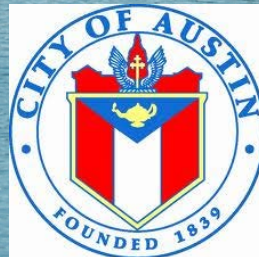


# Lake Austin Development

**Presented to:**  
**Environmental Commission and Board of Adjustment**  
**October 2015**

Liz Johnston, Watershed Protection Department





# Finding the Balance

- **Drinking Water**
- **Flood control**
- Residential
- Boating/Marina
- Parks
- Fishing
- Passive Nature



# Lake Shoreline Development

The overwhelming weight of scientific evidence, including local studies, strongly correlates development and increasing impervious cover with:

- Degraded water quality
- Increased runoff exacerbating flooding and erosion
- Decreased water infiltration to soils
- Loss of sensitive organisms
- Increased heat island effects

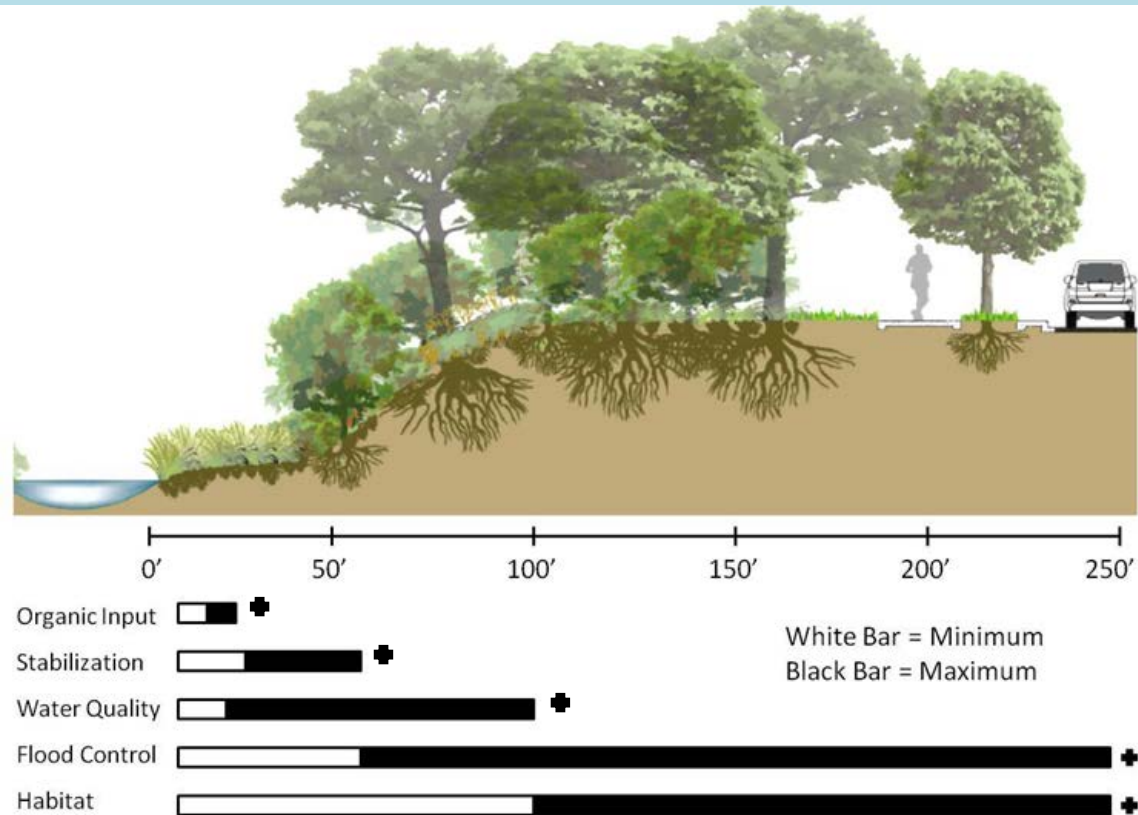
*“Poor Lakeshore habitat condition imparts a significant stress on lakes and suggests the need for stronger management of shoreline development, especially as development pressures on lakes keep steadily growing.” (National Lakes Assessment, EPA 2009)*

