

ORDINANCE NO. 20160922-048

AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-2, 25-8, 30-2, AND 30-5 RELATING TO DEVELOPMENT REGULATIONS FOR BOATDOCKS AND LAKEFRONT DEVELOPMENT.

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

PART 1. City Code Section 25-2-551 (*Lake Austin (LA) District Regulations*) is amended to redesignate the second Subsection (E) as Subsection (F) and to amend Subsections (B) and (C) to read as follows:

- (B) This subsection specifies shoreline setbacks 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) A shoreline setback area is excluded from impervious cover calculations.
 - (3) No structures are allowed in a shoreline setback area, except that:
 - (a) a bulkhead, retaining wall, fence, dock, public boat ramp, 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*).
- (C) This subsection specifies lot width and impervious cover restrictions in a Lake Austin (LA) district.

- (1) If a lot fronts on a cul-de-sac and is included in a subdivision plat recorded after April 22, 1982 or is exempt from the requirement to plat it must have:
 - (a) a chord width of not less than 33 feet at the front lot line;
 - (b) a width of not less than 60 feet at the front yard setback line; and
 - (c) a width of not less than 100 feet at all points 100 feet or more behind the front lot line.
- (2) For a lot included in a subdivision plat recorded after April 22, 1982, impervious cover may not exceed:
 - (a) 20 percent, on a slope with a gradient of 25 percent or less;
 - (b) 10 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent; or
 - (c) if impervious cover is transferred under Subsection (D), 30 percent.
- (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~~ 25 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).

PART 2. Section 25-2-1172 (*Definitions*) is amended to add a definition of "Shoreline Frontage" to read as follows:

- (10) SHORELINE FRONTAGE means the total linear distance of the shoreline.

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

- (B) This subsection applies to a dock that extends more than eight feet from the shoreline. In this subsection, the distance that a dock extends from a shoreline is

measured perpendicular to the shoreline[, and the shoreline length of a dock is the length of a dock measured parallel to the shoreline].

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

PART 4. Subsections (A) and (D) of City Code Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*) are amended to read as follows:

- (A) A dock or similar structure must comply with the requirements of this subsection.
- (1) A dock may extend up to 30 feet from the shoreline, except that the director may require a dock to extend a lesser or greater distance from the shoreline if deemed necessary to ensure navigation safety.
 - (2) No portion of a dock shall extend more than 20% of a channel width as measured by a line that is perpendicular to the centerline of the channel and that extends from the shoreline where the dock is located to the opposite shoreline. [~~The length of a dock from the shoreline may not exceed 20% of the lake channel, as measured from the shoreline where the dock is located and continuing to the opposite shoreline.~~]
 - (3) A dock may not be constructed closer than 10 feet to the side property line, regardless of the side-yard setback generally applicable within the base zoning district.
 - (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~~] frontage, if the shoreline width exceeds 70 feet;
 - (b) 14 feet, if the shoreline [~~width~~] frontage 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)] (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 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 percent 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~~
 - (e) no framing materials that are capable of being converted to support walls or windows may be used[-]; and
 - (c) percentage of required openness is calculated per side, with the assumed height of eight feet per floor when no roof is proposed.
- (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.
- (D) Construction of a boat ramp is prohibited, unless the boat ramp is constructed on public land and dedicated for public use.

PART 5. Subsections (C) and (G) of Section 25-8-261 (*Critical Water Quality Zone Development*) are amended to read as follows:

- (C) The requirements of this subsection apply along Lake Travis, Lake Austin, or Lady Bird Lake.
 - (1) A dock, public boat ramp, 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*). For a single-family residential use, necessary access may not exceed the minimum area of land disturbance required to construct a single means of access from the shoreline to a dock.
 - (2) Disturbed areas must be restored in accordance with the Environmental Criteria Manual and the following requirements:
 - (a) Within a lakefront critical water quality zone, or an equivalent area within 25 feet of a shoreline, restoration must include:
 - (i) at least one native shade tree and one native understory tree, per 500 square feet of disturbed area; and
 - (ii) one native shrub per 150 square feet of disturbed area; and
 - (b) Remaining disturbed areas must be restored per standard specifications for native restoration. [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.]~~

- (3) Within the shoreline setback area defined by Section 25-2-551 (*Lake Austin (LA) District Regulations*) and within the overlay established by Section 25-2-180 (*Lake Austin (LA) Overlay District*), no [Not] more than 30 percent of the total number of shade trees of 8 inches or greater, as designated in the Environmental Criteria Manual, [~~woody vegetation within the shoreline setback area as defined by Section 25-2-551 (*Lake Austin (LA) District Regulations*) and within the area defined by 25-2-180 (*Lake Austin (LA) Overlay District*)~~] may be removed.
 - (4) Before a building permit may be issued or a site plan released, approval by the Watershed Protection Department is required for chemicals used to treat building materials that will be submerged in water.
 - (5) Bank erosion above the 100-year-floodplain may be stabilized within a lakefront critical water quality zone if the restoration meets the requirements of Subsection (B)(2) of this section.
- (G) Floodplain modifications are prohibited in the critical water quality zone unless:
- (1) the floodplain modifications proposed are necessary to protect the public health and safety;
 - (2) the floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual^[5]; or
 - (3) the floodplain modifications proposed are necessary for development allowed in the critical water quality zone under Section 25-8-261 (*Critical Water Quality Zone Development*), [~~or~~] Section 25-8-262 (*Critical Water Quality Zone Street Crossings*), or Section 25-8-367 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*).

