

ORDINANCE NO. 840616

INTERIM WATERSHED DEVELOPMENT ORDINANCE OF  
THE CITY OF SUNSET VALLEY, TEXAS

AN ORDINANCE OF THE CITY OF SUNSET VALLEY, LOCATED IN TRAVIS COUNTY, TEXAS, REGULATING THE DEVELOPMENT OF LAND WHICH LIES IN THE WILLIAMSON CREEK AND BARTON CREEK WATERSHEDS WITHIN THE CORPORATE LIMITS OF SAID CITY AND WITHIN THE AREA OF EXTRATERRITORIAL JURISDICTION THEREOF; STATING THE AUTHORITY AND PURPOSE; DEFINING TERMS; PROVIDING FOR PROCEDURES AND SPECIFICATIONS FOR DEVELOPMENT WITHIN WATER QUALITY ZONES INCLUDING REPORTS TO THE CITY COUNCIL, DRAINAGE FACILITIES, EROSION-SEDIMENTATION CONTROL AND CONSTRUCTION SEQUENCING, WATER QUALITY BASINS, MAINTENANCE AND COMPLIANCE; PROVIDING A RULE FOR CONFLICTS BETWEEN ORDINANCES; PROVIDING FOR A FINE FOR VIOLATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City of Sunset Valley, is a suburban city adjacent to the City of Austin, Texas, and said City of Sunset Valley and its extraterritorial jurisdiction lies upon the Edwards Aquifer recharge zone and withdraws its drinking water supply from the Edward's Aquifer; and

WHEREAS, there are very few storm sewers within the corporate limits and extraterritorial jurisdiction of the City of Sunset Valley, and surface water created by rainfall drains directly into creeks and indirectly into the Edwards Aquifer by infiltration; and

WHEREAS, intensive development of land overlying the Edwards Aquifer recharge zone can result in excessive pollutant loadings in creeks and may adversely affect the Edwards Aquifer; and

WHEREAS, there is no organized central sewer serving either the corporate limits or extraterritorial jurisdiction of the City of Sunset Valley, and nearly every building within said City and extraterritorial jurisdiction is connected to a private sewage facility (facilities), which due to the nature of the soil and due to the relationship upon the Edwards Aquifer Recharge Zone, can create a health hazard and requires that such private sewage facilities be widely separated in order that the effluent from said private sewage facilities can be absorbed into the soil; and

WHEREAS, the lowlands and the nature of soil are such that when the Central Texas Area receives vast amounts of rainfall the local creeks create hazards to life and property through flooding; and

WHEREAS, the Williamson Creek and Barton Creek watersheds are facing rapid development; and

WHEREAS, because of the reasons and conditions above enumerated in this Ordinance, and for the health, safety, and protection of the inhabitants of the City of Sunset Valley and its extraterritorial jurisdiction, and visitors therein, it is necessary that development over the Edwards Aquifer be regulated; NOW THEREFORE;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNSET VALLEY, TEXAS:

Section 1. Authority.

This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly, but not limited to, Chapters 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore or hereafter amended (compiled as Article 974a, V.T.C.S.), and the provisions of Section 4 of the Municipal Annexation Act as heretofore or hereafter amended (compiled as Article 970a, V.T.C.S.). This ordinance is adopted pursuant to the provisions of the general law of the city.

Section 2. Purpose.

The purpose of this Ordinance is to provide for the orderly, safe and healthful development of the area within the corporate limits of Sunset Valley and the City's extraterritorial jurisdiction and to promote the health, safety, morals and general welfare of the community.

This Ordinance shall be an interim ordinance. The City Council of Sunset Valley shall review the terms of this Ordinance with reference to the comprehensive plan and other relevant factors and shall enact a final watershed development ordinance.

Section 3. Definitions.

A. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations, shall have the meaning ascribed to them in this section; except where the context clearly indicates a different meaning:

Aquifer-related watershed: All land area in a watershed that is within the Edwards Aquifer Recharge Zone or that naturally drains to, or is otherwise located upstream from the recharge zone.

Center line of waterway: The center line of the waterway refers to existing topographically defined channels. If not readily discernible, the center line shall be determined by (first) the low flow line, or (second) the center line of the two-year flood plain.

City: The City of Sunset Valley, Texas.

Commercial lot: Any lot not to be used as single family residential, multifamily residential, recreational or open space.

Commission: The Planning Commission of the City is the City Council.

Comprehensive Plan (Master Plan): The plan required by Texas Revised Civil Statutes Annotated, Article 1011c (1963). The comprehensive plan is an independent, long-range plan for use and development of land within the City and in the City's extraterritorial jurisdiction.

Critical water quality zone: Lands and waters as defined in Section 5.A of this Ordinance.

Developer: A person who improves land, primarily through the construction of structure(s).

Development: Buildings, roads, and other structures; construction; and excavation, dredging, grading, filling, and clearing or removing vegetation.

