

C 24  
1**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.

C20  
2013  
025

- 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:** A public hearing has been scheduled for Environmental Board.

**March 25, 2014:** A public hearing has been scheduled at Planning Commission.

#### **Council Action**

**April 27, 2014:** A public hearing has been set.

**Ordinance Number:** NA

**City Staff:** Chris Herrington   **Phone:** 974-2840   **Email:** Chris.Herrington@austintexas.gov

C24/3

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

1 AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-1, 25-2, 25-5, 25-7,  
2 AND 25-8 RELATING TO THE LAKE AUSTIN ZONING DISTRICT AND THE  
3 REGULATION OF BOAT DOCKS, BULKHEADS, AND SHORELINE ACCESS.  
4

5 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
6

7 PART 1. Delete Subsection (F) of City Code Section 25-1-46 (*Land Use Commission*):

8 ~~(F) The Planning Commission shall act as the land use commission for variances~~  
9 ~~granted under Section 25-8-41 (*Land Use Commission Variances*) if any portion of the~~  
10 ~~property abuts or is within 500 feet of the shoreline of Lake Austin, measured~~  
11 ~~horizontally.~~

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

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

16 (1) The shoreline setback is:

17 (a) 75 feet; or

18 (b) 25 feet, if:

19 (i) the lot is located in a subdivision plat recorded before April 22,  
20 1982, or is a legal tract exempt from the requirement to plat; and

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

23 (2) [(1)] A shoreline setback area is excluded from impervious cover  
24 calculations.

25 (3) [(2)] [A permanent improvement] No structures are allowed [is prohibited]  
26 in a shoreline setback area, except that: [for]

27 (a) a bulkhead, retaining wall, [pier, wharf, boat house] dock, non-  
28 mechanized pedestrian access facility, or marina may be  
29 constructed and maintained in accordance with applicable  
30 regulations of this title; and

C24

(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].~~

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

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

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

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

(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 [Except for a] included in a subdivision plat recorded after [before] April 22, 1982 or is exempt from the requirement to plat [a tract that is not required to be platted], [this subsection applies in an LA district.

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

~~(2) A lot that fronts on a cul-de-sac] 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)[(3)] 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

C24/5

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

C24/6

(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, 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 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 conditioning, sinks, toilets, or wastewater or potable water lines or connections.

C24/x

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

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

(b) a roof;

(c) a second floor;

(d) marine lockers;

(e) railings;

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

(g) electrical connections;

(h) lighting;

(i) non-mechanized access, including a staircase, pedestrian bridge, and gangway; and

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

(4) Only one dock is permitted for a principal residential use, even if the use is located on more than one lot. (H) A use other than one described in this section is permitted as an accessory use if the director [~~of the Neighborhood Planning and Zoning Department~~] determines that the use is necessary, customary, appropriate, incidental, and subordinate to a principal use.

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

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

(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~~];

C24/8

(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.

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

(7) The applicant must provide evidence of prior permits for docks, bulkheads or shoreline access constructed after January 1, 1984.

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

C24/a

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

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

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

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

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

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

- (a) dwelling units in a multifamily development with lake frontage; or
- (b) principal residential structures in a subdivision with perpetual use rights to a common area that fronts a lake.

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

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

(5) NORMAL POOL ELEVATION means:

- (a) for Lake Austin, 492.8 feet above mean sea level;
- (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.]~~

CU/10

(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.]~~

~~(C)~~[(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 the requirements of this title [Code].

**PART 9.** City Code Section 25-2-1174 (*Structural Requirements*) is amended to read as follows:

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

C24  
11

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

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

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

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

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

(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.~~] A bulkhead with a greater than 45 degree vertical slope for any portion greater than one foot in height is not permitted on or adjacent to the shoreline of a lake that is subject to this article, [listed in Section 25-2-1171 (*Applicability*)] unless the shoreline is located within an existing man-made channel.

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

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

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

[~~(E) 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 affected property for the collection of the expense.]~~

c24  
12

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

(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 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 ~~[This]~~ paragraph apply ~~[applies]~~ if the director ~~[of the Parks and Recreation Department]~~ 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 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 of 50 feet or more must have light stations located at intervals of not more than 25 feet along its length.
  - (e) Light stations are ~~[also]~~ required at each end of the dock on the side farthest from the shoreline.

CU 13

(C) A light station required by this section must have a two-bulb fixture, with two working light bulbs ~~[rated between 7 1/2 and 25 watts, inclusive]~~ that emit at least 112 lumens and not more than 400 lumens. Light bulbs or bulb covers must be amber, and white light may not radiate from the fixture. Weatherproof lamp holders and junction boxes are required. Each light fixture must be wired with a switch operated by a photoelectric cell so that the lights will operate automatically during the hours that the dock is required to be lighted by this section.

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

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

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

(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) 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 including all access and appurtenances, measured parallel to the shoreline of the lot or tract where the dock is proposed, 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;

C24/14

(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;

(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:

02/15

(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;~~

~~(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:~~

CUK

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

4 ~~(2) the Parks and Recreation Board has approved a site plan that clusters the boat~~  
5 ~~docks on one or more lots in the subdivision.~~

6 (F) ~~The number of residential docks may not exceed:~~

7 ~~(1) twice the number of lots in the subdivision that have lake frontage on Lake~~  
8 ~~Austin or Lady Bird Lake; or~~

9 ~~(2) the number of lots in the subdivision, if:~~

10 ~~(a) the subdivision has a common area that fronts on Lake Austin or Lady Bird~~  
11 ~~Lake; and~~

12 ~~(b) a perpetual right to use the water frontage of the common area has been~~  
13 ~~conveyed to a lot owner in the subdivision.]~~

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

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

20 (2) Sanitation facilities must be provided in accordance with the following  
21 requirements [for all marina and picnic areas].

22 (a) Permanent sanitation facilities are required for a marina or  
23 common area with 10 or more boat slips.

24 (b) Temporary or permanent sanitation facilities are required for a  
25 marina or common area with fewer than 10 boat slips [Septic tanks  
26 and sewage holding tanks may not be located within 100 feet of an  
27 area below the normal pool elevation].

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

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

31 (b) [(a) At] provide at least one garbage can with a capacity of at least  
32 32 gallons [is required] for each four picnic units and for each four  
33 boat slips.

C24  
17

1           ~~[(b) The facility operator shall remove garbage in a timely manner.]~~

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

5           ~~(1) The Parks and Recreation Board shall make a recommendation to the~~  
6 ~~council on each license agreement.~~

7           ~~(2) A structure built under a license agreement must comply with the lighting~~  
8 ~~requirements of Section 25-2-1175(Lighting And Electrical~~  
9 ~~Requirements).]~~

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

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

13           (2) is constructed of smooth wire or mesh;

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

15           (4) includes a navigation buoy indicating "DANGER", in accordance with  
16 the Texas Water Safety Act, installed at the end of the fence, unless the  
17 fence does not extend further beyond the shoreline than an immediately  
18 adjacent dock; and

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

20       (D)[(H)] Construction of a boat ramp is prohibited.

