

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2, SUBCHAPTER C, ARTICLE 13 RELATING TO DOCKS, BULKHEADS, AND SHORELINE ACCESS; AMENDING SECTION 25-2-1006 RELATING TO SCREENING; AMENDING SECTION 25-5-2 RELATING TO SITE PLAN EXEMPTIONS; AMENDED SECTION 25-5-3 RELATING TO SMALL PROJECTS; AND AMENDING SECTION 25-8-92 RELATING TO CRITICAL WATER QUALITY ZONE BOUNDARIES.

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

PART 1. City Code Chapter 25-2, Subchapter C, Article 13 (*Boat Docks*) is amended to replace all references to Town Lake with Lady Bird Lake.

PART 2. City Code Chapter 25-2, Subchapter C, Article 13 (*Boat Docks*) is amended to change the title as follows:

ARTICLE 13. [BOAT] DOCKS, BULKHEADS, AND SHORELINE ACCESS.

PART 3. Section 25-2-1171 (*Applicability*) of the City Code is amended to read:

§ 25-2-1171 APPLICABILITY.

(A) This article applies to a structure or development:

- (1) in Lake Austin, Lady Bird [~~Town~~] Lake, or Lake Walter E. Long;
- (2) along the shore of Lake Austin in the area below 504.9 feet above mean sea level;
- (3) along the shore of Lady Bird [~~Town~~] Lake below 435 feet above mean sea level; [~~or~~]
- (4) along the shore of Lake Walter E. Long; or[~~;~~]
- (5) used for access to areas described in this Subsection.

(B) The building official, director of the Planning and Development Review Department, and [~~the~~] director of the Parks and Recreation Department shall implement and enforce this article.

PART 4. Section 25-2-1172 (*Definitions*) of the City Code is amended to read:

§ 25-2-1172 DEFINITIONS.

In this article:

- (1) BULKHEAD means a revetment or wall constructed for the purpose of stabilizing or modifying the shoreline.
- (2) CONSTRUCT includes placing or replacing a structure and structurally altering an existing structure.
- ~~(3)~~(2) DOCK includes a wharf, pier, float, floating dock, island, boat dock or other similar structure.
- ~~(4)~~(3) NORMAL POOL ELEVATION means:
 - (a) for Lake Austin, 492.8 feet above mean sea level;
 - (b) for Lady Bird [Town] Lake, 429 feet above mean sea level; and
 - (c) for Lake Walter E. Long, 554.5 feet above mean sea level.
- ~~(5)~~(4) 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)~~(5) SHORELINE means the line where the edge of the water meets the land at normal pool elevation.
- (7) SHORELINE ACCESS means improvements constructed to provide a means of approaching the shoreline such as stairs, lifts, trams, incline elevators or escalators.

PART 5. Section 25-2-1173 (*Permit Required for Dock Construction*) of the City Code is amended to read:

§ 25-2-1173 PERMIT REQUIRED FOR ~~[DOCK]~~ CONSTRUCTION.

- (A) A person may not modify a shoreline or construct a dock, bulkhead, or shoreline access unless the person first obtains a site plan and building permit, as applicable, and pays the applicable [a] permit fee set by ordinance.

- (B) The building official or the director of the Parks and Recreation Department shall require the applicant to ~~may~~ place an identification or registration tag on a dock. A person may not remove a tag placed under this subsection.
- (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 ~~[building official]~~ 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 ~~[boat]~~ docks on one or more lots in the subdivision.
- (E) If a permit is required under this section and is not obtained before construction begins, the required fee is increased by an amount established by ordinance. Payment of the additional fee does not relieve a person from complying with this Code.
- (F) Where an inspection is required by state law, neither a Certificate of Compliance nor a final inspection may be issued for shoreline access unless the applicant has submitted an inspection report, signed by a QEI-1 inspector registered with the Texas Department of Licensing and Regulation, stating that all applicable state regulations have been met.

