



LAKE DEVELOPMENT CODE AMENDMENT

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Summary

- ▶ In response to recommendations of the Lake Austin Task Force, new rules for Lake development were effective on 7/7/2014
- ▶ Previous code revisions also affected variance/waiver approvals and changed floodplain modification rules
- ▶ This ordinance proposes a clean-up to:
 - **correct 3 typos,**
 - **improve clarity for 7 existing rules**
 - **fix 4 unintended issues/conflicts in the code**
- ▶ Title 30 will also be amended to include the latest code changes
- ▶ Other?

Typo (1 of 3)

Problem: Slope gradient percent in 25-2-551(C)(3)(b) is wrong

Solution:

25-2-551(C)(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%, on a slope with a gradient of 15% or less;
- (b) 10%, on a slope with a gradient of more than 15% and not more than 35%;
- (c) 5%, on a slope with a gradient of more than 25% and not more than 35%; or
- (d) 40 percent, if impervious cover is transferred under Subsection (D)

correct to 25

Typo (2 of 3)

Problem: 25-2-55I has two section E's

Solution:

(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.

correct
to "F"

(E) In an LA district, a person may transfer impervious cover in accordance with this subsection.

(1) Impervious cover may be transferred only:

(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 or be restored to a natural state.

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

Typo (3 of 3)

Problem: 25-2-1176(8)(a) refers to the wrong paragraph

Solution:

25-2-1176(8)(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;

correct
to "7"



Clarification (1 of 7)

Problem: Percent openness calculation is unclear and may not allow for sufficient insect screening. [LDC 25-2-1176(A)(8)]

Solution: Revise language to ensure that insect screening is allowed and clarify how to calculate the percent openness.

- (a) except for storage closets permitted under Paragraph (7), ~~no more than one wall per floor may consist of solid structural supports or building materials~~ all solid structural supports and other materials used for enclosure, including but not limited to lattice, wire panels, seat walls, and screening, must be at least 66 percent open, except that mesh for insect screening that is at least 66% open will not count toward the total enclosure percentage;
- ~~(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~~
- (b) no framing materials that are capable of being converted to support walls or windows may be used; and
- (c) percent openness is calculated per side, with the assumed height of 8' per floor when no roof is proposed.

Clarification (2 of 7)

Problem: Fences for yards are not expressly allowed in the LA setback

Solution: Clarify that fences are allowed in the LA setback
25-2-551(B)(3)(a). Does not change floodplain rules.



Clarification (3 of 7)

Problem: Existing Zoning code prohibits construction for all boat ramps [25-2-1176(D)]

Solution: Clarify that the prohibition does not apply to construction for the Public (i.e. municipal). Allow construction of public ramp in CWQZ and LA setback.



Clarification (4 of 7)

Problem: “Length” and “width” can be unclear as applied to docks

Solution: Add a definition for “Shoreline Frontage” to replace “width” and clarify that the length of a dock is measured perpendicular to shoreline [25-2-1172 – Definitions]



Clarification (5 of 7)

Problem: Docks may not extend into more than 20% of a channel.
[25-2-1176(A)(2)]

