

## ORDINANCE AMENDMENT REVIEW SHEET

**Amendment:** C20-2013-025 Lake Austin Boat Dock and Shoreline Amendments

**Description:** Consider an amendment to City Code Title 25 relating to Lake Austin (LA) District zoning regulations and general regulations for boat dock and shoreline development.

**Proposed Language:** See attached draft ordinance for details.

### Summary

- Clarifies that pedestrian access facilities in the Lake Austin District shoreline setback must be non-mechanized.
- Removes on-site sewage facility requirements from the Lake Austin District Zoning regulations
- Moves vegetation protection requirements in the Lake Austin District to 25-8, and creates a new requirement that within 25 feet of the shoreline 50% of the area must be preserved or restored to a natural condition if disturbed.
- Requires vegetation to be restored with native vegetation on slopes greater than 15% in the Lake Austin District that are disturbed by construction.
- Limits appurtenances to docks to storage closets up to 48 ft<sup>2</sup>, roofs, second floors, marine lockers, non-potable water pumps, electrical connections, lighting, no more than 2 boat slips and non-mechanized pedestrian access.
- Moves limitations on habitable structures on docks to 25-2-893.
- Specifies that if a house crosses multiple lots, it can have only one dock.
- Removes requirements that modification of non-complying docks must reduce the size and number of slips by 50%.
- Prohibits modification of structural components on non-complying docks except for replacing 1 pier once every 3 years.
- Allows for modification of non-complying docks as long as the modification does not increase non-compliance, is limited to less than 25% of the length and is not repeated more than once every 3 years.
- Limits site plan exemptions for work on docks to work only on non-structural components.
- Allows that docks constructed before 1984 do not have to prove that they were legally constructed.
- Requires that an engineer must sign and seal site plans for docks.
- Adds boat lifts to the definition of docks.
- Defines cluster docks.
- Changes dock lighting specifications from watts to lumens.
- Adds a new allowance for a one slip boat dock up to 14 ft wide for lots less than 70 feet wide.

- Limits docks to less than 1,200 ft<sup>2</sup> in total footprint or 600 ft<sup>2</sup> per associated residential use for cluster docks, and limits dock to no more than 30 feet in height.
- Limits docks to no longer than 30 ft and not more than 20% of the width of the lake as measured from shoreline to opposite shoreline.
- Limits docks to moor or store not more than 2 boats, 1 boat and 2 jet ski or 4 jet skis.
- Allows for administrative approval of dredging if necessary for navigation up to 25 cubic yards.
- Allows for a one-time replacement of a bulkhead 6" in front of an existing bulkhead if there is no other alternative that would be less damaging to the lake.
- Moves land capture provisions from 25-2 to 25-8.
- Moves allowance for docks in the 100-year floodplain to the 25-year floodplain.
- Changes variance approvals from Planning Commission to Zoning and Platting Commission, and removes a prohibition on administrative variances within 500 feet of Lake Austin.

**Background:** Initiated by Council Resolution 20130829-078.

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.

In August 2013, the Austin City Council directed the City Manager to develop code amendments relating to boat dock registration, boat dock development and shoreline development (Resolution No 20130829-078).

**Staff Recommendation:** Staff recommends the proposed code amendment.

#### **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).

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

**April 8, 2014:** Scheduled for Planning Commission review.

#### **Council Action**

**April 17, 2014:** A public hearing has been set.

**Ordinance Number:** NA

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-1, 25-2, 25-5, 25-7, AND 25-8 RELATING TO THE LAKE AUSTIN ZONING DISTRICT AND THE REGULATION OF BOAT DOCKS, BULKHEADS, AND SHORELINE ACCESS.

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

**PART 1.** City Code Section 25-1-46 (*Land Use Commission*) is amended to repeal Subsection (F).

**PART 2.** Subsections (B), (C), and (D) of City Code Section 25-2-551 (*Lake Austin (LA) District Regulations*) are amended to read:

(B) This subsection specifies shoreline setbacks ~~[applies]~~ in a Lake Austin (LA) district.

(1) The shoreline setback is:

(a) 75 feet; or

(b) 25 feet, if:

(i) the lot is located in a subdivision plat recorded before April 22, 1982, or is a legal tract exempt from the requirement to plat; and

(ii) the distance between the shoreline and the front lot line, or the property line of a legal tract, is 200 feet or less.

(2) ~~[(1)]~~ A shoreline setback area is excluded from impervious cover calculations.

(3) ~~[(2)]~~ ~~[A permanent improvement]~~ No structures are allowed ~~[is prohibited]~~ in a shoreline setback area, except that: ~~[for]~~

(a) a bulkhead, retaining wall, [pier, wharf, boat house] 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) ~~[, or a driveway to the structures].~~

CLM

1 ~~[(3) Not more than 30 percent of the woody vegetation within a shoreline~~  
2 ~~setback area may be removed.]~~

3 ~~[(4) Except for surveying or testing, vegetation within a shoreline setback~~  
4 ~~area may not be removed before a building permit is issued. For surveying or~~  
5 ~~testing, areas up to 15 feet wide may be cleared, and trees smaller than six~~  
6 ~~inches in diameter may be removed.]~~

7 ~~(5) Development is prohibited on land with a gradient that exceeds 35~~  
8 ~~percent. This prohibition does not apply to a fence, driveway, road or utility~~  
9 ~~that cannot be reasonably placed elsewhere, or a pedestrian facility.~~

10 ~~(6) A sewage holding tank that is at least partially below ground level, or an~~  
11 ~~effluent disposal site, must be at least 100 feet horizontally from the shoreline.~~  
12 ~~A sewage facility drain field that uses soil as a filter medium may not be located~~  
13 ~~on land with a gradient of more than 15 percent.]~~

14 (C) This subsection specifies lot width and impervious cover restrictions in a Lake  
15 Austin (LA) district.

16 (1) If a lot fronts on a cul-de-sac and is ~~[Except for a]~~ included in a  
17 subdivision plat recorded after ~~[before]~~ April 22, 1982 or is exempt from the  
18 requirement to plat ~~[a tract that is not required to be platted], [this subsection~~  
19 ~~applies in an LA district.~~

20 (1) ~~The shoreline setback is 75 feet.~~

21 (2) ~~A lot that fronts on a cul-de-sac]~~ it must have:

22 (a) a chord width of not less than 33 feet at the front lot line;

23 (b) a width of not less than 60 feet at the front yard setback line; and

24 (c) a width of not less than 100 feet at all points 100 feet or more behind  
25 the front lot line.

26 (2)~~(3)~~ For a lot included in a subdivision plat recorded after April 22, 1982,  
27 [Impervious] impervious cover may not exceed:

28 (a) 20 percent, on a slope with a gradient of 25 percent or less;

29 (b) 10 percent, on a slope with a gradient of more than 25 percent and  
30 not more than 35 percent; or

31 (c) if impervious cover is transferred under Subsection (D) ~~[(E)]~~, 30  
32 percent.

CLB/5

(3) For a lot included in a subdivision plat recorded before April 22, 1982, or a tract that is not required to be platted, impervious cover may not exceed:

(a) 35 percent, on a slope with a gradient of 15 percent or less;

(b) 10 percent, on a slope with a gradient of more than 15 percent and not more than 35 percent;

(c) 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent; or

(d) 40 percent, if impervious cover is transferred under Subsection (D).

(D) ~~[This subsection applies to a lot included in a subdivision plat recorded before April 22, 1982 or a tract that is not required to be platted, and that is located in an LA district.~~

(1) ~~The shoreline setback is:~~

(a) ~~75 feet; or~~

(b) ~~if the front line of the lot or tract is 200 feet or less from the shoreline, 25 feet.~~

(2) ~~The lot or tract must comply with the front yard, street side yard, interior side yard, and rear yard setback requirements applicable in an SF 2 district.~~

(3) ~~Impervious cover may not exceed:~~

(a) ~~[35] 20 percent, on a slope with a gradient of [15] 25 percent or less;~~

(b) ~~10 percent, on a slope with a gradient of more than of [15] 25 percent and not more than [25] 35 percent;~~

(c) ~~5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent; or~~

(d) ~~if impervious cover is transferred under Subsection (E), 40 percent.~~

(E) This subsection authorizes the transfer of impervious cover in a Lake Austin (LA) district [In an LA district, a person may transfer impervious cover in accordance with this subsection].

(1) Impervious cover may be transferred only:

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(a) between tracts within an LA district; and

(b) from land with a gradient of 35 percent or less, to land with a gradient of 15 percent or less.

(2) Land from which impervious cover is transferred ~~[may not be developed. The land]~~ must ~~[either]~~ remain undisturbed, if the land exists in a natural condition, or be restored to a natural [state] condition as prescribed by the Environmental Criteria Manual.

(3) A transfer of impervious cover must be documented in a manner approved by the director and documented in the county deed records ~~[described in a restrictive covenant that runs with the land, is approved by the city attorney, and is recorded in the county deed records].~~

(E) This subsection specifies additional development standards based on slope gradient in a Lake Austin (LA) district.

(1) On a slope with a gradient of more than 15 percent:

(a) vegetation must be restored with native vegetation, as prescribed by the Environmental Criteria Manual, if it is disturbed or removed as a result of construction; and

(b) construction uphill or downhill from the slope must comply with the Environmental Criteria Manual.

(2) On a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.

**PART 3.** Subsections (G) and (H) of City Code Section 25-2-893 (*Accessory Uses for a Principal Residential Use*) is amended to read:

(G) A ~~[residential] dock[, pier, wharf, float, island, or other similar structure]~~ is permitted as an accessory use ~~[in an SF-6 or more restrictive district]~~ if the requirements of this subsection are met.

(1) A dock [and] 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

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1 conditioning, sinks, toilets, or wastewater or potable water lines or  
2 connections.

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

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

6 (b) a roof;

7 (c) a second floor;

8 (d) marine lockers;

9 (e) railings;

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

11 (g) electrical connections;

12 (h) lighting;

13 (i) gate;

14 (j) fan;

15 (k) non-mechanized access, including a staircase, pedestrian  
16 bridge, and gangway; and

17 (l) accessories or slips that may accommodate the mooring or  
18 storage of boats in compliance with the requirements of Section  
19 25-2-1176 (Site Development Regulations for Docks, Marinas,  
20 and Other Lakefront Uses).

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

23 (H) A use other than one described in this section is permitted as an accessory use if  
24 the director [~~of the Neighborhood Planning and Zoning Department~~] determines that the  
25 use is necessary, customary, appropriate, incidental, and subordinate to a principal use.  
26

27 **PART 4.** Subsection (D) of City Code Section 25-2-963 (*Modification and Maintenance*  
28 *of Noncomplying Structures*) is amended to read:

29 (D) The following requirements must be met in order to repair, reinforce, modify, or  
30 maintain a non-complying dock, bulkhead, or shoreline access as defined in Section 25-2-  
31 1172 (*Definitions*):

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- (1) the use [Repair, reinforcement comply with the following requirements:
- (a) ~~the dock~~ must be ~~[an]~~ an accessory use in compliance with Section 25-2-893(G) (*Accessory Uses for a Principal Residential Use*) ~~[single-family residence];~~
- (2) except as allowed under Section 25-8-652 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*):
- (a) the location and footprint may not be altered; and
- (b) the degree of noncompliance may not be increased [(b) the alteration must be confined within the existing footprint];
- (3) [(e)] a survey of existing conditions must be included with the site plan or building permit application and must depict current elevations, contours, trees, and any other information required by the building official [the total footprint of the dock must be reduced by 50%];
- [(d) the number of boat slips on the dock is reduced by 50%; and
- (e) the alternation may not increase the degree to which the structure violates a requirement that caused the structure to be noncomplying.]
- [(2) Repairing [Repair], reinforcing, or maintaining a noncomplying dock, bulkhead, or shoreline access must comply with the following requirements:]
- (4) demolition is subject to the limitation in Subsection (B)(4) of this section;
- (5) [(a)] no structural components, including load bearing beams, walls, piers, or roofs, may be altered or replaced, except that one piling of a dock may be replaced once every 3 years [no more than 50 percent of existing piles, pilings, or sheet pile or no more than 50 percent of the length of the dock, bulkhead, or shoreline access may be removed or replaced and];
- (6) no increase is allowed to:
- (a) the number of walls;
- (b) the height, width or depth; or
- (c) the number of slips or mooring capacity; and



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1                   ~~[(d) the location, footprint, and degree of noncompliance of the~~  
2                   ~~structure is not altered;]~~

3                   (7) for a dock, bulkhead, or shoreline access constructed after January 1,  
4                   1984, the applicant must provide evidence of a prior permit authorizing  
5                   the construction.

6                   ~~[(3) Demolition is subject to the limitation in Subsection (B)(4) of this~~  
7                   ~~Section.]~~

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9       **PART 5.** City Code Section 25-2-964 (*Restoration and Use of Damaged or Destroyed*  
10       *Noncomplying Structures*) is amended to add a new Subsection (C) to read:

11           (C) This section does not apply to loss of land resulting from wave action behind a  
12       bulkhead on Lake Austin.

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14       **PART 6.** Subsection (B) of City Code Section 25-2-1171 (*Applicability*) is amended to  
15       read:

16           (B) The director ~~[building official or the director]~~ of the Planning and Development  
17       Review Department shall implement and enforce this article.

18  
19       **PART 7.** City Code Section 25-2-1172 (*Definitions*) is amended to add new definitions  
20       of “personal watercraft” and “cluster dock” to read as follows, to amend the definitions of  
21       “dock” and “motorboat” to read as follows, to delete the definition of “residential  
22       dock,” and to renumber the remaining definitions accordingly:

23           (2) CLUSTER DOCK means a dock not used for commercial purposes that is  
24           associated with:

25                   (a) dwelling units in a multifamily development with lake frontage; or

26                   (b) principal residential structures in a subdivision with perpetual use rights  
27                   to a common area that fronts a lake.

28           (3) DOCK includes a wharf, pier, float, floating dock, island, boat dock, boat slip,  
29       boat lift, stationary platform, or other similar structure.

30           (4) MOTORBOAT means a watercraft propelled by an internal combustion engine  
31       or electric motor.

32           (5) NORMAL POOL ELEVATION means:

33                   (a) for Lake Austin, 492.8 feet above mean sea level;

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(b) for Lady Bird Lake, 429 feet above mean sea level; and

(c) for Lake Walter E. Long, 554.5 feet above mean sea level.

~~[(5) RESIDENTIAL DOCK means a dock that provides a stationary landing for:~~

~~(a) fishing or swimming; or~~

~~(b) anchoring, mooring, or storing not more than one vessel.]~~

(6) PERSONAL WATERCRAFT includes jet skis and means a type of motorboat specifically designed to be operated by a person or persons sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel and that is less than 13 feet in length.

**PART 8.** City Code Section 25-2-1173 (*Permit Required for Construction*) is amended to repeal Subsection (D) and to amend Subsections (A) and (B) to read as follows:

**§ 25-2-1173 PERMIT REQUIRED FOR CONSTRUCTION.**

(A) A person may not modify a shoreline or construct or alter a dock, bulkhead, or shoreline access unless the person first obtains a site plan and building permit~~[-as applicable,]~~ and pays the applicable ~~[permit fee set]~~ fees established by ordinance. A site plan required under this section must be signed and sealed by a licensed professional engineer and must include all information required by the director responsible for administering this chapter.

~~[(B) The building official or the director of the 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.]~~

~~(B)~~(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 Parks and Recreation Board has approved a site plan that clusters the residential docks on one or more lots in the subdivision.]~~

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1 ~~(C)~~~~(E)~~ If a permit is required under this section and is not obtained before construction  
2 begins, the required fee is increased by an amount established by ordinance. Payment of  
3 the additional fee does not relieve a person from complying with the requirements of this  
4 title [Code].  
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6 **PART 9.** City Code Section 25-2-1174 (*Structural Requirements*) is amended to read as  
7 follows:

8 **§ 25-2-1174 STRUCTURAL REQUIREMENTS.**

9 (A) In addition to other applicable requirements of this title, a [A] dock must:

10 (1) comply with the requirements of Chapter 25-12 (*Technical Codes*),  
11 including Article 1 (*Building Code*) [~~(Uniform Building Code)~~], Article 7  
12 (*Fire Code*), and the Building Criteria Manual; [and]

13 (2) be designed and constructed in a manner that does not pose a hazard to  
14 navigation safety;

15 (3) be braced to withstand pressure of wind and water when boats are tied to  
16 the dock[-]; and

17 (3) ~~[(B) A floating dock must]~~ if the dock is a floating dock, be supported by  
18 solid displacement flotation devices, with durable nonferrous protective  
19 coverings that are [-The flotation material must be] securely attached to  
20 the dock and [must be] capable of withstanding prolonged exposure to  
21 wave action and weather.

22 (C) ~~[A retaining wall, bulkhead, or other erosion protection device must be~~  
23 ~~constructed to minimize wave return and wave action by using design and materials~~  
24 ~~prescribed by rule.] A bulkhead with a greater than 45 degree vertical slope for any~~  
25 ~~portion greater than one foot in height is not permitted on or adjacent to the shoreline of a~~  
26 ~~lake that is subject to this article, [listed in Section 25-2-1171 (*Applicability*)] unless the~~  
27 ~~shoreline is located within an existing man-made channel.~~

28 ~~[(D) A retaining wall, bulkhead, or other erosion protection device may not capture~~  
29 ~~or recapture land on a lake listed in Section 25-2-1171 (*Applicability*), unless capturing or~~  
30 ~~recapturing the land is required to restore the land to the lesser of]:~~

31 ~~[(1) — the shoreline as it existed 10 years from the date of application,~~  
32 ~~with documentation as prescribed by rule, or~~

33 ~~(2) — the lakeside boundary of the subdivided lot line.]~~

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1     ~~[(E) On a determination by a city official or employee that a dock has become, or is~~  
2     ~~in imminent danger of becoming, structurally unsound, the building official:~~

3             ~~(1) shall take action to declare the dock a hazard;~~

4             ~~(2) shall abate the hazard under Chapter 25-12, Article 9 (Property~~  
5             ~~Maintenance Code), at the owner's expense; and~~

6             ~~(3) may impose a lien on the affected property for the collection of the~~  
7             ~~expense.]~~

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9     **PART 10.** Subsections (B) and (C) of City Code Section 25-2-1175 (*Lighting and*  
10     *Electrical Requirements*) are amended to read:

11         (B) This subsection applies to a dock that extends more than eight feet from the  
12         shoreline. In this subsection, the distance that a dock extends from a shoreline is  
13         measured perpendicular to the shoreline, and the shoreline length of a dock is the length  
14         of a dock measured parallel to the shoreline.

15             (1) A dock must be continuously lighted with amber lights between sunset  
16             and sunrise each day.

17             (2) A dock must have at least one light station. Except as otherwise provided  
18             in this subsection, the light station must be located on the end of the dock  
19             and on the side that is farthest from and parallel to the shoreline. The  
20             light must be visible to a properly approaching watercraft.

21             (3) A dock that extends 30 feet or more from the shoreline, or that has a  
22             shoreline length of 25 feet or more, must have at least one light station on  
23             each side of the dock that does not face the shoreline.

24             (4) The requirements of this ~~[This]~~ paragraph apply ~~[applies]~~ if the director  
25             ~~[of the Parks and Recreation Department]~~ determines that a dock  
26             described in Subsection (B)(3) may be a navigational hazard between  
27             sunset and sunrise.

28                 (a) A dock that extends less than 50 feet from the shoreline must have  
29                 a light station half way between the shoreline and the end of the  
30                 dock that is farthest from the shoreline.

31                 (b) A dock that extends 50 feet or more from the shoreline must have  
32                 light stations from the shoreline to the end of the dock at intervals  
33                 of not more than 25 feet, except that a light station may not be  
34                 located within 8 feet of the shoreline.

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- 1 (c) A dock that has a shoreline length of at least 25 feet but less than  
2 50 feet must have a light station located at each end of the dock on  
3 the side farthest from the shoreline.
- 4 (d) A dock that has a shoreline length of 50 feet or more must have  
5 light stations located at intervals of not more than 25 feet along its  
6 length.
- 7 (e) Light stations are [also] required at each end of the dock on the  
8 side farthest from the shoreline.

9 (C) A light station required by this section must have a two-bulb fixture, with two  
10 working light bulbs [~~rated between 7 ½ and 25 watts, inclusive~~] that emit at least 112  
11 lumens and not more than 400 lumens. Light bulbs or bulb covers must be amber, and  
12 white light may not radiate from the fixture. Weatherproof lamp holders and junction  
13 boxes are required. Each light fixture must be wired with a switch operated by a  
14 photoelectric cell so that the lights will operate automatically during the hours that the  
15 dock is required to be lighted by this section.

16  
17 **PART 11.** City Code Section 25-2-1176 (*Regulations*) is amended to read:

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19 **§ 25-2-1176 SITE DEVELOPMENT REGULATIONS FOR DOCKS, MARINAS,**  
20 **AND OTHER LAKEFRONT USES.**

21 (A) A [~~site plan~~] dock or similar structure must comply with the requirements of  
22 this subsection [section]. [~~A city official may not approve for final inspection of a~~  
23 ~~structure that does not conform to the requirements of Title 25 of the City Code,~~  
24 ~~including this section~~].

- 25 (1) A dock may extend up to 30 feet from the shoreline, except that the  
26 director may require a dock to extend a lesser or greater distance from the  
27 shoreline if deemed necessary to ensure navigation safety.
- 28 (2) The length of a dock from the shoreline may not exceed 20% of the lake  
29 channel, as measured from the shoreline where the dock is located and  
30 continuing to the opposite shoreline.
- 31 (3) A dock may not be constructed closer than 10 feet to the side property  
32 line, regardless of the side-yard setback generally applicable within the  
33 base zoning district.

