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- (B) A variance is granted from City Code Section 25-8-342 (*Fill Requirements*) to allow for fill in excess of 4 feet.

PART 5. CONSTRUCTION IN THE WATER QUALITY TRANSITION ZONE.

A variance is granted from City Code Section 25-8-482 (*Water Quality Transition Zone*) to allow development in a water quality transition zone that lies over the Edwards Aquifer Recharge Zone in the Barton Springs Zone of Little Bear Creek.

PART 6. CONDITIONS.

Construction of the Little Bear Creek Recharge Enhancement Project (the “project”) authorized by this ordinance must adhere to the following conditions:

- (A) The project will provide compliant SOS non-degradation water quality treatment for all new and reconstructed impervious cover or equivalent area with innovative management practices in accordance with City Code Section 25-8-151 (*Innovative Management Practices*).
- (B) The new impervious cover proposed by the project will be limited to an unimproved road with gated and restricted access for use by City staff in maintenance, land management and educational activities.
- (C) The project will provide three acres of floodplain restoration which is approximately 140% of the required mitigation for the proposed floodplain modification in a critical water quality zone.
- (D) The project will provide 5.23 acres of upland restoration.
- (E) The project will pay into the Urban Forest Replenishment Fund in lieu of providing tree mitigation on site.

PART 7. Council waives the requirements of City Code Section 25-8-41 (*Land Use Commission Variances*) regarding the processing and granting of a variance for the variances granted in this ordinance.

PART 8. This ordinance takes effect on _____, 2023.

PASSED AND APPROVED

_____, 2023

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Kirk Watson
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Myrna Rios
City Clerk