

ORDINANCE NO. 20131017-079

**AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-2 AND 25-8
RELATED TO LAKE AUSTIN APPROVALS.**

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

PART 1. City Code Section 25-2-1171 (*Applicability*) is amended to read:

§ 25-2-1171 APPLICABILITY.

- (B) The building official, director of the Planning and Development Review Department [~~and director of the Parks and Recreation Department~~] shall implement and enforce this article.

PART 2. City Code Section 25-2-1173 (*Permit Required for Construction*) is amended to read:

§ 25-2-1173 PERMIT REQUIRED FOR CONSTRUCTION.

- (B) The building official or the director of the Planning and Development Review Department [~~Parks and Recreation Department~~] shall require the applicant to place an identification or registration tag on a dock. A person may not remove a tag placed under this subsection.
- (C) A permit obtained under this section shall be prominently displayed at the construction site until the final inspection and approval by the building official.
- (D) The director of the Planning and Development Review Department may not approve an application for a permit for the construction of more than two residential docks or other similar structures on a single lot zoned MF-1 or more restrictive, unless:
- (1) the lot was platted and recorded before August 26, 1976, and perpetual rights to use the water frontage of the lot were granted or conveyed to one or more owners of other lots in the subdivision before June 23, 1979; or
 - (2) the Planning Commission [~~Parks and Recreation Board~~] has approved a site plan that clusters the residential docks on one or more lots in the subdivision.

PART 3. City Code Section 25-2-1175 (*Lighting and Electrical Requirements*) is amended to read:

§ 25-2-1175 LIGHTING AND ELECTRICAL REQUIREMENTS.

- (B) This subsection applies to a dock that extends more than eight feet from the shoreline. In this subsection, the distance that a dock extends from a shoreline is measured perpendicular to the shoreline, and the shoreline length of a dock is the length of a dock measured parallel to the shoreline.
- (1) A dock must be continuously lighted with amber lights between sunset and sunrise each day.
 - (2) A dock must have at least one light station. Except as otherwise provided in this subsection, the light station must be located on the end of the dock and on the side that is farthest from and parallel to the shoreline. The light must be visible to a properly approaching watercraft.
 - (3) A dock that extends 30 feet or more from the shoreline, or that has a shoreline length of 25 feet or more, must have at least one light station on each side of the dock that does not face the shoreline.
 - (4) This paragraph applies if the director of the Planning and Development Review [~~Parks and Recreation Department~~] determines that a dock described in Subsection (B)(3) may be a navigational hazard between sunset and sunrise.
 - (a) A dock that extends not more than 50 feet from the shoreline must have a light station half way between the shoreline and the end of the dock that is farther from the shoreline.
 - (b) A dock that extends 50 feet or more from the shoreline must have light stations from the shoreline to the end of the dock at intervals of not more than 25 feet, except that a light station may not be located within 8 feet of the shoreline.
 - (c) A dock that has a shoreline length of at least 25 feet but not more than 50 feet must have a light station located at each end of the dock on the side farthest from the shoreline.
 - (d) A dock that has a shoreline length of 50 feet or more must have light stations located at intervals of not more than 25 feet along its length.

Light stations are also required at each end of the dock on the side farthest from the shoreline.

PART 4. City Code Section 25-2-1176 (*Regulations*) is amended to read:

§ 25-2-1176 REGULATIONS.

- (B) A dock or other structure must be constructed so that it is not a hazard to navigation or safety.
- (1) The director of the Planning and Development Review [~~Parks and Recreation Department~~] shall determine, after receiving the recommendation of the Planning Commission [~~Parks and Recreation Board~~], the distance that a proposed dock may extend into a body of water without constituting a hazard.
 - (2) A dock may not extend more than 30 feet from the shoreline unless the Planning Commission [~~Parks and Recreation Board~~] determines that the dock will not create a hazard and approves the construction of the dock.
- (C) A fence may not extend into the water beyond the shoreline unless the fence was part of a commercial livestock operation, other than raising domestic pets, existing on April 17, 1994. A fence permitted under this subsection:
- (1) must be constructed of smooth wire or mesh;
 - (2) may not extend more than 40 feet beyond the shoreline;
 - (3) must include a navigation buoy indicating "DANGER", in accordance with the Texas Water Safety Act, installed at the end of the fence, unless the fence does not extend further beyond the shoreline than an immediately adjacent dock; and
 - (4) must be removed if the livestock operation ceases.
- (D) Approval of the Planning Commission [~~Parks and Recreation Board~~] is required for a structure, other than a retaining wall:
- (1) to be constructed or altered within 10 feet of a side property line; or
 - (2) except as provided in Subsection (E), that has a width, measured parallel to the shoreline, greater than 20 percent of the shoreline width of the lot or parcel of land on which the structure is to be constructed.

(E) Subsection (D)(2) does not apply if :

- (1) the lot was platted and recorded before August 26, 1976, and a perpetual right to use the water frontage of the lot was granted to the owner of another lot in the subdivision before June 23, 1979; or
- (2) the Planning Commission [~~Parks and Recreation Board~~] has approved a site plan that clusters the boat docks on one or more lots in the subdivision.

(F) The number of residential docks may not exceed:

- (1) twice the number of lots in the subdivision that have lake frontage on Lake Austin or Lady Bird Lake; or
- (2) the number of lots in the subdivision, if:
 - (a) the subdivision has a common area that fronts on Lake Austin or Lady Bird Lake; and
 - (b) a perpetual right to use the water frontage of the common area has been conveyed to a lot owner in the subdivision.

(G) This subsection applies to a marina area or common area.

- (1) Except for a boat dock or a combined storage area on the water's edge, a permanent structure, including a parking lot, must be set back at least 100 feet from the shoreline.
- (2) Sanitation facilities must be provided for all marina and picnic areas.
 - (a) Permanent sanitation facilities are required for a marina or common area with 10 or more boat slips.
 - (b) Septic tanks and sewage holding tanks may not be located within 100 feet of an area below the normal pool elevation.
- (3) The facility operator shall provide for the on-site collection of garbage at the marina or common area.
 - (a) At least one garbage can with a capacity of at least 32 gallons is required for each four picnic units and for each four boat slips.
 - (b) The facility operator shall remove garbage in a timely manner.

(H) A business or a living quarter may not be constructed on a pier or similar structure extending into or above Lake Austin, Lady Bird Lake, or Lake Walter E. Long, except under a license agreement approved by the council.

(1) The Planning Commission [~~Parks and Recreation Board~~] shall make a recommendation to the council on each license agreement.

(2) A structure built under a license agreement must comply with the lighting requirements of Section 25-2-1175 (*Lighting And Electrical Requirements*).

(I) Construction of a boat ramp is prohibited.

PART 5. City Code Section 25-8-652 (*Fills at Lake Austin, Lady Bird Lake, and Decker Lake*) is amended to substitute the Planning Commission for the Parks and Recreation Board.

PART 6. This ordinance takes effect on October 28, 2013.

PASSED AND APPROVED

_____, 2013 §
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 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____
 Karen M. Kennard
 City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk