ORDINANCE NO. 800417-I

AN ORDINANCE ADDING CHAPTER 41A TO THE CODE OF THE CITY OF AUSTIN; DECLARING CERTAIN FINDINGS OF FACT; PROVIDING STANDARDS FOR THE DEVELOPMENT OF LAND LOCATED WITHIN THE WATERSHED OF BARTON CREEK; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. The Code of the City of Austin of 1967 is amended by adding a Chapter 41A to read as follows:

CHAPTER 41A
SPECIAL REQUIREMENTS FOR SUBDIVISIONS IN ENVIRONMENTALLY SENSITIVE AREAS

ARTICLE I. BARTON CREEK WATERSHED
Division 101. General Provisions

Sec. 41A-101.1 Findings and Objectives.
(a) The City Council of the City of Austin, Texas, hereby makes the following findings:
   (1) The City Council of the City of Austin, Texas, is the trustee of the natural environment of Barton Creek, Barton Springs and much of the Barton Creek Watershed for existing
and future generations of citizens of Austin and its environs; and, 

(2) Barton Creek is a significant source of Austin's water supply; and, 

(3) Barton Springs and portions of Barton Creek provide significant and irreplaceable recreational opportunities to the citizens of Austin and its environs; and, 

(4) The Barton Creek Watershed, compared to other watersheds within Austin's jurisdiction, is mostly undeveloped; and, 

(5) Development activities in the Barton Creek Watershed can result in irreparable damage to the natural environment of, the recreational qualities of, and the quality of the water in, Barton Creek, Barton Springs and the Barton Creek Watershed; and, 

(6) The Barton Creek Watershed, due to abrupt topography, thin and easily disturbed soil, natural springs and seeps, including Barton Springs, rare biotic communities, and sparse but significant vegetation, is different from other watersheds within Austin's jurisdiction and is highly susceptible to irreparable damage resulting from development activities; and, 

(7) The Barton Creek Watershed is facing rapid development; and, 

(8) The continued economic growth of
Austin is dependent on a pleasing natural environment, quality supplies of water and recreational opportunities in close proximity to Austin; and,

(9) Barton Creek, Barton Springs and the Barton Creek Watershed must be protected in order to preserve the health, safety and welfare of the citizens of Austin and its environs; and,

(10) If the Barton Creek Watershed is not developed in a sensitive and innovative manner in accordance with regulations designed to protect the watershed, natural environment, water resources and recreational characteristics of Barton Creek and Barton Springs will be irreparably damaged; and,

(11) The City Council has commissioned and received an extensive study of characteristics of the Barton Creek Watershed, the adverse impact of development activities thereon and the means by which adverse development impacts can be mitigated; and,

(b) Based on the findings set out in subsection (a), the study cited in subsection (a)(11), and the study and recommendations of the Barton Creek Task Force, the City Council enacts this interim ordinance to achieve the following specific objectives:

(1) Prevent indiscriminate and unnecessary stripping of vegetation and the unnecessary loss of soils;
(2) Prevent, or compensate for, increases in soil erosion and sedimentation during and after development construction activities;

(3) Prevent, or compensate for, increases in stormwater runoff volumes and velocities;

(4) Prevent or reduce increases in pollutant concentrations and total pollutant loadings of stormwater runoff;

(5) Prevent loss of recharge to localized aquifers supplying local seeps and springs essential to the maintenance of the ecosystem and the base flow and water quality of Barton Creek.

(6) Prevent loss of recharge to the Edwards aquifer and protect the quality of the recharge to the Edwards aquifer.

Sec. 41A-101.2. Application of Article

(a) This article sets out special requirements for the subdivision of land located in the Barton Creek Watershed. A person wishing to subdivide land in the Watershed must comply both with these special requirements and with the applicable requirements of chapter 41 of this Code.

(b) In case of conflict between the requirements of this article and those of chapter 41 or some other ordinance, the requirements of this article govern.

