

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE SECTIONS 25-1-21, 25-5-3, 25-5-112, AND 25-8-64 AND CREATING A NEW CITY CODE SECTION 25-7-67 TO ADD A NEW DEFINITION OF RESIDENTIAL INFILL PROJECT FOR RESIDENTIAL RE-SUBDIVISIONS FOR PROPERTY ZONED SF-1, SF-2, AND SF-3 AND FOR MULTI-FAMILY RESIDENTIAL SITE DEVELOPMENT OF FIVE TO SIXTEEN UNITS; TO MODIFY THE DEFINITION OF SMALL PROJECTS TO INCLUDE DEVELOPMENT APPLICATIONS FOR RESIDENTIAL INFILL PROJECTS; TO REQUIRE THE RELEASE OF SITE PLAN APPLICATIONS FOR RESIDENTIAL INFILL PROJECTS WITHIN A DEFINED TIMEFRAME; TO CREATE DRAINAGE REGULATIONS APPLICABLE TO RESIDENTIAL INFILL PROJECTS; AND TO MODIFY IMPERVIOUS COVER ASSUMPTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-1-21 (*Definitions*) is amended to add a new definition of “Residential Infill Project” to read as follows and to renumber the remaining definitions accordingly.

(96) RESIDENTIAL INFILL PROJECT means development of a site not exceeding 1.5 acres that consists of:

- (a) five to sixteen dwelling units; or
- (b) a re-subdivision on property zoned SF-1, SF-2, or SF-3.

PART 2. Subsection (B) of City Code Section 25-5-3 (*Small Projects*) is amended to read:

(B) The following are small projects:

- (1) construction of a building or parking area if the proposed construction:
 - (a) does not require a variance from a water quality regulation;
 - (b) does not exceed 5,000 square feet of impervious cover; and
 - (c) the construction site does not exceed 10,000 square feet, including the following areas:
 - (i) construction;
 - (ii) clearing;
 - (iii) grading;

- 30 (iv) construction equipment access;
- 31 (v) driveway reconstruction;
- 32 (vi) temporary installations, including portable buildings,
33 construction trailers, storage areas for building materials,
34 spoil disposal areas, erosion and sedimentation controls, and
35 construction entrances;
- 36 (vii) landscaping; and
- 37 (viii) other areas that the director determines are part of the
38 construction site;
- 39 (2) construction of a storm sewer not more than 30 inches in diameter that is
40 entirely in a public right-of-way or an easement;
- 41 (3) construction of a utility line not more than eight inches in diameter that is
42 entirely in a public right-of-way;
- 43 (4) construction of a left turn lane on a divided arterial street;
- 44 (5) construction of street intersection improvements;
- 45 (6) widening a public street to provide a deceleration lane if additional right-
46 of-way is not required;
- 47 (7) a residential infill project;
- 48 (~~8~~[7]) depositing less than two feet of earth fill, if the site is not in a 100-year
49 floodplain and the fill is not to be deposited within the dripline of a
50 protected tree;
- 51 (~~9~~[8]) construction of a boat dock as an accessory use to a single-family
52 residential use, duplex residential use, two-family residential use, or
53 secondary apartment special use if shoreline modification or dredging of
54 not more than 25 cubic yards is not required; or
- 55 (~~10~~[9]) construction of a retaining wall, if the wall is less than 100 feet in length
56 and less than eight feet in height, and the back fill does not reclaim a
57 substantial amount of land except land that has eroded because of the
58 failure of an existing retaining wall;
- 59 (~~11~~[10]) minor development that the director determines is similar to that
60 described in Subsections (B)(1) through (9) of this section;

61 (12[14]) the replacement of development that is removed as a result of right-of-
62 way condemnation; and

63 (13[12]) the construction of a telecommunications tower described in
64 Subsection 25-2-839(F) or (G) (*Telecommunication Towers*).

65 **PART 3.** City Code Section 25-5-112 (*Director's Approval*) is amended to add a new
66 subsection (E) to read:

67 (E) If the standards in Subsection (A) are met, the director shall approve a site plan
68 for residential infill projects in 90 days.

69 **PART 4.** City Code Chapter 25-7 (*Drainage*) is amended to add a new Section 25-7-67
70 (*Modified Drainage Standards for Residential Infill*) to read:

71 **§ 25-7-67 MODIFIED DRAINAGE STANDARDS FOR RESIDENTIAL INFILL.**

72 (A) An application for a residential infill project is not required to comply with
73 Section 25-7-61 (*Criteria for Approval of Development Applications*), Section
74 25-7-151 (*Stormwater Conveyance and Drainage Facilities*), or Section 25-7-152
75 (*Dedication of Easements and Right-of-Way*) if the amount of impervious cover
76 proposed on the site is equal to or less than:

- 77 (1) 45% for a residential infill project that is a re-subdivision on property
78 zoned SF-1, SF-2, or SF-3; or
79 (2) 65% for all other residential infill projects.

80 (B) An application for a residential infill project that proposes an amount of
81 impervious cover that exceeds the percentages established under Subsection (A)
82 must:

- 83 (1) provide infrastructure, studies, fees, or analyses to demonstrate the
84 additional amount of impervious cover complies with Section 25-7-61
85 (*Criteria for Approval of Development Applications*), Section 25-7-151
86 (*Stormwater Conveyance and Drainage Facilities*), or Section 25-7-152
87 (*Dedication of Easements and Right-of-Way*) into right-of-way; or
88 (2) provide a drainage plan demonstrating that all stormwater runoff from the
89 additional impervious cover will be discharged:
90 (a) to an existing storm drainage system; or
91 (b) into the right-of-way and deposit with the City a nonrefundable cash
92 payment, based on a formula approved by Council with
93 recommendations from the Director.

- 94 (C) The director shall deposit a payment made under Subsection (B) in the
95 Residential Infill Drainage Fund.
- 96 (D) A Residential Infill Drainage Fund is established for use in the design and
97 construction of local flood solutions.
- 98 (E) An application for a residential infill project must demonstrate all proposed
99 improvements will be outside the erosion hazard zone, unless protective works
100 are provided as prescribed in the Drainage Criteria Manual.
- 101 (F) The owner of real property proposed to be developed shall provide an easement
102 for stormwater flow to the limits of the 100-year floodplain, as prescribed in the
103 Drainage Criteria Manual.

104 **PART 5.** Subsection (B) of City Code Section 25-8-64 (*Impervious Cover Assumptions*) is
105 amended to read:

- 106 (B) Except as provided in Subsection (C):
- 107 (1) for each lot greater than three acres in size, 10,000 square feet of
108 impervious cover is assumed.
- 109 (2) for each lot greater than one acre and not more than three acres in size,
110 7,000 square feet of impervious cover is assumed;
- 111 (3) for each lot greater than 15,000 square feet and not more than one acre in
112 size, 5,000 square feet of impervious cover is assumed;
- 113 (4) for each lot greater than 10,000 square feet and not more than 15,000
114 square feet in size, 3,500 square feet of impervious cover is assumed; ~~and~~
- 115 (5) for each lot greater than 5,750 square feet and not more than 10,000 square
116 feet in size, 2,500 square feet of impervious cover is assumed[-]; and
- 117 (6) for each residential lot not more than 5,750 square feet in size, the amount
118 of impervious cover assumed is;
- 119 (a) the maximum amount of impervious cover allowed under the
120 applicable zoning district regulations; or
- 121 (b) for lots in the extraterritorial jurisdiction, 2,500 square feet of
122 impervious cover.
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