

**ORDINANCE NO. 070515**

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO ADD SECTION 4.103(g) AND AMEND SECTION 4.201 TO PROVIDE AN ADMINISTRATIVE APPROVAL MECHANISM FOR CONSTRUCTION OF CERTAIN EXEMPTED STRUCTURES IN THE WATER QUALITY TRANSITION ZONE; AMEND 4.301 TO CORRECT AND CLARIFY CHANGES RECENTLY MADE ALLOWING FOR CERTAIN STRUCTURES TO BE EXEMPTED FROM IMPERVIOUS COVER; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS, the City of Sunset Valley desires to provide an administrative approval procedure for the construction of certain small structures in the Water Quality Transition Zone; and

WHEREAS, the City Council's recent changes of Section 4.301 need further amendment;

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

SECTION 1. The title of Section 4.103 shall be renamed, "Variances and Administrative Approvals."

SECTION 2. Subsections 4.103(g) of the City of Sunset Valley Land Development Code is added as follows:

(g)

(1) Subject to subsection (2) as applicable below, the City shall grant Administrative Approval of an application to construct, operate, and maintain improvements described in Section 4.301(e) within a designated WQTZ located within the boundaries of a residential lot, provided the Applicant demonstrates to the City that the following conditions are met:

(A) The allowable improvement does not require the addition of any fill;

(B) The improvement is in compliance with all applicable provisions of this Code, including but not limited to Chapter 2 and Chapter 5, and complies with other City codes, rules and regulations;

(C) The improvement does not impede surface water runoff or drainage patterns and does not increase flooding on upstream or downstream properties; and

(D) The improvement is not used for the storage or processing of hazardous materials or substances other than those normally associated with household or residential use and only in small quantities (e.g., small quantities of gasoline and oil used for the operation of landscape equipment).

(2) In addition to the requirements of subsection (1), an Applicant seeking to construct structures or buildings described in 4.301(e)(3) [covered decks and gazebos], (5)

[rainwater harvesting facilities], (6) [solar and wind powered facilities] and (7) [accessory buildings], must, as a condition of the approval and recorded by restrictive covenant running with the land, implement and maintain on the property on which the proposed improvement will be located at least two (2) of the following Pollution Reduction Practices, which are more fully described in the CSV Pollution Reduction Manual, for the life of the improvement for which the applicant is requesting an Administrative Approval:

**POLLUTION REDUCTION MEASURES**

ITEM NO.	METHOD	PURPOSE
<b>NATURAL AREA CONSERVATION</b>		
1	Utilize on a continual basis only City approved <b><u>Organics First</u></b> herbicides, pesticides, and fertilizers on the entire lot or property	Improves water quality by preventing the use of harmful chemicals, compounds, and substances
2	Utilize on a continual basis City approved <b><u>Livestock Pollution Management Plan</u></b> on the entire lot or property	Improves water quality by reducing livestock waste loads
3	Utilize on a continual basis City approved Domestic Animal Waste Management Plan on the entire lot or property	Improves water quality by reducing small animal waste loads
4	Install or retrofit and maintain a City approved <b><u>Water-Wise (Xeriscape) Landscape Plan</u></b> having an area equal to or greater than the aggregate amount of impervious cover located on the property or lot	Improves water quality by reducing the need for the use of harmful chemicals, herbicides, and insecticides
5	Install or retrofit and maintain City approved <b><u>Soil Amendment and Conservation Landscaping Program</u></b> having an area equal to or greater than the aggregate amount of impervious cover located on the property	Improves water quality by promoting vegetative growth on the property – Reduces runoff and need for supplemental irrigation
6	Obtain and maintain a “ <b><u>Certificate of Backyard Habitat</u></b> ” issued by the National Wildlife Federation for the lot or property	Improves water quality by maintaining a natural/native habitat
<b>CAPTURE ROOFTOP RUNOFF WITH RAINWATER HARVESTING</b>		
7	Equip any roofed structure for which an Administrative Approval is being requested and/or install on an existing roof structure located on the property a <b><u>Rainwater Collection System</u></b> – The Rainwater Collection System must gather water from roof areas of a sufficient size to harvest the required Water Quality Mitigation Volume. Collected rain water must be temporarily stored on-site in approved storages providing for Water Quality Mitigation of 720 gallons per 300 square feet of exempted impervious cover being permitted, with a minimum capacity of 720 gallons.	Improves water quality by reducing the amount of runoff being discharged from the property
ITEM NO.	METHOD	PURPOSE

ITEM NO.	METHOD	PURPOSE
8	Direct rooftop runoff captured by rainwater harvesting techniques over a City approved <b><u>Natural Vegetative Filter Strip</u></b> where it can either infiltrate into the soil or filter over it and/or direct rooftop runoff to a City approved <b><u>Dry Well</u></b> or <b><u>Rain Garden</u></b> . Natural Vegetative Filter Strip, Dry Well or Rain Garden must be sized for Water Quality Mitigation of 720 gallons per 300 square feet of exempted impervious cover being permitted, with a minimum capacity of 720 gallons.	Improves water quality by reducing the amount of runoff being discharged from the property

