

<b>Topic:</b>	Aquifer Protection; Drinking Water Protection & Conservation
<b>Resource Type:</b>	Regulations
<b>State:</b>	Texas
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	City of Austin
<b>Year (adopted, written, etc.):</b>	Unknown
<b>Community Type - applicable to:</b>	Urban; Suburban
<b>Title:</b>	City of Austin Save Our Springs Initiative Petition Ordinance
<b>Document Last Updated in Database:</b>	February 3, 2016

### ***Abstract***

The purpose of the ordinance is “to preserve a clean and safe drinking water supply, to prevent further degradation of the water quality in Barton Creek, Barton Springs, and the Barton Springs Edwards Aquifer, to provide for fair, consistent, and cost effective administration of the City's watershed protection ordinances, and to promote the public health, safety, and welfare.” The ordinance limits impervious coverage on certain areas of the Edwards Aquifer watershed and establishes regulations for buffers around specific water quality zones of certain major waterways.

### ***Resource***

**CHAPTER 25-8 ENVIRONMENT**  
**ARTICLE 12: SAVE OUR SPRINGS INITIATIVE**  
[Note 1]

#### **§ 25-8-511 TITLE AND PURPOSE.**

(A) This article, to be known as the Save Our Springs Initiative, (SOS hereafter) sets out special requirements for development of land in watersheds within the City's planning jurisdiction which contribute to Barton Springs.

(B) This article codifies the Save Our Springs Initiative Petition Ordinance as adopted by popular vote on August 8, 1992 and amended by the Council.  
 Source: Section 13-7-36.1.

#### **§ 25-8-512 AMENDMENT.**

This article shall not be repealed or amended by City Council until two years after the effective date of the SOS ordinance, August 10, 1992. Thereafter, this article may be repealed or amended only by an affirmative vote of a three-quarters majority of the City Council.  
 Source: Section 13-7-36.2.

**§ 25-8-513 DECLARATION OF INTENT.**

The people of the City declare their intent to preserve a clean and safe drinking water supply, to prevent further degradation of the water quality in Barton Creek, Barton Springs, and the Barton Springs Edwards Aquifer, to provide for fair, consistent, and cost effective administration of the City's watershed protection ordinances, and to promote the public health, safety, and welfare. The City recognizes that the Barton Springs Edwards Aquifer is more vulnerable to pollution from urban development than any other major groundwater supply in Texas, and that the measures set out in this article are necessary to protect this irreplaceable natural resource.

Source: Section 13-7-36.3.

**§ 25-8-514 POLLUTION PREVENTION REQUIRED.**

(A) In the watersheds contributing to Barton Springs, no development nor any revision, extension, or amendment thereof, may be approved unless it is designed, carried out, and maintained on a site-by-site basis to meet the pollution prevention requirements set forth below for the life of the project. In order to prevent pollution, impervious cover for all such development shall be limited to a maximum of 15 percent in the entire recharge zone, 20 percent of the contributing zone within the Barton Creek watershed, and 25 percent in the remainder of the contributing zone. The impervious cover limits shall be calculated on a net site area basis. In addition, runoff from such development shall be managed through water quality controls and onsite pollution prevention and assimilation techniques so that no increases occur in the respective average annual loadings of total suspended solids, total phosphorus, total nitrogen, chemical oxygen demand, biochemical oxygen demand, total lead, cadmium, fecal coliform, fecal streptococci, volatile organic compounds, total organic carbon, pesticides, and herbicides from the site. For a given project, impervious cover shall be reduced if needed to assure compliance with these pollutant load restrictions.

(B) Within the watersheds contributing to Barton Springs, Section 13-7-23 of the Land Development Code is amended so that in no event shall the boundary of the critical water quality zone be less than 200 feet from the centerline of a major waterway or be less than 400 feet from the centerline of the main channel of Barton Creek. No pollution control structure, or residential or commercial building, may be constructed in the critical water quality zone in these watersheds.

Source: Section 13-7-36.4.

**§ 25-8-515 NO EXEMPTIONS, SPECIAL EXCEPTIONS, WAIVERS OR VARIANCES.**

The requirements of this article are not subject to the exemptions, special exceptions, waivers, or variances allowed by Article 1 (*General Provisions*). Adjustments to the application of this article to a specific project may be granted only as set out in Section 25-8-518 (*Limited Adjustment To Resolve Possible Conflicts With Other Laws*) below.

Source: Section 13-7-36.5.

**§ 25-8-516 APPLICATION TO EXISTING TRACTS, PLATTED LOTS, AND PUBLIC SCHOOLS.**

(A) This article does not apply to development on a single platted lot or a single tract of land that is not required to be platted before development if the lot or tract existed on November 1, 1991 and the development is either:

(1) construction, renovation, additions to, repair, or development of a single-family, single-family attached, or a duplex structure used exclusively for residential purposes, and construction of improvements incidental to that residential use; or

(2) development of a maximum of 8,000 square feet of impervious cover, including impervious cover existing before and after the development.

(B) This article does not apply to development of public primary or secondary educational facilities if the City and the school district enter into a development agreement approved by a three-quarters vote of the City Council protecting water quality pursuant to Section 13-2-502(n)(7) of the Land Development Code.

(C) This article does not apply to the replacement of development which is removed as a result of right-of-way condemnation.

Source: Section 13-7-36.6.

