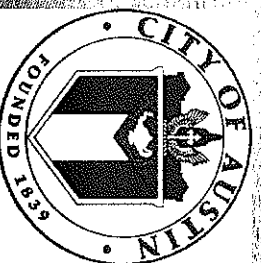


# **Lake Austin District Zoning Overlay and Revisions to Lake Shoreline Development Regulations**

**Presented to the Board of Adjustment**

**August 2014**



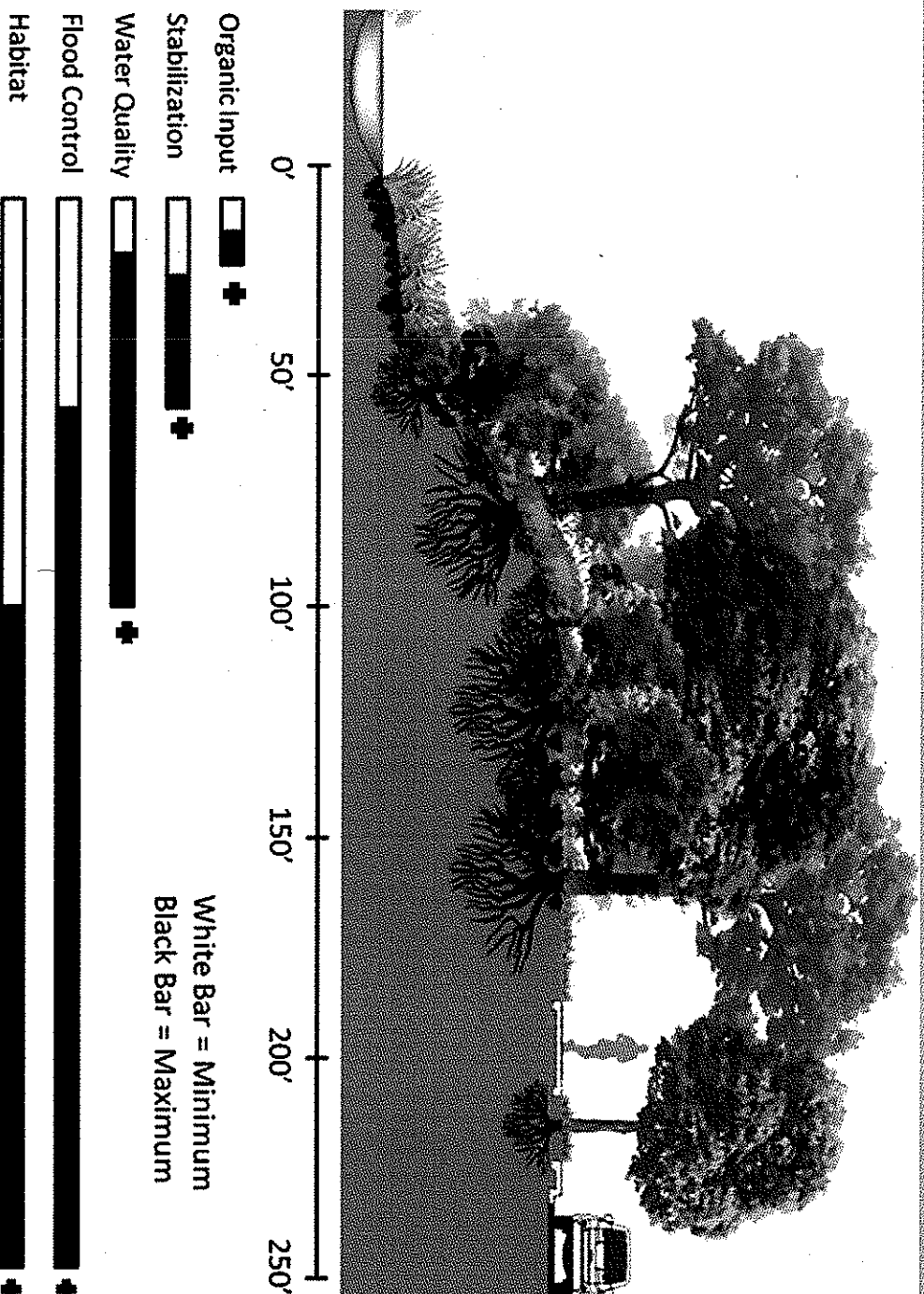
# Impervious Cover

The overwhelming weight of scientific evidence including local studies strongly relate development and increasing impervious cover with:

- Degraded water quality
- Increased runoff exacerbating flooding and erosion
- Decreased water infiltration to soils
- Loss of sensitive organisms