*“Of the stressors included in the NLA, poor lakeshore habitat is the biggest problem in the nation’s lakes; over one-third exhibit poor shoreline habitat condition.” (National Lakes Assessment, EPA 2009)*

*Watersheds with 10% or more impervious cover are degraded. (EPA 2002)*



# Riparian Zone Functions



<http://austintexas.gov/departments/riparian-restoration>

*A robust shoreline vegetative community improves water quality, prevents erosion, and aids in flood control.*

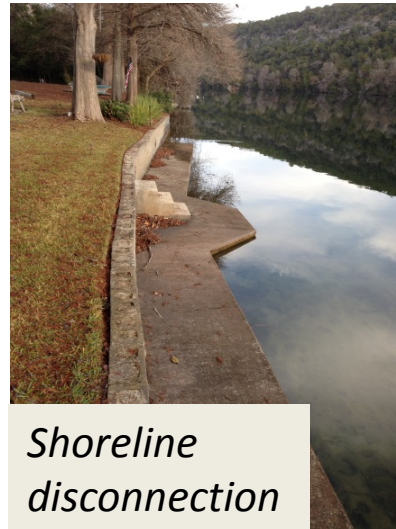
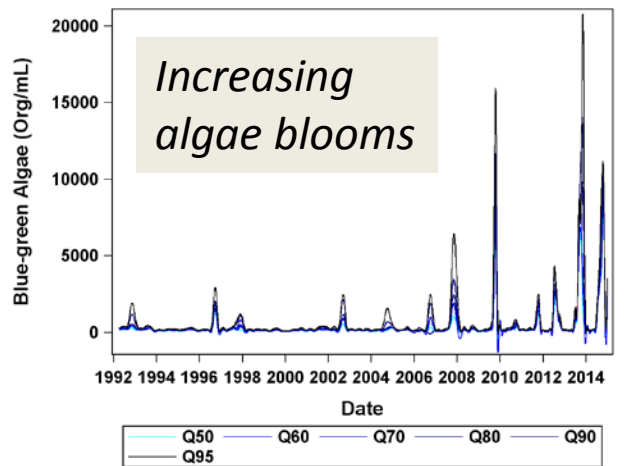


# Encroachment into Riparian Areas Impairs Lake Function



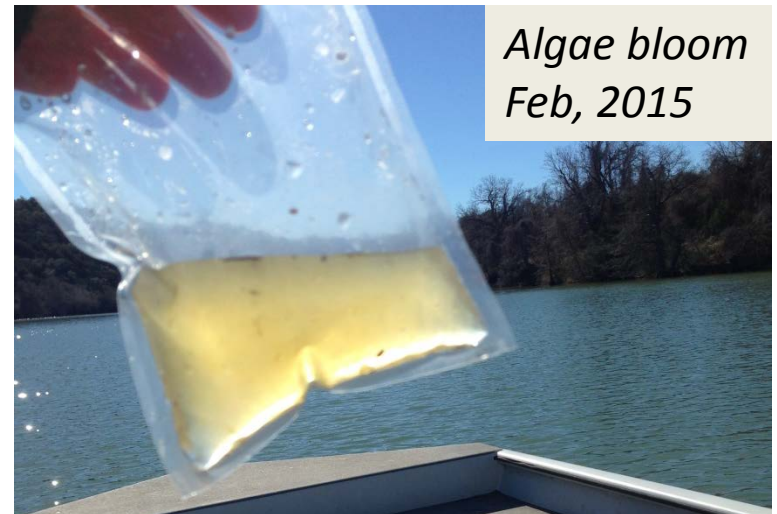
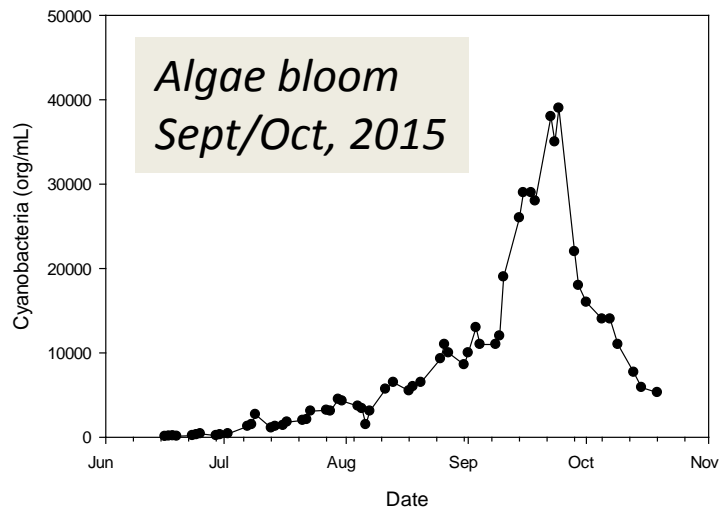


