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

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

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.

- (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.

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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 [An] 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: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Myrna Rios
City Clerk