Edwards Aquifer: The water-bearing substrata also known as the Edwards and Associated Limestones Aquifer. It includes the following geographic formations: Comanche Peak, Edwards, Kiamichi and Georgetown.

Edwards Aquifer recharge zone: The interim boundaries of the recharge zones shall encompass all land over the Edwards Aquifer recharging the same, as determined by the outcrop of the geologic units comprising the Edwards Aquifer, including such areas overlain with quaternary terrace deposits. Most of the corporate limits of Sunset Valley and its extraterritorial jurisdiction are contained within the Edwards Aquifer recharge zone.

Engineer: A person duly authorized and registered under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

Extraterritorial Jurisdiction: The extraterritorial jurisdiction of the City of Sunset Valley, Texas is that land not within the corporate limits of the City of Sunset Valley, Texas, but land over which the City has jurisdiction by virtue of the Municipal Annexation Act, Vernon's Annotated Civil Statutes, Article 970a.

Flood: A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Floodway: The channel of a watercourse and portions of the adjoining flood plain which are reasonably required to carry and discharge the regulatory flood.

Impervious cover: Roads, parking areas, buildings and other impermeable construction covering the natural land surface; this shall include, but not be limited to, all streets and pavement within a subdivision.

Intermediate waterway: Any natural channel for surface water drainage that drains an area greater than three hundred twenty (320) acres but less than six hundred forty (640) acres under predeveloped conditions.

Lot: An undivided tract or parcel of land having access to a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number of symbol in a duly approved subdivision plat which has been properly filed for record.

Major waterway: Any natural channel for surface water drainage that drains six hundred forty (640) acres or more under predeveloped conditions.

Minor waterway: Any natural channel for surface water drainage that drains an area greater than sixty-four (64) acres but less than three hundred twenty (320) acres under predeveloped conditions.

Overland flow: Storm water runoff that is not confined by any natural or man-made channel such as a creek, drainage ditch, storm sewer, or the like.

Person: Any individual, association, firm, corporation, governmental agency, or political subdivision.

Residence time: The average residence time of a basin equal to the volume of the basin divided by the average rate of outflow.

Right-of-way: Any travelway open to the general public for travel or land dedicated for eventual travel by the public. Dedicated right-of-way may in addition to travel by the public be used for installation of utilities or other public purposes.

Shall, May: The word "shall" is always mandatory. The word "may" is merely directory.

Site: A space of ground occupied or to be occupied by a structure.

Site plan: A detailed line drawing clearly describing the project.

Street: A public right-of-way, however designated, which provides vehicular access to adjacent land.

Street (Private): A "private street" is a driveway or alley which serves only to give secondary vehicular access to a building lot or to an accessory parking or loading facility, or to allow vehicles to take or discharge passengers at the entrance to a building.

Structure: Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on the ground.

Subdivider: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivision: A division of any tract, lot, piece, or parcel of land, or any portion or fraction thereof (whether by block or lot numbers, or by metes and bounds descriptions), situated within the corporate limits, or within the City's extraterritorial jurisdiction, in two or more parts for the purpose of transfer of ownership, or building development, whether immediate or future, or for laying out suburban lots or building lots, or any lots, whether all or any portion thereof be intended for public use, or only for the use of purchasers, short- or long-term lessees, guests and/or agents. Subdivision also includes resubdivision of any tract, lot, piece, or parcel of land.

Surveyor: A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by State statute to practice the profession of surveying.

Tract: A defined area of land.

Uplands zone: All lands and waters that are not included within the critical water quality zone or the water quality buffer zone.

Utility easement: An interest in land granted to the City, to the public generally, and/or to a private utility corporation, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Water Quality Buffer Zone: Lands and waters as defined in Section 5.B of this Ordinance.

B. Any office referred to in this Ordinance by title means the person employed or appointed by the City in that position, or his duly authorized representative.

C. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

#### Section 4. Special Provisions.

A. No land in the City of Sunset Valley or its extraterritorial jurisdiction shall be developed until such development of land has been approved by the City Council in accordance with the regulations herein.

B. No permit shall be issued pursuant to any City ordinance for any structure or for the repair, modification or installation of Public or Private Sewage Facility for which a watershed development permit has not been approved and filed with the City of Sunset Valley in which the standards contained herein or referred to herein have not been complied with in full.

C. Any right, privilege or remedy granted by this Ordinance to the person obtaining or holding permit approval shall also run in favor of such person's successors in interest and assigns. Any duty or obligation of or remedy against such person arising from this section shall also insure as to such person's successors in interest, assigns, agents, employees, representatives, or any person acting pursuant to the direction of any the foregoing, or under color of the same.

D. The City shall not sell or supply any water, gas, electricity, or sewage service within a tract for which a watershed development permit has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

E. In behalf of the City, the City attorney, shall when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within the City, within the extraterritorial jurisdiction of the City as such jurisdiction as determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this Ordinance.