# Lake Austin Issues



# Costs of Degraded Water Quality

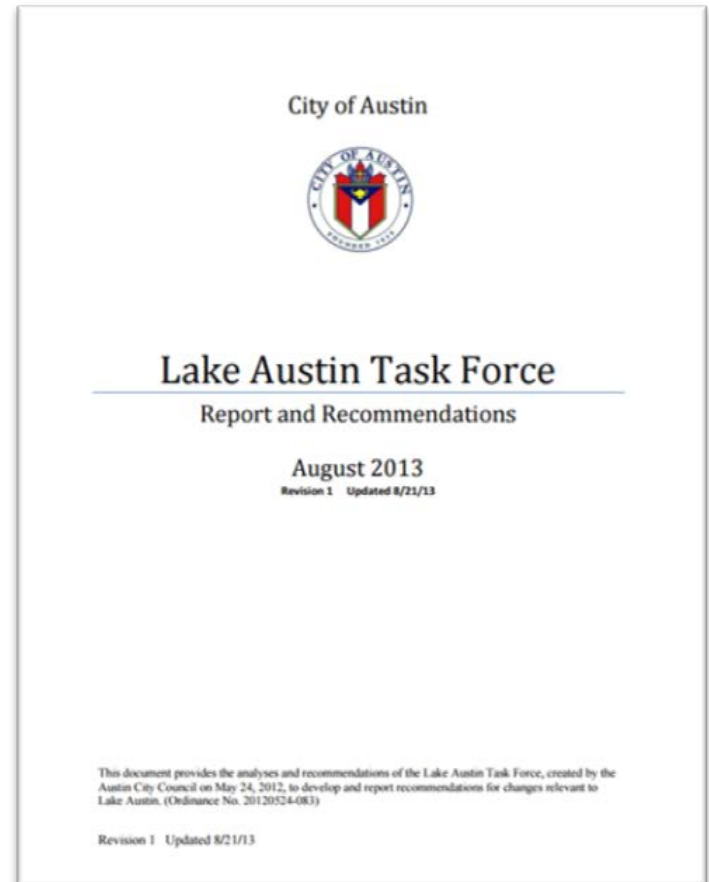
- Increased water treatment costs
- Loss of native aquatic habitat
- Increase of invasive species (ex: *Hydrilla*)
- Decrease in recreational opportunities (bass fishing)
- Decreased aesthetic value



# Lake Austin Task Force

## Created by City Council after from Parks and Recreation Board and Waterfront Advisory Board Resolutions

- 12-months, 17 members, 2012-2013
- LATF consensus recommendations related to:
  - hydrilla management
  - sound/noise
  - water quality and monitoring
  - erosion
  - commercial activities
  - funding
  - traffic
  - boat dock/bulkhead permitting
  - boat dock registration
  - variance processing
  - public outreach & education
  - coordination
  - boat lifts
  - marine toilets
  - wildfire
  - upzoning
  - septic systems





# Lake Austin Task Force

## LATF Report:

Council Resolution 20130829-078 directed staff to implement many LATF recommendations, including:

- Create a Lake Austin zoning overlay,
- Process code amendments for shoreline and boat dock development and present ordinance for Council consideration,
- Evaluate boat ramp and parking fees, draft potential budget amendments and present recommendations,
- Present No Wake Zone ordinance for Council consideration,
- Develop and recommend to Council an approach for coordinated lake management,
- Develop marine toilet administration and enforcement process and brief Public Health and Human Services Committee,
- Develop process to enforce boat dock identification and registration requirements and report to Council,
- Process code amendments, if needed, for boat dock identification/registration and present ordinance to Council.



