


ZONING & PLATTING
COMMISSION

Handouts


MARCH 17, 2015

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**Lake Austin
Environmental Codes and Criteria**




Presented to the Zoning and Platting Commission
March 2015



Finding the Balance

- Drinking Water
- Flood control
- Residential
- Boating/Marina
- Parks
- Anglers
- Birders



Lake Shoreline Development

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
- Increased heat island effects

"Poor Lakeshore habitat condition imports a significant stress on lakes and suggests the need for stronger management of shoreline development, especially as development pressures on lakes keep steadily growing." (National Lakes Assessment, EPA 2009)

"Of the stressors included in the NLA, poor lakeshore habitat is the biggest problem in the nation's lakes; over one-third exhibit poor shoreline habitat condition." (National Lakes Assessment, EPA 2009)

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

Riparian Zone Functions

The diagram shows a cross-section of a riparian zone. On the left, a water body is shown with a water level line. The riparian zone consists of a layer of soil and a layer of vegetation (trees and shrubs). A road and a house are shown on the right side of the riparian zone. Below the diagram is a legend with the following items: Digging hole, Middle stream, Water Quality, Road Corridor, and Habitat. A scale bar at the bottom indicates distances from 0 to 250. A URL is provided: http://www.texas.gov/assets/html/riparian_restoration

A robust shoreline vegetative community improves water quality, prevents erosion, and aids in flood control.

Encroachment into Riparian Areas Impairs Lake Function

The collage consists of three images. The top image shows a large house with a dock extending into a lake. The bottom-left image shows a stone retaining wall along a lake shore. The bottom-right image shows a large area of exposed soil and erosion along a lake shore.

Lake Austin Issues

The collage includes a bar graph titled "Increasing algae blooms" showing a significant increase in blooms over time. Other images include "Hydrilla" (a green algal mat), "Shoreline erosion" (a rocky shore with exposed soil), "Non-complying Structures" (a house with a dock), "Shoreline disconnection" (a house with a large concrete wall), "Recreational use" (a person surfing), and "Increasing development" (a large residential development along the lake shore).

Costs of Degraded Water Quality

- Additional water treatment costs.
- Increased erosion, loss of land.
- Loss of native aquatic habitat, increase of invasive species (*Hydrilla*).
- Decrease in recreational opportunities (bass fishing).
- Decreased aesthetic value.



Recent Lake Austin Code Amendments

On December 9, 2010, Austin City Council approved ordinance related to docks, shoreline access and shoreline improvements:

- Created wave abatement requirements for bulkheads, required shoreline access to be shown on site plan, and modified some boat dock regulations and permitting procedures in 25-2 Zoning. (20140626-113)
– <http://www.austintexas.gov/edims/document.cfm?id=146664>

Recent Lake Austin Code Amendments

- On October 17, 2013, Austin City Council approved the Watershed Protection Ordinance, allowing floodplain modifications, including bulkheads, to be approved administratively within Critical Water Quality Zones, with certain conditions:
– <http://www.austintexas.gov/edims/document.cfm?id=199808>
- October, 2013, an Ordinance was passed temporarily changing approval authority of certain approvals from Parks Board to Land Use Commission.

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>

What moved out of § 25-2?

- Shoreline setback vegetation requirements
- Dredging (up to 25 cy allowed)
- Land capture prohibited
- Placement of fill in Lake Austin prohibited

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

Zoning Requirements

25-2 Article 13 Docks, Bulkheads and Shoreline Access

- Provides definitions of dock, bulkhead, etc.
- Clarifies permitting, structural, lighting and electrical requirements
- § 25-2-1176 SITE DEVELOPMENT REGULATIONS FOR DOCKS, MARINAS, AND OTHER LAKEFRONT USES
 - Navigation (docks may not extend more than 30' into Lake Austin or 20% of a channel).
 - Docks may not exceed more than 20% of the shoreline frontage, with a minimum allowance of 14'.
 - 1,200 square feet for a dock that is accessory to a principal residential use.
 - A dock may not exceed 30 feet in height.
 - No portion of a dock may be enclosed, except for an enclosed storage closet that is limited to no more than 48 square feet for each principal residential use associated with the dock; and
 - The number of motorboats anchored, moored, or stored on a dock may not exceed two, for a principal residential use utilizing an individual dock that is not part of a cluster dock
- § 25-2-1179 ENVIRONMENTAL PROTECTION
 - A retaining wall, bulkhead, or other erosion protection device must be designed and constructed to minimize wave return and wave action in accordance with the Environmental Criteria Manual.
 - Maintenance, refueling requirements, hazardous chemicals.

§ 25-8-261(C) CRITICAL WATER QUALITY ZONE DEVELOPMENT

(C) The requirements of this subsection apply along Lake Travis, Lake Austin, or Lady Bird Lake.

