

ORDINANCE NO. 070220

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO AMEND SECTIONS 4.200, 4.201, AND 4.301 TO EXCLUDE CERTAIN STRUCTURES, INCLUDING CERTAIN GAZEBOS, ACCESSORY STRUCTURES, SIDEWALKS, WATER SURFACE AREA OF CERTAIN STRUCTURES, RAINWATER HARVESTING SYSTEMS, AND DECKS FROM IMPERVIOUS COVER CALCULATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of Sunset Valley desires to allow for the construction of certain small structures without triggering impervious cover limitations imposed by the Code;

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

SECTION 1. Subsection 4.200(c)(6) of the City of Sunset Valley Land Development Code is added as follows:

Structures described in Section 4.301(e) located on residential lots, provided that the placement of any allowable structure (1) does not require the addition of any fill, (2) is designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of flood waters, (3) does not impede surface water runoff or drainage patterns that effect adjoining upstream or downstream properties, (4) does not result in increased flooding on upstream or downstream properties, (5) is in compliance with all applicable provisions of this Code, and (6) the City Council has granted a variance pursuant to Section 4.103(a).

SECTION 2. Subsection 4.201(b)(7) of the City of Sunset Valley Land Development Code is added as follows:

Structures described in Section 4.301(e) located on residential lots, provided that the placement of any allowable structure (1) does not require the addition of any fill, (2) is designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of flood waters, (3) does not impede surface water runoff or drainage patterns that effect adjoining upstream or downstream properties, (4) does not result in increased flooding on upstream or downstream properties, (5) is in compliance with all applicable provisions of this Code, and (6) Council has granted a variance pursuant to Section 4.103(f), 4.107(c), or 4.301(i) as applicable.

SECTION 3. Section 4.301 of the City of Sunset Valley Land Development Code is amended as follows:

Sec. 4.301 Impervious Cover

- (a) Although a certain percentage of impervious cover is discussed and designated within this Section, nothing in this Section shall release a person from meeting the requirements of the zoning, landscape, and other provisions of this Code.
- (b) Impervious cover and calculations thereof shall include the following:
 - (1) Alleys, streets, and any kind of pavement driveways, and parking areas used for vehicular purposes. For roadways or streets located within the boundaries of a proposed subdivision, the area to be included in an impervious cover calculation will be based on roadways widths of up to and including twenty-four feet (24'). Requirements for sizing water quality controls or detention facilities for runoff from such roadways are not affected by this provision.
 - (2) Buildings, concrete, and other impermeable construction covering the natural land surface.
 - (3) Roadways or streets located adjacent to a development area shall be included in the calculation of impervious cover as described in the City of Austin Environmental Criteria Manual, as amended, except that this provision does not apply to those roadways that either already have Water Quality Controls in place or Water Quality Controls have been previously approved for construction by the City Council and construction of such controls timely occurs as approved before the earlier of expiration of the permit or one year after the issuance of the subject watershed development permit.
 - (4) Site area used for the storage of scrap, auto, and metal salvage.
- (c) In calculating projected impervious cover, 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.
- (d) Roads, parking area, 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.
- (e) Impervious cover calculations will specifically exclude the following items located on property zoned and used for single family residential purposes:
 - (1) Pedestrian sidewalks located within public right-of-way.
 - (2) Pedestrian sidewalk or walkway that is (i) not greater than 3.5 feet in width; (ii) connects to the primary single-family residential structure, (iii) has a

minimum of 1 foot of pervious cover on each side; and (iv) has an aggregate area of less than 350 square feet.

- (3) Approved water quality controls/treatment devices and other drainage facilities.
 - (4) Uncovered decks meeting the following standards:
 - a. The deck must be constructed on piers or posts to allow for the unabated flow or passage of water underneath the deck;
 - b. The deck floor must be constructed of slatted material that provides for a minimum of ¼-inch drainage spaces between the slats; and
 - c. The deck must be constructed over pervious cover.
 - (5) Covered decks or gazebos meeting the following specifications:
 - a. The deck or gazebo must be constructed on piers or posts to allow for the substantially unobstructed flow or passage of water underneath the deck or gazebo;
 - b. The deck or gazebo floor must be constructed of slatted material that provides for a minimum of ¼-inch drainage spaces between the slats;
 - c. The deck or gazebo must be constructed over pervious cover; and
 - d. Each wall of the deck or gazebo, excluding those sides of the structure adjoining a primary single-family residential structure, does not exceed 20-percent of the area measured from the top of the overhead cover to the top of the floor.
 - (6) Water surface area of swimming pools, hot tubs, wading ponds, fountains, bird baths, fish ponds, and other city-approved structures.
 - (7) Rainwater harvesting facilities and structures whose sole purpose is for the collection, treatment, and storage of rainwater for on-site use.
 - (8) Solar or wind power structures and facilities used for the primary purpose of providing on-site energy.
 - (9) One or more accessory buildings that are elevated to allow for the substantially unobstructed flow or passage of water over pervious cover underneath and that do not exceed an aggregate area of 300-square feet. Nothing in this subsection shall exempt a lot or accessory structure from the requirements of Chapter 2 of the Land Development Code, including but not limited to the limitations on the number of structures allowed per lot.
 - (10) Stones, bricks or other materials used as part of an uncovered patio that are placed on pervious material and that allow for the unobstructed passage of

water between the stones, bricks, and other materials and the uncovered patio not to be used for vehicular purposes.