### **§ 25-8-517 EXPIRATION OF PRIOR APPROVALS.**

Within the watersheds contributing to Barton Springs, the following provisions shall govern the expiration of certain prior approvals:

(1) Previously Approved Preliminary Subdivision Plan:

(a) Unless it has or will have expired sooner, a preliminary subdivision plan initially approved before the effective date of this article expires one year after the effective date of this article, or two years after its initial approval whichever date is later, unless an application for final plat approval is filed before this expiration date and a final plat is approved no later than 180 days after filing.

(b) No approved preliminary plan, and no portion of an approved preliminary plan, shall be valid or effective after the expiration date established by this part, or shall be extended, revised, or renewed to remain effective after the expiration date, except according to Subsection (3) of this section.

(2) Previously Approved Site Plan:

(a) Unless it has or will have expired sooner, a site plan or phase or portion thereof initially approved before the effective date of this article shall expire one year after the effective date of this article, or three years after its initial approval, whichever date is later, unless:

(i) An application is filed before this expiration date for building permits for all structures shown on the site plan or phase or portion thereof and designed for human occupancy, and the building permits are approved and remain valid and certificates of occupancy are issued no later than two years after this expiration date; or

(ii) If no building permits are required to construct the structures shown on a site plan described in Subsection (2)(a) of this section, construction begins on all buildings shown on the site plan or portion or phase thereof before this expiration date, and the buildings are diligently constructed and completed, and certificates of compliance or certificates of occupancy are issued no later than two years after this expiration date.

(b) No approved site plan, and no separate phase or portion of an approved site plan, shall be valid or effective after the expiration date established by this part, or shall be extended, revised, or renewed to remain effective after the expiration date, except according to Subsection (3) of this section.

(3) Approved Plans Which Comply: An approved preliminary subdivision plan, portion of a preliminary plan, approved site plan, or separate phase or portion of an approved site

plan that complies with this article or that is revised to comply with this article does not expire under Subsection (1) or (2) of this section and remains valid for the period otherwise established by law.

Source: Section 13-7-36.7.

#### **§ 25-8-518 LIMITED ADJUSTMENT TO RESOLVE POSSIBLE CONFLICTS WITH OTHER LAWS.**

(A) This article is not intended to conflict with the United States Constitution or the Texas Constitution or to be inconsistent with federal or state statutes that may preempt a municipal ordinance or the Austin City Charter.

(B) The terms of this article shall be applied consistently and uniformly. If a three-quarters majority of the City Council concludes, or a court of competent jurisdiction renders a final judgment concluding that this article, as applied to a specific development project or proposal violates a law described in Subsection (A) of this section, the City Council may, after a public hearing, adjust the application of this article to that project to the minimum extent required to comply with the conflicting law. Any adjustment shall be structured to provide the maximum protection of water quality.

Source: Section 13-7-36.8.

#### **§ 25-8-519 CONSTRUCTION OF ORDINANCE.**

This article is intended to be cumulative of other City ordinances. In case of irreconcilable conflict in the application to a specific development proposal between a provision of this article and any other ordinance, the provision which provides stronger water quality controls on development shall govern. If a word or term used in this article is defined in the Austin City Code of 1981, as that code was in effect on November 1, 1991, that word or term shall have the meaning established by the Austin City Code of 1981 in effect on that date, unless modified in this article.

Source: Section 13-7-36.9.

#### **§ 25-8-520 REDUCE RISK OF ACCIDENTAL CONTAMINATION.**

Within one year of the effective date of this article the City of Austin Environmental and Conservation Services Department shall complete a study, with citizen input, assessing the risk of accidental contamination by toxic or hazardous materials of the Barton Springs Edwards Aquifer and other streams within the City and its extraterritorial jurisdiction. The assessment shall inventory the current and possible future use and transportation of toxic and hazardous materials in and through the City, and shall make recommendations for City actions to reduce the risk of accidental contamination of the Barton Springs Edwards Aquifer and of other water bodies. Within 60 days of completion of the study, and following a public hearing, the City Council shall take such actions deemed necessary to minimize risk of accidental contamination of city waters by hazardous or toxic materials.

Source: Section 13-7-36.10.

#### **§ 25-8-521 EFFICIENT AND COST-EFFECTIVE WATER QUALITY PROTECTION MEASURES.**

In carrying out City efforts to reduce or remedy runoff pollution from currently developed areas or to prevent runoff pollution from currently developed or developing areas, the City

Council shall assure that funds for remedial, retrofit or runoff pollution prevention measures shall be spent so as to achieve the maximum water quality benefit, and shall assure that the need for future retrofit is avoided whenever feasible.

Source: Section 13-7-36.11.

**§ 25-8-522 SEVERABILITY.**

If any provision, section, subsection, sentence, clause, or phrase of this article, or the application of the same to any person, property, or set of circumstances is for any reason held to be unconstitutional, void, or otherwise invalid, the validity of the remaining portions of this article shall not be affected by that invalidity; and all provisions of this article are severable for that purpose.

Source: Section 13-7-36.12.

**§ 25-8-523 ADOPTION OF WATER QUALITY MEASURES.**

The adoption of this article is not intended to preclude the adoption, at any time, by a majority vote of the City Council of stricter water quality requirements upon development in the watersheds contributing to Barton Springs or of further measures to restore and protect water quality.

Source: Section 13-7-36.13