21  
22       **PART 12. City Code Section 25-2-1177 (*Dock Exempt from City Licensing*) is amended**  
23 **to read:**

24       **§ 25-2-1177    ~~[DOCKS EXEMPT FROM]~~ CITY LICENSING REQUIREMENTS**  
25 **FOR DOCKS, MARINAS AND OTHER LAKEFRONT USES.**

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

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

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

C24  
18

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

- 2 (1) any applicable requirements of this title, including the use and site  
3 development regulations of this subchapter; or
- 4 (2) the City's property interests in the easements and lakebeds identified  
5 in Subsection (A), including the right to:
- 6 (a) require the immediate removal of a dock or other encroachment  
7 that poses a navigation hazard, as authorized by this article; or
- 8 (b) require a license agreement for docks or other encroachments  
9 into lands over which the City holds an easement or fee simple  
10 ownership [~~limit the review of a site plan for construction of a~~  
11 ~~dock~~].

12

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

16 **§ 25-2-1179 ENVIRONMENTAL PROTECTION.**

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

20 (B) A retaining wall, bulkhead, or other erosion protection device must be designed  
21 and constructed to minimize wave return and wave action in accordance with the  
22 Environmental Criteria Manual.

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

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

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

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

COA

(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.

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

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

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

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

(L) 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, Subchapter C, Article 13 (*Docks Bulkheads, and Shoreline Access*)[.], but

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

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

C24/20

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

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

(b)[(2)] the work proposed does not:

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

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

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

(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

c24  
21

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;
  - (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;

C24/22  
(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.

**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.~~

024/13

**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 in the shoreline setback as defined by 25-2-551 (Lake Austin (LA) District Regulations) and within the area defined by 25-2-180 (Lake Austin (LA) Overlay District) 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) Not more than 30 percent of the 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 [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.

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

**§ 25-8-652 RESTRICTIONS ON DEVELOPMENT IMPACTING [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 [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.

C24/24

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

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

6                ~~(1) Before the director may approve the development application, the~~  
7                ~~director must submit the development application to the Parks and Recreation~~  
8                ~~Board.~~

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

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

11                        ~~(b) the effect of the development on the recreational and natural~~  
12                        ~~character of the lake.~~

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

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

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

17        (C) A retaining wall, bulkhead, or other erosion protection device may not capture  
18        or recapture land from a lake unless doing so is required to restore the shoreline to  
19        whichever of the following boundaries would encroach the least into the lake:

20                        (1) the shoreline as it existed 10 years prior to the date of application, with  
21                        documentation as prescribed by the Environmental Criteria Manual; or

22                        (2) the lakeside boundary of the subdivided lot line.

23        (D) A bulkhead may be replaced in front of an existing bulkhead once, if:

24                        (1) the existing bulkhead was legally constructed; and

25                        (2) construction of the replacement bulkhead does not change the location of  
26                        the shoreline by more than 6 inches; and

27                        (3) the director determines that there is no reasonable alternative to  
28                        replacement of the bulkhead in the location of the existing bulkhead.

29        (E) The director may approve less than 25 cubic yards of dredging in a lake if the  
30        dredging is necessary for navigation safety.

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

C24  
25

**PASSED AND APPROVED**

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

§  
§  
§

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

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

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

C24  
26

Proposed Code Location	Current Code Location	Proposed Change	Summary of Action	LATF Recommendation
n/a	25-1-46 (F)	Change from the Planning Commission to the Zoning and Platting Commission for variance approvals along Lake Austin	New change, aligns variance approvals for Lake Austin with other 25-8 variances	V1. Variances to 25-8 go to ZAP for approval; C3. Environmental variances approved by ZAP
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
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
25-2-551(B)(3)(b)	25-2-551(B)(6)	Remove on-site sewage facility requirements in the LA District	Deprecated by new OSSF ordinance	OSSF1. Support new OSSF standards
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
25-2-551(E)	n/a	Add new vegetation and construction management for slopes greater than 15%	New requirement, consistent with Hill County Roadway requirements	n/a
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
25-2-893(G)	25-2-1176(H)	Add language prohibiting habitable structures on docks	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
25-2-893(G)	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

Proposed Code Location	Current Code Location	Proposed Change	Summary of Action	LATF Recommendation
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
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	
n/a	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
		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
25-2-963(D)(5)	25-2-963(D)(2)	Allow for docks constructed prior to 1984 to not have to prove legal construction	Adds difficulty in proving legal construction of docks because of inconsistent records	BDB1. If your dock was built before 1981, it must have a permit
25-2-964	n/a	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
25-2-1171	25-2-1171	Specifies that the director of the Planning and Development Review Department shall enforce dock requirements	Clarifies code consistent with current policy	n/a
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

2/27

Proposed Code Location	Current Code Location	Proposed Change	Summary of Action	LATF Recommendation
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
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
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
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
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
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
25-2-1175(C)	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
25-2-1176	25-2-1176	Reorganize the section, moving dock 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
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

C24  
28

Proposed Code Location	Current Code Location	Proposed Change	Summary of Action	LATF Recommendation
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
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
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
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		BD2. Update and modernize the code relating to docks
25-2-1177(B)	25-2-1176(H)	Moves licensing agreement requirements from 25-2-1176	Clarifies existing policy Reorganized for improved logical content grouping for licensing	BD2. Update and modernize the code relating to docks
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
25-2-1179	25-2-1178	25-2-1178 is repealed and those requirements are moved into	Reorganized for improved logical content grouping for environmental protection	BD2. Update and modernize the code relating to docks
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
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

