

CITY OF WEST LAKE HILLS

AMENDMENT NO.

IMPERVIOUS COVER

AN ORDINANCE AMENDING CHAPTER 22, SECTION 22.03.001 OF THE WEST LAKE HILLS CODE OF ORDINANCES BY AMENDING THE DEFINITION OF IMPERVIOUS COVER; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; CODIFICATION & PROPER NOTICE & HEARING

WHEREAS, Travis County and much of the Texas Hill Country are in severe drought, the third-worst category of droughts; and

WHEREAS, the City Council of the City of West Lake Hills (“City Council”) seeks to promote the use of drought resistant materials that use less water; and

WHEREAS, the City Council also seeks to protect and preserve the water quality of nearby water sources; and

WHEREAS, the City Council acknowledges that impervious cover can threaten water quality because it reduces areas where infiltration of water into the underlying soil may occur and reducing impervious cover may provide water quality benefits; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate the percentage of a lot that may be occupied; and

WHEREAS, pursuant to Texas Water Code Section 26.177, the City has broad authority to protect its water quality; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the general health, safety, or welfare of the public and for the good government, peace or order of the City of West Lake Hills to adopt the following rules.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Lake Hills:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 22, Article 22.03, Section 22.03.001 of the City of West Lake Hills Code of Ordinances is hereby amended in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ___ day of _____ 2013, by a vote of ___ (*ayes*) to ___ (*nays*) to ___ (*abstentions*) of the City Council of West Lake Hills, Texas.

CITY OF WEST LAKE HILLS:

by: _____
Mayor Dave Claunch

ATTEST:

Janet Rogers, City Secretary

Attachment "A"

City of West Lake Hills

CODE OF ORDINANCES**CHAPTER 22: BUILDING REGULATIONS****ARTICLE 22.03 CONSTRUCTION CODE****Division 1. Generally****Sec. 22.03.001 Definitions**

Impervious cover. Manmade or constructed coverage of the natural ground with any structure or surface that impedes, inhibits or does not permit the absorption or passage of water into the ground or which results in the conveyance of excess water to the surrounding properties. ~~Impervious cover includes, but is not limited to, buildings, parking areas, roads, streets, driveways, sidewalks, swimming pools, impermeable concrete, asphalt paving, compacted base material, and brick pavers on compacted base. Permeable pavement, pavers and manmade areas of compacted or uncompacted rock or stone shall be considered 100 percent impervious cover regardless of how much water they allow to pass through to natural ground. Decks that allow the passage of water to natural ground shall be considered 50 percent impervious cover. Roof overhangs/eaves are not considered impervious cover.~~

(1) Items that are considered to be 100% impervious include, but are not limited to:

(A) buildings and other structures;

(B) parking areas, roads, streets and driveways;

(C) sidewalks wider than 30 inches; and

(D) any other man-made areas of asphalt, impermeable concrete, compacted base material, pavers or other impervious material.

(2) Items that are considered to be 75% impervious include, but are not limited to: permeable concrete or pavement that is demonstrated by a certified engineer to minimize water runoff to adjacent areas and maximize absorption and filtration through the permeable material. Property owners wishing to use items which the property owner wishes to be calculated as 75% impervious cover shall apply for and receive approval from the city administrator prior to installation.

(3) Items that are considered to be 50% impervious include, but are not limited to:

(A) wooden or composite decks with gaps between the planks to allow the passage of water to the natural, permeable ground surface below the deck;

(B) man-made areas of loose rock or stone to be used and landscaping features that:

(i) do not have a compacted base;

(ii) are not used for the conveyance or storage of vehicles, machinery or equipment;

(iii) are not located in the building setbacks; and

(iv) are sufficiently contained by edging to prevent erosion during a rain event.

(4) Items that are not considered to be impervious include, but are not limited to:

(A) roof overhangs and eaves; and

(B) sidewalks that are 30 inches wide or smaller.