PART 6. Subsection (C) of City Code Section 25-8-364 (*Floodplain Modification*) is amended to read as follows:

- (C) Floodplain modification is allowed only if the modification proposed:
 - (1) is necessary to protect the public health and safety;

- (2) would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual;
- (3) is located within a floodplain area classified as in fair or poor condition, as determined by a functional assessment of floodplain health, prescribed by the Environmental Criteria Manual; or
- (4) is necessary for development allowed under Section 25-8-261 (*Critical Water Quality Development*), ~~or~~ Section 25-8-262 (*Critical Water Quality Zone Street Crossings*), or Section 25-8-367 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*).

PART 7. City Code Chapter 25-8, Subchapter A, Article 7 (*Requirements in All Watersheds*) is amended to renumber Sections 25-8-651 (*Relocation of Shoreline Between Tom Miller Dam and Longhorn Dam*) and 25-8-652 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*) as Sections 25-8-366 and 367, respectively, and to place these sections into a new Division 7 to be captioned as follows:

Division 7. Shoreline Relocation and Lakefill.

PART 8. Subsections (C) and (G) of City Code Section 30-5-261 (*Critical Water Quality Zone Development*) are amended to read as follows:

- (C) The requirements of this subsection apply along ~~Along~~ Lake Travis, Lake Austin, or Lady Bird Lake.~~;~~
 - (1) A dock, public boat ramp, 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*). For a single-family residential use, necessary access may not exceed the minimum area of land disturbance required to construct a single means of access from the shoreline to a dock. ~~[a boat dock, pier, wharf, or marina and necessary access and appurtenances, is permitted in a critical water quality zone; and]~~
 - (2) Disturbed areas must be restored in accordance with the Environmental Criteria Manual and the following requirements:

- (a) Within a lakefront critical water quality zone, or an equivalent area within 25 feet of a shoreline, restoration must include:
 - (i) at least one native shade tree and one native understory tree, per 500 square feet of disturbed area; and
 - (ii) one native shrub per 150 square feet of disturbed area; and
- (b) Remaining disturbed areas must be restored per standard specifications for native restoration.
- (3) Within the shoreline setback area defined by Section 25-2-551 (*Lake Austin (LA) District Regulations*) and within the overlay established by Section 25-2-180 (*Lake Austin (LA) Overlay District*), no more than 30 percent of the total number of shade trees of 8 inches or greater, as designated in the Environmental Criteria Manual, may be removed.
- (4) Approval [~~approval~~] by the Watershed Protection Department director of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released.
- (5) Bank erosion above the 100-year-floodplain may be stabilized within a lakefront critical water quality zone if the restoration meets the requirements of Subsection (B)(2) of this section.
- (G) Floodplain modifications are prohibited in the critical water quality zone unless:
 - (1) the floodplain modifications proposed are necessary to protect the public health and safety;
 - (2) the floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual; or
 - (3) the floodplain modifications proposed are necessary for development allowed in the critical water quality zone under Section 30-5-261 (*Critical Water Quality Zone Development*), [~~or~~] 30-5-262 (*Critical Water Quality Zone Street Crossings*), or Section 25-8-367 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*).

PART 9. City Code Section 30-5-651 (*Relocation of Shoreline Between Tom Miller Dam and Longhorn Dam*) is renumbered Section 30-5-366.

PART 10. City Code Section 30-5-652 (*Fills at Lake Austin, Lady Bird Lake, and Lake Walter E. Long*) is amended to read as follows:

§ 30-5-652 FILLS AT 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. [~~Approval by the Parks and Recreation Board is required to place fill in 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. [~~A person must file a written application with the Parks and Recreation Board for an approval under this section.~~]
- (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 [~~This section applies to a development application that includes a proposal to~~]:
 - (1) the shoreline as it existed 10 years prior to the date of application, with documentation as prescribed by the Environmental Criteria Manual [~~modify the shoreline of Lake Austin, Lady Bird Lake, or Lake Walter E. Long~~]; or
 - (2) the lakeside boundary of the subdivided lot line [~~dredge in or along that lake~~].
- (D) [~~Before the single office may approve the development application, the single office must submit the development application to the Parks and Recreation Board.~~] 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 six 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. [~~The board shall review and comment on:~~

~~(1) the navigational safety of the proposed development; and~~

~~(2) the effect of the development on the recreational and natural character of the lake.]~~

~~[(F) The board may develop specific criteria for determining:~~

~~(1) the navigational safety of a proposed development; or~~

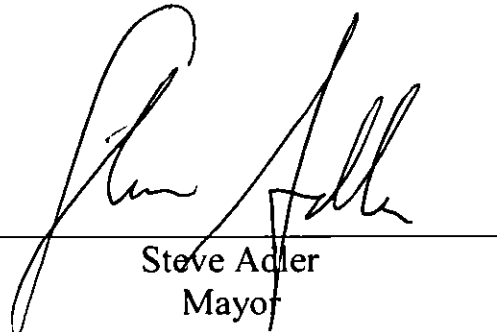
~~(2) the effect of a proposed development on the recreational and natural character of Lake Austin, Lady Bird Lake, or Lake Walter E. Long.]~~

PART 11. Parts 1 through 7 of this ordinance take effect on October 3, 2016. Parts 8 through 10 of this ordinance take effect on the effective date of a Travis County ordinance adopting the same or substantially similar code provisions.


PASSED AND APPROVED

September 22, 2016

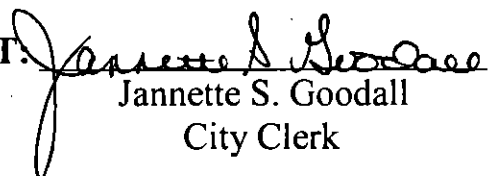
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Steve Adler
Mayor

APPROVED:


Anne L. Morgan
City Attorney

ATTEST:


Jannette S. Goodall
City Clerk