C24  
29

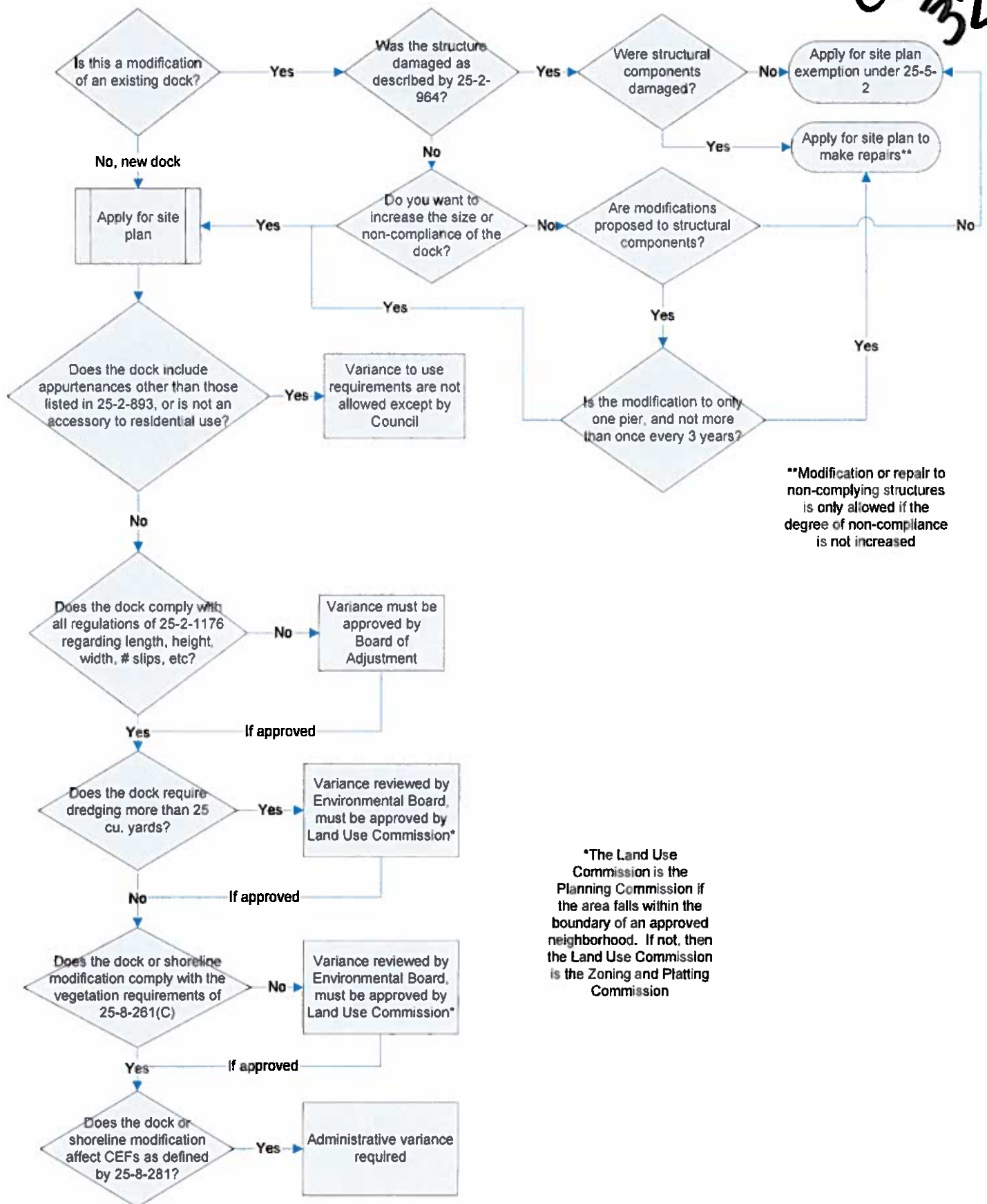
C24  
30

Proposed Code Location	Current Code Location	Proposed Change	Summary of Action	LATF Recommendation
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 bulkheads entirely, without a site plan	BD2. Allow only up to 25% of a bulkhead to be repaired under a site plan exemption once every 3 years
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
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
25-8-41(B)	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
25-8-42(A)	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...)
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	UZ1. Upzoning for exemption to environmental requirements has potential for environmental harm
25-8-261(C)	25-2-551(B)(3)	Moves vegetation requirement from 25-2-551	Aligns vegetation requirements in the LA District zoning with other environmental regulations, with more appropriate variance approval by ZAP	C3. All variances from environmental regulations approved by ZAP
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

Proposed Code Location	Current Code Location	Proposed Change	Summary of Action	LATF Recommendation
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
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
n/a	25-8-652(C)	Removes process for Land Use Commission review of dredging	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)	C3. All variances from environmental regulations approved by ZAP

C24  
31

C24/32



**\*\*Modification or repair to non-complying structures is only allowed if the degree of non-compliance is not increased**

**\*The Land Use Commission is the Planning Commission if the area falls within the boundary of an approved neighborhood. If not, then the Land Use Commission is the Zoning and Platting Commission**

C24  
133

**RESOLUTION NO. 20130829-078**

**WHEREAS**, Lake Austin is one of the most valuable community assets of the City of Austin and a significant source of pride and attraction, providing drinking water for the City of Austin and other Municipal Utility Districts and superior recreation and boating opportunities for its citizens and visitors; and

**WHEREAS**, the 1984 Lake Austin Ordinance acknowledged the vulnerability of the lake and stressed the importance of protecting it and its environment to promote Austin's economic well-being, and warned that if the Lake Austin Watershed was not developed in a sensitive and innovative manner, the recreational benefits will be irreparably damaged; and

**WHEREAS**, on May 24, 2012, the City Council created the Lake Austin Task Force by Ordinance 20120524-083, to address growing public concern about the health and function of the lake; and

**WHEREAS**, on May 17, 2011, the City Council received a memo from the Parks and Recreation Department acknowledging the disrepair of the Walsh Boat Landing Parking Lot and laying out a plan to construct a safe, accessible, and manageable parking facility on the property using parking revenue, but this parking facility was not built; and

**WHEREAS**, the Lake Austin Task Force worked through the ensuing year and adopted 100% consensus recommendations; and

**WHEREAS**, while the bulk of the recommendations will require long term, coordinated planning, funding, and implementation activities, other recommendations are urgent due to potential public health and safety

C24  
34

concerns or application deadlines, and others can be implemented as an initial step; **NOW THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Manager is directed to prepare an ordinance that establishes a no wake zone within 50 feet of the shoreline of Lake Austin and to present the ordinance for Council consideration by November 7, 2013.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to evaluate charging various launch and user fees at public boat ramps and related facilities or amenities, including vehicle parking fees for the Walsh landing area through one of the City's existing parking programs; to draft potential amendments to the proposed FY13/14 Budget to authorize or update appropriate fees related to such locations and activities; and to present initial recommendations to the Comprehensive Planning and Transportation Committee by October 7, 2013 and with recommendations to the Council by November 7, 2013.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to develop a process to ensure administration and enforcement of the existing water quality protections in City Code Chapter 6-5, which concern marine toilets, holding tanks, and marinas, and to provide a briefing to the Public Health and Human Services Committee by December 3, 2013.

CV 1/3

**BE IT FURTHER RESOLVED:**

The City Manager is directed to develop a process to ensure enforcement of the existing Land Development Code dock identification or registration tag requirements of Section 25-2-1173 as further discussed in Section 1-13-4 of the Environmental Criteria Manual which require posting of the street address of the property on which a dock is located and provide a report to Council by December 12, 2013; and

**BE IT FURTHER RESOLVED:**

The City Council initiates and the City Manager is directed to process code amendments designed to administer requirements and ensure ongoing compliance with regulations relating to the placement, replacement, and maintenance of identification or registration tags and address information on docks, and to provide a draft ordinance to Council for consideration by January 1, 2014.

**BE IT FURTHER RESOLVED:**

The City Council initiates and the City Manager is directed to process code amendments to improve processes related to shoreline and dock development, redevelopment, and restoration to be more efficient, effective, and environmentally accountable and to return the ordinance to Council for consideration by February 28, 2014.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to outline, by November 15, 2013, a recommended approach to achieve coordinated lake management such as

CV 1/30

through utilization of a Lake Management Division as recommended by the Lake Austin Task Force, to ensure a long range and sustainable means to address the many additional concerns raised and issues identified made by the Lake Austin Task Force.

ADOPTED: August 29, 2013

ATTEST:



Jannette S. Goodall  
City Clerk

City of Austin

C24  
1/3X



# Lake Austin Task Force

## Report and Recommendations

August 2013

Revision 1 Updated 8/21/13

This document provides the analyses and recommendations of the Lake Austin Task Force, created by the Austin City Council on May 24, 2012, to develop and report recommendations for changes relevant to Lake Austin. (Ordinance No. 20120524-083)

Revision 1 Updated 8/21/13

024/58

### **LATF Members**

Nick Wiersema Place 1 Appointee	Kenneth Pfluger Place 1 Appointee	Ellen Witt Place 2 Appointee	Mary Ann Neely Place 2 Appointee
Carol Lee Place 3 Appointee	Andrew Hawkins <sup>1</sup> Place 3 Appointee	Dr. Ben Hodges Place 4 Appointee	Pam Murfin Place 4 Appointee
Dr. Ernest Gonzalez Place 5 Appointee	Jared Matthews Place 5 Appointee	Linda Guerrero Place 6 Appointee	Alan Roddy Place 6 Appointee
Dr. Jane Rivera Parks & Recreation Board	James Schissler, P. E. Environmental Board	William Moriarty Water & Wastewater Commission	Eric Moreland Mayor's Appointee
Brian Roark Mayor's Appointee			

Special thanks to Larry Schooler, from the City of Austin Public Information Office, and Dr. Juli Fellows for their critical assistance in facilitating the Task Force meetings and process.

