

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-9 RELATING TO REQUIREMENTS FOR WATER CONSERVATION IN THE IMPLEMENTATION OF THE WATER FORWARD PLAN, INCLUDING MEASURING DISTANCES FOR THE RECLAIMED WATER CONNECTION REQUIREMENT, CLARIFYING DEFINITIONS, MODIFYING VARIANCES, AND ADDING CERTAIN AFFORDABLE HOUSING EXEMPTIONS FOR RECLAIMED WATER CONNECTIONS AND ONSITE WATER REUSE REQUIREMENTS.

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

PART 1. City Code Section 25-9-413 (*Onsite Water Reuse System Requirement*) is renumbered to be Section 25-9-414; Section 25-9-412 (*Development Project Requirements*) is renumbered to be Section 25-9-413; Section 25-9-411 (*Reclaimed Water Connection Requirements*) is renumbered to be Section 25-9-412; and Section 25-9-410 (*Definitions*) is renumbered to be Section 25-9-411.

PART 2. City Code Chapter 25-9 (*Water and Wastewater*) is amended to add a new Section 25-9-410 to read:

§ 25-9-410 Applicability.

This article applies to a site that includes multi-family and non-residential buildings and that receives retail water service from Austin Water or a successor department.

PART 3. City Code Section 25-9-411 (*Definitions*) is amended to add new definitions of Commercial Building, Mixed Use Building, and Multi-Family Building to read as follows and to renumber the existing definitions accordingly:

- (1) COMMERCIAL BUILDING means a building that is developed for industry, commerce, trade, recreation, business, or municipal, institutional, or civic use.
- (4) MIXED USE BUILDING means a building developed for any combination of commercial and multi-family building uses.
- (5) MULTI-FAMILY BUILDING means a building that contains five or more residential housing units.

PART 4. City Code Section 25-9-412 (*Reclaimed Water Connection Requirements*) is amended to read:

25-9-412 Reclaimed Water Connection Requirements.

- (A) A small development project with a property boundary located within 250 feet in horizontal distance of a reclaimed water line, measured based on the closest practicable access route, shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing, and other significant non-potable water uses identified in the water balance calculator.
- (B) A large development project with a property boundary located within 500 feet in horizontal distance of a reclaimed water line, measured based on the closest practicable access route, shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing and other significant non-potable water uses identified in the water balance calculator.
- (C) The director may grant a variance for the requirements of this section for
- ~~(1)] small development projects if site conditions are such that compliance would represent a significant financial hardship [or health risk] to the applicant, [or the public;~~
 - ~~(2) large development projects if site conditions are such that compliance would represent a health risk to the applicant or the public; or~~
 - ~~(3) municipal uses associated with law enforcement or public health and safety.]~~
- (D) The director shall grant a variance for the requirements of this section for a large development with a multifamily component that is more than 250 feet from and within 500 feet of a reclaimed water line until April 1, 2024.
- (E) A qualifying development is not required to connect to a reclaimed water line or use reclaimed water if the development is:
- (1) approved for Low Income Housing Tax Credits for affordable housing as verified by the director of the Housing Department; or
 - (2) a qualifying development that is certified under Section 25-1-724 (Certification) and participating in the Affordability Unlocked Bonus Program.

PART 5. City Code Section 25-9-414 (*Onsite Water Reuse System Requirement*) is amended to read:

§ 25-9-414 Onsite Water Reuse System Requirement.

- (A) Except as provided in Subsection (B), an [A~~n~~] onsite water reuse system is required for a large development project for which a site plan application is submitted under Chapter 25-5 (*Site Plans*) as specified in Chapter 15-13 (*Regulation of Onsite Water Reuse Systems*).
- (B) A qualifying development is not required to have an onsite water reuse system if the development:
- (1) is approved for Low Income Housing Tax Credits for affordable housing as verified by the director of the Housing Department; or
 - (2) is a qualifying development that is certified under Section 25-1-724 (*Certification*) and participating in the Affordability Unlocked Bonus Program; or
 - (3) is approved by the director under Subsection (C) and pays a fee in lieu of providing an onsite water reuse system.
- (C) The director may approve the payment of a fee in lieu of providing an onsite water reuse system if:
- (a) the applicant submits a request to the director;
 - (b) the director determines that the qualifying multi-family building is more than 500 feet from the centralized reclaimed system;
 - (c) the applicant submits a letter of intent to the director committing to install separate distribution plumbing to all non-potable fixtures within the project as shown in the respective project site and building plans; and
 - (d) the applicant submits a letter of intent to the director committing that the project site will be made site-ready for future centralized reclaimed connections as shown in the respective project site and building plans.
- (D) The amount of the fee referenced in Subdivision (B)(3) shall be established by separate ordinance.

PART 6. Subsection (15) of City Code Section 25-9-32 (*Definitions*) is amended to

(15) **WATER TRANSMISSION MAIN** means a potable water main generally considered to be 24-inches in diameter or larger and to which direct connections for retail service to a property are not allowed, unless an exception is approved by the Director.

PASSED AND APPROVED

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Myrna Rios
City Attorney City Clerk