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- (4) The width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, may not exceed:
- (a) 20 percent of the shoreline width, if the shoreline width exceeds 70 feet;
- (b) 14 feet, if the shoreline width is no greater than 70 feet.
- (5) The footprint of a dock, including the portion of a cut-in slip, attached access structures, or roof overhang, may not exceed:
- (a) 1,200 square feet for a dock that is accessory to a principal residential use;
- (b) for a cluster dock, 600 square feet multiplied by:
- (i) the number of dwelling units in a multifamily development;  
or
- (ii) the number of principal residential structures in a subdivision, if:
- the dock will be located in a common area that fronts Lake Austin or Lady Bird Lake; and
- lots within the subdivision have perpetual use rights to the common area.
- (6) A dock may not exceed 30 feet in height as measured from the highest point of the structure above the normal pool elevation of the lake.
- (7) No portion of a dock may be enclosed, except for an enclosed storage closet that is:
- (a) limited to no more than 48 square feet for each principal residential use associated with the dock; and
- (b) oriented to minimize cross sectional area perpendicular to flow.
- (8) The dock must be designed and constructed to meet the following requirements:
- (a) except for storage closets permitted under Paragraph (6), no more than one wall per floor may consist of solid structural supports or building materials;

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(b) except for solid structural components allowed under Paragraph 8(a), solid and mesh materials used for enclosure, including lattice, wire panels, and screening, must be at least 66 percent open; and

(c) no framing materials that are capable of being converted to support walls or windows may be used.

(9) The number of motorboats anchored, moored, or stored on a dock may not exceed:

(a) two, for a principal residential use utilizing an individual dock that is not part of a cluster dock; or

(b) the number of single-family or multifamily residential units that:

(i) have a perpetual right to use of a cluster dock located in a common area of the residential subdivision or multi-family development; and

(ii) do not utilize a dock other than a cluster dock.

(10) For purposes of determining the total number of motorboats that may be anchored, moored, or stored on a dock or over water, one personal watercraft is equivalent to one-half of a motorboat.

~~[(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 Parks and Recreation Department shall determine, after receiving the recommendation of the 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 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;~~

Cb/Me

(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 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 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.]~~

(B)[(G) ~~This subsection applies to a~~ A marina area or common area cluster dock must comply with the requirements of this subsection.

(1) ~~[Except for a boat dock or a combined storage area on the water's edge,~~ a] A parking lot or permanent structure, other than a dock or a combined storage area on the water's edge [including a parking lot], must be set back at least 100 feet from the shoreline.



09/14

(2) Sanitation facilities must be provided in accordance with the following requirements ~~[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) Temporary or permanent sanitation facilities are required for a marina or common area with fewer than 10 boat slips ~~[Septic tanks and sewage holding tanks may not be located within 100 feet of an area below the normal pool elevation]~~.

(3) A [The] facility operator [shall] must:

(a) remove garbage in a timely manner and provide for the on-site collection of garbage at a [the] marina or common area[-]; and

(b) [(a)-At] provide 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 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).]~~

(C) A fence may not extend into the water beyond the shoreline unless the fence:

(1) was part of a commercial livestock operation, other than raising domestic pets, existing on April 17, 1994:

(2) is constructed of smooth wire or mesh;

(3) extends no more than 40 feet beyond the shoreline;

(4) includes 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

1           (5) must be removed if the livestock operation ceases.

2           (D)[(4)] Construction of a boat ramp is prohibited.

3  
4 **PART 12.** City Code Section 25-2-1177 (*Dock Exempt from City Licensing*) is amended  
5 to read:

6 **§ 25-2-1177** ~~[DOCKS EXEMPT FROM]~~ **CITY LICENSING REQUIREMENTS**  
7 **FOR DOCKS, MARINAS AND OTHER LAKEFRONT USES.**

8           (A) A license agreement from the City is not required for a dock located:

9           ~~[(1) within the boundaries of a public drainage easement]~~ along Lake Austin,  
10 Lady Bird Lake, or Lake Walter E. Long, regardless of any easements or  
11 other ownership rights held by the City [if it is constructed in accordance  
12 with this article and Chapter 25-12, Article 1 (*Uniform Building Code*)].

13           (B) No living quarters or business, including a marina, may be constructed into or  
14 above a lake that is subject to this article, unless the city council approves a license  
15 agreement for the use after receiving a recommendation from the Land Use Commission.

16           (C) ~~[(B)]~~ This section does not waive or modify:

17           (1) any applicable requirements of this title, including the use and site  
18 development regulations of this subchapter; or

19           (2) the City's property interests in the easements and lakebeds identified  
20 in Subsection (A), including the right to:

21           (a) require the immediate removal of a dock or other encroachment  
22 that poses a navigation hazard, as authorized by this article; or

23           (b) require a license agreement for docks or other encroachments  
24 into lands over which the City holds an easement or fee simple  
25 ownership [limit the review of a site plan for construction of a  
26 dock].

27  
28 **PART 13.** City Code Chapter 25-2, Subpart C, Article 13 (*Docks, Bulkheads, and*  
29 *Shoreline Access*) is amended to repeal Section 25-2-1178 (*Fire Protection*) and to  
30 amend Section 25-2-1179 (*Environmental Protection*) to read:

31 **§ 25-2-1179 ENVIRONMENTAL PROTECTION.**

06/19

(A) In addition to other applicable requirements of this title, a dock, bulkhead, or shoreline access must be designed, constructed, and maintained in accordance with the applicable requirements of this subsection.

(B) 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.

(C) A marine fuel facility or service station must comply with the requirements of Chapter 6-2 (*Hazardous Materials*) and shall be designed, maintained, and operated in a manner that prevents the spilling or leaking of fuel or petroleum products into the water.

(D)[(B)] The maintenance and repair of watercraft shall be performed in a manner that prevents discharge of fuel, oil, or other pollutants into the water.

(E)[(C)] Containers of hazardous materials, fuel, oil, herbicides, insecticides, fertilizers or other pollutants may not be stored on docks extending into or above Lake Austin, Lady Bird Lake, or Lake Walter E. Long.

(F)[(D)] Construction of shoreline access structures must minimize disturbance to woody and herbaceous vegetation, preserve the tree canopy, and replace herbaceous ground cover to the extent practicable.

(G) A marina or marine fuel service facility or service station must provide adequate fire protection approved by the Fire Chief of the Austin Fire Department in accordance with the Fire Code and National Fire Protection Association standards for marinas and boatyards.

**PART 14.** City Code Chapter 25-2, Subchapter C, Article 13 (*Docks Bulkheads, and Shoreline Access*) is amended to add a new Section 25-2-1180 to read:

**§ 25-2-1180 ENFORCEMENT AND REGISTRATION.**

(A) On a determination by a city official or employee that a dock has become or is in imminent danger of becoming structurally unsound, the building official:

- (1) shall take action to declare the dock a hazard;
- (2) shall abate the hazard under Chapter 25-12, Article 9 (*Property Maintenance Code*), at the owner's expense; and
- (3) may impose a lien on the affect property to recover the cost of abatement.

C/2p

1 (B) An applicant must place a registration tag on a boat dock in a manner  
2 prescribed by the ~~building official~~ director of the Code Compliance Department. A  
3 person may not remove a tag required to be placed on a dock under this subsection.

4 (C) In addition to the actions authorized under this section, the building official may  
5 take any other authorized action to enforce the requirements of this article.  
6

7 **PART 15.** City Code Section 25-5-2 (*Site Plan Exemptions*) is amended to amend  
8 Subsections (A) and (L) and to add a new Subsection (M) read as follows:

9 (A) The director shall determine whether a project is exempt under this section from  
10 the site plan requirement of Section 25-5-1(*Site Plan Required*). The director may  
11 require an ~~[that the]~~ applicant to submit information necessary to make a determination  
12 under this or [subsection. The director may require an applicant to] revise a previously  
13 approved site plan under Section 25-5-61(*Revisions To Released Site Plans*).