C24  
31

## Table of Contents

Introduction.....	1
Purpose and Scope of Work for the LATF .....	1
LATF Work Groups .....	2
Process for Making Recommendations.....	4
Public Input .....	4
Summary of Consensus Recommendations.....	5
Work Group Analyses by Issue .....	12
Issue: Hydrilla and Aquatic Weeds .....	12
Issue: Sound/Noise .....	15
Issue: Water Quality and Monitoring .....	17
Issue: Erosion .....	20
Issue: Commercial Uses .....	20
Issue: Funding.....	23
Issue: Traffic.....	24
Issue: 50% Rule .....	26
Issue: ID Tags for Boat Docks .....	29
Issue: Other Boat Dock Issues.....	31
Issue: Variances .....	31
Issue: Public Education and Outreach .....	34
Issue: Lake Austin Zoning.....	35
Issue: Coordination.....	45
Issue: Boat Lift Remodeling.....	48
Issue: Marine Toilet Regulations.....	48
Issue: Wildfire .....	51
Issue: On-site Sewage Facilities (OSSF).....	52
Appendices.....	56
Appendix A: Flow Chart of Consensus Process .....	56
Appendix B: Work Group Process Steps .....	57
Appendix C: Work Group Report Template .....	58
Appendix D: Issue Analysis Template.....	59
Appendix E: Work Group Report: Enclosing Boat Docks and Extraneous Appurtenances.....	60

C24  
40

Appendix F: Work Group Report: Small Quantity Dredging ..... 62

Appendix G: Accessory to Residence ..... 63

Appendix H: Modifications that Qualify for Site Plan Exemptions ..... 64

Appendix I: Work Group Report – Light Pollution ..... 65

Appendix J: Public Comments..... 66

Appendix K: LATF Information Requests Tracking ..... 78

C24  
41

## **Introduction**

Lake Austin is one of the most valuable community assets of the City of Austin and a significant source of pride and attraction. Not only does it provide drinking water for the City of Austin and Municipal Utility Districts, but it also provides superior recreation and boating opportunities for citizens and visitors. The 1984 Lake Austin Ordinance acknowledged the vulnerability of the narrow, shallow lake and stressed the importance of protecting the lake and its environment to promote Austin's economic well-being. The Ordinance predicted that if the Lake Austin Watershed is not developed in a sensitive and innovative manner, the recreational benefits will be irreparably damaged.

Development and recreation pressures along the shores of the lake have been steadily increasing since the original Lake Austin Ordinance and are anticipated to continue to increase. Residents of the Lake Austin area have brought forward health and safety concerns such as periodic proliferation of Hydrilla, erosion of the Lake Austin shoreline, adequacy of wastewater treatment, contaminated rainfall runoff into the lake, adequacy of current ordinances and the enforcement thereof. There are also concerns that the increasing size and number of watercraft on Lake Austin compounded by new activities such as wakeboarding and wake surfing may be contributing to an increasing intensity of destructive wave energy within the lake and along the shoreline.

The problems facing Lake Austin are not uncommon. Key findings from the 2009 EPA National Lakes Assessment indicate similar concerns for lakes nationwide, reporting that poor lakeshore habitat and high nutrient levels are the biggest problems compromising the ecological integrity of the nation's lakes. The assessment suggests that "managers, residents, businesses, and community leaders should work together and enhance their efforts to preserve, protect, and restore their lakes and the natural environment surrounding them." Consistent with this idea, and in the spirit of supporting public interest of the emerging issues in the Lake Austin watershed, the Waterfront Planning Advisory Board (WPAB) and the Parks and Recreation Board (PARB) passed resolutions in 2010 requesting Austin City Council to assemble a multidisciplinary team to tackle the many concerns of Lake Austin and recommend methods and policies that would provide for reasonable use of Lake Austin while also protecting the resource.

## **Purpose and Scope of Work for the LATF**

At their early meetings the LATF members drafted and approved a purpose and scope for their work. It was as follows:

### **LATF Purpose**

On May 24, 2012 the City Council approved Ordinance 20120524-083 which created the Lake Austin Task Force (LATF). This ordinance was passed in response to resolutions of both the WPAB and PARB under growing public concern for the health and function of the lake. In addition to limiting administrative variances and assigning the Planning Commission as the land use commission for approving requests for variances for property within 500ft of the Lake, the ordinance directed the City Manager to work with the LATF to develop and report recommendations for changes relevant to Lake Austin.

2  
C24  
/12

The composition of the LATF includes: seven regular members from residents of neighborhoods adjacent to and surrounding Lake Austin, seven regular members appointed on the basis of knowledge or expertise in related subject matter, and three ex-officio, voting members of the PARB, Environmental Board, and Water and Wastewater Commission. Review by the LATF and any subsequent recommendations will be intended to provide use and management of the lake and shoreline that is protective of public safety, the environment, property rights, and provides for the use and enjoyment of Lake Austin by all. The LATF will expire either upon completion of its assigned task or one year after the effective date of the Ordinance (4 June 2013).

### **LATF Scope**

As provided for by the enabling ordinance, the scope of work for the Task Force will be to consider and make recommendations regarding:

- Development that impacts Lake Austin watershed. This will include any and all temporary and permanent structures, including homes, businesses, docks, marinas, and public facilities.
- Lake use and management, including; recreational, commercial, and public use on and adjacent to the lake.
- Protection of the environment within the Lake Austin watershed, including but not limited to; water quality, shoreline erosion and stability, and invasive flora and fauna.
- Processes, policies, and coordination between entities with jurisdiction over Lake Austin, including, but not limited to; the City of Austin, LCRA, and Texas Parks and Wildlife.

### **LATF Work Groups**

The Task Force identified a list of 62 potential issues (including duplicates). Each item was assigned to one of four categories:

- Lake Use and Management Issues
- Water Quality and Environmental Issues
- Development, Regulations and Compliance Issues
- Processes, Policies and Coordination Issues

The Task Force members were asked to provide a first and second choice on which category of issues they were interested in working on, and whether they would be willing to chair the respective work group. Every Task Force member was assigned to their first choice of work group and three Work Groups were formed on October 22, 2012 with five Task Force members in each group. There was slight interest in working on the Processes, Policies and Coordination Issues so it was decided that the full Task Force would address those after gaining a better understanding of the issues in the other categories.

**Water Quality and Environmental Issues**  
Ben Hodges

William Moriarty  
Pam Murfin  
Mary Ann Neely  
Nick Wiersema – Chair

**Lake Use and Management Issues**

Ernest Gonzalez  
Kenneth Pfluger  
Brian Roark  
Alan Roddy  
Ellen Witt – Chair

**Development Regulations and Compliance Issues**

Andrew Hawkins (resigned)  
Jared Matthews  
Eric Moreland  
Jane Rivera  
Jim Schissler – Chair

Each Work Group was asked to analyze the issues within their category, using a form shown in Appendix A. Work Groups created reports on the top three to five priority issues in their category using a template (Appendix C) that included a problem analysis, cause analysis and remedy analysis. Consensus Work Group reports are included in this document.

