

In response to a request from Mayor Leffingwell at the 05/15/2014 Public Hearing, below are questions from citizens and Councilmembers on the proposed Lake Austin ordinances with responses from staff.

#	Source	Topic	Comment	Response
1	Citizen Comment	Bulkheads	Allow vertical bulkheads on any man-made channel, not just existing man-made channels	Any new man-made channels must comply with current code and thus bulkheads on new man-made channels, if needed, cannot be vertical. Vertical bulkheads on existing channels, when replaced, are also not allowed.
2	Citizen Comment	Docks	Proposed dock ordinance ties docks to residential houses, but there are small recreational lots only for docks on Lake Austin	The proposed ordinance ties docks to residential use of the lakefront property, not residential structures. Lots without houses may have docks.
3	Citizen Comment	Docks	Proposed dock ordinance has a 3-year time span to repair docks, which is not consistent with lake draw down schedule	This comment refers to an older version of the ordinance. The proposed ordinance allows repairs to docks at any time, or bulkheads at any time under a site plan. Repair to bulkheads under a site plan exemption are limited to 25% of the bulkhead once every 3 years. Greater than 25% of the length may be replaced at any time with a site plan.
4	Citizen Comment	Docks	Light stations on docks are required to have 2 bulbs on each corner and every 15 ft, even if docks are close together	This is current code, and necessary to preserve navigation safety at night. The only change proposed addresses the type of bulb required to allow for more efficient lighting.
5	Citizen Comment	Docks	Allowing structural component replacement for non-complying docks in perpetuity is problematic. Rarely does only 1 piling rot	This comment refers to an older version of the ordinance. Structural components may be repaired or replaced at any time with a site plan. Non-complying structures may keep their existing footprint and number of slips in perpetuity if legally constructed
6	Citizen Comment	Docks	Dock construction with the 50% rule done under a site plan exemption has caused problems previously	Staff agree that the 50% rule was frequently abused as a means to facilitate illegal construction. The 50% rule has been removed from the proposed ordinance.

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7	Citizen Comment	Docks	Structural component repair and replacement should not be done with a site plan exemption	The proposed ordinance does not allow replacement of structural components with a site plan exemption and is in alignment with the Lake Austin Task Force recommendation that structural repairs should be done under a site plan
8	Citizen Comment	Docks	Define legally permitted	The proposed ordinance specifically defines what is legal or would qualify for amnesty in 25-2-963.
9	Citizen Comment	Docks	Define footprint. Currently reviewers use the lower footprint of the dock but the proposed ordinance includes roof dripline	Footprint is defined in the proposed ordinance to include the roof overhang and all appurtenances. This is consistent with current practice and is consistent with how the area of other structures is measured for code compliance
10	Citizen Comment	Docks	Appurtenances to docks not listed in 25-2-893 (eg, slides, ladders) would require Council approval	City legal staff advise that there are no variances to the use regulations specified in 25-2-893, and that Council must approve change in uses. The proposed ordinance will be amended to add slides and other similar recreational equipment. Ladders and other items identified by the Friends of Lake Austin would already be allowed under the proposed ordinance.
11	Citizen Comment	Docks	Sanitation facilities are required for cluster docks with 2-10 slips that must be located 100 ft away from the lake. However, these marina-like facilities may be located on narrow strips of land along the lake without 100 feet of distance from the lake. If sanitation facilities are allowed for these marinas within 100 feet of the lake, then allow them on all docks	Under current code, sanitation facilities are required for cluster docks and marinas and must be at least 100 feet from the shoreline if permanent. The proposed ordinance does not change this requirement. Sanitation facilities should not be allowed on residential docks because of the high risk of raw sewage contamination of Lake Austin from wastewater infrastructure on a dock.

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12	Citizen Comment, Council Question	Docks	Change from 1,200 to 1,600 sq ft for dock size if include roof dripline	The proposed 1,200 sq ft dock footprint was developed to allow for up to two 10 ft x 24 ft boat slips with 720 sq ft of additional area for walkways and sun decks. This would allow for 3 ft wide walkways around two boat slips, a 5 ft x 10 ft landing to the dock and a 13.5 ft x 27 ft sun deck. The average size of docks on Lake Austin is 972 sq ft, and an estimated 85% of existing docks are less than 1,200 sq ft. Two story docks are allowed. Increasing the dock area to 1,600 sq ft would enable future docks to illegally cut out 2 additional boat slips in the future (to illegally store up to 4 boats)
13	Written Comment	Docks	As written, the ordinance will make more than 90% of the existing shoreline improvements non-compliant	There is no assessment of how many docks do not comply with current code, and there are illegal structures on the lake today. Staff estimate that most likely structures that are non-complying under the proposed ordinance are non-complying under current code today.
14	Written Comment	Docks	Provisions in the draft ordinance alter the long-standing accessory use rights of residential lakeside property owners	The proposed ordinance does not negatively impact the accessory use rights of lakeside property owners, and in fact allows docks as an accessory structure to a residential use even if there is no residential structure on a lot which is less stringent than current code.
15	Written Comment	Docks	Landowners must show they have title to the land under their docks or be subject to a license agreement with the City	This is incorrect. The proposed ordinance actually removes the burden on a lakefront property owner to prove ownership of submerged land under the dock prior to application for a permit, but without waiving the rights of the City to any land owned by the City or with a City easement