14 (L) The exemptions provided by this section do not apply to the construction of a  
15 dock, bulkhead, or shoreline access as described in Chapter 25-2, Subchapter C, Article  
16 13 (*Docks Bulkheads, and Shoreline Access*)[.], but

17 ~~[(M)-A]~~ a site plan is not required for the [to] repair[, reinforce], maintenance, or  
18 modification of existing structures or improvements if [or maintain a dock, bulkhead, or  
19 shoreline access, or to modify a dock under] the applicable requirements of this  
20 subsection are met. [following conditions:]

21 (1) A site plan is not required for simple re-decking of a dock.

22 (2) A site plan is not required to modify a dock, or to maintain or repair a  
23 dock or shoreline access, if [the existing dock, bulkhead, or shoreline access]:

24 (a) the dock or shoreline access was legally constructed[; provided  
25 that simple re-decking will be allowed for all docks]; and

26 (b)~~(2)~~ the work proposed does not:

27 (i) require a [no] variance or other approval from a [from City  
28 Code is required; (3)-no] city board or commission [approval  
29 is required];

30 (ii) [(4)-there will be no] increase [in] the existing footprint of  
31 the dock[, bulkhead,] or shoreline access; [and]

32 (iii) add, change, or replace structural components, including  
33 load bearing beams or walls, piers, pilings; or

09/21  
(iv) add new walls.

~~[(5) the work is authorized under Section 25-2-963 (Modification and Maintenance of Noncomplying Structures) or Section 25-2-964 (Restoration and Use of Damaged or Destroyed Noncomplying Structures)].~~

(3) A site plan is not required to repair a bulkhead if:

(a) the bulkhead was legally constructed;

(b) the repair does not exceed 25% of the bulkhead or portion of a bulkhead existing on a lot or tract; and

(c) no repair to the bulkhead was done without a site plan in the previous three years.

(M) An exemption under this section does not waive applicable requirements for obtaining a building permit and may not include modifications to a non-complying structure, including repair or maintenance, except as provided under Chapter 25-2, Subchapter C, Article 8 (Noncomplying Structures).

**PART 16.** Subsection (B) of City Code Section 25-5-3 (*Small Projects*) is amended to read:

(B) The following are small projects:

(8) construction of a boat dock as an accessory use to a single-family residential use, duplex residential use, two-family residential use, or secondary apartment residential use if shoreline modification or dredging of not more than 25 cubic yards is not required; or

**PART 17.** Subsection (A) of City Code Section 25-7-93 (*General Exceptions*) to read:

**§ 25-7-93 GENERAL EXCEPTIONS.**

(A) A site plan with a proposed building or parking area that encroaches on the 100-year floodplain may be approved if the encroachment is:

(1) a parking area that is smaller than 5,000 square feet or an unoccupied structure that has an area of less than 1,000 square feet, and the director determines that the proposed development:

(a) will not have an adverse effect on the 100-year floodplain or surrounding properties; and

(b) otherwise complies with the requirements of this title;

- 19/2
- (2) a single-family or duplex residential structure in a subdivision:
    - (a) recorded before September 25, 1983; and
    - (b) in which only one residential structure is built on a single lot;
  - (3) a building authorized by a waterway development permit issued under Chapter 9-10 before September 25, 1983;
  - (4) a building in the 100-year floodplain of:
    - (a) Town Lake; or
    - (b) the Colorado River downstream from Longhorn Dam[; or].
  - ~~[(5) a boat dock in the 100-year floodplain of Town Lake, Lake Walter E. Long, or Lake Austin, and construction of the dock is otherwise permitted under this title.]~~

**PART 18.** Subsection (B) of City Code Section 25-7-96 (*Exceptions in the 25-Year Floodplain*) is amended to read:

**§ 25-7-96 REQUIREMENTS IN THE 25-YEAR FLOODPLAIN.**

(B) A development application with a proposed building or parking area that encroaches on the 25-year floodplain may be approved if:

- (1) the building or parking area is located on parkland, a golf course, or other public or recreational land;
- (2) the building, if any, is either:
  - (i) a restroom or bath facility, concession stand, tool shed, or pump house, with an area of less than 1,000 square feet; or
  - (ii) a dock that is located in the 25-year floodplain of Lady Bird Lake, Lake Walter E. Long, or Lake Austin and constructed, or proposed to be constructed, in compliance with the regulations of this title;
- (3) the parking area, if any, is smaller than 5,000 square feet; and
- (4) the director determines that the proposed development:
  - (a) will not result in additional adverse flooding impact on other properties; and
  - (b) otherwise complies with the requirements of this title.

CE 13

**PART 19.** Subsection (B) of City Code Section 25-8-41 (*Land Use Commission Variances*) is amended to read:

(B) The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (*Water Quality Transition Zone*), Section 25-8-452 (*Water Quality Transition Zone*), Section 25-8-482 (*Water Quality Transition Zone*), Section 25-8-652 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that:

- (1) the criteria for granting a variance in Subsection (A) are met;
- (2) the requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and
- (3) the variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

**PART 20.** Subsection (A) of City Code Section 25-8-42 (*Administrative Variances*) is amended to read:

(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].~~

**PART 21.** Subsection (C) of City Code Section 25-8-261 (*Critical Water Quality Zone Development*) is amended to read:

(C) The requirements of this subsection apply along ~~[Along]~~ Lake Travis, Lake Austin, or Lady Bird Lake~~[:]~~.

- (1) A [a boat] dock, [pier, wharf,] bulkhead or marina, and necessary access and appurtenances, are [is] permitted in a critical water quality zone subject to compliance with Chapter 25-2, Subchapter C, Article 12 (*Docks, Bulkheads, and Shoreline Access*). [; and]
- (2) At least 50% of the area within 25 feet of the shoreline must be:
  - (a) preserved in a natural condition; or
  - (b) restored to a natural condition as prescribed by the Environmental Criteria Manual, if the vegetation is disturbed or removed for

CL/14

1 construction or other development activity, within the area of  
2 disturbance.

3 (3) Not more than 30 percent of the woody vegetation within the shoreline  
4 setback area as defined by Section 25-2-551 (Lake Austin (LA) District  
5 Regulations) and within the area defined by 25-2-180 (Lake Austin (LA)  
6 Overlay District) may be removed.

7 (4) Before a building permit may be issued or a site plan released, approval  
8 by the Watershed Protection Department is required for [of] chemicals  
9 used to treat building materials that will be submerged in water—is  
10 required before a permit may be issued or a site plan released.  
11

12 **PART 22.** City Code Section 25-8-652 (*Fills at Lake Austin, Lady Bird Lake, and Lake*  
13 *Walter E. Long*) is amended to read:

14 **§ 25-8-652 RESTRICTIONS ON DEVELOPMENT IMPACTING ~~[FILLS AT]~~**  
15 **LAKE AUSTIN, LADY BIRD LAKE, AND LAKE WALTER E. LONG.**

16 (A) The requirements of this section apply to development on or adjacent to  
17 [Approval by the Parks and Recreation Board is required to place fill in] Lake Austin,  
18 Lady Bird Lake, or Lake Walter E. Long.

19 (B) Except as otherwise provided by this section, placing fill or dredging in a  
20 lake is prohibited.