**LATF Schedule**

May 24, 2012 – Austin City Council creates Lake Austin Task Force by Ordinance No. 20120524-083

August 20, 2012 – First meeting of the LATF

October 15, 2012 – Staff led boat tour of Lake Austin for LATF and stakeholders

October 22, 2012 – LATF Work Groups created

October 22, 2012 – Public Meeting No. 1

October 22, 2012 thru March 11, 2013 – LATF Work Group meetings

March 18, 2013 thru May 13, 2013 – LATF consideration of Work Group recommendations

May 20, 2013 – Public Meeting No. 2

June 3, 2013 – LATF final meeting to consider public comment and discuss possible revisions to recommendations

24/44

The Work Group members reviewed a variety of information to help analyze the issues, including the information requests shown in Appendix K. The Task Force used Google Drive to share information among all members, which ultimately grew to 277 files for a total of 659MB of shared information. Access to the Google Drive was also provided to City staff and others who were supporting the Task Force effort.

Some issues discussed by the Task Force do not have a Work Group report included in this document for various reasons (i.e. that issue was not assigned to a Work Group, the Work Group ran out of time, or there wasn't agreement among the Work Group members). Appendices E through I include Work Group reports that were completed but not considered by the Task Force due to lack of time.

### Process for Making Recommendations

Once all Work Groups completed their issue review the Group reported back to the Task Force for consideration of possible recommendations. The Task Force made decisions on recommendations by **consensus**, requiring the agreement of all members present for that discussion. The decision to use a consensus process for all recommendations was decided on by a majority vote of the group. The consensus process used (Appendix A) was collaborative problem solving, led by a trained facilitator, Dr. Juli Fellows. In collaborative problem solving, the group first identifies the interests, or unmet needs and goals, of all the stakeholders. They then brainstorm *literally all* possible options, even those that might not have support. After the brainstorming, the group evaluates the options to determine which options best meet the variety of interests. Those options that seemed to meet a wide range of interests and on which the group could all agree became consensus recommendations.

In the sections that follow, a Work Group report is included if one was submitted. All the stakeholder interests identified for each topic and the consensus recommendations are listed in table format, and other options for that topic that were generated during the brainstorming but failed to reach consensus are listed below. Please note that the brainstormed options include some that had very strong support from some members but failed to reach consensus, as well as others that had very little support from any member.

### Public Input

The Task Force was very interested in receiving input from the public. Input was received through the City's online portal Speakup Austin, public meetings, and at LATF meetings.

Two public meetings were held, one in October 2012 near the beginning of the LATF's work, and a second in May 2013 after a draft report was completed and made available to the public. In addition to the public meetings all meetings were open to the public. Public comment was accepted at meetings except for the period when work group reports were reviewed. Comment wasn't allowed during this period due to severe constraints on time.

All written public comments from the two public meetings and received online are included in Appendix J.

## Summary of Consensus Recommendations

CRU  
45

### Hydrilla/Aquatic Vegetation

The Task Force believes that Asian Grass Carp are the main keystone, dependable solution to the Hydrilla problem. They are not the exclusive control option. They have examined and ruled out some possible lake-wide treatment options by the City of Austin including systematic mowing, chemical treatments, pulling it up by the roots, and completely draining the lake and pulling it up.

H1. Update the Lake Austin Hydrilla Management Plan to be consistent with the current state of science regarding aquatic macrophyte management, the specific process for determining Asian Grass Carp stocking rates, and applicability with current state and federal water quality standards.

H2. Document in the Hydrilla Management Plan and continue the iterative, proactive, adaptive process for determining Asian Grass Carp stocking rates. Increase the current stocking rate to 55.5%. Also improve the purchasing process to allow staff to react more quickly and be more nimble when spikes in Hydrilla growth occur.

H3. Ask all agency partners (LCRA, Travis County, Texas Parks & Wildlife) to budget funds for grass carp purchase.

### Sound/Noise

SN1. Direct law enforcement officers patrolling the lake to provide more consistent enforcement of the existing sound ordinances applicable to water craft. (Note: This applies to both amplified sound and engine/exhaust noise.)

SN2. Simplify the process for getting APD boats repaired, so that APD is not chronically short of boats for Lake enforcement. (This currently happens under Fleet Services.)

SN3. Add to the existing law enforcement database, a database that allows officers to track violators of the sound ordinance on the lake.

SN4. Set allowable distance for all types of noise at 100 feet.

SN5. Improve enforcement [of noise laws] by increasing the number of boats and officers on Lake Austin, distributing patrol boats throughout the length of the lake and increasing penalties.

### Water Quality & Monitoring

WQ1. Consolidate and coordinate in lake planning and monitoring programs amongst stakeholders and involved agencies (such as LCRA, TCEQ, etc.) with increased data sharing and provide easy public access to this information

WQ2. Develop a Historical Data Review for Lake Austin, to identify data gaps and needs and an annual Lake Austin Report, presenting monitoring methods, data collected and analysis procedures.

C24  
46

WQ3. Within three years, conduct research to determine, with the best scientific knowledge, the causes of blue-green algae blooms on the lake.

WQ4. Consider establishing, either on the staff or department level, a group whose sole responsibility is management of the entire Lake Austin watershed.

WQ5. As a policy recommendation, the City should upgrade its standards for on-site septic facilities.

WQ6. This Task Force supports the Austin Water Utility's current efforts to update the City of Austin on-site sewage facilities (OSSF) standards to provide a greater level of protection for the environment and public health and safety.

### Erosion

E1. Develop a process for creating navigation zones to limit erosion.

E2. Support stream and creek bank stabilization and restoration and education about these issues.

E3. The Task Force recommends that the City of Austin fund a study that is a scientific analysis of waves and erosion, to include watercraft user origin. (Origin meaning homeowner, marina or trailered vessel.)

### Commercial Activities

CA1. Develop and maintain a data bank of commercial users of the Lake and adjacent Lake shores.

CA2. Investigate possible locations for a second gas fueling station and additional sewage pumping facilities, considering environmental impacts as well as other factors.

CA3. Conduct a feasibility study of possible commercial operations such as canoe, kayak, paddleboard rentals at Emma Long Park or other locations.

CA4. Provide for boat launching fees at public ramps and employ attendants to collect the fees.

CA5. Utilize funding sources such as Parks and Wildlife's Paddling Trails program or LCRA's Colorado River Trails program to increase recreational opportunities.

CA6. Research possible public-private partnerships, or other funding strategies, for construction of new concessions and/or City facilities.

CA7. Improve public boat ramps and parking, especially at Walsh.

CA8. Establish a licensing system and process for commercial users of the lake with appropriate fees and oversight.

C24  
42

## **Funding**

- F1. Create a Master Plan for the Lake. For example, identify long-term and short-term projects. Long-term projects might be funded through bonds.
- F2. Establish license fees for commercial use of the Lake.
- F3. Establish launching fees, with the funds going to Lake management.
- F4. Get a commitment from other agencies, such as LCRA, to fund Lake-related activities.
- F5. Dedicate all lake usage fees to Lake-related expenses.
- F6. Work with Travis County to ensure that any existing residential shoreline tax be applied to Lake Austin maintenance and operation.
- F7. Investigate the possibility of establishing license fees for private docks on public land.
- F8. Dedicate a particular amount of City of Austin general funds coming from property taxes on properties in the Lake Austin watershed to Lake Austin-specific uses.

