Working Draft AUS MDP Ordinance

PART 1.   FINDINGS

(A) Austin-Bergstrom International Airport ("AUS") plays a crucial role in the continuing social, cultural and economic health of the City of Austin.

(B) AUS is a long-term, master-planned development first approved by City Council in 1994 and subsequently replaced by Ordinance No. 20120628-014 in 2012.

(C) Planning for the efficient and economic long-term expansion and continued compliance with Federal Aviation Administration and City of Austin requirements requires a consistent regulatory framework for planning and development.

(D) Variances to specific City Code provisions are necessary to ensure the operational and development requirements of AUS are achievable.

PART 2. Approval of Master Development Plan ("MDP"), which includes the near and long term expansion of AUS. The MDP includes improvements associated with the original site plan for the airport; improvements approved under site plan SP-94-0438C; improvements approved under Ordinance 20120628-014; improvements approved under other site plans and site plan exemptions approved by the City of Austin; and U.S. Air Force improvements which existed at the time of approval of SP-94-0438C.

The original site plan for AUS, with all subsequent revisions to date is attached and identified as Attachment A-1.

The MDP is attached to this ordinance as Attachment A and the associated site plan is on file at the Development Services Department as file number SP-2023-1000C.

PART 3. Approval of attachments:

Attachment A: Austin-Bergstrom International Airport Master Development Plan

Attachment A-2:   Conceptual Water Quality Plan

Attachment A-3:   Overall Impervious Cover and Onion Creek Regional Stormwater Management Program Tracking Tables

Attachment A-4:   Conceptual Demolition Plan

Attachment A-5A: Critical Water Quality Zone – Drainage Conveyance Plan

Attachment A-5B: Critical Water Quality Zone – Tracking Table

PART 4. This ordinance and the MDP shall apply to all facilities to be constructed at AUS whether by or on behalf of the City of Austin, or by third parties providing facilities and infrastructure to support the operation of the airport.

PART 5. Development within an area covered by the MDP requires submittal of a site plan application for the area to be developed and will be processed under the terms of this ordinance as follows:
  - (A) Projects associated with the AUS Airport Expansion and Development Program (AEDP) shall be prioritized and permitted without delay and in accordance with the AEDP schedule.
  - (B) The appropriate site plan mechanism (exemption, correction, general permit, revision, or new site plan) shall be determined by the Development Services Department.
  - (C) Site plans issued after the effective date of this ordinance, shall use the base nomenclature SP-2023-1000C with a clarifying number and letter designation for each site plan submission, as determined by Department of Aviation and Development Services Department.
  - (D) Demolition of structures as depicted on Attachment A-4 will reference the MDP as the site plan for building demolition applications.

PART 6. Ongoing and future development of AUS under this ordinance and the MDP shall require City Council action every 10 years to extend or amend the MDP.

PART 7. Approval of the MDP by this ordinance constitutes the granting of variances to the following provisions of the City Code:

(A) Section 25-2, Zoning, Subchapter E (*Design Standards and Mixed Use*), to exempt all land within AUS boundaries from the requirements of 25-2, Subchapter E.

(B) Section 25-5-44 (*Previously Approved Site Plan*), to exempt development within the boundaries of AUS from this section. Multiple site plans may be filed, reviewed, and under construction simultaneously. New buildings (vertical structures) may be added with site plan revisions.

(C) Section 25-5-81 (*Site Plan Expiration*) and Chapter 25-1, Article 12 (*Project Duration*) to allow the MDP to have no expiration date, provided it receives Council approval every 10 years.

(D) Section 25-7-152 (*Dedication of Easements and Right-of-Way*), to exempt all land within AUS boundaries from the requirement to dedicate easements for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain, as prescribed in the Drainage Criteria Manual.

(E) Subsections (B)(3) and (C) of Section 25-8-211 (*Water Quality Control Requirement*), to exempt new or redeveloped aircraft taxilanes from the requirement to provide water quality control, if the equivalent amount of existing impervious cover, that currently does not receive water quality treatment, is removed, decompacted, and restored.

(F) Subsection (A) of Section 25-8-213 (*Water Quality Control Standards*) to allow vegetative filter strips as the water quality control for runway and taxiway pavement to be sized as noted in Attachment A-2 (Water Quality Plan).

(G) Subsection (B)(2) of Section 25-8-213 (*Water Quality Control Standards*), to limit capture volume to the first half inch of runoff for the Constrained Development Area, identified on Attachment A-2 (Water Quality Plan).