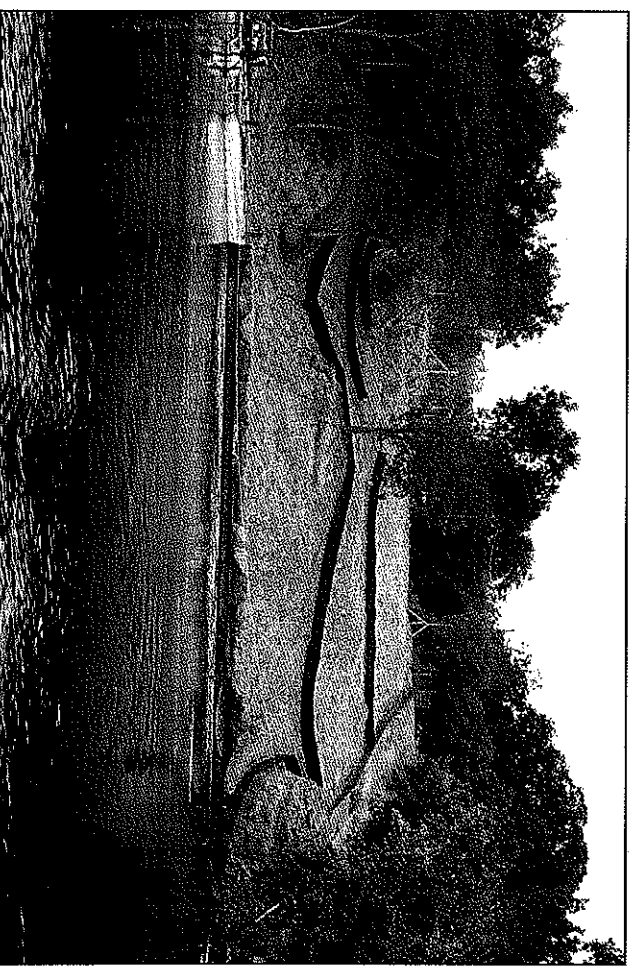
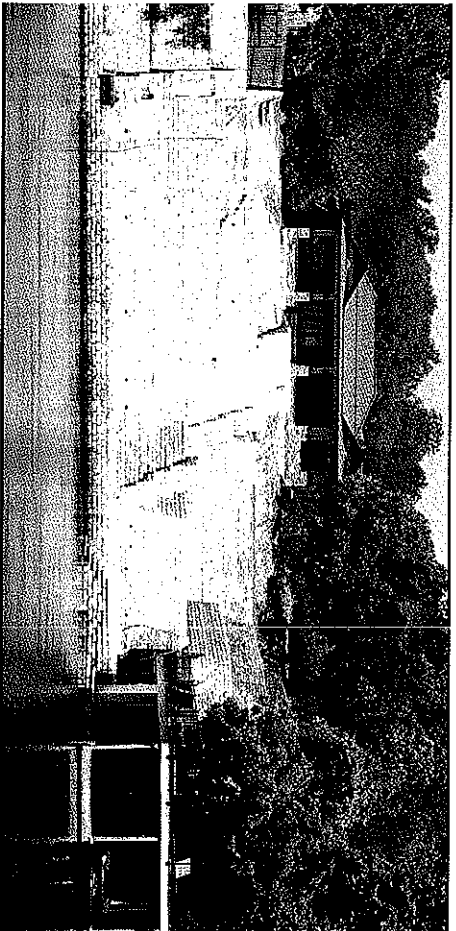
*Watersheds with 10% or more impervious cover are degraded (EPA 2002)*

