

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. City Code Section 25-1-46 (*Land Use Commission*) is amended to repeal  
8 Subsection (F).

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

11 (B) This subsection specifies shoreline setbacks [~~applies~~] in a Lake Austin (LA)  
12 district.

13 (1) The shoreline setback is:

14 (a) 75 feet; or

15 (b) 25 feet, if:

16 (i) the lot is located in a subdivision plat recorded before April 22,  
17 1982, or is a legal tract exempt from the requirement to plat; and

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

20 (2) [(1)] A shoreline setback area is excluded from impervious cover  
21 calculations.

22 (3) [(2)] [~~A permanent improvement~~] No structures are allowed [~~is prohibited~~]  
23 in a shoreline setback area, except that: [~~for~~]

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

28 (b) an on-site sewage facility may be constructed and maintained in  
29 accordance with the applicable regulations of Chapter 15-5  
30 (Private Sewage Facilities) [~~, or a driveway to the structures~~].

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

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

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

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

14 (C) This subsection specifies lot width and impervious cover restrictions in a Lake  
15 Austin (LA) district.

16 (1) If a lot fronts on a cul-de-sac and is [Except for a] included in a  
17 subdivision plat recorded after [before] April 22, 1982 or is exempt from the  
18 requirement to plat [a tract that is not required to be platted], [this subsection  
19 applies in an LA district.

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

21 (2) ~~A lot that fronts on a cul-de-sac] it must have:~~

- 22 (a) a chord width of not less than 33 feet at the front lot line;
- 23 (b) a width of not less than 60 feet at the front yard setback line; and
- 24 (c) a width of not less than 100 feet at all points 100 feet or more behind  
25 the front lot line.

26 (2)[~~(3)~~] For a lot included in a subdivision plat recorded after April 22, 1982,  
27 [Impervious] impervious cover may not exceed:

- 28 (a) 20 percent, on a slope with a gradient of 25 percent or less;
- 29 (b) 10 percent, on a slope with a gradient of more than 25 percent and  
30 not more than 35 percent; or
- 31 (c) if impervious cover is transferred under Subsection (D) [~~(E)~~], 30  
32 percent.

1           (3) For a lot included in a subdivision plat recorded before April 22, 1982, or  
2           a tract that is not required to be platted, impervious cover may not  
3           exceed:

4           (a) 35 percent, on a slope with a gradient of 15 percent or less;

5           (b) 10 percent, on a slope with a gradient of more than 15 percent and  
6           not more than 35 percent;

7           (c) 5 percent, on a slope with a gradient of more than 25 percent and  
8           not more than 35 percent; or

9           (d) 40 percent, if impervious cover is transferred under Subsection  
10           (D).

11           (D) ~~[This subsection applies to a lot included in a subdivision plat recorded~~  
12           ~~before April 22, 1982 or a tract that is not required to be platted, and that is located in an~~  
13           ~~LA district.~~

14           (1) ~~The shoreline setback is:~~

15           (a) ~~75 feet; or~~

16           (b) ~~if the front line of the lot or tract is 200 feet or less from the~~  
17           ~~shoreline, 25 feet.~~

18           (2) ~~The lot or tract must comply with the front yard, street side yard, interior~~  
19           ~~side yard, and rear yard setback requirements applicable in an SF-2 district.~~

20           (3) ~~Impervious cover may not exceed:~~

21           (a) ~~[35] 20 percent, on a slope with a gradient of [15] 25 percent or~~  
22           ~~less;~~

23           (b) ~~10 percent, on a slope with a gradient of more than of [15] 25~~  
24           ~~percent and not more than [25] 35 percent;~~

25           (c) ~~5 percent, on a slope with a gradient of more than 25 percent and~~  
26           ~~not more than 35 percent; or~~

27           (d) ~~if impervious cover is transferred under Subsection (E), 40 percent.~~

28           (E) This subsection authorizes the transfer of impervious cover in a Lake Austin  
29           (LA) district [In an LA district, a person may transfer impervious cover in accordance  
30           with this subsection].