**Example:
Uniform
(easy)**



**Example:
Irregular
(not easy)**

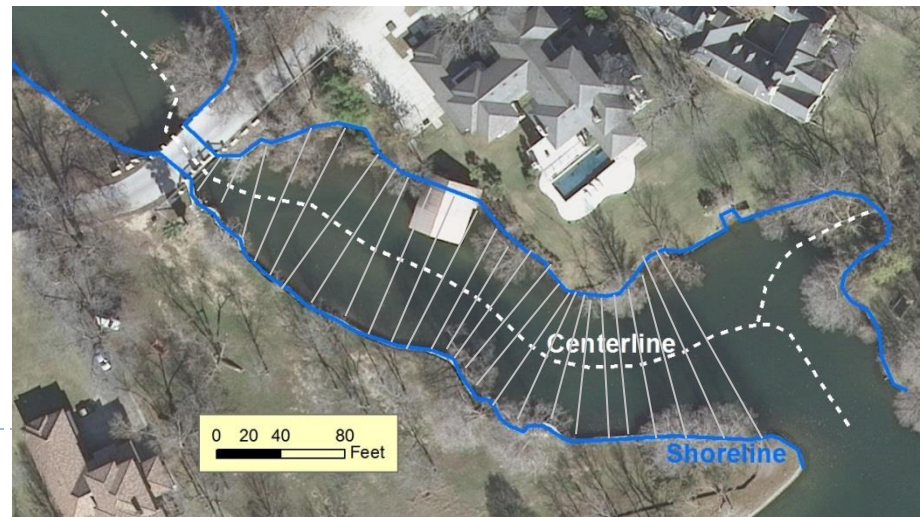
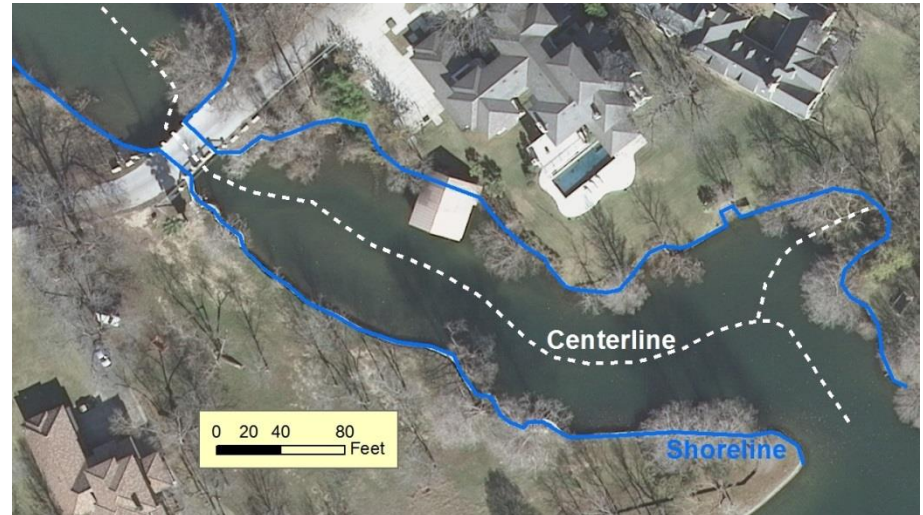


Clarification (5 of 7 continued)

Solution: Clarify that channel width is measured from a line drawn perpendicular to the centerline of the channel

Applicant

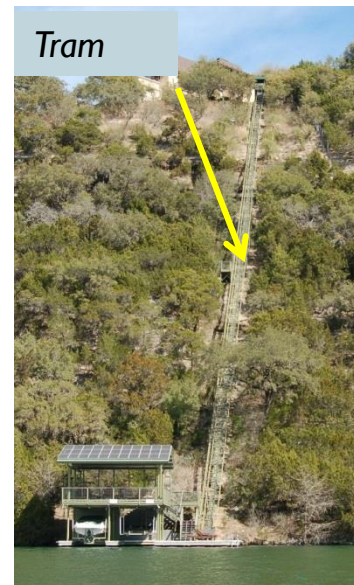
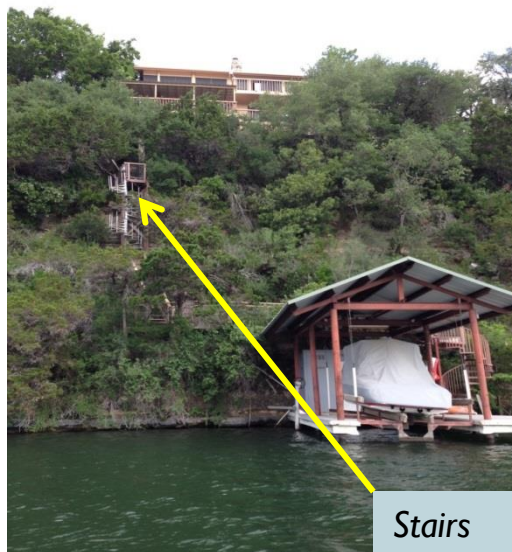
- 1.) identifies the centerline
(i.e. mid-point between shorelines)
- 2.) draws a channel width line
that is perpendicular to centerline
- 3.) identifies dock length not to
exceed 20% of channel width



Clarification (6 of 7)

Problem: Code needs additional clarification for “necessary access” within a Critical Water Quality Zone consistent with current policy [25-8-261(C)]

Solution: Necessary access is the minimum area of land disturbance required to construct a single means of access from the shoreline to a dock. Only one means of access allowed. Not applicable to public trails already allowed.



