ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2013-024 Lake Austin Overlay

Description: Consider an amendment to City Code Title 25 to create a Lake Austin (LA) District Zoning overlay extending environmental protections from the LA base zoning district to properties within 1,000 feet of Lake Austin.

Proposed Language: See attached draft ordinance for details.

Summary

- Preserves protections that are currently a part of the Lake Austin (LA) zoning district, such a impervious cover, setbacks, minimum lot size, slope, and vegetation requirements
- Would apply only to properties within 1000 ft of the lake that are zoned LA, I-LA, RR, I-RR, DR, on or after the effective date of the ordinance
- The overlay would impact approximately 2900 acres of property (~62% of the area within 1000 ft of the lake that is under the City's zoning jurisdiction).
- Would not impact properties not zoned LA, I-LA, RR, I-RR, or DR.

Background: Initiated by Council Resolution 20130829-113.

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.

The Lake Austin Task Force report noted that upzonings along the lake, where properties upzoned out of the LA zoning district, caused certain environmental protections to be lost. In addition, the report noted that the Board of adjustment cases often involved requests for additional impervious cover and slope construction; construction of former and on the latter are thought to contribute to water quality degradation (LATF Report, p. 36).

In August 2013, the Austin City Council directed the City Manager was directed to develop recommendations for preserving the environmental protections currently codified in the Lake Austin Residential District zoning for properties within 1,000 feet of the Lake Austin shoreline via new zoning overlay (Resolution No 20130829-113).

City of Austin zoning regulations only apply within the full and limited purpose jurisdiction of Austin. Even if property is within 1,000 feet of Lake Austin, but is not within the full or limited purpose jurisdiction of Austin, the proposed zoning overlay would not apply.

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: Recommended by the Environmental Board on a 6-0 vote (Commissioner Walker absent), with an amendment to include DR, RR, and I-RR zoned property in the overlay, in addition to LA zoned property.
March 25, 2014: Discussed and tabled to the April 8, 2014 meeting, on a 7-1 vote (Commissioner Nortey nay).
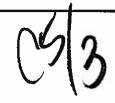**April 8, 2014:** Scheduled for Planning Commission review.

Council Action
April 17, 2014: A public hearing has been set.

Ordinance Number: NA

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AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 TO ESTABLISH A LAKE AUSTIN ZONING OVERLAY DISTRICT.

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

PART 1. City Code Chapter 25-2, Subchapter A, Article 2, Division 6 (*Combining Districts and Overlays*) is amended to renumber Section 25-2-178 (*University Neighborhood Overlay District Purpose and Boundaries*) as Section 25-2-179 and to add a new Section 25-2-180 to read:

§ 25-2-180 LAKE AUSTIN (LA) OVERLAY DISTRICT.

(A)   The purpose of the Lake Austin (LA) overlay district is to protect the scenic, recreational, and environmental benefits of Lake Austin by restricting the scale and intensity of development near the lake.

(B)   The boundaries of the Lake Austin (LA) overlay district include all land that is:

      (1)   located within 1,000 feet of the shoreline of Lake Austin, as defined under Section 25-2-551 (*Lake Austin (LA) District Regulations*) and located within the Lake Austin (LA), Interim Lake Austin (I-LA), Development Reserve (DR), Rural Residential (RR), or Interim Rural Residential (I-RR) base zoning district on or after the effective date of this ordinance.

(C)   The official map of the Lake Austin Overlay district is on file with the Planning and Development Review Department, which shall resolve any uncertainty regarding the boundary of the district.

PART 2. City Code Chapter 25-2, Article 3, Subchapter C, Division 5 (*Combining and Overlay Districts*) is amended to add a new Section 25-2-647 to read:

      (A) Development within the Lake Austin (LA) overlay district must comply with the regulations applicable to the LA zoning district under Section 25-2-551 (*Lake Austin (LA) District Regulations*) and minimum lot size, minimum lot width, and setbacks applicable to the LA zoning district under section 25-2-491 (*Site Development Regulations*).

PART 3. This ordinance takes effect on _____.

PASSED AND APPROVED

§
§
_____, 2013   § _____
                                          Lee Leffingwell
                                          Mayor

APPROVED: _____   **ATTEST:** _____
              Karen M. Kennard   Jannette S. Goodall
              City Attorney   City Clerk

LA Overlay

Proposed Change	Summary of Action	LATF Recommendation
Applies an overlay of LA base district regulations and site development standards (except for dwellings, height, and uses) to property zoned LA, I-LA, RR, RR, and DR. Dwellings, height, and uses will be permitted as per the base zoning district.	Overlay keeps environmental protections in place regardless zoning/re-zoning of the base district. The overlay would still allow uses, height, and number of dwellings per the base zoning district.	**Identified Issue:** Upzoning eliminates protections that are unique to Lake Austin. **Problem Analysis:** Environmental protections for Lake Austin are specified in the LDC as a residential zoning district. The Lake Austin Residence District is defined as a geographical boundary that applies to all property within 1000 feet of the shoreline. When a property within this boundary is rezoned to a different zoning district (such as SF-1, SF-2, SF-3, PUD, etc), the environmental protections for Lake Austin no longer apply and increased density is encouraged with smaller lot sizes and less open space. **Consensus Recommendation 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.

Site Development Standards	LA/I-LA	Carried from LA district to overlay?	RR/I-RR	DR
Min Lot Size (ft^2)	43,560	Y	43,560	435,600
Min Lot Width (ft)	100	Y	100	100
Max Dwelling Units Per Lot	1	N	1	n/a
Max Height	35	N	35	35
Front yard setback (ft)	40	Y	40	25
Street side yard setback (ft)	25	Y	25	25
Interior side yard setback (ft)	10	Y	10	10
Rear yard setback (ft)	20	Y	20	10
Maximum impervious cover (%)	20/35*	Y	25	<3.4
25-8-453 max impervious cover (%)**	20	Y	20	20
25-2-551 shoreline setback (ft)	25/75*	Y	n/a	n/a
25-8-261 no buildings except docks and access in the critical water quality zone	Yes	Y	Yes	Yes
25-8-302 max slope for buildings (%)	15	Y	15	15
25-2-551 max slope for buildings (%)	35	Y	35	35
*platted before 1982				
**Water Supply Rural regulations enforced at subdivision				

Zoning Profile of Area Within 1000ft of Lake Austin (Proposed Overlay Area)

	LA/I-LA	RR/I-RR	DR	PUD	P	SF	Other
% Lake frontage	67.32	2.26	0.04	4.92	7.27	11.16	7.03
% Area within 1000 ft	53.00	4.90	3.81	11.37	8.56	14.33	4.03
Acreage within 1000 ft	2488	230	179	534	402	673	189

Proposed Lake Austin overlay

4/2/2014