(c) The director of planning, in cooperation with the directors of public works, engineering and
office of environmental resource management, shall design and administer a system, including necessary forms, that coordinates the requirements of both this article and chapter 41, minimizes duplication of requirements and conflict between them, and facilitates the expeditious processing of subdivision applications.

(d) The Barton Creek Watershed is identified on a map attached to this ordinance as Exhibit A. Copies of the map are available for inspection at the offices of the city clerk, planning department, public works department, engineering department, environmental resource management and city/county health department.

Sec. 41A-101.3. Burden of Proof

An applicant for subdivision approval under this article must establish that his plans and plat comply with the requirements of this article and with the applicable requirements of chapter 41 of this Code.

Sec. 41A-101.4. Definitions

(a) The definitions in Chapter 41 of this Code also apply to this article. In addition, subsection (b) defines special terms used in this article.

(b) In this article the terms set forth in this section (b) shall have the following meanings:
"Alternative Sewage Disposal Systems" - Wastewater treatment and disposal systems other than a standard septic tank and absorption-type drainfield. Such systems include, but are not limited to, aerobic systems, evapotranspiration drainfields and pressure-dosing trench fields.

"Applicant" or "Developer" - A person applying for subdivision approval under this article.

"Bluff" - An abrupt vertical change in topography in land located in the Critical Water Quality Zone or the Lowland Water Quality Zone of more than 40 feet with an average slope steeper than 4 feet of rise for one (1) foot of travel.

"Cluster Housing" - A development located in the Upland Water Quality Zone composed of residential lots utilized for single family dwelling purposes and public and/or private open space lots utilized for recreational and/or scenic purposes and/or for buffer zones for improvement of water quality and preservation of ecological habitat; and,

(1) in which housing is grouped in such a manner as to minimize individual housing unit yards and as to maximize common open space; and,

(2) in which each dwelling unit lot has at least 35 feet of frontage on a public street; and,
(3) in which each dwelling unit lot has at least one side yard of not less than 10 feet; and,

(4) in which at least 40% of the area is left in a contiguous undisturbed natural state which contiguous area shall consist only of land in the Upland Water Quality Zone; and,

(5) in which the dwelling unit density does not exceed the dwelling unit densities which would otherwise be permitted in a non-cluster housing subdivision except as otherwise specifically provided in this article; and,

(6) in which sewage disposal is handled through the use of alternative sewage disposal systems.

"Crest of Bluff" - A line on the ground parallel to and at the top of a bluff, beyond which the average slope is no steeper than one (1) foot of rise in two (2) feet of travel, for a horizontal distance of not less than 40 feet.

"Critical Water Quality Zone" - All land (1) within 400 feet, measured horizontally, on either side of the centerline of Barton Creek provided, however, that the Critical Water Quality Zone shall not include any land located beyond the crest of a bluff and (2) within 200 feet, measured horizontally, on either side of the centerline of a major tributary of Barton Creek, provided, how-
ever, that the Critical Water Quality Zone shall not include any land located beyond the crest of a bluff.

"Development" - Includes buildings and other structures; construction; and excavation, dredging, grading, filling, and clearing or removing vegetation.

"Edwards Aquifer Overlay Zone" - Includes all land, not included in the Critical or Lowland Water Quality Zones, over the Edwards aquifer recharging Barton Springs. The Edwards Aquifer Overlay Zone is identified on the Barton Creek Watershed map attached as Exhibit A.

"Lowlands Water Quality Zone" - Areas located within 300 feet, measured horizontally, of the outer boundary of the Critical Water Quality Zone.

"Major Tributary" - Any watercourse within the Barton Creek Watershed having a drainage area of 320 acres or more. A major tributary is measured from its confluence with Barton Creek or another tributary upstream to a point at which the contributing drainage area is less than 320 acres.