31           (1) Impervious cover may be transferred only:

- 1 (a) between tracts within an LA district; and  
2 (b) from land with a gradient of 35 percent or less, to land with a  
3 gradient of 15 percent or less.

4 (2) Land from which impervious cover is transferred [~~may not be developed.~~  
5 ~~The land~~] must [~~either~~] remain undisturbed, if the land exists in a natural  
6 condition, or be restored to a natural [~~state~~] condition as prescribed by the  
7 Environmental Criteria Manual.

8 (3) A transfer of impervious cover must be documented in a manner  
9 approved by the director and documented in the county deed records  
10 [~~described in a restrictive covenant that runs with the land, is approved~~  
11 ~~by the city attorney, and is recorded in the county deed records~~].

12 (E) This subsection specifies additional development standards based on slope  
13 gradient in a Lake Austin (LA) district.

14 (1) On a slope with a gradient of more than 15 percent:

15 (a) vegetation must be restored with native vegetation, as prescribed  
16 by the Environmental Criteria Manual, if it is disturbed or removed  
17 as a result of construction; and

18 (b) construction uphill or downhill from the slope must comply with  
19 the Environmental Criteria Manual.

20 (2) On a slope with a gradient of more than 35 percent, development is  
21 prohibited except for the construction of a fence, driveway, road or utility  
22 that cannot be reasonably placed elsewhere, or a non-mechanized  
23 pedestrian facility, such as a foot path, sidewalk, or stairs.

24  
25 **PART 3.** Subsections (G) and (H) of City Code Section 25-2-893 (*Accessory Uses for a*  
26 *Principal Residential Use*) is amended to read:

27 (G) A [~~residential~~] dock[~~, pier, wharf, float, island, or other similar structure~~] is  
28 permitted as an accessory use [~~in an SF-6 or more restrictive district~~] if the requirements  
29 of this subsection are met.

30 (1) A dock [~~and~~] may be located off-site.

31 (2) A dock may not include habitable space or living quarters or other  
32 elements not necessary to the function of a dock, such as space

1 conditioning, sinks, toilets, or wastewater or potable water lines or  
2 connections.

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

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

6 (b) a roof;

7 (c) a second floor;

8 (d) marine lockers;

9 (e) railings;

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

11 (g) electrical connections;

12 (h) lighting and fans;

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

15 (j) accessories or slips that may accommodate the mooring or  
16 storage of boats in compliance with the requirements of Section  
17 25-2-1176 (*Site Development Regulations for Docks, Marinas,*  
18 *and Other Lakefront Uses*).

19 (4) Only one dock is permitted for a principal residential use, even if the  
20 use is located on more than one lot.

21 (H) A use other than one described in this section is permitted as an accessory use if  
22 the director [~~of the Neighborhood Planning and Zoning Department~~] determines that the  
23 use is necessary, customary, appropriate, incidental, and subordinate to a principal use.  
24

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

27 (D) The following requirements must be met in order to repair, reinforce, modify, or  
28 maintain a non-complying dock, bulkhead, or shoreline access as defined in Section 25-2-  
29 1172 (*Definitions*):

30 (1) the use [~~Repair, reinforcement comply with the following requirements:~~

1 (a) ~~the dock~~ must be ~~an~~ an accessory use in compliance with  
2 Section 25-2-893(G) (*Accessory Uses for a Principal Residential*  
3 *Use*) ~~[single-family residence];~~

4 (2) except as allowed under Section 25-8-652 (*Restrictions on Development*  
5 *Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*):

6 (a) the location and footprint may not be altered; and

7 (b) the degree of noncompliance may not be increased ~~[(b) the~~  
8 ~~alteration must be confined within the existing footprint];~~

9 (3) ~~[(c)]~~ a survey of existing conditions must be included with the site plan  
10 or building permit application and must depict current elevations,  
11 contours, trees, and any other information required by the building  
12 official ~~[the total footprint of the dock must be reduced by 50%];~~

13 ~~[(d) the number of boat slips on the dock is reduced by 50%; and~~

14 ~~(e) the alternation may not increase the degree to which the structure~~  
15 ~~violates a requirement that caused the structure to be~~  
16 ~~noncomplying.]~~