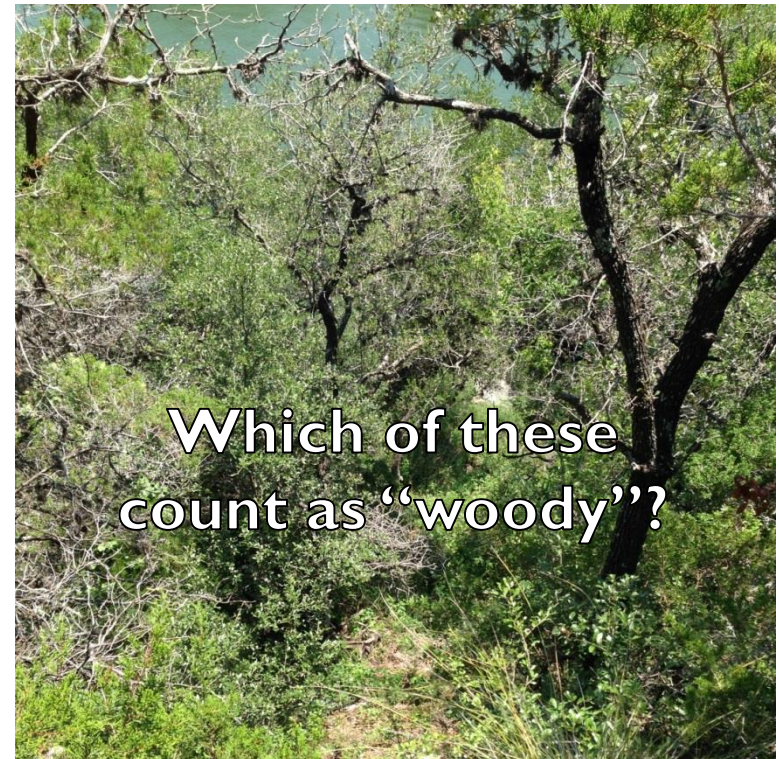
Clarification (7 of 7)

Problem: How to define “woody vegetation” in 25-8-261(C) “No more than 30% of the woody vegetation can be removed” in the shoreline setback

Solution:

Delete “woody vegetation” and replace with:

No more than 30% of the total number of ECM Appendix F trees with diameters of 8” or more may be removed in the shoreline setback



Unintended Issue (1 of 4)

Problem: Application of the existing rule that requires preservation/restoration of a portion of the shoreline area is unclear and difficult. [25-8-261(C)(2)]

