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PART 4. City Code Section 25-9-412 (*Reclaimed Water Connection Requirements*) is amended to read:

25-9-412 Reclaimed Water Connection Requirements.

- (A) A small development project with a property boundary located within 250 feet in horizontal distance of a reclaimed water line, measured based on the closest practicable access route, shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing, and other significant non-potable water uses identified in the water balance calculator.
- (B) A large development project with a property boundary located within 500 feet in horizontal distance of a reclaimed water line, measured based on the closest practicable access route, shall connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing and other significant non-potable water uses identified in the water balance calculator.
- (C) The director may grant a variance for the requirements of this section for [÷
- (1)] small development projects if site conditions are such that compliance would represent a significant financial hardship [~~or health risk~~] to the applicant; ~~for the public~~;
- (2) ~~large development projects if site conditions are such that compliance would represent a health risk to the applicant or the public; or~~
- (3) ~~municipal uses associated with law enforcement or public health and safety.~~†
- (D) The director shall grant a variance for the requirements of this section for a large development with a multifamily component that is more than 250 feet from and within 500 feet of a reclaimed water line until April 1, 2024.
- (E) A development is not required to connect to a reclaimed water line or use reclaimed water when the director of the Housing Department certifies the development is participating in the City's Affordability Unlocked Bonus Program or the Low-Income Housing Tax Credit Program.

PART 5. City Code Section 25-9-414 (*Onsite Water Reuse System Requirement*) is amended to read:

§ 25-9-414 Onsite Water Reuse System Requirement.

- (A) Except as provided in Subsection (B), an [An] onsite water reuse system is required for a large development project for which a site plan application is submitted under Chapter 25-5 (*Site Plans*) as specified in Chapter 15-13 (*Regulation of Onsite Water Reuse Systems*).
- (B) A development is not required to have an onsite water reuse system when:
- (1) the director of the Housing Department certifies the development is participating in the City's Affordability Unlocked Bonus Program or the Low-Income Housing Tax Credit Program; or
 - (2) the director approves a fee in lieu of providing an onsite water reuse system under Subsection (C).
- (C) Fee In Lieu of Providing Onsite Water Reuse System
- (1) The director may approve the payment of a fee in lieu of providing an onsite water reuse system if:
 - (a) the applicant submits a written request in a manner prescribed by the director at the time of site plan submittal;
 - (b) the director determines that the qualifying multi-family building is more than 500 feet from the centralized reclaimed system; and
 - (c) the applicant installs separate distribution plumbing to all non-potable fixtures within the project for a future centralized connection in accordance with the Utilities Criteria Manual before issuance of a certificate of occupancy.
 - (2) The amount of the fee in lieu shall be established by separate ordinance.
 - (3) For a site plan application filed on or after April 1, 2024, the fee in lieu shall be calculated using the rate set forth in the fee schedule in effect at the time the site plan application was filed.

PART 6. The definition of Water Transmission Main in City Code Section 25-9-32 (*Definitions*) is amended to read:

- (15) WATER TRANSMISSION MAIN means a potable water main generally considered to be 24-inches in diameter or larger and to which direct connections for retail service to a property are not allowed, unless an exception is approved by the Director.

PART 7. Council waives the requirement for review by the Planning Commission in City Code Section 25-1-502 (*Amendment; Review*).

PART 8. This ordinance takes effect on _____, 2024.

PASSED AND APPROVED

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_____, 2024

Kirk Watson
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Myrna Rios
City Clerk