17 ~~[(2) Repairing [Repair], reinforcing, or maintaining a noncomplying dock,~~  
18 ~~bulkhead, or shoreline access must comply with the following~~  
19 ~~requirements:]~~

20 (4) demolition is subject to the limitation in Subsection (B)(4) of this section;

21 (5) ~~[(a)]~~ dock structural components, including load bearing beams, walls,  
22 piers, and roofs, may be altered or replaced without reducing the legally  
23 existing length, height, or horizontal footprint of the dock, provided that  
24 the dock complies with:

25 (a) the limitation in Subsections (D)(7)-(8) of this section; and

26 (b) all other applicable regulations of Article 13 (*Docks, Bulkheads,*  
27 *and Shoreline Access*) and Section 25-2-893 (*Accessory Uses for a*  
28 *Principal Residential Use*) ~~[no more than 50 percent of existing piles,~~  
29 ~~pilings, or sheet pile or no more than 50 percent of the length of the dock,~~  
30 ~~bulkhead, or shoreline access may be removed or replaced and];~~

31 (6) no increase is allowed to:

32 (a) the number of walls;

1                    (b) the height, width or depth; or

2                    (c) the number of slips or mooring capacity; and

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

5                    (7) for a dock, bulkhead, or shoreline access constructed after January 1,  
6                    1984, the applicant must provide evidence of a prior permit authorizing  
7                    the construction; and

8                    (8) for a dock, bulkhead, or shoreline access constructed prior to January 1,  
9                    1984, no unpermitted additions or alterations that occurred after January  
10                    1, 1984 are allowed.

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

13  
14                    **PART 5.** City Code Section 25-2-964 (*Restoration and Use of Damaged or Destroyed*  
15                    *Noncomplying Structures*) is amended to add a new Subsection (C) to read:

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

18  
19                    **PART 6.** Subsection (B) of City Code Section 25-2-1171 (*Applicability*) is amended to  
20                    read:

21                    (B) The director [~~building official or the director~~] of the Planning and Development  
22                    Review Department shall implement and enforce this article.

23  
24                    **PART 7.** City Code Section 25-2-1172 (*Definitions*) is amended to add new definitions  
25                    of “personal watercraft” and “cluster dock” to read as follows, to amend the definitions of  
26                    “dock” and “motorboat” to read as follows, to delete the definition of “residential  
27                    dock,” and to renumber the remaining definitions accordingly:

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

30                    (a) dwelling units in a multifamily development with lake frontage; or

31                    (b) principal residential structures in a subdivision with perpetual use rights  
32                    to a common area that fronts a lake.

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

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

3       (5) NORMAL POOL ELEVATION means:

- 4               (a) for Lake Austin, 492.8 feet above mean sea level;  
5               (b) for Lady Bird Lake, 429 feet above mean sea level; and  
6               (c) for Lake Walter E. Long, 554.5 feet above mean sea level.

7       ~~[(5) RESIDENTIAL DOCK means a dock that provides a stationary landing for:~~

- 8               ~~(a) fishing or swimming; or~~  
9               ~~(b) anchoring, mooring, or storing not more than one vessel.]~~

10       (6) PERSONAL WATERCRAFT includes jet skis and means a type of motorboat  
11       specifically designed to be operated by a person or persons sitting, standing or kneeling  
12       on the vessel rather than in the conventional manner of sitting or standing inside the  
13       vessel and that is less than 13 feet in length.

14  
15       **PART 8.** City Code Section 25-2-1173 (*Permit Required for Construction*) is amended  
16       to repeal Subsection (D) and to amend Subsections (A) and (B) to read as follows:

17       **§ 25-2-1173 PERMIT REQUIRED FOR CONSTRUCTION.**

18       (A) A person may not modify a shoreline or construct or alter a dock, bulkhead, or  
19       shoreline access unless the person first obtains a site plan and building permit~~[, as~~  
20       ~~applicable,]~~ and pays the applicable ~~[permit fee set]~~ fees established by ordinance. A site  
21       plan required under this section must be signed and sealed by a licensed professional  
22       engineer and must include all information required by the director responsible for  
23       administering this chapter.

