

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-2, 25-7, AND 25-8 RELATED TO LAKE AUSTIN APPROVALS.

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

PART 1. Subsection (B) of City Code Section 25-2-1171 (*Applicability*) is amended to read:

§ 25-2-1171 APPLICABILITY.

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

PART 2. Subsections (B) and (D) of City Code Section 25-2-1173 (*Permit Required for Construction*) are amended to read:

§ 25-2-1173 PERMIT REQUIRED FOR CONSTRUCTION.

(B) The building official or the director of the Planning and Development Review Department [~~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.

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

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

1 **§ 25-2-1175 LIGHTING AND ELECTRICAL REQUIREMENTS.**

2 (B) This subsection applies to a dock that extends more than eight feet from the
3 shoreline. In this subsection, the distance that a dock extends from a shoreline is
4 measured perpendicular to the shoreline, and the shoreline length of a dock is the
5 length of a dock measured parallel to the shoreline.

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

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

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

15 (4) This paragraph applies if the director of the Planning and Development
16 Review Department [~~Parks and Recreation Department~~] determines that a
17 dock described in Subsection (B)(3) may be a navigational hazard between
18 sunset and sunrise.

19 **PART 4.** Subsections (B), (D), (E) and (H) of City Code Section 25-2-1176
20 (*Regulations*) are amended to read:

21 **§ 25-2-1176 REGULATIONS.**

22 (B) A dock or other structure must be constructed so that it is not a hazard to
23 navigation or safety.

24 (1) The director of the Planning and Development Review Department [~~Parks~~
25 ~~and Recreation Department~~] shall determine, after receiving the
26 recommendation of the Planning Commission [~~Parks and Recreation Board~~],
27 the distance that a proposed dock may extend into a body of water without
28 constituting a hazard.

29 (2) A dock may not extend more than 30 feet from the shoreline unless the
30 Planning Commission [~~Parks and Recreation Board~~] determines that the
31 dock will not create a hazard and approves the construction of the dock.

1 (D) Approval of the Planning Commission [~~Parks and Recreation Board~~] is required
2 for a structure, other than a retaining wall:

3 (1) to be constructed or altered within 10 feet of a side property line; or

4 (2) except as provided in Subsection (E), that has a width, measured parallel to
5 the shoreline, greater than 20 percent of the shoreline width of the lot or
6 parcel of land on which the structure is to be constructed.

7 (E) Subsection (D)(2) does not apply if :

8 (1) the lot was platted and recorded before August 26, 1976, and a perpetual
9 right to use the water frontage of the lot was granted to the owner of another
10 lot in the subdivision before June 23, 1979; or

11 (2) the Planning Commission [~~Parks and Recreation Board~~] has approved a site
12 plan that clusters the boat docks on one or more lots in the subdivision.

13 (H) A business or a living quarter may not be constructed on a pier or similar structure
14 extending into or above Lake Austin, Lady Bird Lake, or Lake Walter E. Long,
15 except under a license agreement approved by the council.

16 (1) The Planning Commission [~~Parks and Recreation Board~~] shall make a
17 recommendation to the council on each license agreement.

18 (2) A structure built under a license agreement must comply with the lighting
19 requirements of Section 25-2-1175 (*Lighting And Electrical Requirements*).

20 **PART 5.** Subsections (B), (C) and (D) of City Code Section 25-7-63(*Review by Parks*
21 *and Recreation Board of Certain Site Plans*) are amended to read:

22 **§ 25-7-63 REVIEW BY PLANNING COMMISSION [~~PARKS AND~~**
23 **~~RECREATION BOARD~~] OF CERTAIN SITE PLANS.**

24 (A) Before the director may approve the site plan, the director must submit the site plan
25 to the Planning Commission [~~Parks and Recreation Board~~].

26 (C) The Planning Commission [~~board~~] shall review and comment on:

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

28 (2) the effect of the development on the recreational and natural character of the
29 lake.

30 (D) The Planning Commission [~~board~~] may develop specific criteria for determining:

- 1 (1) the navigational safety of a proposed development; or
2 (2) the effect of a proposed development on the recreational and natural
3 character of Lake Austin, Town Lake, or Lake Walter E. Long.

4 **PART 6.** City Code Section 25-8-652 (*Fills at Lake Austin, Town Lake, and Decker*
5 *Lake*) is amended to read:

6 **§ 25-8-652 FILLS AT LAKE AUSTIN, TOWN LAKE, AND DECKER LAKE.**

- 7 (A) Approval by the Planning Commission [~~Parks and Recreation Board~~] is required to
8 place fill in Lake Austin, Town Lake, or Lake Walter E. Long.
9 (B) A person must file a written application with the Planning Commission [~~Parks and~~
10 ~~Recreation Board~~] for an approval under this section.

11
12 **PART 7.** This ordinance takes effect on _____, 2013.

13 **PASSED AND APPROVED**

14
15 § _____
16 § _____
17 _____, 2013 § _____
18 Lee Leffingwell
19 Mayor

20
21
22 **APPROVED:** _____ **ATTEST:** _____
23 Karen M. Kennard Jannette S. Goodall
24 City Attorney City Clerk