<b>CAPTURE NON-ROOFTOP RUNOFF FROM IMPERVIOUS COVER</b>		
9	Install and maintain, within the WQTZ and downstream of the improvement for which an Administrative Approval is being requested, a City approved <b><u>Natural Vegetative Filter Strip</u></b> – The Natural Vegetative Filter Strip must have Water Quality Mitigation of 720 gallons of runoff per 300 square feet of exempted impervious cover being permitted, with a minimum capacity of 720 gallons.	Improves water quality by providing treatment of surface water runoff before leaving the property
10	Install and maintain, within the WQTZ and downstream of the improvement for which an Administrative Approval is being requested, a City approved <b><u>Engineered Vegetative Filter Strip</u></b> – The Engineered Vegetative Filter Strip must have Water Quality Mitigation of 360 gallons of runoff per 300 square feet of exempted impervious cover being permitted, with a minimum capacity of 360 gallons.	Improves water quality by providing treatment of surface water runoff before leaving the property
11	Install and maintain, within the WQTZ and downstream of the improvement for which an Administrative Approval is being requested a <b><u>Rain Garden</u></b> sized for Water Quality Mitigation of 720 gallons per 300 square feet of exempted impervious cover being permitted, with a minimum capacity of 720 gallons.	Improves water quality by providing treatment of surface water runoff before leaving the property
12	Install and maintain a <b><u>Natural Buffer</u></b> on the down-slope side of the WQTZ having a minimum area of 1,125 square feet (length to width ratio of about 1.8 to 1) for Water Quality Mitigation of 360 gallons per 300 square feet of exempted improvement being permitted, with a minimum capacity of 360 gallons.	Improves water quality by providing treatment of surface water runoff before leaving the property
13	Install and maintain a <b><u>Pollution Reduction Measure</u></b> proposed by the Applicant, provided such measure meets or exceeds the Water Quality Mitigation of 720 gallons per 300 square feet of exempted impervious cover for non-engineered pollution reduction measures or 360 gallons per 300 square feet of exempted impervious cover for engineered pollution reduction measures	

- (3) An Applicant may receive credit for any existing Pollution Reduction Practice maintained on the property for which an Administrative Approval is requested unless (1) the Applicant has previously received credit for the Pollution Reduction Practice pursuant to this subsection or other approval by the City Council and (2) the improvement, the structure or building for which the previous approval was granted still exists on the property.
- (4) If the Applicant objects to a determination on his or her request for Administrative Approval under this subsection, he or she may appeal to the City Council.
- (5) An applicant seeking a variance under this subsection (h) is not required to satisfy any other variance provisions of Section 4.103.

SECTION 3. Subsection 4.201(b)(7) of the Sunset Valley Land Development Code is amended as follows:

Structures described in Section 4.301(e) located on existing residential lots for which an administrative approval has been granted by the City pursuant to Section 4.103(g).

SECTION 4. Subsection 4.301(c) is amended to read as follows:

- (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, or any surfaces excluded from impervious cover under Section 4.301(e). Pedestrian sidewalks located within public right-of-way and approved water quality controls/treatment devices and other drainage facilities are not impervious cover for the purposes of impervious cover calculations.

SECTION 5. Subsection 4.301(e) is amended to read as follows:

- (e) Impervious cover calculations will specifically exclude the following items located on property zoned and used for single family residential purposes:
  - (1) The first 350 square feet of 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) 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.

- (3) 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.
- (4) Water surface area of swimming pools including up to a maximum of eighteen inches (18”) of coping, hot tubs, wading ponds, fountains, bird baths, fish ponds, and other city-approved structures.
- (5) Rainwater harvesting facilities and structures whose sole purpose is for the collection, treatment, and/or storage of rainwater for on-site use.
- (6) Solar or wind power structures and facilities used for the primary purpose of providing on-site energy.
- (7) The first 300 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.
- (8) 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, provided that the uncovered patio is not used for vehicular purposes.

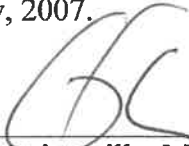
## SECTION 6. SEVERABILITY.

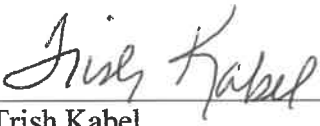
In the event that any provision of this Ordinance shall be found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed, and all remaining provisions shall remain in full force and effect as though such void or unenforceable provisions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

SECTION 7. EFFECTIVE DATE.

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

PASSED AND APPROVED this 15th day of May, 2007.

  
\_\_\_\_\_  
Cat Quintanilla, Mayor

ATTEST:   
\_\_\_\_\_  
Trish Kabel  
City Secretary