24       ~~[(B) The building official or the director of the Parks and Recreation Department shall~~  
25       ~~require the applicant to place an identification or registration tag on a dock. A person~~  
26       ~~may not remove a tag placed under this subsection.]~~

27       ~~(B)~~~~(C)~~ (C) A permit obtained under this section shall be prominently displayed at the  
28       construction site until the final inspection and approval by the building official.

29       ~~[(D) The director of the Planning and Development Review Department may not~~  
30       ~~approve an application for a permit for the construction of more than two residential~~  
31       ~~docks or other similar structures on a single lot zoned MF-1 or more restrictive, unless:~~



1 ~~(1) the lot was platted and recorded before August 26, 1976, and perpetual~~  
2 ~~rights to use the water frontage of the lot were granted or conveyed to one or~~  
3 ~~more owners of other lots in the subdivision before June 23, 1979; or~~

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

6 ~~(C)(E)~~ If a permit is required under this section and is not obtained before construction  
7 begins, the required fee is increased by an amount established by ordinance. Payment of  
8 the additional fee does not relieve a person from complying with the requirements of this  
9 title [Code].

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

12 **§ 25-2-1174 STRUCTURAL REQUIREMENTS.**

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

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

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

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

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

26 (C) [~~A retaining wall, bulkhead, or other erosion protection device must be~~  
27 ~~constructed to minimize wave return and wave action by using design and materials~~  
28 ~~prescribed by rule.] A bulkhead with a greater than 45 degree vertical slope for any~~  
29 ~~portion greater than one foot in height is not permitted on or adjacent to the shoreline of a~~  
30 ~~lake that is subject to this article, [listed in Section 25-2-1171 (*Applicability*)] unless the~~  
31 ~~shoreline is located within an existing man-made channel.~~

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

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

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

4                   ~~[(E) — On a determination by a city official or employee that a dock has become, or is~~  
5                   ~~in imminent danger of becoming, structurally unsound, the building official:~~

6                   ~~(1) — shall take action to declare the dock a hazard;~~

7                   ~~(2) — shall abate the hazard under Chapter 25-12, Article 9 (*Property*~~  
8                   ~~*Maintenance Code*), at the owner's expense; and~~

9                   ~~(3) — may impose a lien on the affected property for the collection of the~~  
10                   ~~expense.]~~

11  
12                   **PART 10.** Subsections (B) and (C) of City Code Section 25-2-1175 (*Lighting and*  
13                   *Electrical Requirements*) are amended to read:

14                   (B) This subsection applies to a dock that extends more than eight feet from the  
15                   shoreline. In this subsection, the distance that a dock extends from a shoreline is  
16                   measured perpendicular to the shoreline, and the shoreline length of a dock is the length  
17                   of a dock measured parallel to the shoreline.

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

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

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

27                   (4) ~~The requirements of this [This] paragraph apply [applies]~~ if the director  
28                   ~~[of the Parks and Recreation Department]~~ determines that a dock  
29                   described in Subsection (B)(3) may be a navigational hazard between  
30                   sunset and sunrise.

31                   (a) A dock that extends less than 50 feet from the shoreline must have  
32                   a light station half way between the shoreline and the end of the  
33                   dock that is farthest from the shoreline.

- 1 (b) A dock that extends 50 feet or more from the shoreline must have  
2 light stations from the shoreline to the end of the dock at intervals  
3 of not more than 25 feet, except that a light station may not be  
4 located within 8 feet of the shoreline.
- 5 (c) A dock that has a shoreline length of at least 25 feet but less than  
6 50 feet must have a light station located at each end of the dock on  
7 the side farthest from the shoreline.
- 8 (d) A dock that has a shoreline length of 50 feet or more must have  
9 light stations located at intervals of not more than 25 feet along its  
10 length.
- 11 (e) Light stations are [~~also~~] required at each end of the dock on the  
12 side farthest from the shoreline.