PART 6. Section 25-2-1174 (C) (*Structural Requirements*) of the City Code is amended to read:

- (C) A retaining wall, bulkhead, or other erosion protection device must be constructed to minimize wave return and wave action by using design and materials prescribed by rule~~[of stacked stone, natural rock rip rap, concrete, steel pilings or walings, or aluminum]~~. A bulkhead with a greater than 45 degree vertical slope for any portion greater than one foot in height~~[smooth vertical surface]~~ is not permitted on or adjacent to the shoreline ~~[main body]~~ of a lake listed in section 25-2-1171 (*Applicability*) unless the shoreline is located within an existing man-made channel less than 50 feet in width.
~~[The surface of a wall or bulkhead constructed on the main body of a lake~~

~~must be designed to minimize wave return and reduce wave action.]~~
Capturing or recapturing of land is not permitted on a lake listed in section 25-2-1171 (Applicability).

PART 7. Section 25-2-1176 (*Regulations*) of the City Code is amended by amending Subsections (A) and (F) and adding a new Subsection (I) to read:

- (A) A site plan must comply with this section. A city official may not approve for final inspection a structure that does not conform to the requirements of Title 25 of the City Code, including this section.
- (F) The number of [boat] residential docks may not exceed:
 - (1) twice the number of lots in the subdivision that have lake frontage on Lake Austin or Town Lake; or
 - (2) the number of lots in the subdivision, if:
 - (a) the subdivision has a common area that fronts on Lake Austin or Town 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.
- (I) Construction of a boat ramp is prohibited.

PART 8. Section 25-2-1179 (*Environmental Protection*) of the City Code is amended to add new Subsections (C) and (D) to read:

- (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.
- (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.

PART 9. Section 25-2-1066 (*Screening Requirements*) of the City Code is amended to add a new Subsection (B) and redesignate the remaining Subsections accordingly.

- (B) A person constructing shoreline access, as that term is defined in section 25-2-1172 (*Definitions*), shall screen the shoreline access from the view of property that is in an urban residence (SF-5) or more restrictive zoning district. A person may comply with this Subsection by providing vegetation

and tree canopy as prescribed by rule. The owner must maintain the screening provided under this section.

PART 10. Section 25-5-2 (*Site Plan Exemptions*) of the City Code is amended to add new Subsections (K) and (L) to read:

- (K) The exemptions provided by this section do not apply to the construction of a dock, bulkhead, or shoreline access as described in Chapter 25-2, Article 13.
- (L) A site plan is not required for maintenance of a dock, bulkhead, or shoreline access under the following conditions:
 - (1) the existing dock, bulkhead, or shoreline access was legally constructed; provided that simple re-decking will be allowed for all docks;
 - (2) no variance from City Code is required;
 - (3) no city board or commission approval is required;
 - (4) there will be no change in the existing footprint of the dock, bulkhead, or shoreline access; and
 - (5) there will be no removal, addition, or replacement of existing or new piles, pilings, or sheet pile , unless the dock, bulkhead, or shoreline access complies with the requirements of Title 25 of the City Code.

PART 11. Section 25-5-3 (*Small Projects*) of the City Code is amended to add a new Subsection (C) and redesignate the remaining Subsection accordingly:

- (C) Notwithstanding any other provisions in this Section, construction of Shoreline Access, as defined in Section 25-2-1172, that exceeds 50 feet in length and is constructed on slopes exceeding 35% gradient does not constitute a small project.

PART 12. Section 25-8-92 (*Critical Water Quality Zones Established*) of the City Code is amended to add a new Subsection (B) and to redesignate the remaining Subsections accordingly:

- (B) Critical water quality zones are established to include the inundated areas that constitute Lake Walter E. Long, Lake Austin, Lady Bird Lake, and the Colorado River downstream of Lady Bird Lake.

PART 13. This ordinance takes effect on _____, 2010.

PASSED AND APPROVED

_____, 2010

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Lee Leffingwell
Mayor

APPROVED: _____
Karen Kennard
Acting City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

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