## **Traffic**

- T1. Collect a fee for launching at the City of Austin public ramps. Revenue should be dedicated to Lake Austin needs, such as maintaining boat ramps, improving boat ramp trailer parking areas, converting vertical bulkheads and dealing with invasive species.
- T2. Enforce parking restrictions at City of Austin public ramps. Encourage Travis County and TxDOT to enforce parking at Loop 360 boat ramps, including the illegal parking along the shoulders of Loop 360.
- T3. Collect a fee for launching at the public ramps that would be used to employ an attendant at the ramps.
- T4. Special attention is needed at Emma Long Park to keep swimmers inside of the swim areas. More buoys may need to be added along the shoreline of the camping area to separate boat traffic and campers.
- T5. Establish a no-wake zone up to 50 feet of the shoreline for the entire lake.
- T6. The Task Force recommends moving the Lake Patrol marina to Emma Long Park (with the public fuel facility and the fire department.)

## **Boat Dock and Bulkhead Issues – 50% Rule**

- BDB1. Create a required boat dock registration process such that if the dock is registered within a certain number of years of the establishment of the registry, it qualifies as a legal, noncompliant dock in perpetuity as long as the horizontal and vertical footprint is

C24  
48

not expanded. Registration would require a photo and drawing illustrating the dock location and size and include a \$50-\$75 fee. The fee would be used to support staff to do the work and verify the data. Use information that is already in the files. If your dock was built after 1981, it must have a permit.

BDB2. Allow only up to 25% of the horizontal length of a bulkhead to be repaired using site plan exemption. This exemption should not be repeated within a 3-year period.

BDB3. Modification, maintenance, repair, replacement or reinforcement of boat docks under a site plan exemption (SPE) should be limited to non-structural changes to existing components. Allowed work under an SPE may include repair or replacement of the existing decking, railing, roofing etc. The following changes are NOT allowed:

- Changes to structural components (load bearing beams or walls, piers, roof structural components, etc.
- no additional walls (load bearing or not)
- no additional height, width or depth
- for legal, non-complying structures, nothing that increases non-compliance.

BDB4. Code should be changed to require a pre-construction meeting with Environmental Inspector prior to work commencing under an SPE. All other boat dock remodeling should require a site plan with associated drawings, pre-construction meeting and inspections.

### Boat Dock ID Tags and Other Boat Dock Issues

BD1. Allow the City to decide how the tag requirement will be implemented as part of the boat dock registration process. City should consider using mile markers from the Tom Miller dam to Mansfield dam rather than street addresses for dock identification.

BD2. City staff should:

- a. Update and modernize the Code relating to boat docks.
- b. Review how terms are defined so that they are clear, consistent and workable.
- c. Address the following issues identified by the Task Force:
  - i. *Definition of "boat lifts"*
  - ii. *Question of height (limits)*
  - iii. *Requirements for marinas may not make sense, e.g. parking requirements.*
  - iv. *Address issues relating to the fact that not all docks are linked to residences.*
  - v. *Several issues of clarity around Article 13 such as the definition of a dock, the need to update to include newer technologies such as solar power and the definition of a permanent structure*
- d. Provide opportunities for public involvement in these code changes.

### Variances

VI. Specific to §25-8 variances: leave the code as it was changed in May 2012 except make Zoning and Platting Commission the approval body. (That is, no administrative approvals, requests go to the Environmental Board for advisory purposes, then to Zoning and Platting for final review and decision.)

C24/49

V2. The Task Force believes that the Parks and Recreation Board is not the appropriate venue for variance approvals. These requests should go to a more appropriate Board. City staff should consider deeply, in conversation with other relevant groups, who is the most appropriate Board to approve variances. The Task Force is not necessarily asking for a new Board to be created. The Task Force encourages a process that uses findings of fact and provides public notifications.

### Public Education and Outreach

PEO1. Ask the Environmental Education group in Watershed Protection to focus public education and outreach efforts towards homeowners in the Lake Austin watershed on topics including: best environmental practices for erosion, bulkheads, fertilizers, stream bank restoration, public safety and flood protection.

PEO2. Create an Advisory group, similar to the Lady Bird Lake Advisory group, for Lake Austin.

### Coordination

C1. City Law needs to identify or cultivate one or more resource persons who have appropriate knowledge and experience in navigation stream law and Federal and State water codes to advise staff and the Boards/Commissions and City Council on policies and decisions related to managing the Lake.

C2. Establish a Lake Management Division with a cross-functional team led by a Director with lake management experience to provide comprehensive oversight of all the policies and procedures that affect the Lake Austin watershed. This Division would include planning, regulation and oversight of facilities and commercial uses along and within the lake, development within the watershed boundary, and managing recreational use.

C3. Consider consolidating the functions of the Board of Adjustment and the Zoning and Platting Commission to have one Board/Commission that uses appropriate Findings of Fact for considering variances to all regulations that affect the Lake Austin watershed. In the interim:

- All requests for variances from LDC 25-2 Use and Development and Article 13 Docks, Bulkheads and Shoreline Access should be determined by the Board of Adjustment (currently some requests go to the Parks and Recreation Board.)
- All requests for zoning or rezoning within the Lake Austin Watershed are reviewed by the Zoning and Platting Commission, which makes a recommendation to the City Council (as currently done.)
- All requests for variances from the environmental regulations, including CEF protections, shoreline relocation, lake fill, and construction on slopes are reviewed by the Environmental Board, which makes a recommendation to the Zoning and Platting Commission. Decisions of the ZAP may be appealed to the City Council (currently some requests go to PARB and some to the BoA).

C4. Have an educational component to this process.

C24  
30

C5. Create a financial plan with revenue resources to support a new Lake Use Management Department. Potential resources should include, but not be limited to, private/public contracts from concessions, boat ramp launching/parking fees, and gas proceeds.

### **Boat Lift Remodeling**

BLR1. Treat stand-alone boat lifts like boat docks.

### **Marine Toilet Regulation**

MT1. Direct the City Manager to immediately identify and have the health authority referenced by LDC 6-5-26 inspect all watercraft that have marine toilets to ensure that waste cannot be directly discharged into the water (i.e. any "Y" valve are secured in the closed position by padlock, non-resealable ties, removal of handle or other physical barrier). Have the City Manager clearly identify how to report violations and to whom.

MT2. Require commercial watercraft operators to provide proof of compliance with the Texas Party Boat Operator Licensing Program and the TCEQ MSD Certification program prior to issuing or renewing a license to operate on Lake Austin.

MT3. Direct the City Manager to apply for a TPWD Boating Access and Boat Sewage Pump-out Grant of up to \$500,000 by the application deadline of October 31, 2013 (<http://www.tpdw.state.tx.us/business/grants/trpa/>) for the purpose of providing additional and improved boat ramp and boat sewage pump-out stations for watercraft operating on Lake Austin.

MT4. Request the Water and Wastewater Commission follow-up on this issue and help ensure that watercraft with marine toilets operating within the city jurisdiction are inspected by the City and that adequate sewage pump-out stations are provided on both Lake Austin and Lady Bird Lake.

MT5. Update and improve the pump-out station at Walsh.

MT6. Consider creating a second pump-out station on Lake Austin.

MT7. Tie the pump-out station to the RV pump-out at Emma Long Park.