13 (C) A light station required by this section must have a two-bulb fixture, with two  
14 working light bulbs [~~rated between 7 ½ and 25 watts, inclusive~~] that emit at least 112  
15 lumens and not more than 400 lumens. Light bulbs or bulb covers must be amber, and  
16 white light may not radiate from the fixture. Weatherproof lamp holders and junction  
17 boxes are required. Each light fixture must be wired with a switch operated by a  
18 photoelectric cell so that the lights will operate automatically during the hours that the  
19 dock is required to be lighted by this section.

20  
21 **PART 11.** City Code Section 25-2-1176 (*Regulations*) is amended to read:

22  
23 **§ 25-2-1176 SITE DEVELOPMENT REGULATIONS FOR DOCKS, MARINAS,**  
24 **AND OTHER LAKEFRONT USES.**

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

- 29 (1) A dock may extend up to 30 feet from the shoreline, except that the  
30 director may require a dock to extend a lesser or greater distance from the  
31 shoreline if deemed necessary to ensure navigation safety.
- 32 (2) The length of a dock from the shoreline may not exceed 20% of the lake  
33 channel, as measured from the shoreline where the dock is located and  
34 continuing to the opposite shoreline.

- 1                   (3) A dock may not be constructed closer than 10 feet to the side property  
2                   line, regardless of the side-yard setback generally applicable within the  
3                   base zoning district.
- 4                   (4) The width of a dock measured parallel to the shoreline of the lot or tract  
5                   where the dock is proposed, and including all access and appurtenances,  
6                   may not exceed:
- 7                   (a) 20 percent of the shoreline width, if the shoreline width exceeds 70  
8                   feet;
- 9                   (b) 14 feet, if the shoreline width is no greater than 70 feet.
- 10                  (5) The footprint of a dock, including the portion of a cut-in slip, attached  
11                  access structures, or roof overhang, may not exceed:
- 12                  (a) 1,200 square feet for a dock that is accessory to a principal  
13                  residential use;
- 14                  (b) for a cluster dock, 600 square feet multiplied by:
- 15                          (i) the number of dwelling units in a multifamily development;  
16                          or
- 17                          (ii) the number of principal residential structures in a  
18                          subdivision, if:
- 19    the dock will be located in a common area that fronts  
20    Lake Austin or Lady Bird Lake; and
- 21    lots within the subdivision have perpetual use rights to  
22    the common area.
- 23                  (6) A dock may not exceed 30 feet in height as measured from the highest  
24                  point of the structure above the normal pool elevation of the lake.
- 25                  (7) No portion of a dock may be enclosed, except for an enclosed storage  
26                  closet that is:
- 27                          (a) limited to no more than 48 square feet for each principal residential  
28                          use associated with the dock; and
- 29                          (b) oriented to minimize cross sectional area perpendicular to flow.
- 30                  (8) The dock must be designed and constructed to meet the following  
31                  requirements:

- 1                   (a) except for storage closets permitted under Paragraph (6), no  
2                   more than one wall per floor may consist of solid structural  
3                   supports or building materials;
- 4                   (b) except for solid structural components allowed under Paragraph  
5                   8(a), solid and mesh materials used for enclosure, including lattice,  
6                   wire panels, and screening, must be at least 66 percent open; and
- 7                   (c) no framing materials that are capable of being converted to support  
8                   walls or windows may be used.

9                   (9) The number of motorboats anchored, moored, or stored on a dock may  
10                  not exceed:

11                  (a) two, for a principal residential use utilizing an individual dock that  
12                  is not part of a cluster dock; or

13                  (b) the number of single-family or multifamily residential units that:

14                       (i) have a perpetual right to use of a cluster dock located in a  
15                       common area of the residential subdivision or multi-family  
16                       development; and

17                       (ii) do not utilize a dock other than a cluster dock.

18                  (10) For purposes of determining the total number of motorboats that may be  
19                  anchored, moored, or stored on a dock or over water, one personal  
20                  watercraft is equivalent to one-half of a motorboat.