"Minor Tributary" - Any watercourse within the Barton Creek Watershed which drains directly into Barton Creek and drains an area of 64 acres or more. A minor tributary is measured from its confluence with Barton Creek upstream to a point at
which the contributing drainage area is less than 64 acres.

"Natural Drainage" - A stormwater runoff conveyance system not significantly affected by man's activities (e.g. urbanization).

"Overland Drainage" - Stormwater runoff which is not confined by any natural or man-made channel such as a creek, drainage ditch, storm sewer, or the like.

"Upland Water Quality Zone" - Areas within the Barton Creek Watershed other than areas within the Critical Water Quality Zone, the Lowland Water Quality Zone or the Edwards Aquifer Overlay Zone.

Division 103. Subdivision Plan
Sec. 41A-103.1. Planning Commission Approval Required.

Before subdividing land located in whole or part in the Barton Creek Watershed, an applicant must obtain approval from the planning commission of the plans and plat required by this division and by chapter 41 of this Code.

Sec. 41A-103.2. Preliminary Plan.

(a) An applicant seeking subdivision approval must file copies of a preliminary plan of his proposed subdivision with the director of planning and pay the filing fee required by section 41-12 of this Code.
(b) In addition to satisfying the requirements of chapter 41 of this Code, a preliminary plan must contain:

(1) A topographic map meeting national mapping accuracy standards, showing:
   a. The water quality zone or zones in which the subdivision site is located;
   b. Each major tributary and minor tributary protection zone on the site;
   c. The 100-year floodplains on the site;
   d. The location, type, and total percentage of proposed impervious cover on the site if the proposed development is subject to impervious cover regulations.

(2) A slope map, with a scale of 100 feet to 1 inch showing all bluffs;

(3) The archaeological site investigation required by section 41A-117.1;

(4) A slope map, with a scale of 100 feet to 1 inch showing (1) all slopes greater than 35 percent gradient and (2) all slopes of 15 percent to 35 percent gradient;

(5) A description of the structure types or uses proposed, if known, and a statement of the mean, median, minimum, and maximum residential lot sizes in each water quality zone in which the site is located;
(6) The construction-phase plan for erosion-sedimentation control required by section 41A-113.2; and,

(7) The following information shall be provided for all cluster housing projects:
   a. Front, rear and side building setback lines for each housing lot;
   b. Driveway access to a street for each housing lot; and,
   c. All easements.

(c) A registered professional engineer must certify that a preliminary plan is complete and that the technical data it contains are accurate before the director of planning may file it.

Sec. 41A-103.3. Plat.

(a) If the planning commission approves the preliminary plan, the applicant may file a plat of his proposed subdivision with the director of planning and pay the filing fee required by section 41-13 of this Code.

(b) In addition to satisfying the requirements of chapter 41 of this Code, a plat must:

   (1) Contain the final erosion-sedimentation control plan required by section 41A-113.2;

   (2) Contain a detailed drainage plan and street layout that comply with the requirements of division 111 of this Chapter;
(3) Show compliance with the applicable requirements of division 41A-115;

(4) Identify the water quality and minor tributary protection zone boundaries, drainage easements, and locations in which development is prohibited and incorporate by reference the restrictions of this article applicable to these identified areas; and,

(5) For developments utilizing cluster housing, the plat shall show the following information:

a. Front, rear and side building setback lines for each housing lot.

b. Driveway access to a street for all housing lots.

c. All easements required by the planning commission to provide for common drives and common access, overhang and special drainage problems, and for any other special needs and circumstances related to cluster design.

(c) A registered professional engineer must certify that a plat is complete and that the technical data it contains are accurate before the director of planning may file it.

Sec. 41A-103.4. Action by Planning Commission.

(a) On receipt of a preliminary plan, accompanied by the correct filing fee, the director of planning shall file the plan, forward it to the
directors of engineering, environmental resource management, and parks and recreation for their review and recommendations, and schedule it on the planning commission agenda. The planning commission may not act on a preliminary plan (except to accept and disapprove it) until it receives the directors' reports.