# Riparian Zone Functions

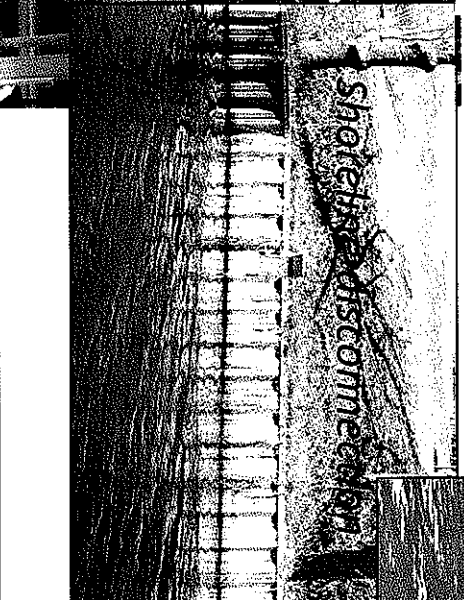
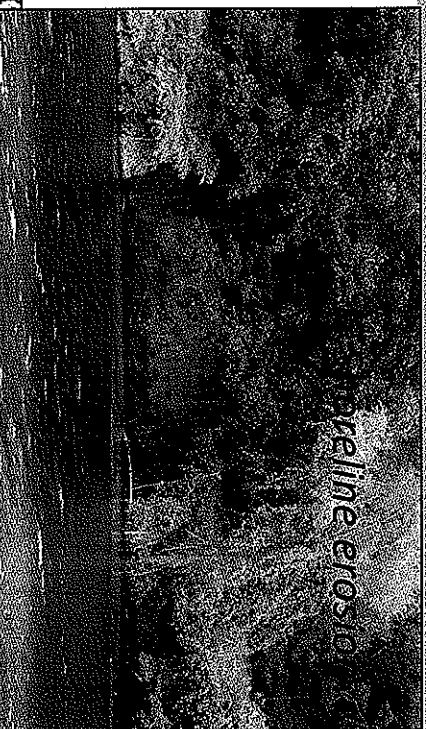
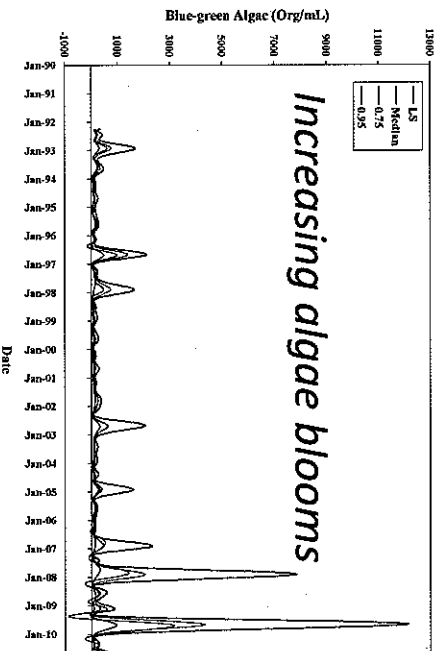


<http://austintexas.gov/departments/riparian-restoration>

# Encroachment into Riparian Areas Impairs Lake Function



# Lake Austin Issues





## Recent Lake Austin Code Amendments

**On June 26, 2014, Austin City Council approved two new ordinances:**

- Revised shoreline development, Lake Austin Zoning District regulations and boat dock regulations (20140626-113)
  - <http://www.austintexas.gov/edims/document.cfm?id=213356>
- Created a new Lake Austin District Zoning Overlay (20140626-114)
  - <http://www.austintexas.gov/edims/document.cfm?id=213357>

# Required Findings (25-2-474)

The Board of Adjustment may grant a variance from a requirement if it determines that:

1. The requirement does not allow for a reasonable use of property;
2. The hardship for which the variance is requested is unique to the property and is not generally characteristic of the area in which the property is located; **AND**
3. Development under the variance does not:
  - a. Alter the character of the area adjacent to the property;
  - b. Impair the use of adjacent property that is developed in compliance with the City requirements; **OR**
  - c. Impair the purposes of the regulations of the zoning district in which the property is located.

*The de facto staff recommendation for 25-2 variances is DENIAL*

# Lake Austin (LA) District Zoning



# LA District Zoning (25-2-551)

## Key Provisions of Lake Austin (LA) District Zoning:

- Creates setback up to 75 ft from Lake Austin
  - Only retaining walls, docks, permitted OSSF, and non-mechanized pedestrian access facilities allowed in shoreline setback
- Limits overall impervious cover, additional impervious cover restrictions based on land slope
  - 20% if platted after 1982, 35% if platted before 1982
- Establishes lot requirements on cul-de-sacs
- Special front, rear, side yard setbacks

# Site Development Regulations (25-2-492)

Requirement	LA District
Min. Lot Size (ft <sup>2</sup> )	43,560
Min. Lot Width (ft)	100
Max. # Dwellings Units per Lot	1
Max. Height	35
Front Yard Setback (ft)	40
Street Side Yard (ft)	25
Interior Side Setback (ft)	10
Rear Yard Setback (ft)	20
Max. Impervious Cover (%)	20 (35*)

*\*if platted after 1982 or not required to be platted*

# Lake Austin (LA) Zoning Overlay

## What is an overlay?

- Additional requirements placed on top of base zoning
- Cannot be removed by upzoning
- Variance from overlay requirements need approval of Board of Adjustment

## What issue does this address?

- From LATF: Up-zoning eliminates protections that are unique to Lake Austin

# Lake Austin (LA) Zoning Overlay

LA District (25-2-551) regulations apply to all properties within 1,000 feet of Lake Austin:

- Zoned LA, I-LA, DR, RR, I-RR, PUD on or after June 24, 2014; or
- If two or more SF lots are aggregated to yield a lot  $\geq 1$  acre after June 24, 2014

## Considerations for LA Variance Required Findings

### **25-2-474(A):**

- (1) Reasonable use: > 61% individual LA parcels already developed
- (2) Unique hardship: > 79% individual LA parcels have areas with slopes > 15%
- (3)(c) Impair the purpose of the district: LA was created to protect the shoreline and riparian area of Austin's drinking water supply. *Does the variance adversely impact the shoreline or riparian area of Lake Austin?*

**Trams**

# Trams in LA District

Within the LA District, new trams are prohibited:

- Within the shoreline setback
  - Only non-mechanized pedestrian access facilities allowed in shoreline setback
- On slopes > 35%
  - Only non-mechanized pedestrian access facility (foot path, stairs, sidewalk)



With path access



## Considerations for Tram Variance Required Findings

### **25-2-474(A):**

- (1) Reasonable use: *Does the property have an existing shoreline access?*
- (2) Unique hardship: *> 49% individual LA parcels within 500' of the lake have areas with slopes > 35%*
- (3)(a) Alter area character: *Does the tram alter the aesthetic character of the river valley?*
  - (c) Impair the purpose of the district: *LA was created to protect the shoreline and riparian area of Austin's drinking water supply. Does the variance adversely impact the shoreline or riparian area of Lake Austin?*

# New Shoreline Development Regulations

# What moved out of 25-2?

- Shoreline setback vegetation requirements
- Dredging
- Land capture

*Moved to 25-8 to be consistent with process for other environmental variance approvals*

## Definitions (25-2-1172)

Dock: wharf, pier, float, slip, lift, stationary platform, or any similar structure

Cluster dock: non-commercial dock associated with lakefront multifamily development or single family subdivision with common lake frontage

Bulkhead: revetment or wall constructed to stabilize or modify the shoreline

Shoreline access: improvements constructed to provide means of approaching the shoreline including stairs and trams

Personal watercraft: count as  $\frac{1}{2}$  of a boat

# Dock Accessory Uses (25-2-893)

- Docks are an accessory use per residential use
  - If house crosses multiple lots, only one dock
- Habitable structures on docks not permitted
- Defines allowable appurtenances
  - Closet, roof, 2<sup>nd</sup> floor, lockers, railings, electrical, non-potable pump/connections, lighting, fans, non-mechanized access, slips, non-mechanized recreational equipment

*There are no variances to 25-2-893 use regulations; applicants can appeal staff interpretation of allowable appurtenances and use restrictions*

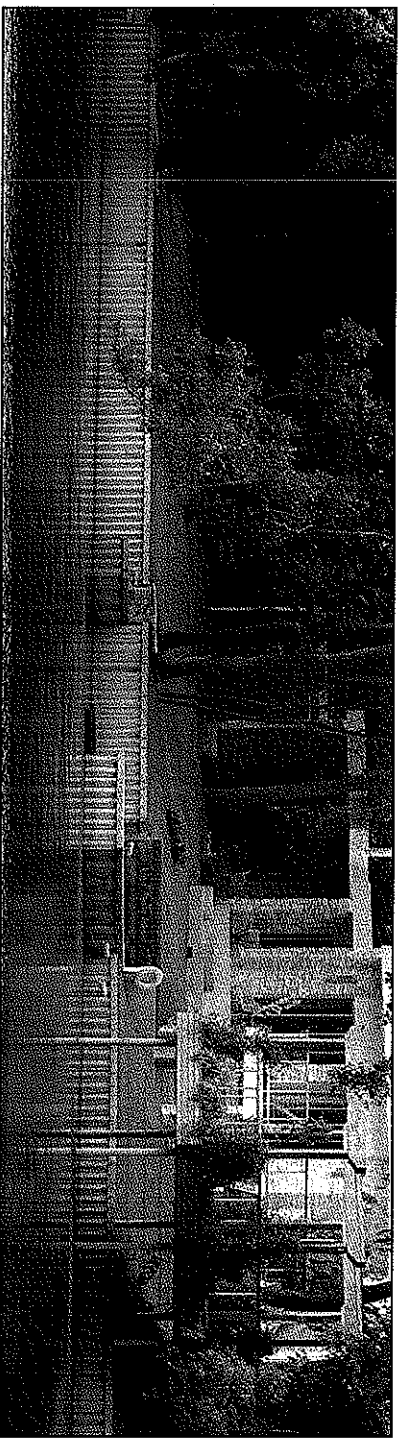
## Modifying Non-Complying Docks (25-2-963)

