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 7 AND ADDING CERTAIN AFFORDABLE HOUSING EXEMPTIONS FOR 8 RECLAIMED WATER CONNECTIONS AND ONSITE WATER REUSE REQUIREMENTS; AND WAIVING REQUIREMENTS OF CITY CODE 9 **SECTION 25-1-502.** 10 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN: 11 12 PART 1. City Code Section 25-9-413 (Onsite Water Reuse System 13 Requirement) is renumbered to be Section 25-9-414; Section 25-9-412 (Development Project Requirements) is renumbered to be Section 25-9-413; 14 15 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 16 17 Section 25-9-411. City Code Chapter 25-9 (Water and Wastewater) is amended to add 18 PART 2. a new Section 25-9-410 to read: 19 § 25-9-410 Applicability. 20 This article applies to a site that includes multi-family and non-residential buildings and 21 that receives retail water service from Austin Water or a successor department. 22 23 PART 3. City Code Section 25-9-411 (*Definitions*) is amended to add new definitions of Commercial Building, Mixed Use Building, and Multi-Family 24 Building to read as follows and to renumber the existing definitions accordingly: 25 26 (1) COMMERCIAL BUILDING means a building that is developed for industry, commerce, trade, recreation, business, or municipal, institutional. 27 or civic use. 28 29 (4) MIXED USE BUILDING means a building developed for any combination 30 of commercial and multi-family building uses. 31 (5) MULTI-FAMILY BUILDING means a building that contains five or more 32 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 development is not required to connect to a reclaimed water line or use reclaimed water when the director of the Housing Department certifies the development is participating in the City's Affordability Unlocked Bonus Program or the Low-Income Housing Tax Credit Program.

65 66	PART 5. City Code Section 25-9-414 (Onsite Water Reuse System Requirement) is amended to read:			
67	§ 25-9-414 Onsite Water Reuse System Requirement.			
68 69 70 71	(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).	is required for a large development project for which a site plan application is submitted under Chapter 25-5 (Site Plans) as specified in		
72 73	(B) A development is not required to have an onsite water reuse system when:			
74 75 76	(1) the director of the Housing Department certifies the development participating in the City's Affordability Unlocked Bonus Program the Low-Income Housing Tax Credit Program; or			
77 78	(2) the director approves a fee in lieu of providing an onsite water reusystem under Subsection (C).	<u>se</u>		
79	(C) Fee In Lieu of Providing Onsite Water Reuse System			
80 81	(1) The director may approve the payment of a fee in lieu of providin onsite water reuse system if:	<u>g an</u>		
82 83	(a) the applicant submits a written request in a manner prescribe by the director at the time of site plan submittal;	<u>ed</u>		
84 85 86	(b) the director determines that the qualifying multi-family builties more than 500 feet from the centralized reclaimed system and			
87 88 89 90	(c) the applicant installs separate distribution plumbing to all n potable fixtures within the project for a future centralized connection in accordance with the Utilities Criteria Manual before issuance of a certificate of occupancy.	<u>)n-</u>		
91 92	(2) The amount of the fee in lieu shall be established by separate ordinance.			
93 94 95	(3) For a site plan application filed on or after April 1, 2024, the fee is lieu shall be calculated using the rate set forth in the fee schedule effect at the time the site plan application was filed.			
96				

PART 6 . The definition of Water Transmission Main in City Code Section 25-9-32 (<i>Definitions</i>) is amended to read:			
(15)	(15) WATER TRANSMISSION MAIN means a <u>potable</u> 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.		
PART 7 . Council waives the requirement for review by the Planning Commission City Code Section 25-1-502 (<i>Amendment; Review</i>).			
PART 8.	This ordinance takes effect or	n, 2024.	
APPROVI	ED:	Mayor ATTEST:	
APPROVI	Anne L. Morgan	Myrna Rios	
	City Attorney	City Clerk	