(b) The directors of engineering, environmental resource management, and parks and recreation must submit their reports to the planning commission within 30 days after a preliminary plan is filed. The planning commission must act on a preliminary plan within 30 days after receiving the reports.

(c) Sections 41-13 and 41-14 of this Code govern the planning commission's duties respecting a plat.

Division 105. Water Quality Zones

Sec. 41A-105.1. Purpose.

(a) The Barton Creek Watershed is divided into four water quality zones, the Critical Water Quality Zone, the Lowland Water Quality Zone, the Edwards Aquifer Overlay Zone, and the Upland Water Quality Zone.

(b) The widths and location of the zones are calculated to protect the water quality of Barton Creek and Barton Springs by attenuating the contaminants and sediments transported by runoff, reducing
the rate and volume of runoff, maximizing infiltration and recharge of the seeps and springs in the watershed, and preserving the delicate vegetation of the mesic woodlands.

Sec. 41A-105.2. Critical Zone.

Within the Critical Water Quality Zone, construction and development activities shall be limited to the construction and development of collector street crossings, and utilities which cannot reasonably be located in other zones, and public and private parks and open spaces with development therein limited to trails for hiking, jogging, biking, horse riding, nature walks and accessory facilities, provided, however, that no stabling or corraling of animals shall take place; provided, however, nothing herein shall prohibit the development and construction of the southern extension of Mo-Pac Boulevard or the Barton Skyway Bridge. Land located within the Critical Water Quality Zone may serve as a subdivision lot or a portion of a subdivision lot if the City does not acquire such land so long as construction and development activities on said lot or portion of lot are not inconsistent with those listed in the preceding sentence.

No fence of any kind shall be constructed in the 25 year flood plain.
Sec. 41A-105.3. **Lowland Zone.**

Within the Lowland Water Quality Zone, construction and development activities shall be limited to activities permitted in the Critical Water Quality Zone and to the construction and development of streets, drainage facilities, fences, public and private parks and single-family residential housing developed at an average density of 1 unit or less per 3 acres with a minimum lot size of 2 acres. Each lot or portion of a lot located partially within the Lowland and Critical Water Quality Zones shall have at least 2 acres in the Lowland Water Quality Zone.

Sec. 41A-105.4. **Edwards Aquifer Overlay Zone.**

(a) Development in the Edwards Aquifer Overlay Zone is limited to:

(1) Alternative urban streets; necessary drainage facilities; necessary utilities; and public and private parks and open space;

(2) Single-family residential housing at an average density of 1 unit or less for every 3 acres with a minimum lot size of 1 acre; and,

(3) Commercial, other nonresidential development and residential development other than single-family if:

   a. The applicant leaves at least 40 percent (all in the Edwards Aquifer Overlay Zone) of his proposed subdivision site in an undeveloped and undisturbed contiguous state and located to receive runoff
from the development for purposes of unchannelized, overland drainage;

b. The proposed impervious cover on the site does not exceed 35 percent of the total site area; and,

c. The proposed site does not have an average slope steeper than 15 percent.

(b) All development in the Edwards Aquifer Overlay Zone shall utilize alternative sewage disposal systems.

Sec. 41A-105.5. Upland Zone.

(a) Except as otherwise specifically provided herein, within the Upland Water Quality Zone, construction and development activities shall be limited to activities permitted in the Critical and Lowland Water Quality Zones and the construction and development of single-family residential housing units developed to an average density of 1 unit or less per 2 acres with a minimum lot size of 3/4 acre.

(b) Developments utilizing cluster housing and leaving at least 40% of the tract in the Upland Zone in an undeveloped and undisturbed contiguous state shall be entitled to develop to an average density of 1 unit or less per 1 1/4 acre.

