary; and
 - (3) Hays, Travis, or Williamson County, as applicable depending on project location.
- (C) The notice must include a statement that the development could cause the loss of threatened or endangered species habitat.

PART 41. City Code Chapter 25-8 (*Environment*) is amended to add a new Subchapter C to read:

SUBCHAPTER C. FUNCTIONAL GREEN.

25-8-701 APPLICABILITY.

- (A) This subchapter applies in the zoning jurisdiction.
- (B) This subchapter applies to a site:

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

25-8-702 FUNCTIONAL GREEN REQUIREMENTS.

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

- (A) meet or exceed a functional green score of 0.3 as calculated under Section 25-8-703 (*Functional Green Score*) and the Environmental Criteria Manual;
- (B) except for property zoned central business district or downtown mixed use district, comply with landscape requirements for a site plan per Chapter 25-2, Subchapter C, Article 9 (*Landscaping*) and the Environmental Criteria Manual; and
- (C) provide 100 percent of plant selections as prescribed by the Environmental Criteria Manual.

25-8-703 FUNCTIONAL GREEN SCORE.

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

- (A) Identify all proposed landscape elements, sorted into the categories in Table A.
- (B) Multiply the square feet, or equivalent square footage where applicable, of each landscape element by the multiplier in Table A and according to the following provisions:
- (1) If multiple elements listed in Table A occupy the same area, groundcover under a tree for example, count the full square footage or equivalent square footage of each element.
- (2) Landscaping elements in the right-of-way between the lot line and the roadway may be counted.
- (3) Elements in Table A that are provided to satisfy other regulations may be counted.

(4) Provide a minimum of three different landscape elements from Table A, of which at least two landscape elements must be living elements; trees and shrubs or ornamental grasses of different sizes may be counted as different landscape elements.

(C) Add together all the products calculated under Subsection (B) to determine the functional green numerator.

(D) Divide the functional green numerator by the lot area, excluding public right-of-way, to determine the functional green score.

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	0.1

M	Bonus: Publicly Accessible Green	0.1
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PART 42. This ordinance takes effect on _____.

PASSED AND APPROVED

_____, 2022 § _____

Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____

Anne L. Morgan Myrna Rios
City Attorney City Clerk