# Recent Lake Austin Code Amendments

- **In October, 2013, Austin City Council approved the Watershed Protection Ordinance, allowing floodplain modifications, including bulkheads, to be approved administratively within Critical Water Quality Zones, with certain conditions.**
- **October, 2013, an ordinance was passed changing approval authority of dredging, shoreline modifications, dock setbacks, and navigation from Parks Board to Planning Commission.**
- **On June 26, 2014, Austin City Council approved two new ordinances:**
  - **Revised shoreline development, Lake Austin Zoning District regulations and boat dock regulations (20140626-113)**
  - **Created a new Lake Austin District Zoning Overlay (20140626-114)**



# Recent Lake Austin Code Amendments

- June 2014 amendments moved some regs from 25-2 (Zoning) to 25-8 (Water Quality) to be consistent with process for other environmental variances.
  - Shoreline setback vegetation requirements
  - Dredging (up to 25 cy allowed administratively)
  - Placement of fill in Lake Austin prohibited (land capture)
  - Code-compliant shoreline modifications administratively approvable

# Zoning Requirements (BoA)

## Lake Austin Overlay

- Affects properties 1,000' from Lake Austin Shoreline setback,
- LA, I-LA, DR, PUD, RR, I-RR on or after June 24, 2014, or
- One acre lots comprised of two or more aggregated lots and zoned SF-1, SF-2, SF-3, SF-4A, SF-4B, SF-5, SF-6
- Subject to Lake Austin District regulations, minimum lot size, minimum lot width, and setbacks.





# Zoning Requirements (BoA)

## 25-2-551 Lake Austin (LA) District Regulations

### 25-2-492 Site Development Regulations

- Shoreline setback (75' for lots 200' deep or more, 25' for lots less than 200' deep or those platted prior to April 22, 1982).
- No structures allowed in shoreline setback, except that:
  - (a) a bulkhead, retaining wall, dock, non-mechanized pedestrian access facility, or marina may be constructed and maintained in accordance with applicable regulations of this title; and
  - (b) an on-site sewage facility may be constructed and maintained in accordance with the applicable regulations of Chapter 15-5 (Private Sewage Facilities).
- Construction on slopes restricted, depending upon the date of the recorded subdivision.

	LA
MINIMUM LOT SIZE (square feet):	43,560
MINIMUM LOT WIDTH:	100
MAXIMUM DWELLING UNITS PER LOT:	1
MAXIMUM HEIGHT:	35
MINIMUM SETBACKS:	
FRONT YARD:	40
STREET SIDE YARD:	25
INTERIOR SIDE YARD:	10
REAR YARD:	20
MAXIMUM BUILDING COVERAGE:	—
MAXIMUM IMPERVIOUS COVER:	*

# Zoning Requirements (BoA)

## 25-2 Article 13 Docks, Bulkheads and Shoreline Access

- Provides definitions of dock, bulkhead, etc.
- Clarifies permitting, structural, lighting and electrical requirements
- § 25-2-1176 SITE DEVELOPMENT REGULATIONS FOR DOCKS, MARINAS, AND OTHER LAKEFRONT USES
  - Navigation (docks may not extend more than 30' into Lake Austin or 20% of channel width),
  - Docks may not exceed more than 20% of the shoreline frontage, with a minimum allowance of 14',
  - 1,200 sf maximum for a residential dock,
  - A dock may not exceed 30 feet in height,
  - No portion of a dock may be enclosed, except for an enclosed storage closet that is limited to no more than 48 square feet for each principal residential use associated with the dock; and
  - The number of motorboats anchored, moored, or stored on a dock may not exceed two, for a principal residential use utilizing an individual dock that is not part of a cluster dock
- § 25-2-1179 - ENVIRONMENTAL PROTECTION.
  - A retaining wall, bulkhead, or other erosion protection device must be designed and constructed to minimize wave return and wave action in accordance with the Environmental Criteria Manual,
  - Maintenance, refueling requirements, hazardous chemical storage.