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16	Written Comment	Docks	Add to the list of appurtenances in 25-2-893: counter, cabinets, fish sink, door, windows, benches, rope swing, slide, ladder, security facilities	Sinks are not permissible appurtenances because of the high risk that contaminants like soap will be discharged to the lake, as wastewater connections are not permitted on docks. The majority of the other appurtenances would be allowed under the proposed ordinance. Recreational facilities like swings will be added to the proposed ordinance.
17	Written Comment	Docks	Allow 2 docks per residential use	Consistent with current code, only one dock is allowed as an accessory to a residential use under the proposed ordinance
18	Written Comment	Docks	Allow 3 motorboats per dock	Consistent with current code, only 2 motorboats are allowed per dock under the proposed ordinance.
19	Written Comment	Docks	The City has not addressed registration of docks	The Code Compliance Department is developing a separate registration process. Once that process has been identified, a separate ordinance will be brought to Council for approval.
20	Written Comment	Docks	The LATF strongly supported the BDB2 and BDB3 recommendations to limit the amount of modifications that can be performed with no site plan	Consistent with LATF recommendations, site plan exemptions are not allowed for structural modifications or repairs to docks, or to work on more than 25% of a bulkhead.
21	Written Comment	Docks	The provisions relating to non-complying docks are punitive and unworkable. The LATF suggested a grandfathered registration date before which a dock would be permanently grandfathered as a legal, non-complying dock entitled to full repair/remodel within the existing footprint.	The proposed ordinance allows legal, non-compliant structures to maintain their existing footprint in perpetuity. Docks constructed prior to 1984 do not have to provide proof of permit to be considered legal. Except for the linkage to registration this is consistent with the LATF recommendation.
22	Written Comment	Docks	I would suggest that legally permitted docks built after 1995 would be grandfathered and/or not required to go through the site development process again as long as you don't expand the footprint and location.	The proposed ordinance allows legal, non-compliant structures to maintain their existing footprint in perpetuity. Docks constructed prior to 1984 do not have to provide proof of permit to be considered legal but only show reasonable proof (aerial photo, survey, etc.) they existed in that configuration prior to 1984.

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23	Citizen Comment	Dredging	Staff need to check US Army Corp of Engineers Nationwide Permit, as it appears that 25 cubic yards allowed in the proposed ordinance is more than what USACE allows under Nationwide Permit 13	Under the applicable US Army Corp of Engineers Nationwide Permit 19, up to 25 cubic yards of dredging may be allowed which is consistent with the proposed ordinance.
24	Citizen Comment	General	Proposals not comprehensively designed to protect Lake Austin as drafted, but would promote Austin's economic well-being	City staff with the recommendation of the Planning Commission and the Environmental Board have proposed draft ordinances that are protective of environmental quality while preserving the existing entitlements of property owners.
25	Written Comment	General	There are many provisions of the draft ordinance which seem to have been drafted by staff as if there had never been any input from the LATF.	The LATF made only a few specific recommendations for code modifications, but generally asked staff to clarify and update the code. Of the specific recommendations of the LATF relating to shoreline and dock development, the proposed ordinances are consistent with the LATF consensus recommendations except for administrative variances.
26	Written Comment	Gradient Boundary	The LATF recommended that the City investigate the possibility of establishing license fees for private docks on public lands. The licensing language of 25-2-1177 as proposed continues to exempt docks from City licensing requirements, with additional language that the City is not waiving any rights which is proper and protective of public interests	This comment accurately reflects the language and intent of the proposed ordinances.
27	Written Comment	Gradient Boundary	There was no discussion of gradient boundary issues by the LATF. The proposed language of 25-2-1177 is arbitrary and discriminatory. This proposal will shift the burden of proving land ownership for a dock to the applicant.	This comment was based on an older version of the ordinance. The proposed ordinances do not reference the gradient boundary, and do not require the property owner to prove ownership. The proposed ordinance does allow for lakefront property owners to have a dock without having to prove ownership, which is less stringent than current code, but does not waive the City's rights.
28	Citizen Comment	LA District Zoning	Restore the allowance in 25-2-551 for clearing vegetation as needed for surveying	This section is not necessary in 25-2-551 as it already exists in code (see 25-8-321) with the same language.