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

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

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

30                  ~~(C) A fence may not extend into the water beyond the shoreline unless the fence~~  
31                  ~~was part of a commercial livestock operation, other than raising domestic pets, existing~~  
32                  ~~on April 17, 1994. A fence permitted under this subsection:~~

- 1 (1) ~~must be constructed of smooth wire or mesh;~~  
2 (2) ~~may not extend more than 40 feet beyond the shoreline;~~  
3 (3) ~~must include a navigation buoy indicating “DANGER”, in accordance~~  
4 ~~with the Texas Water Safety Act, installed at the end of the fence,~~  
5 ~~unless the fence does not extend further beyond the shoreline than an~~  
6 ~~immediately adjacent dock; and~~  
7 (4) ~~must be removed if the livestock operation ceases.~~

8 (D) ~~Approval of the Parks and Recreation Board is required for a structure, other~~  
9 ~~than a retaining wall:~~

- 10 (1) ~~to be constructed or altered within 10 feet of a side property line; or~~  
11 (2) ~~except as provided in Subsection (E), that has a width, measured~~  
12 ~~parallel to the shoreline, greater than 20 percent of the shoreline width~~  
13 ~~of the lot or parcel of land on which the structure is to be constructed.~~

14 (E) ~~Subsection (D)(2) does not apply if:~~

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

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

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

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

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

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

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

28 (B)[(G) ~~This subsection applies to a] A marina area or [common area] cluster dock~~

29 must comply with the requirements of this subsection.

- 30 (1) [Except for a boat dock or a combined storage area on the water’s edge,

31 a] A parking lot or permanent structure, other than a dock or a combined

1 storage area on the water's edge [including a parking lot], must be set  
2 back at least 100 feet from the shoreline.

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

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

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

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

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

14 (b) [~~(a) At~~] provide at least one garbage can with a capacity of at least  
15 32 gallons [~~is required~~] for each four picnic units and for each four  
16 boat slips.

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

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

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

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

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

27 (1) was part of a commercial livestock operation, other than raising domestic  
28 pets, existing on April 17, 1994;

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

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

1           (4) includes a navigation buoy indicating “DANGER”, in accordance with  
2           the Texas Water Safety Act, installed at the end of the fence, unless the  
3           fence does not extend further beyond the shoreline than an immediately  
4           adjacent dock; and

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

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

7  
8       **PART 12.** City Code Section 25-2-1177 (*Dock Exempt from City Licensing*) is amended  
9       to read:

10       **§ 25-2-1177    ~~[DOCKS EXEMPT FROM]~~ CITY LICENSING REQUIREMENTS**  
11       **FOR DOCKS, MARINAS AND OTHER LAKEFRONT USES.**

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

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

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

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

21           (1) any applicable requirements of this title, including the use and site  
22           development regulations of this subchapter; or

23           (2) the City’s property interests in the easements and lakebeds identified  
24           in Subsection (A), including the right to:

25           (a) require the immediate removal of a dock or other encroachment  
26           that poses a navigation hazard, as authorized by this article; or

27           (b) require a license agreement for docks or other encroachments  
28           into lands over which the City holds an easement or fee simple  
29           ownership [limit the review of a site plan for construction of a  
30           dock].

31  
32       **PART 13.** City Code Chapter 25-2, Subpart C, Article 13 (*Docks, Bulkheads, and*  
33       *Shoreline Access*) is amended to repeal Section 25-2-1178 (*Fire Protection*) and to  
34       amend Section 25-2-1179 (*Environmental Protection*) to read:



1       **§ 25-2-1179 ENVIRONMENTAL PROTECTION.**

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

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

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

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

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

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

19       (G) A marina or marine fuel service facility or service station must provide  
20 adequate fire protection approved by the Fire Chief of the Austin Fire Department in  
21 accordance with the Fire Code and National Fire Protection Association standards for  
22 marinas and boatyards.