(c) Commercial, other nonresidential development and residential development other than single-family is authorized in the Upland Water Quality Zone, if:
(1) The applicant leaves at least 40 percent (all in the Upland Water Quality Zone) of his proposed subdivision site in an undeveloped and undisurbed contiguous state and located to receive runoff from the development for purposes of unchannelized, overland drainage; and,

(2) The proposed impervious cover on the site does not exceed 35 percent of the total site area.

Division 107. Transfer of Development Rights
Sec. 41A-107.1. Lowlands to Uplands

For every 1 acre of land in the Lowland Water Quality Zone which is left undeveloped and undisurbed and is not included in density calculations elsewhere and is platted concurrently, the applicant is entitled to the equivalent of 3 additional residential housing units in the Upland Water Quality Zone; provided, however, that an applicant who transfers development rights pursuant to this provision must so note the transfer on each such lot on the plat, and must file in the deed records a restrictive covenant, approved by the city attorney, that evidences the transfer and runs with the land from which the transfer was made.

Sec. 41A-107.2. Uplands to Uplands

For every unit of development in the Upland Water Quality Zone to which the applicant is entitled
which applicant transfers to other land in the
Upland Zone and is not included in density calcula-
tions elsewhere and is platted concurrently, the
applicant is entitled to the equivalent of one
additional residential housing unit in the Upland
Water Quality Zone; provided however, that an
applicant who transfers development rights pursuant
to this provision must so note the transfer on each
such lot on the plat, and must file in the deed
records a restrictive covenant, approved by the
city attorney, that evidences the transfer and
runs with the land from which the transfer was
made.

Sec. 41A-107.3. Transfers Based on Corresponding
Conveyances of Parkland to City

An applicant is entitled to (1) the equiva-
lent of 1 1/2 additional residential units of
development in the Upland Water Quality Zone for
each acre of land in the Critical Water Quality
Zone that applicant conveys to the City in fee
simple as parkland, (2) the equivalent of 1/2
additional residential unit of development in
the Upland Water Quality Zone for each acre of
land in the Lowland Water Quality Zone that the
applicant conveys to the City in fee simple as
parkland, provided that the City accepts said
parkland conveyances. If the City approves
parkland conveyances to other than the City the
applicant shall be entitled to the rights established in this section.

Sec. 41A-107.4. No Transfers to Edwards Aquifer Overlay Zone and Restriction on Transfers Within the Edwards Aquifer Overlay Zone

(a) No development rights belonging to land located off the Edwards Aquifer Overlay Zone shall be transferred to land located in the Edwards Aquifer Overlay Zone.

(b) Transfer of development rights from a tract of land in the Edwards Aquifer Overlay Zone to another tract of land in the Edwards Aquifer Overlay Zone shall be allowed only if the lands involved are contiguous, under single ownership and platted concurrently.

Sec. 41A-107.5. No Transfers to Land Beyond a One Mile Radius

Development rights of a tract can only be transferred to another tract located within a one mile radius of said tract; however, development rights may be transferred any distance so long as the tracts are contiguous and under single ownership or are not separated by lands under a different ownership.

Sec. 41A-107.6. Transfer to Commercial Projects

One residential housing unit shall be deemed to be the equivalent of 6,000 square feet of impervious cover when transferred to a commercial, business, or residential housing project other than
single family.

Sec. 41A-107.7. Additional Restrictions on Transfer of Development Rights

(a) No development rights shall be transferred from a tract unless such tract is platted concurrently with such transfer.

(b) Where single-family development rights are transferred to any land in the Upland Zone, the land in the Upland Zone to which such development rights are transferred shall not be developed to a greater average density than 1 unit for every acre of land with a minimum lot size of 1/2 acre and the applicant shall leave at least 40% of the land (all in the Upland Zone) in an undeveloped contiguous state.

(c) Where development rights are transferred to land to be developed for commercial, other nonresidential or residential other than single-family purposes, the land to which the development rights are transferred shall be limited to a maximum of 45% impervious cover.