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29	Citizen Comment	LA District Zoning	Define woody vegetation	Woody vegetation is defined by the Environmental Criteria Manual, Appendix F, and does not need additional definition in Title 25
30	Council Question	Lake Austin Task Force	How do the proposed ordinances relate to the Lake Austin Task Force recommendations?	The proposed ordinances are consistent with LATF recommendations, or affect issues not addressed by the LATF, except for administrative variances. The LATF recommended against administrative variances along Lake Austin. The relationship of all proposed ordinance changes to the LATF recommendations is described here: http://www.austintexas.gov/edims/document.cfm?id=210148
31	Written Comment	Lake Austin Task Force	The ordinances have no recitals. It has been disseminated that this ordinance is in response to recommendations from the Lake Austin Task Force.	The proposed ordinances are consistent with LATF recommendations, or affect issues not addressed by the LATF, except for administrative variances. The LATF recommended against administrative variances along Lake Austin. The relationship of all proposed ordinance changes to the LATF recommendations is described here: http://www.austintexas.gov/edims/document.cfm?id=210148
32	Citizen Comment	Lake Management Division	Lake Management Division needed to address other Lake Austin related issues	A proposal for new staff to address Lake Austin management was presented to Council in a memo from the Environmental Officer to Mayor and Council dated 05/12/2014
33	Written Comment	Lake Management Division	Many of the LATF recommendations will require long-term, coordinated planning and funding to be implemented.	A proposal for new staff to address Lake Austin management was presented to Council in a memo from the Environmental Officer to Mayor and Council dated 05/12/2014
34	Citizen Comment	Overlay	Overlay covers only 60% of area, and should also include P and PUD zoning but exclude NP zoning; all redevelopment should be held to LA requirements	NP zoning is effectively excluded from the proposed overlay because there are no NP properties zoned LA, DR, or RR. PUD zoning could be included but to the degree that they conflict, the PUD regulations would prevail. P could be included but may affect future development of Lake Austin parks.

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35	Citizen Comment	Overlay	Add PUD, P to overlay; allow for some commercialization of Lake Austin parks to help PARD funding	NP zoning is effectively excluded from the proposed overlay because there are no NP properties zoned LA, DR, or RR. PUD zoning could be included but to the degree that they conflict, the PUD regulations would prevail. P could be included but may affect future development of Lake Austin parks.
36	Council Question	Overlay	What is the impact of excluding NP from overlay?	NP zoning is effectively excluded from the proposed overlay because there are no NP properties zoned LA, DR, or RR.z
37	Council Question	Overlay	How many SF parcels are within 1,000 feet of the lake (#, %)?	SF properties comprise approximately 11% of the Lake Austin shoreline, or 12% of the area within 1,000 feet of Lake Austin.
38	Council Question	Overlay	What if multiple SF lots were combined, could overlay apply to them?	SF lot site development regulations are substantially different from LA, DR, and RR. The minimum lot size requirement for LA is 43,560 sq ft but the minimum lot size for SF-3 is only 5,750 sq ft. More than 7 SF-3 lots would have to be combined to meet the minimum requirements of LA zoning.
39	Council Question	Overlay	Add PUD to the overlay, and to the extent that they conflict the PUD regulations would apply	PUDs will be included in the overlay although staff recommend against inclusion because PUDs were individually negotiated and approved by Council.
40	Council Question	Overlay	Was the overlay a consensus recommendation of the Lake Austin Task Force?	The LATF recommendation specifically asked the City to address the issue of homeowners exempting themselves from LA regulations through upzoning. City Council resolution 20130823 113 directed City staff to propose the overlay.
41	Citizen Comment	Trams	The prohibition on trams is a major change as a result of a recent interpretation	The prohibition on trams is not a recent interpretation. Trams that exist on the lake were constructed either illegally, on lots that are not zoned LA, or with variances.
42	Citizen Comment	Trams	Allow trams to access difficult properties	Trams are prohibited under current code in LA zoned parcels. A tram could be allowed via a Board of Adjustment variance if the applicant could show a hardship.

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43	Council Question	Trams	What is the problem with trams?	Trams are an aesthetic concern for the lake, and exacerbate shoreline erosion by removal of vegetation and creating a straightline path down steep slopes.
44	Written Comment	Trams	Prohibiting trams on slopes greater than 35% creates a barrier for access to the lake for the disabled	Trams can be constructed with a variance approved by the Board of Adjustment.
45	Written Comment	Trams	The LATF discussed trams within the shoreline setback, and made a consensus recommendation that the City should clarify the definition of permanent structures. Staff is proposing language that reflects and clarifies current policy	The proposed ordinance only clarifies interpretation of existing City Code that trams are prohibited within the shoreline setback or on slopes greater than 35% on LA zoned parcels.
46	Written Comment	Trams	The Lake Austin Task Force makes no mention of trams. There is no demonstrated environmental justification for banning trams. Trams are described in the code as an authorized means of pedestrian access.	The LATF asks the City to clarify permanent improvements. Trams are prohibited under current code. Trams exacerbate erosion of steep slopes along Lake Austin.
47	Citizen Comment	Variances	Allowing administrative variances to requirements of 25-8 along Lake Austin does not allow for public discussion, does not agree with Lake Austin Task Force consensus recommendation	The proposed ordinance differs from the LATF recommendation regarding administrative variances. The only prohibition on administrative variances currently is along Lake Austin. Although there are not a large number of formal variances along Lake Austin, they consume a significant amount of staff and applicant time in preparing the documentation and attending the Environmental Board and Land Use Commission meetings. The proposed ordinance allows administrative variances along Lake Austin consistent with all other areas of Austin.
48	Council Question	Variances	What are different kinds of variances along Lake Austin, how does this differ from the Barton Springs Zone, how many per year?	See additional attached summary of variances.