1 ORDINANCE NO. AN ORDINANCE AMENDING CITY CODE CHAPTER 25-9 RELATING TO 2 3 REQUIREMENTS FOR WATER CONSERVATION IN THE 4 IMPLEMENTATION OF THE WATER FORWARD PLAN, INCLUDING MEASURING DISTANCES FOR THE RECLAIMED WATER CONNECTION 5 REQUIREMENT, CLARIFYING DEFINITIONS, MODIFYING VARIANCES. 6 AND ADDING CERTAIN AFFORDABLE HOUSING EXEMPTIONS FOR 7 8 RECLAIMED WATER CONNECTIONS AND ONSITE WATER REUSE 9 REQUIREMENTS. 10 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN: 11 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 12 13 (Development Project Requirements) is renumbered to be Section 25-9-413; Section 25-9-411 (Reclaimed Water Connection Requirements) is renumbered to 14 be Section 25-9-412; and Section 25-9-410 (Definitions) is renumbered to be 15 16 Section 25-9-411. City Code Chapter 25-9 (Water and Wastewater) is amended to add 17 PART 2. a new Section 25-9-410 to read: 18 19 § 25-9-410 Applicability. This article applies to a site that includes multi-family and non-residential buildings and 20 21 that receives retail water service from Austin Water or a successor department. City Code Section 25-9-411 (Definitions) is amended to add new 22 definitions of Commercial Building, Mixed Use Building, and Multi-Family 23 Building to read as follows and to renumber the existing definitions accordingly: 24 25 **(1)** COMMERCIAL BUILDING means a building that is developed for industry, commerce, trade, recreation, business, or municipal, institutional, 26 or civic use. 27 MIXED USE BUILDING means a building developed for any combination 28 (4) 29 of commercial and multi-family building uses. MULTI-FAMILY BUILDING means a building that contains five or more 30 (5) 31 residential housing units. City Code Section 25-9-412 (Reclaimed Water Connection 32 PART 4. 33 *Requirements*) is amended to read:

25-9-412 Reclaimed Water Connection Requirements. 34 A small development project with a property boundary located within 35 (A) 250 feet in horizontal distance of a reclaimed water line, measured based 36 37 on the closest practicable access route, shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing, and 38 other significant non-potable water uses identified in the water balance 39 40 calculator. 41 (B) A large development project with a property boundary located within 42 500 feet in horizontal distance of a reclaimed water line, measured based 43 on the closest practicable access route, shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing and 44 other significant non-potable water uses identified in the water balance 45 46 calculator. 47 The director may grant a variance for the requirements of this section for (C) 48 49 small development projects if site conditions are such that (1)] compliance would represent a significant financial hardship [or 50 health risk] to the applicant. [or the public; 51 large development projects if site conditions are such that compliance 52 (2)53 would represent a health risk to the applicant or the public; or municipal uses associated with law enforcement or public health and 54 (3)safety.] 55 56 The director shall grant a variance for the requirements of this section for (D) a large development with a multifamily component that is more than 250 57 feet from and within 500 feet of a reclaimed water line until April 1, 58 59 2024. A qualifying development is not required to connect to a reclaimed water 60 (E) line or use reclaimed water if the development is: 61 approved for Low Income Housing Tax Credits for affordable housing <u>(1)</u> 62 as verified by the director of the Housing Department; or 63 a qualifying development that is certified under Section 25-1-724 64 (2) (Certification) and participating in the Affordability Unlocked Bonus 65 66 Program. Page 2 of 4

67 68	PART 5. <i>Requiremen</i>	City Code Section 25-9-414 (Onsite Water Reuse System nt) is amended to read:	
69	§ 25-9-414	Onsite Water Reuse System Requirement.	
70 71 72 73	(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).	
74 75	<u>(B)</u>	A qualifying development is not required to have an onsite water reuse system if the development:	
76 77		(1) is approved for Low Income Housing Tax Credits for affordable housing as verified by the director of the Housing Department; or	
78 79 80		(2) is a qualifying development that is certified under Section 25-1-724 (<i>Certification</i>) and participating in the Affordability Unlocked Bonus Program; or	
81 82		(3) is approved by the director under Subsection (C) and pays a fee in lieu of providing an onsite water reuse system.	
83 84	(C)	The director may approve the payment of a fee in lieu of providing an onsite water reuse system if:	
85		(a) the applicant submits a request to the director;	
86 87		(b) the director determines that the qualifying multi-family building is more than 500 feet from the centralized reclaimed system;	
88 89 90 91		(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	
92 93 94 95		(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.	
96 97	<u>(D)</u>	The amount of the fee referenced in Subdivision (B)(3) shall be established by separate ordinance.	
98	PART 6.	Subsection (15) of City Code Section 25-9-32 (Definitions) is amended to Page 3 of 4	

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.		
PART 7. This ordinance takes effect on _		
PASSED AND APPROVED	e	
, 2024	§ § §	
,	Kirk Watson Mayor	
APPROVED:	ATTEST:	
Anne L. Morgan City Attorney	Myrna Rios City Clerk	