### **Wildfire**

WF1. This Task Force supports the efforts of the Joint Wildfire Task Force.

### **Upzoning**

UZ1. 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.

C24  
51

### **On-site Sewage Facilities (OSSF)**

OSSF1. This Task Force supports the Austin Water Utility's current efforts to update the City of Austin on-site sewage facilities (OSSF) standards to provide a greater level of protection for the environment and public health and safety.

10/24/13

## Work Group Analyses by Issue

This section includes, for each issue of the 16 issues discussed by the full Task Force:

- the Work Group report, when one exists,
- the identified stakeholder interests,
- the consensus recommendations and
- the entire list of brainstormed options.

Please note that the brainstormed options include some that had very strong support but not consensus, as well as others that had very little support.

### Issue: Hydrilla and Aquatic Weeds

#### Work Group Report

Lake Austin has been clogged by thick strands of Hydrilla and Milfoil (both known as aquatic macrophytes) on and off for the last 10+ years. For the last 2 years, the upper end of the lake has had the most severe infestation of invasive macrophytes experienced to date. Prior to 1999, all macrophyte management activities on the Lake were focused on Milfoil, including the seasonal lowering of the lake.

- Are the current management program components effective and what effect(s) do these non-native invasive macrophytes have on Lake Austin's ecosystem?
- Does the stocking of non-native Asian Grass Carp have discernible effect(s), positive or negative, on Lake Austin's ecosystem?

#### Problem Analysis

- Excessive macrophyte growth causes, has caused, or may cause the following problems:
  - It reduces the accessibility of the lake for all users.
  - It likely contributed to or was a major factor in a drowning death on Lake Austin in November 2001.
  - It causes erratic driving among boat drivers, as they must often swervedramatically to avoid hitting a mat of Hydrilla.
  - It has, in 2002, slowed flood waters causing them to spill over Lake Austin's banks, flooding homes, damaging docks, shoreline armament, uprooting trees and exacerbated shoreline erosion and mass wasting.
  - It has caused \$500K+ damage to the power generation equipment and power loss due to shut downs at Tom Miller dam due to large mats of macrophytes ripped from the lake's channel floor during high flow conditions.
  - It can have an impact on dissolved oxygen, pH and temperature, which has a direct effect on the aquatic ecosystem.
  - It, excessive (over 30% coverage) macrophyte growth, including but not limited to Hydrilla and Milfoil is believed to negatively impact fisheries.
- The dominance of Hydrilla and Milfoil in the lake at the expense of other more beneficial macrophytes alters the ecosystem and can have a negative impact on aquatic species diversity and abundance.
- Hydrilla and Milfoil may provide a sink for nutrients and stabilize bedded sediments, masking the effect of other water quality impacts.

C24  
3/53

### Cause Analysis

- Review of semi-quantitatively estimates of macrophyte coverage including Hydrilla and Milfoil over the last 14 years as measured by TPWD staff.
- Review of the City of Austin's Lake Austin Hydrilla Management Plan drafted in 2000.
- Consideration of citizen testimony, the [overwhelming] majority of which, cited Hydrilla or 'weeds' as the most significant problem for Lake Austin.
- The entire Lake Austin Task Force has received a presentation and question and answer sessions with City of Austin staff and Texas Parks and Wildlife staff regarding aquatic macrophyte management.
- Review of management program histories, successes and failures, and applicability for other water bodies. The current City of Austin protocol for the reduction of Hydrilla overgrowth is to attempt to maintain, through regular stockings, a 50:1 ratio of Asian Grass Carp per acre of Hydrilla. Measurements of Hydrilla coverage in the lake occur twice a year (Spring and Fall), although more frequent measurements have occurred in the past.

### Remedy Analysis

It is recommended that the following remedies be considered:

- Update the *Lake Austin Hydrilla Management Plan* to be consistent with the current state of science regarding aquatic macrophyte management, the specific process for determining Asian Grass Carp stocking rates, costs, and applicability with current state and federal water quality standards.
- Development of a proactive and predictive process for determining Asian Grass Carp stocking rates, as opposed to the current process solely based on macrophyte coverage estimates.
- Increase the frequency of macrophyte coverage surveys that are conducted in conjunction with the Texas Parks and Wildlife Department and adjust stocking rates accordingly.
- Continue to work with the LCRA in supporting seasonal water volume draw-downs in the lake.

### Interests Considered and Consensus Options for Hydrilla/Aquatic Weeds

Interests (Unmet Needs)	Options that Achieved Consensus
<ul style="list-style-type: none"> <li>• Prevent damage to assets and property, including erosion</li> <li>• Safety for recreational users</li> <li>• Safety of water quality</li> <li>• Cost savings, e.g. LCRA replacing filters is costly</li> <li>• Preserving power production</li> <li>• Protecting fish habitat</li> <li>• Property owners ability to repair docks</li> <li>• Protecting bass habitat specifically</li> <li>• Commercial interests, maintaining the ambiance of the lake</li> </ul>	<ul style="list-style-type: none"> <li>★ Update the Lake Austin Hydrilla Management Plan to be consistent with the current state of science regarding aquatic macrophyte management, the specific process for determining Asian Grass Carp stocking rates, and applicability with current state and federal water quality standards.</li> <li>★ Document and continue the iterative, proactive process for determining Asian Grass Carp stocking rates to achieve adaptive management. Increase the rate to 55.5%. Also improve the purchasing process to allow staff to react quickly, be more nimble.</li> <li>★ Ask all agency partners to budget funds for grass carp purchase.</li> <li>★ State that the Task Force believes that Asian</li> </ul>

C24  
14  
54

	<p>Grass Carp are the main keystone, dependable solution to the Hydrilla problem. They are not the exclusive control option.</p> <p>*The Task Force has examined and ruled out some possible lake-wide treatment options for the City including systematic mowing, pulling it up by the roots, and completely draining the lake and pulling it up.</p>
--	--

#### **All Other Brainstormed Options for Hydrilla/Aquatic Vegetation**

- Development of a proactive and predictive process for determining Asian Grass Carp stocking rates, as opposed to the current process based solely on macrophyte coverage estimates.
- Increase the frequency of macrophyte coverage surveys that are conducted in conjunction with the Texas Parks and Wildlife Department and adjust stocking rates accordingly.
- Continue to work with the LCRA in supporting seasonal water volume draw-downs in the lake.
- Consider a moratorium on mowing Hydrilla and study the impact of mowing.
- Share Hydrilla management information during the permitting process.
- Increase enforcement and education for those who obtain permits for mowing Hydrilla, so they know to put the mown material far enough off the shore.
- Provide additional staff support.
- Chemical treatment (this option was rejected by the workgroup, along with others.)
- State that the Task Force supports what the city is doing and that they believe Grass Carp are the most viable, long-term solution to the Hydrilla problem.
- Increase education and outreach regarding handling and removal and the permitting process for Hydrilla.

15 C24/5

## Issue: Sound/Noise

### Work Group Report

Users of Lake Austin and property owners surrounding Lake Austin continue to complain regularly of noise coming from boats on the lake. The most frequently complained of noises are (1) amplified sound from boats and (2) boat engine/exhaust noise.

