

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2013-024 Lake Austin Overlay

Description: Consider an amendment to City Code Title 25 to create a Lake Austin (LA) District Zoning overlay extending environmental protections from the LA base zoning district to certain properties within 1,000 feet of Lake Austin.

Proposed Language: See attached draft ordinance for details.

Summary

- Preserves protections that are currently a part of the Lake Austin (LA) zoning district, such a impervious cover, setbacks, minimum lot size, slope, and vegetation requirements
- Would apply only to properties within 1000 ft of the lake that are zoned LA, I-LA, RR, I-RR, DR, on or after the effective date of the ordinance
- The overlay would impact approximately 2900 acres of property (~62% of the area within 1000 ft of the lake that is under the City's zoning jurisdiction).
- Would impact properties zoned LA, I-LA, RR, I-RR, DR, PUD*, and properties with certain residential zoning, depending on specific conditions*.

*Based on amendments from first reading (see "Staff Recommendation," below).

Background: Initiated by Council Resolution 20130829-113.

The Lake Austin Task Force was commissioned by the Austin City Council to develop recommendations for future regulatory controls and enforcement mechanisms relevant to Lake Austin to promote, preserve and protect this critical public asset. In August 2013, the Lake Austin Task Force published a final report providing recommendations to Austin City Council to improve management of Lake Austin.

The Lake Austin Task Force report noted that upzonings along the lake, where properties upzoned out of the LA zoning district, caused certain environmental protections to be lost. In addition, the report noted that the Board of adjustment cases often involved requests for additional impervious cover and slope construction; construction of former and on the latter are thought to contribute to water quality degradation (LATF Report, p. 36).

In August 2013, the Austin City Council directed the City Manager was directed to develop recommendations for preserving the environmental protections currently codified in the Lake Austin Residential District zoning for properties within 1,000 feet of the Lake Austin shoreline via new zoning overlay (Resolution No 20130829-113).

City of Austin zoning regulations only apply within the full and limited purpose jurisdiction of Austin. Even if property is within 1,000 feet of Lake Austin, but is not within the full or limited purpose jurisdiction of Austin, the proposed zoning overlay would not apply.

Staff Recommendation: Staff recommends the proposed code amendment, with the following notes regarding amendments made on first reading.

Staff does not recommend the application of the proposed overlay to existing and future Planned Unit Development zoning within 1000 feet of Lake Austin:

- Property zoned PUD necessarily went through extensive negotiation and public process to be granted PUD zoning, and offered superior development standards as a part of that process.
- Even if PUD zoning controls to the extent of conflict with the proposed overlay, if a PUD is silent on aspects of land use that the overlay speaks to, the PUD will be subject to the overlay regarding those characteristics.
- Because each new PUD application or non-administrative PUD amendment will require Council approval, elements of the proposed overlay (or similar provisions) can be applied at that time and at Council discretion.

Staff supports the application of the proposed overlay to sites of single-family zoned aggregated lots, however:

- Sites made up of aggregated lots should be one acre or greater, to align with the intent of the LA zoning district to apply to lots of an acre or greater.
- Small sites, comprised of small lots, face the same potential development difficulties if impervious cover is limited by the overlay.

Board and Commission Actions

March 18, 2014: Recommended by the Codes and Ordinances Subcommittee on a 5-0 vote.

March 19, 2014: Recommended by the Environmental Board on a 6-0 vote (Commissioner Walker absent), with an amendment to include DR, RR, and I-RR zoned property in the overlay, in addition to LA zoned property.

March 25, 2014: Discussed and tabled to the April 8, 2014 meeting, on a 7-1 vote (Commissioner Nortey nay).

April 8, 2014: Recommended by the Planning Commission on a 7-1 vote (Commissioner Roark nay).

Council Action

April 17, 2014: Postponed to the May 15, 2014 Council meeting.

May 15, 2014: Approved on first reading, on a 6-1 vote (Mayor Leffingwell nay), with the following amendments:

1. Inclusion of PUD zoning within 1000 feet of Lake Austin to be covered by the proposed overlay, for existing and future PUDs. Overlay would apply where no conflict occurs between PUD and LA overlay regulations; where conflict does occur the PUD would prevail.
2. Application of the proposed overlay to sites made up of aggregated single family-zoned lots.

June 12, 2014: Scheduled for second/third reading.

Ordinance Number: NA

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