(1) A dock, bulkhead or marina, and necessary access and appurtenances, are permitted in a critical water quality zone subject to compliance with [Chapter 25-2](#), Subchapter C, Article 12 (Docks, Bulkheads, and Shoreline Access)

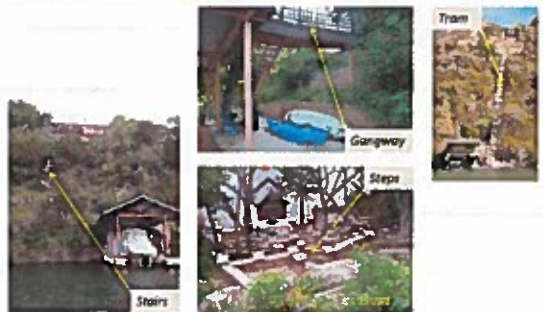


Necessary access and appurtenances

§ 25-2-099 - ACCESSORY USES FOR A PRINCIPAL RESIDENTIAL USE.

- (1) A dock is permitted as an accessory use if the requirements of this subsection are met.
 - (a) A dock may be located off-site.
 - (b) 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.
- (2) A dock may include only the following as appurtenances and items of use:
 - (a) a storage closet that meets the requirements of Subsection (A);
 - (b) a roof;
 - (c) a second floor;
 - (d) storm anchors;
 - (e) railings;
 - (f) a non-potable water pump and hose bib;
 - (g) electrical connections;
 - (h) lighting and fans;
 - (i) non-mechanized access, including a staircase, pedestrian bridge, gangway, and gate;
 - (j) non-mechanized recreational equipment, such as slides or swings; and
 - (k) accessories or slips that may accommodate the mooring or storage of boats in compliance with the requirements of [Section 25-2-115 Use Development Regulations for Docks, Marinas, and Other Lakefront Uses](#).
- (3) Only one dock is permitted for a principal residential use, even if the use is located on more than one lot.

Necessary shoreline access not attached to a dock?



§ 25-8-281(C)
CRITICAL ENVIRONMENTAL FEATURES

(1) This subsection prescribes the requirements for critical environmental feature buffer zones.

(1) A buffer zone is established around each critical environmental feature described in this subchapter.


(a) Except as provided in Subsection (C)(1)(b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature.

(b) For a point recharge feature, the buffer zone coincides with the topographically defined catchment basin, except that the width of the buffer zone from the edge of the critical environmental feature is:

- (i) not less than 150 feet;
- (ii) not more than 300 feet; and
- (iii) calculated in accordance with the Environmental Criteria Manual.

(2) Within a buffer zone described in this subsection:

- (a) the natural vegetative cover must be retained to the maximum extent practicable;
- (b) construction is prohibited; and
- (c) waste material disposal or irrigation is prohibited.



§ 25-8-42
ADMINISTRATIVE VARIANCES

§ 25-8-42 - ADMINISTRATIVE VARIANCES.

(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.

§ 25-8-652 - RESTRICTIONS ON DEVELOPMENT IMPACTING LAKE AUSTIN, LADY BIRD LAKE, AND LAKE WALTER E. LONG.

(A) The requirements of this section apply to development on or adjacent to **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.**

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

- (1) the shoreline as it existed 10 years prior to the date of application, with documentation as prescribed by the Environmental Criteria Manual; or
- (2) the lakeside boundary of the subdivided lot line.

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

- (1) the existing bulkhead was legally constructed; and
- (2) construction of the replacement bulkhead does not change the location of the shoreline by more than 6 inches; and
- (3) the director of the Watershed Protection Department determines that there is no reasonable alternative to replacement of the bulkhead in the location of the existing bulkhead.

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

FINDINGS OF FACT
§ 25-8-41 LAND USE COMMISSION VARIANCES

§ 25-8-41. LAND USE COMMISSION VARIANCE.

(A) It is the applicant's burden to establish that the findings described in this section have been met. Except as provided in Subsections (B) and (C), the Land Use Commission may grant a variance from a requirement of this subchapter after determining that:

- (1) the requirement will deprive the applicant of a privilege or the safety or the safety of property given to owners of other similarly situated property with approximately contemporaneous development;
- (2) the variance:
 - (a) is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;
 - (b) is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property; and
 - (c) does not create a significant probability of harmful environmental consequences, and
- (3) development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

(B) The Land Use Commission may grant a variance from a requirement of [Section 25-8-42](#) (Water Quality Transition Zone), [Section 25-8-43](#) (Water Quality Transition Zone), [Section 25-8-44](#) (Water Quality Transition Zone), [Section 25-8-45](#) (Restrictions on Development Impacting Lake Aesthetics, 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.

(C) The Land Use Commission may not grant a variance from a requirement of Article 13 (Save Our Savings Initiative).

(D) The Land Use Commission shall prepare written findings of fact to support the grant or denial of a variance request under this section.

Source: Section 13-1-105, O.C.G. §90225-70, O.C. §10007-8, O.C. §30208-40, O.C. §11111-11, O.C. §211017-06A, [O.C. §10007-8](#), [§13-1-105](#), [§13-1-106](#).

Questions?