21 ~~[(B) A person must file a written application with the Parks and Recreation Board~~  
22 ~~for an approval under this section.~~

23 ~~(C) This subsection applies to a development application that includes a proposal~~  
24 ~~to modify the shoreline of Lake Austin, Lady Bird Lake, or Lake Walter E. Long; or~~  
25 ~~dredge in or along that lake.~~

26 ~~(1) Before the director may approve the development application, the~~  
27 ~~director must submit the development application to the Parks and Recreation~~  
28 ~~Board.~~

29 ~~(2) The board shall review and comment on:~~

30 ~~(a) the navigational safety of the proposed development; and~~

31 ~~(b) the effect of the development on the recreational and natural~~  
32 ~~character of the lake.~~

33 ~~(3) The board may develop specific criteria for determining:~~



CLB/25

(a) ~~the navigational safety of a proposed development; or~~

(b) ~~the effect of a proposed development on the recreational and natural character of Lake Austin, Lady Bird Lake, or Lake Walter E. Long.]~~

(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.

**PART 23.** This ordinance takes effect on \_\_\_\_\_.

**PASSED AND APPROVED**

\_\_\_\_\_, 2013

§  
§  
§

\_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk

| Existing code requirements that are proposed to be DELETED |                       |   |  |   |
|--|-----------------------|---|--|---|
| Ref  | Current Code Location | Proposed Change   | Summary of Action  | Relevant LATF Recommendation  |
| Delete1  | 25-1-46 (F)           | Change from the Planning Commission to the Zoning and Platting Commission for variance approvals along Lake Austin  | Aligns variance approvals for Lake Austin with other 25-8 variances  | V1. Variances to 25-8 go to ZAP for approval; V2. Change variance approval from Parks Board to more appropriate body; C3. Environmental variances approved by ZAP |
| Delete2  | 25-2-963(D)(1)        | Remove requirements that non-complying docks must be reduced 50% in size  | Requirement was added to address a specific situation, and is now no longer necessary  | BDB1. If registered, a legal non-compliant dock may keep footprint in perpetuity  |
| Delete3  | 25-2-963(D)(5)        | Remove allowance for work on up to 50% of structural components for non-complying docks; limit repairs on non-complying docks to only non-structural components or only 1 pier once every 3 years | The 50% rule was abused to allow full replacement of docks; work on structural components should be done on site plan to ensure compliance | BDB3. Modification of docks should be limited to non-structural components  |
| Delete4  | 25-8-42(A)            | Remove prohibition on administrative variances within 500 ft of Lake Austin   | Treats Lake Austin variances the same as other 25-8 variances  | V1. Variances to 25-8 go to ZAP for approval. (That is, no administrative approvals...)   |

*C6*  
*26*

*New code requirements that are proposed to be ADDED*

| Ref  | Proposed Code Location | Current Code Location | Proposed Change  | Summary of Action   | Relevant LATF Recommendation   |
|------|------------------------|-----------------------|--|---|--|
| Add1 | 25-2-551(B)(3)         | 25-2-551(B)(2)        | Specify that permanent improvements in the LA District shoreline setback may include bulkheads, docks and non-mechanized pedestrian facilities | Consistent with current policy; clarifies that trams are not permitted in the LA District shoreline setback | BD2.c.v. Define permanent structure  |
| Add2 | 25-2-551(E)            | n/a                   | Add new vegetation and construction management for slopes greater than 15%   | New requirement, consistent with Hill Country Roadway requirements  | n/a  |
| Add3 | 25-2-893(G)            | n/a                   | List the appurtenances that are allowed on docks   | Clarifies existing policies into code   | BD2.b. Review how terms are defined so they are clear                                    |
| Add4 | 25-2-893(G)(4)         | 25-2-1173(D)          | Limits to one dock a house on multiple lots  | Clarifies existing policies into code   | BD2.a. Update and modernize the code relating to docks                                   |
| Add5 | 25-2-963(D)            | n/a                   | Adds a new requirement that a survey of existing conditions be provided for a new site plan or building permit under this section              | Necessary to allow for better evaluation of site conditions   | BD84. All other boat dock remodeling should require a site plan with associated drawings |
| Add6 | 25-2-963(D)(7)         | n/a                   | Allow for docks constructed prior to 1984 to not have to prove legal construction  | Addresses difficulty in proving legal construction of docks because of inconsistent records                 | BDB1. If your dock was built after 1981, it must have a permit                           |
| Add7 | 25-2-1172              | 25-2-1172             | Add new definitions for cluster docks, docks, personal watercraft  | Removes distinction between residential and commercial docks, includes lifts in definition of docks         | BD2.c.i. Define boat lifts; BLR1. Treat stand-alone lifts as docks                       |
| Add8 | 25-2-1173(A)           | n/a                   | Requires an engineer to seal site plans for docks  | New requirement to ensure more accurate and precise site plan documents for review                          | n/a  |
| Add9 | 25-2-1176(A)(4)        | 25-2-1176(D)(2)       | Add a new allowance that a dock may be up to 14 ft wide if a lot is less than 70 ft wide   | Lots less than 70 ft wide would not accommodate a useable dock under the 20% shoreline rule                 | BD2. Update and modernize the code relating to docks                                     |

*New code requirements that are proposed to be ADDED*

| Ref   | Proposed Code Location | Current Code Location | Proposed Change   | Summary of Action   | Relevant LATF Recommendation                         |
|-------|------------------------|-----------------------|---|---|--|
| Add19 | 25-8-652(D)            | n/a                   | Creates a new allowance for a one-time replacement of a bulkhead 6" in front of an existing bulkhead if there is no other alternative | Prevents replacement of a bulkhead from causing unnecessary harm to the lake  | n/a  |
| Add20 | 25-8-652(E)            | n/a                   | Allows for administrative approval of dredging up to 25 cu. yards   | Allows dredging up to 25 cubic yards to be approved by City staff (the maximum amount permissible by the City under the US Army Corps of Engineers nationwide permit) | BD2. Update and modernize the code relating to docks |

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*New code requirements that are proposed to be ADDED*

| Ref  | Proposed Code Location | Current Code Location | Proposed Change  | Summary of Action   | Relevant LATF Recommendation   |
|------|------------------------|-----------------------|--|---|--|
| Add1 | 25-2-551(B)(3)         | 25-2-551(B)(2)        | Specify that permanent improvements in the LA District shoreline setback may include bulkheads, docks and non-mechanized pedestrian facilities | Consistent with current policy; clarifies that trams are not permitted in the LA District shoreline setback | BD2.c.v. Define permanent structure  |
| Add2 | 25-2-551(E)            | n/a                   | Add new vegetation and construction management for slopes greater than 15%   | New requirement, consistent with Hill Country Roadway requirements  | n/a  |
| Add3 | 25-2-893(G)            | n/a                   | List the appurtenances that are allowed on docks   | Clarifies existing policies into code   | BD2.b. Review how terms are defined so they are clear                                    |
| Add4 | 25-2-893(G)(4)         | 25-2-1173(D)          | Limits to one dock a house on multiple lots  | Clarifies existing policies into code   | BD2.a. Update and modernize the code relating to docks                                   |
| Add5 | 25-2-963(D)            | n/a                   | Adds a new requirement that a survey of existing conditions be provided for a new site plan or building permit under this section              | Necessary to allow for better evaluation of site conditions   | BDB4. All other boat dock remodeling should require a site plan with associated drawings |
| Add6 | 25-2-963(D)(7)         | n/a                   | Allow for docks constructed prior to 1984 to not have to prove legal construction  | Addresses difficulty in proving legal construction of docks because of inconsistent records                 | BDB1. If your dock was built after 1981, it must have a permit                           |
| Add7 | 25-2-1172              | 25-2-1172             | Add new definitions for cluster docks, docks, personal watercraft  | Removes distinction between residential and commercial docks, includes lifts in definition of docks         | BD2.c.i. Define boat lifts; BLR1. Treat stand-alone lifts as docks                       |
| Add8 | 25-2-1173(A)           | n/a                   | Requires an engineer to seal site plans for docks  | New requirement to ensure more accurate and precise site plan documents for review                          | n/a  |
| Add9 | 25-2-1176(A)(4)        | 25-2-1176(D)(2)       | Add a new allowance that a dock may be up to 14 ft wide if a lot is less than 70 ft wide   | Lots less than 70 ft wide would not accommodate a useable dock under the 20% shoreline rule                 | BD2. Update and modernize the code relating to docks                                     |