#### Problem 1 (Amplified Sound) Analysis

- Most motorized boats on the lake have sound equipment on board.
- The City of Austin has long had restrictions on amplified noise for cars and related motor vehicles.
- In 2009, City Council enacted a similar ordinance applicable to watercraft. The law states that "a person may not operate sound equipment in a watercraft audible or causing a vibration 100 feet from the equipment." [Austin City Code §9-2-3(A)(6)]
- Since adoption of the 2009 law, amplified sound on the lake is reduced but citizens continue to complain that enforcement appears to be inconsistent. While enforcement in the coves seems to be regularly applied, enforcement on the main waterway of the lake appears to be less regularly applied.

#### Problem 2 (Engine/Exhaust Noise) Analysis

- Combustion engines produce noise.
- The Texas Water Safety Act provides that "a motorboat operating on the water of this state must have an exhaust water manifold or a factory-type muffler installed on the engine." [Texas Water Safety Act § 31.070]
- Citizens continue to complain about engine/exhaust noise.

#### Remedy Analysis

It is recommended that the following remedies be considered:

- Direct law enforcement officers patrolling the lake to provide more consistent enforcement of the existing sound ordinance applicable to watercraft.

### Interests Considered and Consensus Options for Sound/Noise

Interests (Unmet Needs)	Options that Achieved Consensus
<ul style="list-style-type: none"> <li>• Quality of life for those who use the lake and those who live or work near it. Quality of life for lake users and homeowners.</li> <li>• Recognize that noise violations are prioritized as #4 (last) in the priority system.</li> <li>• Acknowledge which department/organization has the better equipment and sufficient staff to handle violations.</li> <li>• Acknowledge that officers can deal with noise from docks under a different</li> </ul>	<ul style="list-style-type: none"> <li>★ Direct law enforcement officers patrolling the lake to provide more consistent enforcement of the existing sound ordinances applicable to water craft. (Note: This will apply to both amplified sound and engine/exhaust noise.)</li> <li>★ Simplify the process for getting APD boats repaired, so it can be accomplished more quickly, so that APD is not chronically short of boats for Lake enforcement.</li> <li>★ Add to the existing law enforcement database, a database that allows officers to track violators of the sound ordinance on the lake.</li> </ul>

C24  
E6

ordinance other than noise.	<ul style="list-style-type: none"> <li>* Set the allowable distance for all types of noise to 100 feet.</li> <li>* Improve enforcement [of noise regulations] by increasing the number of boats and officers on Lake Austin, distributing patrol boats throughout the length of the lake, and increasing penalties.</li> </ul>
-----------------------------	--

#### All Other Brainstormed Options for Sound/Noise

- Provide law enforcement officers with needed equipment.
- Remove sound systems on boats.
- Increase funding for additional patrol equipment.
- Provide increasing penalties for frequent violators of the noise ordinances and maintain a database of violators of sound ordinances.
- Establish a zero-tolerance enforcement policy during certain periods of time (similar to “no refuse weekends”).
- Reduce the limit for noise from 100 feet to 50 feet.
- Put up signs at boat ramps about the noise ordinances.
- Enforce noise trespass from amplified sound coming from land and commercial cruise boats.
- Modify the sound ordinance to apply also to engine noise and amplified sound within 100 feet of the shoreline.
- Modify the municipal sound ordinance to also apply to engine noise.
- Write the engine noise provision (from state law) into the municipal noise ordinance. Include noise from docks.
- Improve enforcement [of noise regulations] by increasing the number of boats and officers on Lake Austin, distributing patrol boats throughout the length of the lake as needed, and increasing penalties.
- Set the allowable distance for all types of noise to 75 feet.

C24  
17  
57

## **Issue: Water Quality and Monitoring**

### **Work Group Report**

Lake Austin is a valued public asset, and protection of its water quality and aquatic integrity is considered a high priority by this task force. To this end, the following questions were evaluated:

- Does the currently available data indicate toxicants, including but not limited to pesticides, herbicides and petroleum products present in the lake's water or sediments at levels that pose unacceptable risk to human health and the environment?
- Are nutrient and sediment loading in the lake increasing in intensity?
- Are contact recreational uses at risk due to elevated bacterial levels?
- Is the current monitoring of the lake's water chemistry and aquatic integrity adequately robust to decipher potential impairments (including but not limited to increased nutrient and sediment loading, herbicide and pesticides, petroleum products, increased turbidity, low dissolved oxygen) and causes now and into the future?
- Considering the lake is an unnatural, highly managed impoundment, with near shore areas dominated by residential and commercial development; and home to numerous non-native and in some cases invasive plant and animal species can its aquatic integrity be effectively evaluated and ranked using conventional methods?

### **Problem Analysis:**

#### **Pesticides and Herbicides**

- Pesticide and herbicide are mostly likely to enter the lake through residential and commercial land application in areas directly adjacent to the lake and throughout its watershed.
- Available surface water and sediment data does not indicate legacy pesticides and herbicides at levels that pose risk to human health and the environment are present or entering the lake.

#### **Petroleum Products**

- Fuel storage, watercraft fueling practices (including but not limited to residential docks, boat ramps and the Lake Austin Marina) and watercraft uses on the lake were identified as the primary potential contributors to petroleum products or hydrocarbon compounds in the lake.
- Secondary sources including rainfall runoff from roads and parking lots; above-ground and -underground storage tanks were also considered.
- Available surface water and sediment data does not indicate petroleum products or hydrocarbon compounds at levels that pose risk to human health and the environment are present in the lake.

#### **Nutrients and Sediment Loading**

C24  
38

- A trending increase in the severity, frequency and duration of blue-green algae blooms on the lake is apparent. These blooms are indicative of eutrophication (increasing nutrient levels). Eutrophication is a natural process that all lakes go through, however human activities often exacerbate and accelerate the process.
- Increased sediment loading as a result of land use practices and on-site sewage facilities (OSSFs-septic tank) in the watershed are believed to be the primary sources of nutrient loading in the system.

#### **Contact Recreation Impairments**

- Water bodies are most likely to have elevated bacterial levels following significant storm events.
- Multiple creeks within the Lake Austin watershed are currently listed or have been listed in the recent past for contact recreation impairments due to elevated bacterial levels.
- These impairments are likely due to failing conventional gravity sewage lines and OSSFs.
- Currently only Taylor Slough South is listed on the Clean Water Act 303d list for contact recreation impairment due to elevated fecal bacteria.

#### **Low Dissolved Oxygen**

- Lake Austin was listed on the 1998 303(d) list for aquatic life use impairment due to low dissolved oxygen levels immediately below Mansfield Dam at the upstream end of the lake.
- A Total Maximum Daily Load analysis was completed in November 2000, with the major findings that the low DO is a result of water released from the bottom of Lake Travis, which is thermally stratified during the summer months. The LCRA installed an aerator on one turbine to effectively aerate the water used and released.
- Dissolved oxygen levels are at times still below what is considered ideal for high aquatic life in the upper portions of the lake.

#### **Monitoring**

- Multiple departments and agencies both inside the City of Austin and outside currently or in the past have monitored water quality and aquatic integrity of the lake. Concerns that these data are not fully utilized in assessments and a lack of data sharing amongst groups has arisen.

#### **Cause Analysis:**

The following information (but not limited to) was reviewed:

- Lake Austin's sediment and water quality data house in the State's TRACs system and the City of Austin's database.
- City staff compiled specific data, and provided multiple presentations on Lake Austin's Water Quality.
- The USEPA's National Lakes Assessment report was reviewed.
- TNRCC, 2000 *A Total Maximum Daily Load for Dissolved Oxygen in Lake Austin*