F. Provided, however, that the provisions of this Section shall not be construed to prohibit the issuance of permits for any tract upon which a residence building exists and was in existence prior to passage of this watershed development ordinance, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any tract, the last recorded conveyance of which prior to passage of this Ordinance was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this Ordinance.

#### Section 5. Variances.

A. All requests for variances must be submitted in writing to the City Council. The City Council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In making the findings herein required, Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and the welfare in the vicinity.

No variance shall be recommended unless the City Council finds:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land; and
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
- (4) That the granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provision of this ordinance; and
- (5) That the variance request is of such a minor nature that the spirit and intent of this ordinance is not to be violated.

B. Such findings of the City Council together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such variance is recommended. Variances may be recommended only when in harmony with the general purposes and intent of this ordinance so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardships to the developer standing alone, shall not be deemed to constitute undue hardship.

C. The City Council may grant a variance from the terms referring to the Critical Water Quality Zone when the development free zone constitutes a proportion of the land in the proposed plan making the requirement and unreasonable and unwarranted taking or an undue hardship. Where such conditions are found, the variance permitted shall be the minimum departure from the terms of this Ordinance necessary to avoid such deprivation of privileges enjoyed by such other property to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences. The City Council may not grant a variance if it would provide the applicant with any special privileges not enjoyed by other similarly situated property with the similarly timed development.

D. Any application for a variance shall be accompanied by the fees set by the Council in the Fee Schedule Ordinance.

#### Section 6. Water Quality Zones.

##### A. Critical Water Quality Zone.

(1) Critical water quality zones shall be established along all creeks and tributaries with drainage basins greater than sixty-four (64) acres in size. The zone line shall be delineated parallel to each such creek or tributary according to the size of the drainage basin.

(a) For minor waterways, the zone line shall be defined by the limits of the one hundred-year flood plain, provided that it shall never be extended beyond one hundred (100) feet on each side from the centerline of the waterway.



(b) For intermediate waterways, the zone line shall be defined by the one hundred-year flood plain, provided that it shall never be located greater than two hundred (200) feet nor less than one hundred (100) feet on each side from the center line of the waterway.

(c) For major waterways, the zone line shall be defined by the one hundred-year flood plain; provided that it shall never be located greater than four hundred (400) feet nor less than two hundred (200) feet on each side from the center line of the waterway.

(2) The flood plain delineation shall be based on a channel in its unaltered state, and shall assume fully developed watershed conditions.

(3) The critical water quality zone shall remain free of all construction activity, development and alterations except that the following may be permitted:

(a) Utilities as provided by Section 6.A.(4) and (5) of this Ordinance.

(b) Fences that do not obstruct flood flows.

(c) Public and private parks and open space, with development in the parks and open space limited to trails and facilities (other than stables and corrals for animals) for hiking, jogging, nonmotorized biking, and nature walks.

(d) Water quality basins as provided in Section 8.C.(2)(e) of this Ordinance.

(e) Private drives to allow access.

(4) All utilities other than wastewater shall be located outside the critical water quality zone, except for crossings.

(5) Wastewater trunk lines and lateral lines shall be located outside the critical water quality zone whenever possible except for crossings. At the time of the watershed development permit application review, the City's appointed designate shall make a report to the City Council on any significant environmental impact and possible alternatives related to wastewater line locations in the critical water quality zone. In no case shall any wastewater line be located less than one hundred (100) feet from the center line of a major waterway or fifty (50) feet from the center line of an intermediate waterway except for crossings, unless approved by the City Council upon consideration of reports by the City appointed designate, and unless the applicant has shown that installation outside of this zone is physically prohibitive or environmentally unsound.

#### B. Water Quality Buffer Zone.

(1) A water quality buffer zone shall be established parallel to all critical water quality zones, and shall extend from the outer boundaries of the critical water quality zone for three hundred (300) feet along major waterways, two hundred (200) feet along intermediate waterways, and one hundred (100) feet along minor waterways.

(2) The projected impervious cover in any lot or undivided tract or portion thereof that lies within the water quality buffer zone shall not exceed eighteen (18) percent.

(3) No commercial development shall occur within one hundred (100) feet of the center line of a minor waterway.

C. Upland Zone.

(1) The projected impervious cover on any single commercial or multifamily residential lot or undivided tract in the upland zone shall not exceed forty (40) percent, unless transfers of development intensity are made in accordance with Section 6.D of this Ordinance.

D. Transfer of Development Intensity.

(1) Transfers of development intensity are allowed only for commercial and multifamily residential developments.

(2) For every one (1) acre of land in the water quality buffer zone which is left undeveloped and undisturbed and is not included in impervious cover calculations elsewhere, the developer is entitled to an additional fifteen thousand (15,000) square feet of impervious cover on lands in the upland zone.

(3) Transfers of development intensity can only be made to land in the upland zone. When transfers of development intensity are assigned, the land to which the transfer is assigned shall be limited to a maximum impervious cover of fifty-five (55) percent.