(d) As to any lot, tract or parcel of land, no transfer of development rights shall be permitted unless all development rights are transferred.

Sec. 41A-107.8. Variances for Lots From Which Development Rights Have Been Transferred

Where tracts from which development rights have been transferred are being platted, the planning commission may vary the specific
requirements of this article and of Chapter 41 as to such tracts.

Division 109. Protection of Minor Tributaries

Sec. 41A-109.1. Development Restrictions in Protected Areas

(a) Land within the minor tributary protection zone is subject to the same development limitations as land located in the Critical Water Quality Zone. However, for purposes of computing the density and impervious cover limitations under this chapter, land within the minor tributary protection zone is part of the water quality zone in which it is located.

(b) The minor tributary protection zone includes all land within 150 feet on each side of the centerline of a minor tributary for the first 1500 feet from the centerline of Barton Creek; and all land within 100 feet for the next 1000 feet. The widths of the minor tributary protection zone shall be measured horizontally.

Division 111. Drainage

Sec. 41A-111.1. Purpose

Natural drainage patterns must be preserved and the amount of impervious cover limited to prevent erosion, maintain infiltration and recharge of local seeps and springs, and attenuate the harm
of contaminants collected and transported by stormwater.

Drainage objectives can best be accomplished by avoiding the use of streets and street rights of way as the central drainage network wherever practical.

In the event storm sewers are necessary, storm drainage systems shall be designed to mitigate their impact on water quality through the use of approved control strategies to control sediment and dissipate energy and the use of multiple smaller outlets whenever practical and locating discharges to maximize overland flow.

Sec. 41A-111.2. General Requirements

(a) There shall be at least 300 feet of natural drainage between any storm sewer outlet and Barton Creek or one of its major tributaries.

(b) The applicant shall, to the greatest extent practical, maintain natural drainage patterns consistent with the purposes and intent of this ordinance.

(c) The post-development stormwater runoff rates shall not exceed the pre-development stormwater runoff rates for the 1 year, 5 year and 25 year storms.

(d) There shall be no filling or clearing of vegetation within the 100 year flood plain of Barton Creek or its major tributaries except in
connection with authorized development; however, limited clearing of vegetation shall be permitted in areas used for picnicking and other light recreational activities.

Sec. 41A-111.3. Street Design

(a) Street and right-of-way design in the Critical Water Quality Zone, Lowland Water Quality Zone, and Edwards Aquifer Overlay Zone must comply with the Alternative Urban Street Standards for streets without curbs and gutters set out in Ordinance No. 800207-J.

(b) If an applicant proposes residential housing in the Upland Water Quality Zone with an average density of one unit for every two acres or more and a minimum lot size of three-quarters acre or larger, his street and right-of-way design must comply with the Alternative Urban Street Standards set out in Ordinance No. 800207-J.

(c) The provisions of Ordinance No. 800207-J relating to average density and minimum lot size may be waived by the planning commission after review of reports from the departments of public works and urban transportation on the proposed street design.

Division 113. Erosion and Sedimentation Control

Sec. 41A-113.1. Purpose

The volume, rate, and quality of stormwater
runoff originating from development must be controlled to prevent soil erosion and water quality degradation in the Barton Creek Watershed. Storm-water transported sediment is of primary concern because it provides a transport medium for contaminants and because excessive sedimentation can reduce infiltration and recharge of the local seeps and springs in the watershed.

Sec. 41A-113.2. Plan

Prior to final plat approval a plan providing for the control of sedimentation and erosion during construction and for the restoration of erosion which occurs during construction must be submitted to the director of engineering. Final plans shall be accompanied by a proposed construction sequence to demonstrate an acceptable plan for erosion control during the construction period and shall be subject to the approval of the engineering department and office of environmental resource management according to the Erosion Control and Restoration Manual as officially adopted by the City Council of the City of Austin. All cuts and fills shall be restored to blend with the natural character of the land. Restoration plans shall be approved by the engineering department and office of environmental resource management. Projects shall not be considered complete until restoration has been made and approved by the department of public works.
Sec. 41A-113.3. **Specific Requirements**

(a) Work done on the ground in preparation of final plat approval shall be limited to surveying and testing. Areas cleared for surveying and testing shall not exceed a width of 15 feet.