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29

*New code requirements that are proposed to be ADDED*

| Ref   | Proposed Code Location | Current Code Location | Proposed Change  | Summary of Action  | Relevant LATF Recommendation   |
|-------|------------------------|-----------------------|--|--|--|
| Add10 | 25-2-1176(A)(5)        | 25-2-1173(D)          | Add a new requirement that docks must be less than 1200 ft2, or 600 ft2 per use for cluster docks  | Clarifies current restrictions on docks to accommodate only 2 slips to prevent stealth slip addition in the future on large docks                | BD2. Update and modernize the code relating to docks   |
| Add11 | 25-2-1176(A)(6)        | n/a                   | Add a new maximum height required for docks of 30 ft above the water   | Adds a new requirement to limit height generally consistent with accessory structure limits  | BD2.c.ii. Address height of docks  |
| Add12 | 25-2-1176(7),(8)       | n/a                   | Limit enclosures on dock to only storage closets up to 48 ft2 in area, and maintain at least 66% openness on all other walls                         | Further addresses prohibition on habitable structures on docks, addresses flood concerns   | BD2. Update and modernize the code relating to docks   |
| Add13 | 25-2-1176(9),(10)      | 25-2-1173(D)          | Limits docks to store only 2 boats, defines 2 jet skis as being equivalent to one boat   | Clarifies existing policy  | BD2. Update and modernize the code relating to docks   |
| Add14 | 25-2-1177(C)           | n/a                   | Allows for dock to be constructed on the lake regardless of underlying land ownership but does not waive any of the City's rights to those easements | Addresses questions about docks constructed over the gradient boundary, which may be difficult to define   | BD2. Update and modernize the code relating to docks   |
| Add15 | 25-5-2                 | n/a                   | Adds a new requirement that a site plan exemption for work on docks may not include structural components  | Structural modifications require a site plan for City staff to make a full assessment of compliance and minimize potential environmental impacts | BDB3. Modification of docks under a site plan exemption should be limited to non-structural components |
| Add16 | 25-5-2                 | n/a                   | Adds a new requirement that site plan exemptions for bulkhead repairs are limited to 25% of the bulkhead once every 3 years                          | Prevents replacement of entire bulkheads without a site plan   | BDB2. Allow only up to 25% of a bulkhead to be repaired under a site plan exemption once every 3 years |
| Add17 | 25-5-3                 | n/a                   | Adds a new allowance that dredging up to 25 cubic yards is a small project   | Consistent with proposed changes to 25-8-652 regarding dredging  | n/a  |
| Add18 | 25-8-261(C)            | n/a                   | Creates new requirements for managing vegetation within the front 25 ft of the LA shoreline setback  | The requirements are necessary to establish the minimum riparian buffer necessary to maintain water quality                                      | n/a  |

*C6*  
*30*

*New code requirements that are proposed to be ADDED*

| Ref   | Proposed Code Location | Current Code Location | Proposed Change   | Summary of Action   | Relevant LATF Recommendation                         |
|-------|------------------------|-----------------------|---|---|--|
| Add19 | 25-8-652(D)            | n/a                   | Creates a new allowance for a one-time replacement of a bulkhead 6" in front of an existing bulkhead if there is no other alternative | Prevents replacement of a bulkhead from causing unnecessary harm to the lake  | n/a  |
| Add20 | 25-8-652(E)            | n/a                   | Allows for administrative approval of dredging up to 25 cu. yards   | Allows dredging up to 25 cubic yards to be approved by City staff (the maximum amount permissible by the City under the US Army Corps of Engineers nationwide permit) | BD2. Update and modernize the code relating to docks |

CE  
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*Existing code requirements that are proposed to be MOVED to another section of code*

| Ref   | Proposed Code Location | Current Code Location | Proposed Change   | Summary of Action   | Relevant LATF Recommendation   |
|-------|------------------------|-----------------------|---|---|--|
| Move1 | 25-2-551               | 25-2-551              | Moves shoreline setback to beginning of section, group impervious cover limits    | Organized for clarity   | BD2.a. Update and modernize the code relating to docks   |
| Move2 | 25-8-261(C)            | 25-2-551(B)(3)        | Move LA District vegetation requirements to 25-8-261                              | Aligns vegetation requirements in the LA District zoning with other environmental regulations, with more appropriate variance approval by ZAP                       | V1. Variances to 25-8 go to ZAP for approval; C3. Environmental variance requests approved by ZAP  |
| Move3 | 25-2-893(G)            | 25-2-1176(H)          | Move language prohibiting habitable structures on docks to zoning use regulations | Habitable structures are prohibited currently in 25-2-1176. This is a use prohibition that more appropriately should be in 25-2-893(G)                              | BD2.a. Update and modernize the code relating to docks   |
| Move4 | 25-2-1180              | 25-2-1173(B)          | Moves requirements about registering boat docks to a new section 25-2-1180        | Reorganized for improved logical content grouping for enforcement actions   | BD1. Allow the City to decide how the tag requirement will be implemented; BDB1. Create a required boat dock registration process; F7. Investigate establishing license fees for docks |
| Move5 | 25-2-1174(A)           | 25-2-1176(B)          | Moves requirement that a dock may not be a navigation hazard from 25-2-1176       | Reorganized for improved logical content grouping for structural requirements   | BD2.a. Update and modernize the code relating to docks   |
| Move6 | 25-2-1179(B)           | 25-2-1174(C)          | Moves requirement that a bulkhead must minimize wave return from 25-2-1174        | Reorganized for improved logical content grouping for environmental regulations   | BD2.a. Update and modernize the code relating to docks   |
| Move7 | 25-8-652(C)            | 25-2-1174(D)          | Moves allowance for land capture from 25-2-1174                                   | Reorganized for improved logical content grouping for environmental regulations; changes variance review from Board of Adjustment to Zoning and Platting Commission | V1. Variances to 25-8 go to ZAP for approval   |
| Move8 | 25-2-1180(A)           | 25-2-1174(E)          | Moves provisions for the building official  | Reorganized for improved logical content grouping for enforcement actions   | BD2.a. Update and modernize the code relating to docks   |