(H) Section 25-8-261 (*Waterway and Floodplain Protection*) to allow development in the Critical Water Quality Zone (CWQZ) subject to the following criteria:

    (1) Outer half CWQZ: Expansion of existing CWQZs or extension of CWQZs to unclassified waterways for buffer averaging is allowed as shown on Attachment A-5A.

    (2) Inner half CWQZ: Development within the inner half of a CWQZ is allowed if mitigation is provided at the ratios indicated in the table shown on Attachment A-5A. Mitigation will consist of either a) restoration of designated waterways as shown on Attachment A-5A or b) payment into the Riparian Zone Mitigation Fund.

(I) Section 25-8-341 (*Cut Requirements*), to allow cuts to, as minimally necessary, exceed four (4) feet but not to exceed twenty-five (25) feet of depth for all development under the MDP.

(J) Section 25-8-341 (*Cut Requirements*), to allow cuts, as minimally necessary, to exceed four (4) feet but not to exceed thirty (30) feet of depth for the reconstruction of Emma Browning Boulevard (including realignment) to allow it to pass under the proposed mid-field aircraft cross taxiway.

(K) Section 25-8-342 (*Fill Requirements*), to allow fill, as minimally necessary, to exceed four (4) feet but not to exceed fifteen (15) feet of depth for all airfield development under the MDP

(L) Section 25-8-342 (*Fill Requirements*), to allow fill to exceed four (4) feet but not to exceed twenty (20) feet of depth for the Departure Level Terminal Circulation Road north of the Barbara Jordan terminal, including roadway embankments.

(M) Section 25-8-624 (Approval Criteria) and Section 25-8-643 (Land Use Commission Variance), to specify that trees that must be trimmed or removed to comply with Title 14 of the Code of Federal Regulations, Part 77 – Safe, Efficient Use, and Preservation of the Navigable Airspace, for the purposes of ensuring there are no protrusions into the protected airspace that would pose an aircraft safety hazard, meet the criteria of "…imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree." Tree trimming/removal work done within a riparian and/or critical water quality zone will be performed using the least invasive means available, including limiting heavy equipment and access paths, tree trimming and removal by hand, and minimizing ground and understory disturbance. Mitigation measures will include annual tree plantings on airport property outside of aircraft safety areas and protected airspace.

PART 8. Additional Water Quality Improvements Required under the MDP:

    (A) Continued implementation and expansion as feasible of the aircraft anti/de-icing recovery program currently in place at AUS.

(B) Evaluation of innovative solutions to capture additional water quality benefits, where financially and technically feasible.

(C) Continued storm water pollution prevention best practices at AUS will include:

    a. Apron, roadway and airfield sweeping;
    b. Runway rubber removal with process water recovery;
    c. Hazardous material interceptors (spill control and management);
    d. Stringent spill response and cleanup program; and
    e. Airport-wide Storm Water Pollution Prevention Plan (SWP3) compliance:
        i. Annual hazardous metals outfall monitoring;
        ii. Quarterly water quality pond inspections;
        iii. Storm water structural control maintenance programs;
        iv. Annual inspection of storm water outfalls; and
        v. Quarterly and annual SWP3 facility compliance inspections.

(D) The Department of Aviation commits to spending 1% of its annual CIP per year to a maximum of $10,000,000 over a 10 year period on additional projects campus wide to improve overall water quality at AUS and will coordinate with partner departments to identify the best projects, timing, benefits, and possible partnering on projects. Funds can accumulate or be combined over time for larger projects, not to exceed $10,000,000 over the 10 year period. These projects will be located on AUS campus and delivered by the Department of Aviation.

(E) The Department of Aviation commits to implementing Chapter 25-9 Article 5 as required by City Code (*Additional Water Conservation Requirements*) at AUS to the extent feasible, ensuring implementation does not conflict with aircraft safety requirements administered by the Federal Aviation Administration and will determine, in coordination with relevant City departments, when water conservation requirements should be implemented using a campus-wide approach. Projects within the existing Barbara Jordan terminal are exempt from the Chapter 25-9 Article 5 requirements.

PART 9. Any project located within AUS for which the initial permit application is filed on or after the effective date listed in Part 10 shall comply with the entirety of the terms herein. Projects at AUS for which the initial permit application predates the effective date of this ordinance shall comply with Ordinance No. 20120628-014.