(4) A developer who transfers development intensity pursuant to this section must transfer all development rights on the land from which the transfer is made and note the transfer on each such site plan, 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. Development intensity on a tract can only be transferred to another tract located within a one (1) mile radius of said tract, unless the tracts are contiguous and under single ownership or are not separated by lands under a different ownership.

E. Building Sites and Calculation of Impervious Cover.

(1) All lots or tracts of land shall contain an adequate building site prior to development. An adequate building site shall not have less than three thousand (3,000) square feet and shall not contain:

- (a) Discontinuous segments.
- (b) Land within the critical water quality zone.
- (c) Land within a drainage or utility easement.
- (d) Any stream, pond or detention basin, either permanent or temporary.
- (e) Land within the building setback line.

(2) In calculating projected impervious cover data, all existing impervious surfaces shall be included in the calculations and charged against impervious cover allowances. This provision does not include any "natural" imperviousness, such as rock outcrops. Roads, parking areas, buildings and other construction are to be assumed as one hundred (100) percent impermeable unless specific proposed alternate surfaces are authorized as being less than such by the City Council or its appointed designate. Water quality basins, swales and other conveyances for overland drainage need not be calculated as impervious cover.

Section 7. Reporting to the Council.

A. The developer shall submit to the Council along with the development permit application, a site plan that contains the following:

(1) A topographic map, with two (2)-foot contour intervals, meeting national map accuracy standards, showing:

(a) Each location of each major, intermediate and minor waterway, as defined herein; and each type of waterway shall be distinguished from others;

(b) The one-hundred (100) year and twenty-five (25) year flood elevations and flood plain boundaries;

(c) The two (2) year flood plain where needed to determine the critical water quality zone required by this Ordinance;

(d) Critical water quality zones as required by Section 6.A of this Ordinance;

(e) Existing topographical features including but not limited to existing faults and fractures along waterways, and sinkholes;

(f) Location of all temporary and permanent runoff detention basins, constructed and altered waterways and other physical facilities to be installed to comply with the terms of Section 8.

(g) Location of trees having a trunk circumference of thirty (30) inches or more, measured four and one-half (4 1/2) feet above natural grade level.

(2) A map or maps showing soil map units, surficial and bedrock geology, faults, sinkholes and other geologic units. Maps may be based on compiled data available from the Soil Conservation Service, U.T. Bureau of Economic Geology, City of Austin Environmental Resource Management Department and U.S. Geological Survey, and shall be complemented by an onsite geological survey conducted by a professional geologist.

(3) A report that includes the following items:

(a) A description of existing topography;

(b) Geologic, soil, and vegetation characteristics;

(c) General description of the proposed changes to the site;

(d) A general description of the temporary measures which shall be utilized for the control of erosion;

(e) General sequencing of construction;

(f) A description and calculation of all impervious cover on the site and for each commercial lot or tract.

(4) General plans for wastewater lines or onsite sewage treatment systems' installation shall be submitted with the report and shall include:

(a) The use of minimum construction corridor widths that might disturb subsurface faults and fractures; and

(b) The use of environmental protection measures and vegetative restorations as provided for in Section 8.B of the Ordinance.

(5) A preliminary plan of the proposed drainage systems with grade, pipe size, and location of outlet.

(6) A preliminary plan of proposed fills or other structure-elevating techniques, levees, channel modifications, floodwalls, and other methods to overcome flood or erosion-related hazards.

(7) Location of city limits line, the outer border of the City's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the site, form part of the boundary of the site, or are contiguous to such boundary.

(8) In addition, the report shall be accompanied by detailed construction plans and detailed cost estimates for all proposed site improvements. All plans and engineering calculations shall bear the seal and signature of an engineer, certifying their completeness and accuracy. These site improvements shall include, but not be limited to, the following:

(a) Sanitary sewer systems, including, where appropriate, treatment and disposal systems;

(b) Water supply systems, including pipes and hydrants and, where appropriate, wells and reservoirs, and pumping stations; and

(c) A detailed drainage plan, as follows:

1) Grades and runoff figures on the inlet and outlet side of all channels and storm sewers.

2) Drainage easements.

3) A general location map of the tract showing the watershed sub-areas.

4) Calculations showing the anticipated storm water flow, including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing the basis for design.

5) When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details.

6) When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design flow, high water marks based on a twenty-five (25) year frequency, shall be indicated based on existing conditions.

7) Identification of all critical water quality zones with notation of restrictions pertaining to such zones as required by this Ordinance.

(d) A documentation of compliance with water quality control strategies as required by this Ordinance.

(e) A final erosion-sedimentation control plan and construction sequencing plan as required by this Ordinance in Section 8.B.

(f) An approval statement to be signed by the Mayor upon approval of the City Council that the site plan conforms to all requirements of the watershed development regulations and other relevant regulations of the City of Sunset Valley, Texas.

(g) The certification of the engineer responsible for the preparation of the site plan and accompanying reports and supporting data, attesting to its completeness and accuracy.