23  
24 **PART 14.** City Code Chapter 25-2, Subchapter C, Article 13 (*Docks Bulkheads, and*  
25 *Shoreline Access*) is amended to add a new Section 25-2-1180 to read:

26       **§ 25-2-1180     ENFORCEMENT AND REGISTRATION.**

27       (A) On a determination by a city official or employee that a dock has become or is  
28 in imminent danger of becoming structurally unsound, the building official:

- 29           (1) shall take action to declare the dock a hazard;
- 30           (2) shall abate the hazard under Chapter 25-12, Article 9 (*Property*  
31 *Maintenance Code*), at the owner's expense; and
- 32           (3) may impose a lien on the affect property to recover the cost of abatement.

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

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

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

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

13 (L) The exemptions provided by this section do not apply to the construction of a  
14 dock, bulkhead, or shoreline access as described in Chapter 25-2, Subchapter C, Article  
15 13 (*Docks Bulkheads, and Shoreline Access*)[.], but

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

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

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

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

25 (b)~~(2)~~ the work proposed does not:

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

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

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

33 (iv) add new walls.

1 ~~[(5) the work is authorized under Section 25-2-963 (Modification and~~  
2 ~~Maintenance of Noncomplying Structures) or Section 25-2-964 (Restoration~~  
3 ~~and Use of Damaged or Destroyed Noncomplying Structures)].~~

4 (3) A site plan is not required to repair a bulkhead if:

5 (a) the bulkhead was legally constructed;

6 (b) the repair does not exceed 25% of the bulkhead or portion of a  
7 bulkhead existing on a lot or tract; and

8 (c) no repair to the bulkhead was done without a site plan in the  
9 previous three years.

10 (M) An exemption under this section does not waive applicable requirements for  
11 obtaining a building permit and may not include modifications to a non-complying  
12 structure, including repair or maintenance, except as provided under Chapter 25-2,  
13 Subchapter C, Article 8 (Noncomplying Structures).

14  
15 **PART 16.** Subsection (B) of City Code Section 25-5-3 (*Small Projects*) is amended to  
16 read:

17 (B) The following are small projects:

18 (8) construction of a boat dock as an accessory use to a single-family  
19 residential use, duplex residential use, two-family residential use, or  
20 secondary apartment residential use if shoreline modification or dredging  
21 of not more than 25 cubic yards is not required; or

22  
23 **PART 17.** Subsection (A) of City Code Section 25-7-93 (*General Exceptions*) to read:

24 **§ 25-7-93 GENERAL EXCEPTIONS.**

25 (A) A site plan with a proposed building or parking area that encroaches on the  
26 100-year floodplain may be approved if the encroachment is:

27 (1) a parking area that is smaller than 5,000 square feet or an unoccupied  
28 structure that has an area of less than 1,000 square feet, and the director  
29 determines that the proposed development:

30 (a) will not have an adverse effect on the 100-year floodplain or  
31 surrounding properties; and

32 (b) otherwise complies with the requirements of this title;

33 (2) a single-family or duplex residential structure in a subdivision:

- 1 (a) recorded before September 25, 1983; and
- 2 (b) in which only one residential structure is built on a single lot;
- 3 (3) a building authorized by a waterway development permit issued under
- 4 Chapter 9-10 before September 25, 1983;
- 5 (4) a building in the 100-year floodplain of:
- 6 (a) Town Lake; or
- 7 (b) the Colorado River downstream from Longhorn Dam[;øø].
- 8 [~~(5) a boat dock in the 100-year floodplain of Town Lake, Lake Walter E.~~
- 9 ~~Long, or Lake Austin, and construction of the dock is otherwise~~
- 10 ~~permitted under this title.]~~

11

12 **PART 18.** Subsection (B) of City Code Section 25-7-96 (*Exceptions in the 25-Year*

13 *Floodplain*) is amended to read:

14 **§ 25-7-96 REQUIREMENTS IN THE 25-YEAR FLOODPLAIN.**

15 (B) A development application with a proposed building or parking area that

16 encroaches on the 25-year floodplain may be approved if:

- 17 (1) the building or parking area is located on parkland, a golf course, or other
- 18 public or recreational land;
- 19 (2) the building, if any, is either:
- 20 (i) a restroom or bath facility, concession stand, tool shed, or pump
- 21 house, with an area of less than 1,000 square feet; or
- 22 (ii) a dock that is located in the 25-year floodplain of Lady Bird Lake,
- 23 Lake Walter E. Long, or Lake Austin and constructed, or proposed
- 24 to be constructed, in compliance with the regulations of this title;
- 25 (3) the parking area, if any, is smaller than 5,000 square feet; and
- 26 (4) the director determines that the proposed development:
- 27 (a) will not result in additional adverse flooding impact on other
- 28 properties; and
- 29 (b) otherwise complies with the requirements of this title.
- 30

1 **PART 19.** Subsection (B) of City Code Section 25-8-41 (*Land Use Commission*  
2 *Variances*) is amended to read:

3 (B) The Land Use Commission may grant a variance from a requirement of Section  
4 25-8-422 (*Water Quality Transition Zone*), Section 25-8-452 (*Water Quality Transition*  
5 *Zone*), Section 25-8-482 (*Water Quality Transition Zone*), Section 25-8-652 (*Restrictions*  
6 *on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*, or  
7 Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that:

- 8 (1) the criteria for granting a variance in Subsection (A) are met;
- 9 (2) the requirement for which a variance is requested prevents a reasonable,  
10 economic use of the entire property; and
- 11 (3) the variance is the minimum change necessary to allow a reasonable,  
12 economic use of the entire property.  
13

14 **PART 20.** Subsection (A) of City Code Section 25-8-42 (*Administrative Variances*) is  
15 amended to read:

16 (A) A variance under this section may not vary the requirements of Article  
17 13 (*Save Our Springs Initiative*) [~~and may not be granted for development of a~~  
18 ~~property if any portion of the property abuts or is within 500 feet of the shoreline~~  
19 ~~of Lake Austin, measured horizontally].~~

20  
21 **PART 21.** Subsection (C) of City Code Section 25-8-261 (*Critical Water Quality Zone*  
22 *Development*) is amended to read:

23 (C) The requirements of this subsection apply along [Along] Lake Travis, Lake  
24 Austin, or Lady Bird Lake[;].

- 25 (1) A [a boat] dock, [pier, wharf,] bulkhead or marina, and necessary access  
26 and appurtenances, are [is] permitted in a critical water quality zone  
27 subject to compliance with Chapter 25-2, Subchapter C, Article 12  
28 (*Docks, Bulkheads, and Shoreline Access*). [; and]
- 29 (2) At least 50% of the area within 25 feet of the shoreline must be:
- 30 (a) preserved in a natural condition; or
- 31 (b) restored to a natural condition as prescribed by the Environmental  
32 Criteria Manual, if the vegetation is disturbed or removed for  
33 construction or other development activity, within the area of  
34 disturbance.

1           (3) Not more than 30 percent of the woody vegetation within the shoreline  
2 setback area as defined by Section 25-2-551 (*Lake Austin (LA) District*  
3 *Regulations*) and within the area defined by 25-2-180 (*Lake Austin (LA)*  
4 *Overlay District*) may be removed.

5           (4) Before a building permit may be issued or a site plan released, approval  
6 by the Watershed Protection Department is required for [oƒ] chemicals  
7 used to treat building materials that will be submerged in water—is  
8 required before a permit may be issued or a site plan released.  
9

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

12 **§ 25-8-652 RESTRICTIONS ON DEVELOPMENT IMPACTING [FILLS AT]**  
13 **LAKE AUSTIN, LADY BIRD LAKE, AND LAKE WALTER E. LONG.**

14           (A) The requirements of this section apply to development on or adjacent to  
15 [Approval by the Parks and Recreation Board is required to place fill in] Lake Austin,  
16 Lady Bird Lake, or Lake Walter E. Long.

17           (B) Except as otherwise provided by this section, placing fill or dredging in a  
18 lake is prohibited.

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

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

24           ~~(1) Before the director may approve the development application, the~~  
25 ~~director must submit the development application to the Parks and Recreation~~  
26 ~~Board.~~

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

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

29                   ~~(b) the effect of the development on the recreational and natural~~  
30 ~~character of the lake.~~

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

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

