

ORDINANCE NO. _____

AN ORDINANCE APPROVING A MASTER DEVELOPMENT PLAN FOR AUSTIN-BERGSTROM INTERNATIONAL AIRPORT, GRANTING VARIANCES TO SPECIFIC PROVISIONS OF CITY CODE TITLE 25, AND WAIVING REQUIREMENTS OF CITY CODE SECTION 25-8-41.

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

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 provisions of City Code Title 25 (*Land Development*) are necessary to ensure the operational and development requirements of AUS are achievable.

PART 2. Council approves the Master Development Plan (MDP), attached to this ordinance as Attachment A. The MDP includes improvements associated with the original site plan for AUS; 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 as Attachment A-1, which has been previously adopted. The site plan associated with the MDP is on file at the Development Services Department as file number SP-2023-1000C.

PART 3. Council approves and adopts the following attachments as part of its approval of Are the MDP:

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.

- 64 (D) Demolition of structures depicted on Attachment A-4 will reference the MDP as
65 the site plan for building demolition applications.
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67 **PART 6.** Ongoing and future development of AUS under this ordinance and the MDP
68 shall be reviewed by relevant city departments every 10 years.
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70 **PART 7.** Approval of the MDP by this ordinance constitutes the granting of variances to
71 the following provisions of City Code:
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- 73 (A) Chapter 25-2, Zoning, Subchapter E (*Design Standards and Mixed Use*), to
74 exempt all land within AUS boundaries from the requirements of Chapter 25-2,
75 Subchapter E.
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- 77 (B) Section 25-5-44 (*Previously Approved Site Plan*), to exempt development
78 within the boundaries of AUS from this section. Multiple site plans may be
79 filed, reviewed, and under construction simultaneously. New buildings (vertical
80 structures) may be added with site plan revisions.
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- 82 (C) Section 25-5-81 (*Site Plan Expiration*) and Chapter 25-1, Article 12 (*Project*
83 *Duration*), to allow the MDP to have no expiration date.
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- 85 (D) Section 25-7-152 (*Dedication of Easements and Right-of-Way*), to exempt all
86 land within AUS boundaries from the requirement to dedicate easements for a
87 drainage facility, open or enclosed, and stormwater flow to the limits of the
88 100-year floodplain, as prescribed in the Drainage Criteria Manual.
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- 90 (E) Subsections (B)(3) and (C) of Section 25-8-211 (*Water Quality Control*
91 *Requirement*), to exempt new or redeveloped aircraft taxi lanes from the
92 requirement to provide water quality controls, if the equivalent amount of
93 existing impervious cover, that currently does not receive water quality
94 treatment, is removed, decompacted, and restored.
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- 96 (F) Subsection (A) of Section 25-8-213 (*Water Quality Control Standards*), to
97 allow vegetative filter strips as the water quality control for runway and taxiway
98 pavement to be sized as noted in Attachment A-2 (Water Quality Plan).
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- 101 (G) Subsection (B)(2) of Section 25-8-213 (*Water Quality Control Standards*), to
102 limit capture volume to the first half inch of runoff for the Constrained
103 Development Area, identified on Attachment A-2 (Water Quality Plan).
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- (H) Section 25-8-261 (*Waterway and Floodplain Protection*), to allow development in the Critical Water Quality Zone (CWQZ) and associated floodplain modification 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, as minimally necessary, to exceed four feet but not to exceed 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 feet but not to exceed 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 feet but not to exceed 15 feet of depth for all airfield development under the MDP.
 - (L) Section 25-8-342 (*Fill Requirements*), to allow fill to exceed four feet but not to exceed 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 may 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. Tree trimming and 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. The following additional water quality improvements will be 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:
 - (1) Apron, roadway and airfield sweeping;
 - (2) Runway rubber removal with process water recovery;
 - (3) Hazardous material interceptors (spill control and management);
 - (4) Stringent spill response and cleanup program; and
 - (5) Airport-wide Storm Water Pollution Prevention Plan (SWP3) compliance:
 - (a) Annual hazardous metals outfall monitoring;
 - (b) Quarterly water quality pond inspections;
 - (c) Storm water structural control maintenance programs;
 - (d) Annual inspection of storm water outfalls; and
 - (e) Quarterly and annual SWP3 facility compliance inspections.
- (D) The Department of Aviation commits to spending or dedicating one percent of its annual Capital Improvements Program funding 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 City Code Chapter 25-9, Article 5 (*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 requirements of Chapter 25-9, Article 5.

PART 9. Any project located within AUS for which the initial permit application is filed on or after the effective date of this ordinance shall comply with this ordinance. Any project located within AUS for which the initial permit application is filed before the effective date of this ordinance shall comply with Ordinance No. 20120628-014.

PART 10. Council waives the requirements of City Code Section 25-8-41 (*Land Use Commission Variances*) regarding the processing and granting of a variance for the variances granted in this ordinance.

PART 11. This ordinance takes effect on _____, 2023.

PASSED AND APPROVED

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_____, 2023

Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____

Anne L. Morgan
City Attorney

Myrna Rios
City Clerk