#### Section 8. Standards and Specifications.

No site development plan shall be approved by the Council, and no completed improvements shall be accepted by the Council unless they conform to the following standards and specifications:

##### A. Drainage.

(1) General. The interpretation of the requirements set forth in this Section shall be made by the City's engineer or designate, unless specified otherwise by the Council. The developer shall be responsible for the conveyance of all storm drainage flowing through or abutting the subject property, including drainage directed to the property by prior development as well as that naturally flowing by reason of topography.

Where new drainage improvements are required along the boundary of a site, the owner proposing development shall be responsible for designing and constructing all the required improvements at or before the time of development, including the dedication of all necessary rights-of-way or easements necessary to accommodate the improvements. Where the developer proposes to develop only a portion of the property, only the drainage improvements for the portion being developed shall be required to be installed, except as drainage improvements outside the portion being developed are deemed necessary by the City for proper drainage of the portion being developed.

(2) Drainage Facilities. The responsibility of the developer shall extend to the provision of adequate off-site drainage facilities and improvements to accommodate the full effects of the development of his/her property.

When the developer certifies by affidavit that a bonafide attempt to acquire property rights to meet off-site drainage requirements was not successful, the City may assist at its discretion in the acquisition of necessary property rights to provide for the construction of off-site drainage improvements. In such cases, the developer shall make adequate guarantees that he/she will stand the full cost of acquiring said property rights and constructing the off-site improvements and facilities.

(3) Design Criteria. Unless otherwise specified herein, the design of all storm drainage facilities shall be in accordance with the minimum provisions of the City of Austin, Texas, Drainage Criteria Manual, as amended.

Computation of runoff shall be based on a fully developed drainage area, or watershed, in accordance with the minimum provisions of the City of Austin drainage criteria. The drainage system shall be designed to convey the theoretical twenty-five (25) year storm as predicted in the Drainage Criteria Manual. The design shall further provide for system overflows from larger storms up to the intensity of

the one-hundred (100) year storm without increasing the risk of flood damages to development.

(a) Natural drainage channels shall be preserved whenever possible. Open surface drainage through grass-lined swales shall be preferred over the use of enclosed sewers, streets and street rights-of-way as the central drainage network. The provisions of Section 8.A.(5) shall apply in regard to street drainage. Drainage into or across sinkholes, faults and other areas of rapid groundwater recharge shall be avoided whenever practicable.

(b) The rate of runoff after construction shall be less than or equal to the site's runoff prior to construction. Rate of runoff shall be computed on a twenty-five (25)-year storm peak flow using the City of Austin Drainage Criteria Manual as of the effective date of this Ordinance.

(c) In the event that stormwater drainage systems and/or culverts are necessary, such 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 through the use of multiple smaller outlets whenever practical and by locating discharges to maximize overland flow.

(d) Surface drainage channels shall be designed to reduce velocity, minimize potential erosion and to maximize the bottom width to flow depth ratio, in accordance with the following criteria:

1) Channel cross-sections shall be trapezoidal in configuration.

2) Side slopes of channels shall be no steeper than four (4) horizontal to one (1) vertical.

3) For a six-month design storm assuming wet antecedent conditions, channel bottom flow depth shall not exceed four (4) inches and design flow velocity shall be two and one-half (2 1/2) feet per second.

4) All constructed and altered drainage channels shall be stabilized and vegetated immediately after final grading.

5) The City Council may allow exceptions to the design flow velocities or depths in the following situations in conformance with the purpose of Section 8.A.(3)(c) of this Ordinance:

a. On lands with greater than fifteen (15) percent slope, or less than two (2) percent slope; provided that the design flow velocity shall never be greater than three (3) feet per second or design depth greater than six (6) inches.

b. In limited transitional channel sections (such as culverts, culvert entries and exits, drop sections, sharp bends, and water quality basin entries).

(4) Easements. Public easements or rights-of-way shall include all drainage at least to the limits of the twenty-five (25) year flood as indicated on the flood plain maps or as determined on the basis of the Drainage Criteria Manual. The minimum drainage easement or right-of-way width shall be twenty-five (25) feet. All drainage easements across private property shall contain the necessary language to permit the required unobstructed water flow, require maintenance of vegetation by the property owner(s), and permit the neces-

sary access by City officials for inspection and repairs. All easements, twenty-five (25) and one hundred (100) year flood plain boundaries and water quality zones shall be clearly shown on drainage plans and the site plan.

(5) Roadway Drainage. As a general rule, drainage carried in roadside channels shall be minimized and off-roadway locations shall be used as the primary drainage network whenever practicable.

When roadside channels are required, they shall be contained within a dedicated right-of-way or right-of-way easement. Channel sideslopes shall be no steeper than four:one (4:1), except for curves and transitions where slope stabilization acceptable to the City's engineer may be allowed. Roadways shall be designed for fordable driveway approaches whenever practical. All driveways shall be designed such that drainage flow from a twenty-five (25) year storm shall not exceed a depth of twelve (12) inches on any portion of the driveway. Should driveway culverts be required, the culvert design, capacity, and general location shall be shown on the construction plans. In no case shall driveway approaches constitute a blockage of roadway drainage.