(f) Impervious cover calculations for single family lots shall be assumed as follows:

LOT AREA	IMPERVIOUS COVER
Three (3) acres or greater	6,000 square feet
One (1) to Three (3) acres	6,000 square feet
Less than one (1) acre	5,000 square feet

(g) Single family lots shall not exceed one residential unit per acre nor 18 percent aggregate impervious cover.

(h) The projected impervious cover on any single lot or undivided tract in the upland zone shall not exceed eighteen (18) percent.

(i) Variance Allowing Additional Development in the Water Quality Transition Zone. The City Council may grant a variance allowing development of commercial, multi-family, and single family residential lots in the water quality transition zone.

(1) A person desiring to develop in the water quality transition zone may submit an application for a variance at the time of submission of the preliminary site plan, and the application shall be acted upon by the City Council at the same time that the preliminary site plan is acted upon. In the case of an existing legal lot which is to be developed with one single family residence, or two contiguous existing legal lots which are to be developed by the same developer with one or two single family residences, the application and the conditions for granting or denying a variance shall be governed by the procedures and the standards in Section 4.107 (Small Projects). In the case of an existing legal lot which is to be developed in a manner other than as a single family residence, the application and the conditions for granting or denying a variance shall be governed by the procedures and the standards in Section 4.103(f)(Variances).

(2) The granting of a variance under this subsection shall not be construed as relieving the grantee from obtaining a watershed development permit under applicable ordinances or this Code, nor shall the granting of a variance be construed as committing the Council to approving the grantee's application for a watershed development permit.

(3) A variance may be granted only if the following standards are met:

(i) Impervious cover in the water quality transition zone shall be no more than 8% of the total portion of the lot that is in the transition zone. The

impervious cover within the water quality transition zone shall be part of, and not in addition to, the total amount of impervious cover allowed on the lot as a whole.

- (ii) A minimum setback of at least 75 feet shall be maintained between the critical water quality zone and developed, impervious, or pollutant source areas, or areas with disturbed vegetation or soil in the water quality transition zone. Within the aquifer recharge zone, a 100 foot minimum setback shall also be preserved between developed, impervious, or pollutant source areas, or areas with disturbed vegetation or soil in the water quality transition zone and any identified recharge features.
- (iii) Impervious cover, water quality controls, and drainage shall be designed to allow maximum infiltration of clean rainfall runoff. The applicant shall provide an increased average annual infiltration equal to 125% of the infiltration volume lost due to development within the transition zone. The increase must be shown compared to the average annual infiltration volume without the proposed water quality transition zone encroachment. Increased infiltration can be achieved using retention/re-irrigation of storm water runoff, infiltration basins, disconnected impervious cover, and/or engineered vegetative buffers. Infiltration estimates must be based either on soil data for the site published by the Soil Conservation Service (U.S. Department of Agriculture, 1974), or on field measurements of the infiltrative capacity of the surface soil, using such devices as a ring infiltrometer. Subsurface infiltration testing methods for septic systems are not acceptable.
- (iv) Water quality controls shall be designed to be at least 25% more efficient at reducing the average annual pollutant load for total suspended solids, total nitrogen, total phosphorous and total organic carbon or chemical oxygen demand than water quality controls required for development in the Upland Zone.
- (v) Where development encroaches into the water quality transition zone, associated turf and landscaped areas requiring fertilizer, pesticides, herbicides, insecticides, or fungicides for maintenance shall be prohibited. Disturbances of the natural vegetation and tree cover shall be prohibited except within the building footprint and the surrounding construction disturbance area. The surrounding construction disturbance area within the water quality transition zone shall be limited to a maximum radius of 20 feet from the building footprint, unless the developer can demonstrate that a greater, specified radius is necessary and would not produce greater adverse effects than a 20-foot radius.

(vi) A variance under this subsection may be granted only if the property to be developed in the water quality transition zone has not already been used for transferring development intensity credits.

(4) The conditions of a variance permitted under this subsection shall be imposed on the property as a restrictive covenant running with the land, in a form approved by the City Attorney, and recorded in the real property records of the Travis County, Texas once a final site plan is approved by the City Council.

SECTION 4. Chapter 4 is revised for the purposes of renumbering and relettering those sections affected by the changes described above.

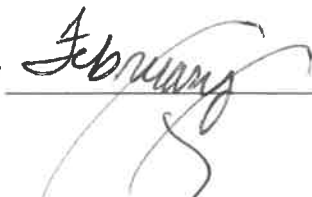
SECTION 5. SEVERABILITY.

In the event that any provision of this Ordinance shall be found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed, and all remaining provisions shall remain in full force and effect as though such void or unenforceable provisions had never formed a part of this Ordinance.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect on the date it is passed and approved.

PASSED AND APPROVED this 2 day of February, 2007



Cat Quintanilla, Mayor

ATTEST: 

Trish Kabel
City Secretary