# Necessary appurtenances

## § 25-2-893 - ACCESSORY USES FOR A PRINCIPAL RESIDENTIAL USE.

(G) A dock is permitted as an accessory use if the requirements of this subsection are met.

(1) A dock may be located off-site.

(2) A dock may not include habitable space or living quarters or other elements not necessary to the function of a dock, such as space conditioning, sinks, toilets, or wastewater or potable water lines or connections.

(3) A dock may include only the following as appurtenances and means of access:

(a) a storage closet that meets the requirements of Subsection (A);

(b) a roof;

(c) a second floor;

(d) marine lockers;

(e) railings;

(f) a non-potable water pump and hose bib;

(g) electrical connections;

(h) lighting and fans;

(i) non-mechanized access, including a staircase, pedestrian bridge, gangway, and gates;

(j) non-mechanized recreational equipment, such as slides or swings; and

(k) accessories or slips that may accommodate the mooring or storage of boats in compliance with the requirements of [Section 25-2-1176](#) (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*).

(4) Only one dock is permitted for a principal residential use, even if the use is located on more than one lot.

# § 25-8-261 CWQZ DEVELOPMENT (EV Commission)

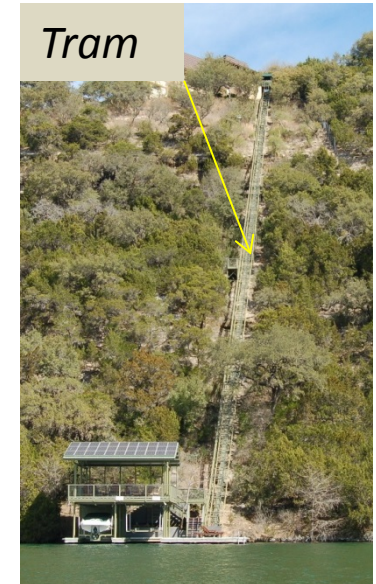
(C) The requirements of this subsection apply along Lake Travis, Lake Austin, or Lady Bird Lake.

(1) A dock, bulkhead or marina, and **necessary** access and appurtenances, are permitted in a critical water quality zone subject to compliance with [Chapter 25-2](#), Subchapter C, Article 12 (*Docks, Bulkheads, and Shoreline Access*)





# Necessary access





# § 25-8-281(C)

## CRITICAL ENVIRONMENTAL FEATURES

(C) This subsection prescribes the requirements for critical environmental feature buffer zones.

(1) A buffer zone is established around each critical environmental feature described in this subchapter.

(a) Except as provided in Subsection (C)(1)(b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature.

(b) For a point recharge feature, the buffer zone coincides with the topographically defined catchment basin, except that the width of the buffer zone from the edge of the critical environmental feature is:

(i) not less than 150 feet;

(ii) not more than 300 feet; and

(iii) calculated in accordance with the Environmental Criteria Manual.

(2) Within a buffer zone described in this subsection:

(a) the natural vegetative cover must be retained to the maximum extent practicable;

(b) construction is prohibited; and

(c) wastewater disposal or irrigation is prohibited.