(6) Maintenance and Compliance. All drainage facilities located in the street rights-of-way shall be maintained by the appropriate jurisdiction. All drainage facilities located on private property shall be maintained by the property owner.

Duly authorized inspectors of the City shall have the right of entry on the land or premises where property owners are required to maintain drainage facilities or detention facilities, at reasonable times, for the purpose of inspection of the maintenance required. Where noncompliance is found, the City shall request in writing that the property owner comply. This notice shall describe the measures required to be taken. If, within three (3) months of the notice the maintenance required is not accomplished, the City shall either:

- (a) Cause the necessary restoration to be accomplished and assess the property owner for the City's actual cost; or
- (b) Bring an action for mandatory injunction to require the property owner to accomplish the necessary maintenance.

The required maintenance by private landowners and the power of the City shall be noted on the plat.

B. Erosion-Sedimentation Control and Construction Sequencing.

(1) All developments shall submit erosion and sedimentation control plans and reports that include construction sequencing information.

(2) A general description of the control plan shall be submitted with the development permit application.

(3) A comprehensive and detailed plan and report shall be submitted to the Council before permit approval. The report shall specify maintenance of controls. All items noted in the erosion control and construction sequencing plans shall also be included in the final construction plans. At least two (2) copies of the report and plan shall be made available for the City Council and City engineer. At least forty-eight

(48) hours notice shall be given to same before actual construction begins.

- (4) The report shall include the following items:
- (a) Construction sequencing as it relates to placement, maintenance, removal of temporary erosion controls, and restoration measures. The sequencing plan schedules these items in the overall scheme of development.
  - (b) A list of such temporary erosion controls and maintenance thereof.
  - (c) Slope stabilization techniques to be employed.
  - (d) Restoration plans including vegetative types and acceptability note for the City.
- (5) The erosion control and construction sequencing plan shall include the following items:
- (a) Location of temporary erosion controls with maintenance note. The plan shall show the physical details of the controls.
  - (b) A construction sequencing list, including the timing of the use of various controls in relation to steps in the construction.
  - (c) Restoration techniques and acceptability note.
- (6) The development shall comply with the erosion control and restoration measures in the Erosion and Sedimentation Control Manual, as approved by the City Council of Austin, Texas.
- (7) Two (2) days after written notice has been given to the person holding approval of the plan, modifications from the approved erosion control and construction sequencing plans may be made in the field if the City's inspector deems the controls or sequencing inappropriate or inadequate and has confirmed his findings with the City's engineer or designate, and has written approval.
- (8) The clearing of land shall conform to the following criteria:
- (a) No right-of-way clearing or rough cutting shall be permitted before development permit approval except for soil testing and surveying.
  - (b) No clearing or rough cutting for purposes other than that specified in Section 8.B.(8)(a) above and construction of temporary erosion and sedimentation controls as per approved plans shall be permitted until these controls are in place.
  - (c) Roadway clearing width within a tract or building site shall not exceed twice the roadway surface width or the width of the dedicated right-of-way, whichever is less.
  - (d) Vegetation within the critical water quality zone may not be disturbed except for purposes consistent with development activity permitted by Section 6.A.(3) of this Ordinance.
  - (e) The length of time between rough-cutting and final surfacing of streets shall not exceed twelve (12)



months. If an applicant does not meet this deadline, the City Council shall notify him in writing that the City may complete the streets or revegetate the disturbed area at his expense through prior fiscal arrangements unless he does so within sixty (60) days after the date on the notice, or unless he provides erosion and sedimentation controls and the continuing maintenance thereof acceptable to the City Council.

(8) All constructed and altered drainage channels shall be stabilized and vegetated immediately after final grading.

### C. Water Quality Basins.

(1) The interpretation of the requirements set forth in this Section shall be made by the City's engineer or designate, unless specified otherwise by the Council. Water quality basins shall be designed and constructed in conformance with the criteria in this section and be approved by the City's engineer or another designate of the Council.

(2) Detention-Sedimentation Basins. Water quality detention-sedimentation basins shall be situated and constructed to capture runoff from cluster housing areas, residential developments, and commercial and multifamily developments and associated streets (including boundary streets).

(a) The basins and drainage into the basins shall be designed to capture and isolate the first one-half (1/2) inch (first flush) of runoff. All subsequent runoff in excess of the design capacity of the basins shall bypass the basins and remain segregated from the contained runoff waters in a peak shaving basin up to the capacity specified in the City of Austin Drainage Criteria Manual.

(b) The design of all water quality basins shall allow an average residence time of twenty-four (24) hours for the first one-half inch of runoff.

(c) All basins shall have impervious liners to prevent seepage to groundwater.

(d) Input to and release from detention basins shall utilize grass-lined swales and/or overland flow dispersion measures in conformance with Section 8.A(3) of this Ordinance.

