

TITLE 25. - LAND DEVELOPMENT.
CHAPTER 25-8. - ENVIRONMENT.
SUBCHAPTER A. - WATER QUALITY.
ARTICLE 1. - GENERAL PROVISIONS.

§ 25-8-26 - REDEVELOPMENT EXCEPTION IN THE BARTON SPRINGS ZONE.

- (A) This section applies to property located in the Barton Springs Zone that has existing commercial development if:
- (1) no unpermitted development occurred on the site after January 1, 1992, and
 - (2) the property owner files a site plan application and an election for the property to be governed by this section.
- (B) For property governed by this section, this section supersedes Article 13 (Save Our Springs Initiative), to the extent of conflict.
- (C) In this section:
- (1) SEDIMENTATION/FILTRATION POND means water quality controls that comply with Section 25-8-213 (Water Quality Control Standards) or are approved under Section 25-8-151 (Innovative Management Practices); and
 - (2) SOS POND means water quality controls that comply with all requirements of Section 25-8-213 (Water Quality Control Standards) and the pollutant removal requirements of Section 25-8-514(A) (Pollution Prevention Required).
- (D) The requirements of this subchapter do not apply to the subdivision of property if at the time of redevelopment under this section subdivision and site plan applications are filed concurrently.
- (E) The requirements of this subchapter do not apply to the redevelopment of property if the redevelopment meets all of the following conditions:
- (1) The redevelopment may not increase the existing amount of impervious cover on the site.
 - (2) The redevelopment may not increase non-compliance, if any, with Article 7, Division 1 (Critical Water Quality Zone Restrictions), Section 25-8-281 (Critical Environmental Features), Section 25-8-282 (Wetland Protection), or Section 25-8-482 (Water Quality Transition Zone).
 - (3) The redevelopment must comply with Section 25-8-121 (Environmental Resource Inventory Requirement) and all construction phase environmental requirements in effect at the time of construction, including Chapter 25-8, Article 5 (Erosion and Sedimentation Control; Overland Flow) and Section 25-8-234 (Fiscal Security in the Barton Springs Zone).
 - (4) The water quality controls on the redevelopment site must provide a level of water quality treatment that is equal to or greater than that which was previously provided.
 - (5) For a commercial or multifamily redevelopment, the owner or operator must obtain a permit under Section 25-8-233 (Barton Springs Zone Operating Permit) for both

sedimentation/filtration ponds and SOS ponds.

- (6) For a site with more than 40 percent net site area impervious cover, the redevelopment must have:
 - (a) sedimentation/filtration ponds for the entire site; or
 - (b) SOS ponds for a portion of the site, and sedimentation/filtration ponds for the remainder of the redeveloped site.
 - (7) For a site with 40 percent or less net site area impervious cover, the redevelopment must have SOS ponds for the entire site.
 - (8) The property owner must mitigate the effects of the redevelopment, if required by and in accordance with Subsection (H).
 - (9) Redevelopment may not be located within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (F) City Council approval of a redevelopment in accordance with Subsection (G) is required if the redevelopment:
- (1) includes more than 25 dwelling units;
 - (2) is located outside the City's zoning jurisdiction;
 - (3) is proposed on property with an existing industrial or civic use;
 - (4) is inconsistent with a neighborhood plan; or
 - (5) will generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property.
- (G) City Council shall consider the following factors in determining whether to approve a proposed redevelopment:
- (1) benefits of the redevelopment to the community;
 - (2) whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;
 - (3) the effects of offsite infrastructure requirements of the redevelopment; and
 - (4) compatibility with the City's comprehensive plan.
- (H) Redevelopment of property under this section requires the purchase or restriction of mitigation land if the site has a sedimentation/filtration pond.
- (1) The combined gross site area impervious cover of the mitigation land and the portion of the redevelopment site treated by sedimentation/filtration ponds may not exceed 20 percent.

- (2) The mitigation requirement may be satisfied by:
- (a) paying into the Barton Springs Zone Mitigation Fund a non-refundable amount established by ordinance;
 - (b) transferring to the City in accordance with Paragraph (3) mitigation land approved by the director of the Watershed Protection Department within a watershed that contributes recharge to Barton Springs, either inside or outside the City's jurisdiction;
 - (c) placing restrictions in accordance with Paragraph (3) on mitigation land approved by the director of the Watershed Protection Department within a watershed that contributes recharge to Barton Springs, either inside or outside the City's jurisdiction; or
 - (d) a combination of the mitigation methods described in Subparagraphs (a) - (c), if approved by the director of the Watershed Protection Department.
- (3) A person redeveloping under this section shall pay all costs of restricting the mitigation land or transferring the mitigation land to the City, including the costs of:
- (a) an environmental site assessment without any recommendations for further clean-up, certified to the City not earlier than the 120th day before the closing date transferring land to the City;
 - (b) a category 1(a) land title survey, certified to the City and the title company not earlier than the 120th day before the closing date transferring land to the City;
 - (c) a title commitment with copies of all Schedules B and C documents, and an owner's title policy;
 - (d) a fee simple deed, or, for a restriction, a restrictive covenant approved as to form by the city attorney;
 - (e) taxes prorated to the closing date; (f) recording fees; and (g) charges or fees collected by the title company.
- (I) The Watershed Protection Department shall adopt rules to identify criteria for director approval under this section to ensure that the proposed mitigation, manner of development, and water quality controls offset the potential environmental impact of the redevelopment.

Source: Ord. 20071108-121; Ord. 20131017-046; Ord. No. 20170615-102 , Pt. 8, 6-15-17.