(b) The length of time between rough-cutting and final surfacing of streets may not exceed 12 months. If an applicant does not meet this deadline, the director of public works shall notify him in writing that the city will complete the streets or revegetate the disturbed area at his expense unless he does so within 60 days after the date on the notice.

Division 115. **General Requirements**

Sec. 41A-115.1. **Land Clearing**

(a) Not more than 85% of the land area included within the plat located in the Upland Water Quality Zone shall be cleared of existing vegetation.

(b) An applicant may not clear-cut selective vegetation in his land prior to final plat approval.

Sec. 41A-115.2. **Bluff Setback and Bluff Clearing Limitation**

No clearing, alteration or development of any kind shall be undertaken within 50 feet of a crest of a bluff.
Sec. 41A-115.3. Septic Tanks in Barton Creek Watershed

All individual sewage systems located on lots in the Barton Creek Watershed which are less than 1 acre in size shall utilize an alternative sewage disposal system.

Sec. 41A-115.4. Construction on Certain Slopes

There shall be no development, except development which is authorized within the Critical Water Quality Zone, on slopes over 35% gradient.

Sec. 41A-115.5. Cluster Housing - Lot and Street Configurations

Where it is proposed to develop a cluster housing project the planning commission may vary the specific requirements of this chapter which relate to lot and public right-of-way configuration if it determines that the proposed configuration will provide adequate provisions for vehicular and pedestrian circulation, recreational facilities, water quality protection and ecological preservation equal to or better than the detailed configuration requirements of this chapter; provided, however, that no variance shall be allowed as to the standards contained in the definition of "Cluster Housing" contained in sec. 41A-101.4.

Sec. 41A-115.6. Cluster Housing - Combination of Street Standards
Where it is proposed to develop a cluster housing project the planning commission may approve a mixture or combination of Urban Street Standards and Alternative Urban Street Standards after the commission has considered reports from the directors of the public works and urban transportation departments in which the adequacy of the proposal has been assessed, based on the developer's written justification for the proposal and the developer's preliminary street construction plans of the streets proposed to be built, which preliminary plans shall be prepared by a registered professional engineer.

Division 117. Archaeological and Historical Sites
Sec. 41A-117.1. Archaeological and Historical Site Investigation

(a) An applicant must furnish an archaeological site investigation report with his preliminary plan. The site investigation report shall be limited in nature, going into only such detail as may be necessary to determine whether there are archaeological or historical sites which warrant further investigation. Such additional investigation shall be at City's expense.

(b) The report must be signed by a qualified archaeologist and either:

(1) Locate, briefly describe, and evaluate the significance of all archaeological and historical
sites found in the proposed subdivision; or

(2) Certify that there is no significant archaeological or historical site on the surface of the proposed subdivision site.

Division 119. Preservation of Certain Areas

Sec. 41A-119.1. Preservation of Park, Archaeological and Historical Sites

(a) If a preliminary plan proposes to plat land in the Critical Water Quality Zone, or if the archaeologist's report required by section 41A-117.1 identifies a significant archaeological or historical site on the proposed subdivision site, the director of parks and recreation shall determine whether the city should acquire or otherwise preserve any park land or archaeological or historical site. The director shall include this recommendation in his report on the preliminary plan to the planning commission and simultaneously forward a copy, together with the archaeologist's report if relevant, to the city council. The director's and archaeologist's report shall be delivered to the planning commission and the city council within 45 days after the filing of the preliminary plat.