*Rimrock*



# COMMON LAKE AUSTIN

## CRITICAL ENVIRONMENTAL FEATURES



*Canyon Rimrock*



*Wetland*



*Seep*



*Spring*



# CEF BUFFER



*Canyon Rimrock and 150' CEF buffer*



# WETLANDS PROTECT SHORELINES



*Wetland vegetation  
stabilizes shoreline*

*Mowed lawn erodes*

# § 25-8-652 - RESTRICTIONS ON DEVELOPMENT IMPACTING LAKE AUSTIN, LADY BIRD LAKE, AND LAKE WALTER E. LONG.

- (A) The requirements of this section apply to development on or adjacent to Lake Austin, Lady Bird Lake, or Lake Walter E. Long.
- (B) Except as otherwise provided by this section, **placing fill or dredging in a lake is prohibited.**
- (C) A retaining wall, bulkhead, or other erosion protection device **may not capture or recapture land from a lake** unless doing so is required to restore the shoreline to whichever of the following boundaries would encroach the least into the lake:
  - (1) the shoreline as it existed 10 years prior to the date of application, with documentation as prescribed by the Environmental Criteria Manual; or
  - (2) the lakeside boundary of the subdivided lot line.
- (D) A bulkhead may be replaced in front of an existing bulkhead once, if:
  - (1) the existing bulkhead was legally constructed; and
  - (2) construction of the replacement bulkhead does not change the location of the shoreline by more than 6 inches; and
  - (3) the director of the Watershed Protection Department determines that there is no reasonable alternative to replacement of the bulkhead in the location of the existing bulkhead.
- (E) The director may approve less than **25 cubic yards of dredging in a lake** if the dredging is necessary for navigation safety.

# LAND USE COMMISSION VARIANCES

## § 25-8

### **§ 25-8-41 LAND USE COMMISSION VARIANCES.**

- Applicant's burden to demonstrate findings have been met
- Code section will deprive the applicant of a privilege given to owners of other similarly situated properties
- Variance not a result of a method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection
- Minimum change necessary to allow a reasonable use of the property
- No probability of harmful environmental consequences
- No harm to water quality
- Additional findings for Critical Water Quality Zone variances:
  - Code prevents a reasonable, economic use of the entire property;
  - The variance is the minimum change necessary to allow a reasonable, economic use of the entire property



# ADMINISTRATIVE VARIANCES

## § 25-8-42

§ 25-8-42 - ADMINISTRATIVE VARIANCES.

(A) A variance under this section may not vary the requirements of Article 13 (Save Our Springs Initiative) and may not be granted for development of a property if any portion of the property abuts or is **within 500 feet of the shoreline of Lake Austin**, measured horizontally.



# BOARD OF ADJUSTMENT VARIANCES

## § 25-2

### **BOARD OF ADJUSTMENT VARIANCES.**

- **HARDSHIP:** The hardship for which the variance is requested is unique to the property and not general to the area in which the property is located.
- **REASONABLE USE:** The zoning regulations applicable to the property do not allow for a reasonable use.
- **AREA CHARACTER AND PURPOSE REGULATIONS:**
  - The variance will not alter the character of the area adjacent to the property,
  - Will not impair the use of adjacent conforming property
  - Will not impair the purpose of regulations to the zoning district in which the property is located

# VARIANCE COMPARISON

Board of Adjustment	Land Use Commission
Chapter 25-2 Zoning Example: navigation, setbacks, height, shoreline setbacks, impervious cover, construction on slopes (LA)	Chapter 25-8 Environment Example: CEF, CWQZ, dredging, land capture, cut/fill, heritage tree, shoreline vegetation, fill in Lake Austin
3 FINDINGS	5-7 FINDINGS
No other commission recommendation	Environmental Commission recommends
No staff presentation	Staff presentation
Reconsiderations allowed	Final, not appealable
May be requested prior to site plan submittal	Site plan review must be substantially complete prior to hearing
Special exceptions allowed	Administrative variances not allowed



# LINKED VARIANCES

- Dredging greater than 25 cy Versus Extending the dock greater than 30'
  - EV Commission reviews impact of dredging on water quality
  - BoA reviews hardship, reasonable use, and area character of dock extension (navigation safety)
- Construction in a CEF buffer Versus Mechanized access on slopes greater than 35% or in LA shoreline setback
  - EV Commission reviews impact of construction on CEF only
  - BoA can consider area character in addition to hardship and reasonable use



# Questions?