*Existing code requirements that are proposed to be MOVED to another section of code*

| Ref    | Proposed Code Location | Current Code Location | Proposed Change   | Summary of Action   | Relevant LATF Recommendation                         |
|--------|------------------------|-----------------------|---|---|--|
| Move9  | 25-2-1176              | 25-2-1176             | Reorganize the section, moving dock fence regulations to the beginning and fence regulations to the end | Reorganized for improved logical content grouping   | BD2. Update and modernize the code relating to docks |
| Move10 | 25-2-1177(B)           | 25-2-1176(H)          | Moves licensing agreement requirements from 25-2-1176   | Reorganized for improved logical content grouping for licensing   | BD2. Update and modernize the code relating to docks |
| Move11 | 25-2-1179              | 25-2-1178             | 25-2-1178 is repealed and those requirements are moved into 25-2-1179                                   | Reorganized for improved logical content grouping for environmental protection  | BD2. Update and modernize the code relating to docks |
| Move12 | 25-2-1180              | n/a                   | Existing enforcement actions moved into this new section  | Creates a new section for improved logical content grouping for enforcement   | BD2. Update and modernize the code relating to docks |
| Move13 | 25-7-96                | 25-7-93               | Moves allowance for docks in the 100-year floodplain to the 25-year floodplain in 25-7-96               | Docks by definition would be in the 25-year floodplain  | BD2. Update and modernize the code relating to docks |
| Move14 | 25-8-652(C)            | 25-2-1174(D)          | Moves allowance for land capture from 25-2-1174   | Reorganized for improved logical content grouping for environmental regulations; changes variance review from Board of Adjustment to Zoning and Platting Commission | V1. Variances to 25-8 go to ZAP for approval         |

| Existing code requirements for which minor amendments are proposed for CLARIFICATION |                       |   |   |   |
|--|-----------------------|---|---|---|
| Ref  | Current Code Location | Proposed Change   | Summary of Action   | Relevant LATF Recommendation  |
| Clarify1   | 25-2-551(B)(3)(b)     | Remove on-site sewage facility requirements in the LA District                        | No longer necessary due to new OSSF ordinance   | OSSF1. Support new OSSF standards   |
| Clarify2   | 25-2-893(G)           | Remove language limiting docks as accessory uses in SF-6 or more restrictive district | Current code does not clearly allow for cluster docks associated with multi-family development                                      | BD2.a. Update and modernize the code relating to docks; Address issues relating to docks not linked to residences |
| Clarify3   | 25-2-964              | Loss of land behind a bulkhead does not qualify as an accident                        | Clarifies that erosion behind bulkheads from waves does not qualify as an accident allowing replacement of non-complying structures | BDB2. Allow only up to 25% of a bulkhead to be repaired under a site plan exemption once every 3 years            |
| Clarify4   | 25-2-1171             | Specifies that the director of the Planning and Development Review Department shall   | Clarifies code consistent with current policy   | n/a   |
| Clarify5   | 25-2-1175(C)          | Changes lighting requirements from watts to lumens                                    | Allows for use of newer, energy efficient bulbs on docks  | BD2.c.v. Update to include newer technologies   |
| Clarify6   | 25-8-41(B)            | Updates references to Land Use Commission variances to include 25-8-652               | Consistent with proposed changes to 25-8-652  | BD2. Update and modernize the code relating to docks  |

CLB  
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## Changes in Variance Approval Process

C6/25

| Section   | Content   | Current Procedure  | New Procedure   |
|-----------|---|--|---|
| 25-2-551  | LA District Zoning  | Board of Adjustment  | No change   |
| 25-2-893  | Necessary access and appurtenances to docks                             | Board of Adjustment  | No variances, Council must approve change in use  |
| 25-2-963  | Modifying non-complying structure                                       | Board of Adjustment  | No change   |
| 25-2-1176 | Dock length   | Planning Commission  | Administrative approval; if denied then request must be approved by Board of Adjustment   |
| 25-2-1176 | Living quarters or business on dock requiring license agreement         | Planning Commission recommendation, decision by City Council           | No change   |
| 25-2-1176 | Side setback for docks  | Planning Commission  | Board of Adjustment   |
| 25-8-261  | Shoreline setback vegetation requirements                               | Board of Adjustment  | Environmental Board review, Zoning and Platting Commission approval*  |
| 25-8-281  | Critical environmental feature protections within 500 ft of Lake Austin | Environmental Board review, Planning Commission approval               | Administrative approval; if denied then request reviewed by Environmental Board and must be approved by Zoning and Platting Commission*. This is consistent with CEF variances in other watersheds outside of the Barton Springs Zone |
| 25-8-652  | Dredging and fill   | PARD Board Navigation Subcommittee, PARD Board, PARD Director decision | Administrative approval for dredging up to 25 cu. yards; fill or dredging more than 25 cu. yards have Environmental Board review, Zoning and Platting Commission approval*  |

\*Planning Commission must approve variances within the boundaries of a neighborhood plan

# LA Overlay

| Proposed Change   | Summary of Action  | LATF Recommendation   |
|---|--|---|
| Applies an overlay of LA base district regulations and site development standards (except for dwellings, height, and uses) to property zoned LA, I-LA, RR, and DR. Dwellings, height, and uses will be permitted as per the base zoning district. | Overlay keeps environmental protections in place regardless zoning/re-zoning of the base district. The overlay would still allow uses, height, and number of dwellings per the base zoning district. | <p><b>Identified Issue:</b> Upzoning eliminates protections that are unique to Lake Austin.</p> <p><b>Problem Analysis:</b> Environmental protections for Lake Austin are specified in the LDC as a residential zoning district. The Lake Austin Residence District is defined as a geographical boundary that applies to all property within 1000 feet of the shoreline. When a property within this boundary is rezoned to a different zoning district (such as SF-1, SF-2, SF-3, PUD, etc.), the environmental protections for Lake Austin no longer apply and increased density is encouraged with smaller lot sizes and less open space.</p> <p><b>Consensus Recommendation UZ1:</b> The ability of homeowners to exempt themselves from some of the environmental restrictions of Lake Austin zoning through the present upzoning process has the potential for both environmental harm and inequitable treatment of neighbors. The City should address this issue.</p> |

| Site Development Standards   | LA/I-LA  | Carried from LA district to overlay? | RR/I-RR | DR      |
|--|----------|--------------------------------------|---------|---------|
| Min Lot Size (ft <sup>2</sup> )  | 43,560 Y |                                      | 43,560  | 435,600 |
| Min Lot Width (ft)   | 100 Y    |                                      | 100     | 100     |
| Max Dwelling Units Per Lot   | 1 N      |                                      | 1       | n/a     |
| Max Height   |          |                                      |         |         |
| Front yard setback (ft)  | 35 N     |                                      | 35      | 35      |
| Street side yard setback (ft)  | 40 Y     |                                      | 40      | 25      |
| Interior side yard setback (ft)  | 25 Y     |                                      | 25      | 25      |
| Rear yard setback (ft)   | 10 Y     |                                      | 10      | 10      |
| Maximum impervious cover (%)   | 20 Y     |                                      | 20      | 10      |
|  | 20/35* Y |                                      | 25      | <3.4    |
| 25-8-453 max impervious cover (%)**  | 20 Y     |                                      |         | 20      |
| 25-2-551 shoreline setback (ft)  | 25/75* Y |                                      | n/a     | n/a     |
| 25-8-261 no buildings except docks and access in the critical water quality zone | Yes Y    |                                      | Yes     | Yes     |
| 25-8-302 max slope for buildings (%)   | 15 Y     |                                      | 15      | 15      |
| 25-2-551 max slope for buildings (%)   | 35 Y     |                                      | 35      | 35      |
| *platted before 1982   |          |                                      |         |         |
| **Water Supply Rural regulations enforced at subdivision                         |          |                                      |         |         |

**Zoning Profile of Area Within 1000ft of Lake Austin (Proposed Overlay Area)**

|                        | LA/I-LA | RR/I-RR | DR   | PUD   | P | SF   | Other |
|------------------------|---------|---------|------|-------|---|------|-------|
| % Lake frontage        | 67.32   | 2.26    | 0.04 | 4.92  |   | 7.27 | 11.16 |
| % Area within 1000 ft  | 53.00   | 4.90    | 3.81 | 11.37 |   | 8.56 | 14.33 |
| Acreage within 1000 ft | 2488    | 230     | 179  | 534   |   | 402  | 673   |
|                        |         |         |      |       |   |      | 189   |

CE  
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