(e) No portion of a water quality detention basin shall be located within two hundred (200) feet from the center line of an existing channel of a major waterway nor within fifty (50) feet from the center line of an intermediate waterway. The City Council may grant variances from the terms of this subsection in special circumstances where topography dictates a lesser setback.

(f) Limited blasting shall be permitted for the excavation and construction of detention basins located within critical water quality zones, only after approval of such plans by the City's engineer.

(g) No basins in the recharge zone shall allow direct infiltration into the ground.

### (3) Maintenance and Compliance.

(a) All sedimentation facilities and their appurtenances required for commercial and multi-family residential property shall be maintained by the property owner.

(b) All sedimentation facilities and their appurtenances required except those in (a) above shall be dedicated to the City by easement or fee simple as the City may require. The City shall accept dedication of such facilities when constructed and installed to the standards required in this Section and other ordinances and resolutions of the City. The City shall maintain these facilities.

(c) The maintenance required above shall be to the standards and specifications contained in this section and other ordinances and resolutions of the City and shall retain the effectiveness of each design feature or part of a plan governed by the provisions of this Section.

(d) Duly authorized inspectors of the City shall have the right of entry on the land or premises where property owners are required to maintain drainage or detention facilities, at reasonable times, for the purpose of inspection of the maintenance required. Where facilities are found not to be in good condition, the City shall request in writing that the property owner comply and shall specify the measures required to be taken. If, within three (3) months of the notice the maintenance required is not accomplished, the City shall exercise one of the options specified in Section 8.A.(6) of this Ordinance.

(e) All drainage easements across private property shall contain the necessary language to permit the required water flow, allow and require the maintenance set out herein, and permit the necessary access by the City for inspection and maintenance. All these shall be properly noted on the site plan.

(f) The required maintenance by private landowners and the power of the City in Section 8.A.(6) shall be noted in writing.

(g) A maintenance fee for water quality basins, as specified in the Fee Schedule Ordinance, shall be paid at the time of development approval.

(h) The applicant shall designate one person or legal entity, with a current address, to which notice shall be given pursuant to this Section.

#### D. Water System Installations.

(1) Water Supply and Distribution. All development tracts shall be provided with water supply and water distribution systems approved by the Council. In no event shall a water well be dug without the permission of the Council and the Sunset Valley Water Department. Plans and specifications for a private water supply for development must be submitted by a registered professional engineer and approved by the State Department of Health. Connection with the Municipal Water Supply System shall be required unless otherwise approved by the City Council.

The distribution system shall be designed in accordance with the same standards and specifications as are required of the City by applicable State codes.

(2) Availability of Service. If the development is not to be served immediately by a water utility, a restriction prohibiting occupancy until water satisfactory for human consumption is available from a source on the land, or community source, or a public utility source, in adequate and sufficient supply, shall be filed with the City Secretary and County Clerk.

Before the Council may approve a watershed development permit, the developer shall furnish the Council and the City's engineer with statements from local and State health authorities and competent water engineers that water satisfactory for human consumption may be obtained from sources on the land.

(3) Fire Hydrants. Standard fire hydrants shall be installed as part of the water distribution system per specifications of the State Board of Insurance and the Manchaca Volunteer Fire Department.

(4) Storage and Pumping for Fire Flow. All developments shall provide for, as a minimum, 130 gallons per capita of additional ground storage or 55 gallons per capita of additional elevated storage. The calculated storage volume for a residential development shall be based on three (3) persons per single family living unit. In addition, as a minimum, a firm pumping capacity of 500 gallons per minute, with 20 pounds per square inch of residual pressure, shall be provided.

#### E. Wastewater System Installation.

(1) All developments shall be provided with City approved sewage treatment and disposal systems.

(2) Connection with a sanitary sewer system may be required by the Council when a sewer system is available.

(3) Where onsite wastewater systems are to be installed, the developer shall conduct percolation tests and soil core tests under the supervision of the County Health Department or a registered engineer or sanitarian approved by the Council in order to determine the adequacy of proposed lot sizes and suitability of the soil for onsite waste disposal. At least one (1) soil core test shall be conducted for every two (2) acres in the development. The tests shall be to a depth of six (6) feet or to consolidated rock, and shall include an analysis of the texture and thickness of each soil layer. If a sanitary sewage disposal system is to be installed, the plans for such system must be approved by the County Health Department and Texas State Health Department, prior to approval of the plans by the Council. All disposal systems, including alternatives to the above, such as anaerobic systems, shall be approved by the City Council and its engineer designate prior to development permit approval.

(4) Availability of Service. If the development is not to be served immediately by a sewage-collecting system connected to a community septic tank system or treatment plant or to a public sewer system, and if disposal of domestic sewage through an onsite system has not been approved by the County Health Department or another duly authorized official, a restriction shall be filed with the City Secretary and the County Clerk which states that occupancy shall be prohibited until a wastewater system is installed in accordance with the rules and regulations of the State Department of Health and the County Health Department and has been inspected and approved by the County.

