



ORDINANCE NO. 140520-B

AN ORDINANCE AMENDING SECTION 4.301 OF THE LAND DEVELOPMENT CODE TO PROVIDE FOR EXEMPTIONS FROM WATERSHED PROTECTION REGULATIONS FOR RAINWATER HARVESTING SYSTEMS AS A COMPANION TO SIMILAR EXEMPTIONS FROM ZONING REGULATIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, concurrently with the adoption of this Ordinance the City Council is adopting exemptions from certain zoning regulations for the installation of rainwater harvesting systems in an effort to encourage such systems; and

WHEREAS, in furtherance of providing encouragement for installation and use of rainwater harvesting systems, companion exemptions from watershed protection regulations are desirable,

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

Section 1. Subsection (b) of Section 4.301 of the City's Land Development Code ("**Code**") is amended to provide as follows:

- (b) (1) Impervious cover and calculations thereof shall include, but shall not be limited the following:
- (A) 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.
 - (B) Buildings, concrete, and other impermeable construction covering the natural land surface.
 - (C) 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.

- (D) Site area used for the storage of scrap, auto, and metal salvage.
- (2) Impervious cover and calculations thereof shall not include the following when located on property zoned and used for single family residential purposes:
- (A) Water surface area of a swimming pool, hot tub, wading pond, fountain, bird bath, fish pond, and other similar city-approved structure.
 - (B) Uncovered decks meeting the following standards:
 - (i) The deck must be constructed on piers or posts to allow for the unabated flow or passage of water underneath the deck;
 - (ii) The deck floor must be constructed of slatted material that provides for a minimum of ¼-inch drainage spaces between the slats; and
 - (iii) The deck must be constructed over pervious cover.
 - (C) Up to 350 square feet of City-Approved rainwater harvesting systems whose sole purpose is for the collection, treatment, and/or storage of rainwater for on-site use.
 - (D) Walkways and uncovered patios used for landscaping and pedestrian use only that are placed on pervious material and allow for the unobstructed passage of water between or through the material used in the construction thereof, as permitted pursuant to regulations adopted by the Director of Public Works for pervious structures.

Section 2. Subsection (e) of Section 4.301 of the Code is amended to provide as follows:

- (e) Subject to the provisions of subsection 4.301(h) regarding maximum impervious cover on a single lot or undivided tract, impervious cover calculations will specifically exclude the items described in this subsection that are located in the Uplands Zone or Water Quality Transition Zone on property that is zoned and used for single family residential purposes; provided, however, that the items described in this subsection shall be subject to the administrative approval standards and procedures provided in Section 4.103(g) if located in the Water Quality Transition Zone on property which is zoned and used for Single Family Residential purposes, and further provided that such items located in the Water Quality Transition Zone shall be excluded from impervious cover calculations only to the extent that there is full compliance with any required pollution reduction measure.
 - (1) Up to 350 square feet of an impervious pedestrian sidewalk or walkway that is (i) not greater than 3.5 feet in width; (ii) connects to the primary single-family residential structure, and (iii) has a minimum of 1 foot of pervious cover on each side.
 - (2) Up to 350 square feet of 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.
- (3) Up to 350 square feet and a maximum width of eighteen inches (18") of coping, if any, on: a swimming pool, hot tub, wading pond, fountain, bird bath, fish pond, or other similar city-approved structures.
- (4) Up to 350 square feet of solar or wind power structures and facilities used for the primary purpose of providing on-site energy.
- (5) Up to 350 square feet of an accessory building that is elevated to allow for the substantially unobstructed flow or passage of water over pervious cover underneath. 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.

Section 3. Effective Date. This Ordinance shall be effective May 20, 2014.

Section 4. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance, and all other provisions hereof shall remain in full force and effect.

PASSED AND APPROVED BY THE CITY COUNCIL OF SUNSET VALLEY, TEXAS, on the 20th day of May, 2014.



Rose Cardona, Mayor

ATTEST:



Rae Gene Greenough, City Secretary