(b) The city council may direct further investigation of the director's recommendation before taking action, but it must act on the recommendation at a public hearing on or before the 90th day after
the date of the filing of the preliminary plat. If the city council decides to acquire or otherwise preserve any park land or archaeological or historical site, it must obligate the city to do so and initiate acquisition proceedings on or before the 120th day after the filing of the preliminary plat. If the council fails to act or obligate the city as provided above, the applicant is free to plat the Critical Water Quality Zone land and develop the subdivision without regard to the archaeological or historical site.

Division 121. Variances

Sec. 41A-121.1. Variances

(a) Variances from the terms of this chapter may be granted by the planning commission only if it is found that, because of special circumstances applicable to the property involved, a strict application deprives such property of privileges or safety enjoyed by other similarly situated property with similarly timed development. Where such conditions are found, the variance permitted shall be the minimum departure from site development standards necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences. In no case may a variance be granted that
will provide the applicant with any special privileges not enjoyed by other similarly situated properties with similarly timed development. Provided, however, that the planning commission shall have no authority to grant a variance based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides land after the effective date of this ordinance.

(b) A written record of all variances granted under sec. 41A-121.1(a) shall be tabulated and maintained in a file in the planning department and such file shall be readily available to the public.

(c) As to each variance granted under the terms of sec. 41A-121.1(a), the planning commission shall make specific findings of fact detailing the basis on which each variance was granted and a copy of such findings of fact shall be made a part of the file required in sec. 41A-121.1(b).

(d) Any person may appeal in writing to the city council the planning commission's grant or denial of a variance under this section. The appeal must be filed with the planning commission on or before the 10th day after the date on which the variance was granted. In the event of multiple appeals all of the appeals will be consolidated and determined in a single public hearing. On
receipt the planning commission shall forward
the appeal, together with the variance request
and a transcript, certified as accurate by the
chairman, of that portion of the hearing at
which the variance was considered and granted or
denied, to the city clerk for placing on the coun-
cil agenda.

(e) The city council must decide the appeal
at a public hearing on or before the 30th day after
the date on which the appeal was filed with the
planning commission. The appellant has the burden
of proof on appeal and the council must decide the
appeal solely on the basis of the variance request,
the planning commission transcript, the written
appeal, the written response to the appeal, if any,
and oral argument at the council hearing. After
considering the appeal the council may affirm
the action of the planning commission, reverse
it, or modify it to comply with the requirements
of this article.

Division 123. Study
Sec. 41A-123.1. Purpose
Much remains to be learned about the impact
of development on the Barton Creek Watershed. The
regulatory controls imposed by this article are
designed to avoid or ameliorate the more harmful
consequences of development, but their total
efficacy cannot be guaranteed and they are only a single component of the comprehensive growth management plan needed to protect the Watershed's environment. It is therefore essential, while the controls herein are in effect, to evaluate their strengths and weaknesses, recommend improvements, and address the other components of a comprehensive growth management plan.

Sec. 41A-123.2. Water Quality Monitoring Program

The city council shall design and implement a water quality monitoring program for the Barton Creek Watershed and Edwards Aquifer recharging Barton Springs within 180 days of the effective date of this ordinance.

PART 2. This ordinance does not apply to the subdivision of land in the Barton Creek Watershed if (1) the preliminary subdivision plan was approved by the Planning Commission, or, (2) the final plat was approved or disapproved by the Planning Commission before the effective date of this ordinance.

PART 3. The grave need to protect Barton Creek, Barton Springs and the Barton Creek Watershed from irreparable harm that can result from development activities creates an emergency; therefore, an emergency is hereby declared to exist; the rule requiring that ordinances be read on three (3) separate days is hereby suspended
and this ordinance shall be effective immediately upon its passage and adoption as provided for in the Charter of the City of Austin.

PASSED AND APPROVED

April 17, 1980

Mayor

APPROVED: 
City Attorney

ATTEST: 
Deputy City Clerk

JLH:rs
EXHIBIT "A"