Section 9. Watershed Development Permit Application.

The Watershed Development Permit Application is attached at the back of this Ordinance.

Section 10. Watershed Development Permit.

The Watershed Development Permit is attached at the back of this Ordinance.

Section 11. Authority of the City Council.

The City Council is hereby authorized and directed to promulgate rules, regulations, fees, standards and specifications for site development within the Williamson and Barton Creek watersheds. It shall file same with the City Clerk at least fourteen (14) days before it becomes effective. It may amend the same from time to time, provided that an amendment must be filed with the City Clerk at least fourteen (14) days before it becomes effective. No such rules, regulations, standards and specifications shall conflict with this or any other ordinances of the City of Sunset Valley, Texas. All such improvements shall be constructed, installed, designed, located and arranged by the developer in accordance with such rules, regulations, standards and specifications.

Section 12. Conflict with other Ordinances.

Whenever the standards and specifications in this Ordinance conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.

Section 13. Separability Clause.

Should any portion or part of this Ordinance be held for any reason invalid or unenforceable, as applied to a subdivision or a particular property, building or structure therein, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

Section 14. Penal Provisions.

Any person violating any provision of this Ordinance within the corporate limits of the City of Sunset Valley, Texas, shall be guilty of a misdemeanor, and, upon conviction, shall be fined an amount not exceeding two hundred dollars (\$200.00). Any person violating any provision of this Ordinance within the corporate limits of the City of Sunset Valley, Texas, that relates to health or sanitation shall be guilty of a misdemeanor, and, upon conviction shall be fined an amount not exceeding one thousand (\$1,000.00) dollars.

Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this Ordinance.

In the event any provision of this Ordinance is violated within the corporate limits of the City, or outside such corporate limits but within the area of extraterritorial jurisdiction of the City, the City may institute any appropriate action or proceedings in District Court or another Court of competent jurisdiction to restrain and enjoin the violation of such Ordinance.


Section 15. Effective Date.

This Ordinance shall become effective from and after its passage.

PASSED BY 5 affirmative votes of the City Council.

PASSED AND APPROVED this 16th day of June, A.D., 1984, with an effective day of 16 June 1984.

SIGNED:

  
Larry G. Hada  
Mayor, City of Sunset Valley

ATTEST:

  
City Clerk, Kaye Keiffer

WATERSHED DEVELOPMENT PERMIT APPLICATION

Name of Applicant: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Location: \_\_\_\_\_ address \_\_\_\_\_ Lot block subdivision \_\_\_\_\_

If not located in a subdivision: \_\_\_\_\_ name & no. of Survey/Abstract \_\_\_\_\_ acreage \_\_\_\_\_

Engineer: \_\_\_\_\_ Contractor: \_\_\_\_\_

( ) Residential ( ) Non residential ( ) other

Description of Proposed Development: \_\_\_\_\_

Utilities: It is the responsibility of the permit holder to identify all utilities in the work area and to notify each utility of the scope of work in the immediate area of the utility.

City of Sunset Valley Water 892-1383 SWB Telephone 1-954-4102 (toll free)  
Southern Union Gas 477-5981 City of Austin Electric & Storm Sewers 472-2822

Change in Scope: It is the responsibility of the permit holder to notify the City of Sunset Valley of any significant changes in work or scope authorized by this permit.

Special Conditions: \_\_\_\_\_

Three sets of plans and specifications attached: \_\_\_\_\_

It is agreed that for and in consideration of the approval of this application, the proposed development shall be performed and completed in accordance with the plans and specifications as approved by the City of Sunset Valley and other applicable Code requirements of the City of Sunset Valley and as delineated on this application. All plans and specifications by the applicant and approved by the City of Sunset Valley in connection with this application are hereby made a part of this application. All development approved by this permit is subject to the inspection and control of the City of Sunset Valley.

I certify that the above statements are true and correct. Authorization is hereby given to the licensing authority of Sunset Valley to enter upon the above described private property for the purpose of evaluation and inspection.

Signed: \_\_\_\_\_ applicant  
DO NOT WRITE BELOW THIS LINE

Received: \_\_\_\_\_ Fee: \$ \_\_\_\_\_

Is this development located within a:

Critical Water Quality Zone \_\_\_\_\_ Buffer Zone \_\_\_\_\_ Upland Zone \_\_\_\_\_

Are other federal, state or local permits required? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, describe \_\_\_\_\_

Are other city regulation/permits applicable? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, describe \_\_\_\_\_

Reviewed by City Inspector/Engineer: \_\_\_\_\_

Action Taken By Inspector/Engineer: \_\_\_\_\_

Request for Additional Information: \_\_\_\_\_

Rejected: \_\_\_\_\_

Approved: \_\_\_\_\_

Approved by City Council: \_\_\_\_\_

CITY OF SUNSET VALLEY

By \_\_\_\_\_ Mayor