- Legal, non-compliant docks can keep existing length, height and horizontal footprint in perpetuity
  - Modifications to dock structural components allowed but rest of dock must meet current code
  - Cannot increase non-compliance, number of walls, height, width, depth or number of slips
- A survey of existing conditions is now required
- Docks constructed prior to 1984 do not need to provide proof of permit to be considered legally constructed

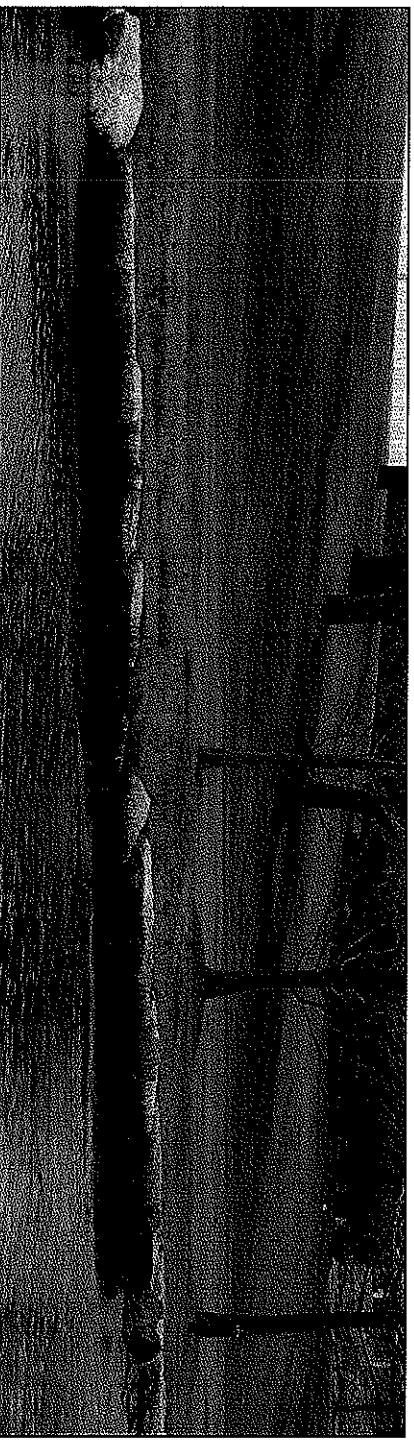
# Structural Requirements (25-2-1174)

Bulkheads with greater than 45° vertical slope are prohibited

*Non-Compliant*



*Compliant*





## Considerations for Vertical Bulkhead Variance Required Findings

### **25-2-474(A):**

- (1) Reasonable use: *Why is a non-vertical bulkhead not feasible?*
- (2) Unique hardship: *How is the lot different from other lots without vertical bulkheads?*
- (3)(b) Impair adjacent compliant property: *Do adjacent lots have vertical bulkheads?*
- (c) Impair the purpose of the district: Vertical bulkheads impair riparian function, increase erosion and exacerbate wave action.

# Dock Regulations (25-2-1176)

## Docks:

- May extend out 30 ft from the shoreline, but may not exceed 20% of any channel width
- May not exceed 30 ft in height from the water (492.8 msl)
- May not be closer than 10 ft to the side property line
- Width may not exceed 20% of the shoreline width of the property
  - If shoreline width < 70 ft, then dock can be 14 ft wide
- Dock footprint must be  $\leq 1,200 \text{ ft}^2$ 
  - Cluster dock footprint  $\leq 600 \text{ ft}^2$  \* number of units with access
- Docks may not store more than 2 motorboats
  - Cluster docks number of boats = number of units with access
- Enclosures limited to storage closets up to 48 ft<sup>2</sup>
- No more than one solid wall per floor
  - All other walls must be > 66% open (includes all materials such as screen, columns, etc)

# For More Information

Visit the webpage:

[austintexas.gov/department/lake-austin-development-code-revisions](http://austintexas.gov/department/lake-austin-development-code-revisions)

## Call or Email:

Chris Herrington (recent code revisions)	512-974-2840, <u><a href="mailto:chris.herrington@austintexas.gov">chris.herrington@austintexas.gov</a></u>
Chuck Lesniak (env. code interpretation)	512-974-2699, <u><a href="mailto:chuck.lesniak@austintexas.gov">chuck.lesniak@austintexas.gov</a></u>
Greg Dutton (zoning review)	512-974-3509, <u><a href="mailto:greg.dutton@austintexas.gov">greg.dutton@austintexas.gov</a></u>
Liz Johnston (environmental review)	512-974-1218, <u><a href="mailto:liz.johnston@austintexas.gov">liz.johnston@austintexas.gov</a></u>