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

“Natural condition” is unclear

Would apply behind a boat dock

May not improve ecological functioning

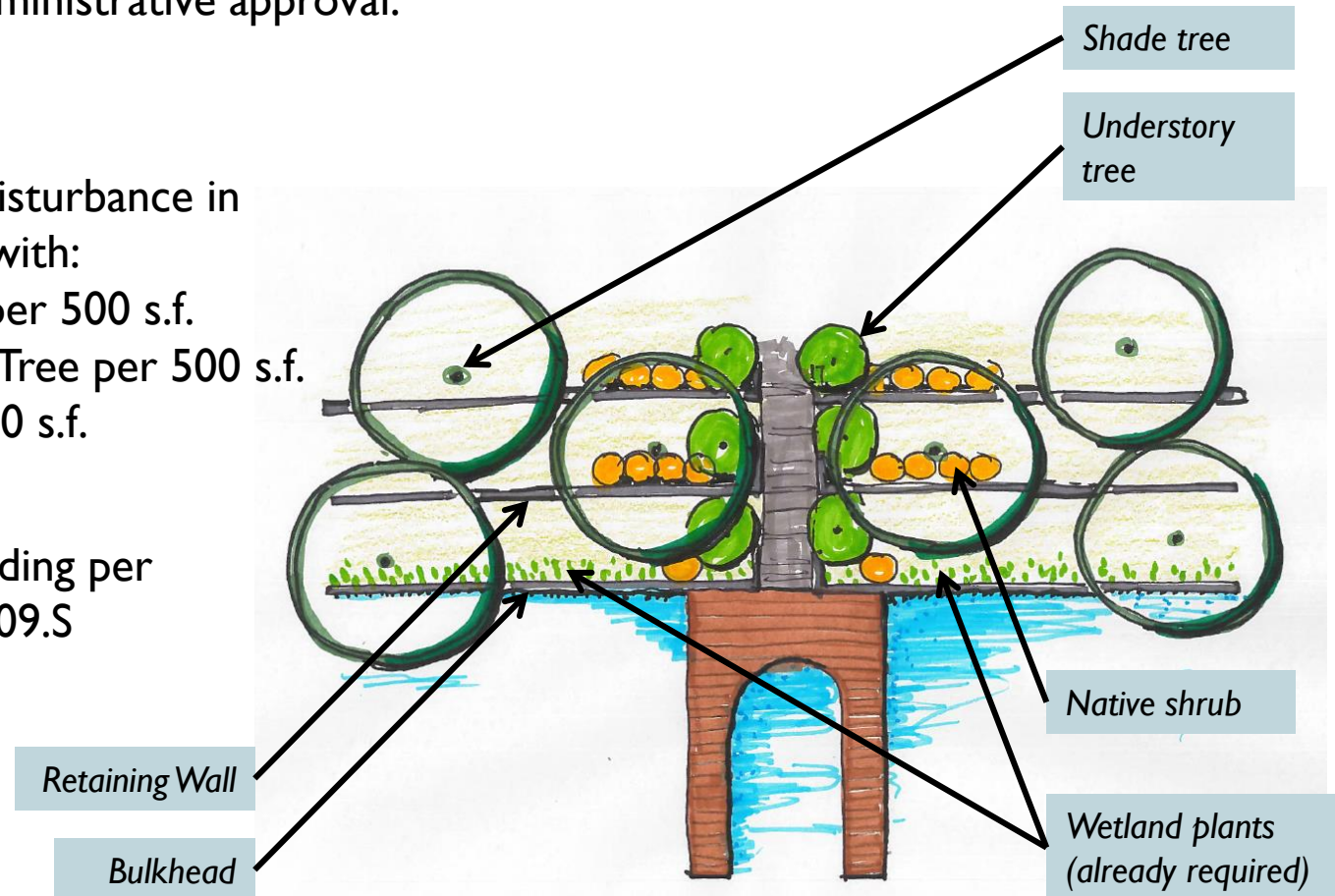
Unintended Issue (1 of 4 continued)

Solution: Criteria that allow flexibility for owner while still providing ecological benefit
Promote consistency with development in the floodplain/CWQZ,
allow administrative approval.

Equivalent area of land disturbance in
CWQZ to be restored with:

- ▶ 1 Native Shade Tree per 500 s.f.
- ▶ 1 Native Understory Tree per 500 s.f.
- ▶ 1 Native Shrub per 150 s.f.

Remainder is native seeding per
standard specification 609.S

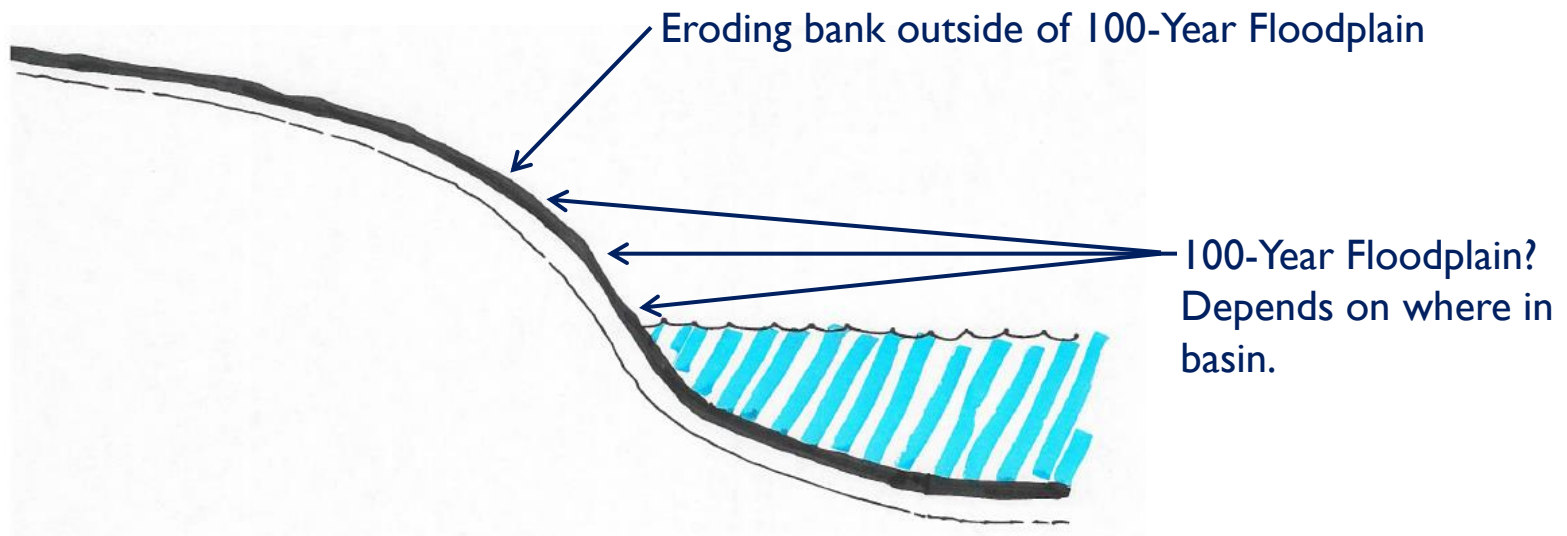


Unintended Issue (2 of 4)

Problem: Existing code allows stabilization of eroding banks can be approved administratively, but only within floodplain

Solution: Allow stabilization of eroding banks in Critical Water Quality Zone using same restoration criteria.

← 75' Critical Water Quality Zone



Unintended Issue (3 of 4)

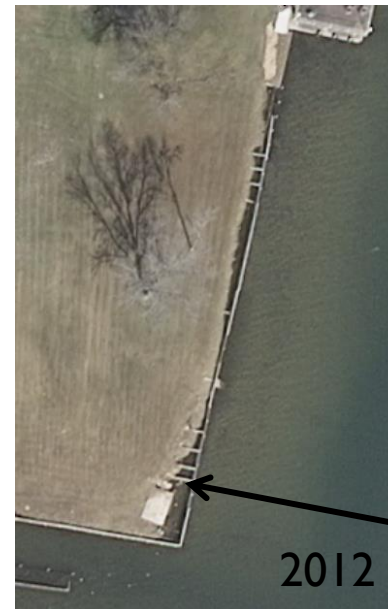
Problem: Fill in the lake is allowed to restore eroding shorelines in 25-8-652, but fill is not allowed in CWQZ under 25-8-261

Solution: Add language to clarify that fill may be allowed in the CWQZ if it is consistent with the existing floodplain modification rules

Shoreline shows minimal erosion



Shoreline has eroded behind existing bulkhead



Unintended Issue (4 of 4)

Problem: Previous code changes inadvertently removed variance process for all fill and dredge requests

Solution: Move code language for Shoreline Relocation and Lake Fill
from: Chapter 25-8 Subchapter B (*Tree and Natural Area Protection; Endangered Species*)
to: 25-8 Subchapter A (*Water Quality*)

This will enable a variance process that is the same as other water quality variances

*Cut-in slip – no
variance process to
place fill in lake.*



Title 30

All applicable past and proposed changes to Title 25 will be added to Title 30 to promote consistency

QUESTIONS or COMMENTS?

- ▶ Send comments or concerns to:
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- ▶ Or call: 512.974.2619