

Late Back-Up

Planning Commission hearing

April 8, 2014

Items # 2, 3, & 4:

2208 Lake Austin Blvd.

NPA-2014-0027.01

C14-80-016 (RCT)

C14-2014-0015

Meredith, Maureen

To: Arif Ali
Subject: RE: 2208 Lake Austin Blvd.

From: Arif Ali
Sent: Wednesday, April 02, 2014 6:21 PM
To: Meredith, Maureen; Sirwaitis, Sherri
Subject: 2208 Lake Austin Blvd.

To: Sherri Sirwaitis, Zoning Planner
Maureen Meredith, Neighborhood Planner

I, Arif Ali, tenant of 2208 Lake Austin Blvd support the three applications that have been filed by Vance Elliot and Cari Patterson for 2208 Lake Austin Blvd.

I understand that the applications include: (1) rezoning to allow housing and office use, a change to the color of the land use map (plan amendment) to allow a mix of uses (office and residential) and a restrictive covenant termination. It is also my understanding that the purpose of the applications is to allow the owner to remodel and expand the existing house so the owners can live and work there, too. A mixed use building along Lake Austin Blvd makes a lot of sense to me. So, please vote for all three applications.

Sincerely,

Arif Ali, CPA

Meredith, Maureen

To:
Subject:

Alice Glasco; Sirwaitis, Sherri; Anguiano, Dora
RE: 2208 Lake Austin Blvd.

Begin forwarded message:

From: Jorge Gutierrez <jagaustin@aol.com>
Date: April 8, 2014 at 10:38:48 AM CDT
To: "bc-Dave.Anderson@austintexas.gov" <bc-Dave.Anderson@austintexas.gov>, "bc-Alfonso.Hernandez@austintexas.gov" <bc-Alfonso.Hernandez@austintexas.gov>, "bc-Danette.Chimenti@austintexas.gov" <bc-Danette.Chimenti@austintexas.gov>, "bc-James.Nortey@austintexas.gov" <bc-James.Nortey@austintexas.gov>, "bc-Stephen.Oliver@austintexas.gov" <bc-Stephen.Oliver@austintexas.gov>, "bc-Brian.Roark@austintexas.gov" <bc-Brian.Roark@austintexas.gov>, "bc-Myron.Smith@austintexas.gov" <bc-Myron.Smith@austintexas.gov>, "mngthatfield@yahoo.com" <mngthatfield@yahoo.com>, "bc-Jean.Stevens@austintexas.gov" <bc-Jean.Stevens@austintexas.gov>, "bc-Jeff.Jack@austintexas.gov" <bc-Jeff.Jack@austintexas.gov>
Cc: Alice Glasco <alice@agconsultingcompany.com>, "Cari Patterson (cari@)" <cari@v>, JAG Gutierrez >
Subject: 2208 Lake Austin Blvd.

Members,

My wife and I live across the alley from 2208 Lake Austin Blvd. I understand that you have been provided my previous comments about this application. I also understand from Ms. Glasco that there was a question from one of the Members about short term rentals at this location.

Within a football field of our home we have Mopac, Lake Austin Blvd., Magnolia's 24 hour diner, Thundercloud Subs, Fabbi & Rossi restaurant, gas station, massage place, and at least 3 major apartment complexes that are deeper into the Deep Eddy neighborhood than 2208 Lake Austin Blvd. All of these places of business are north of Lake Austin Blvd. On the south side, we have a bar, cleaners, gas station, vet, and a pawn shop.

Given these neighborhood facts and circumstances, a short term rental possibility at 2208 is a non event. It may actually reduce traffic a bit because the present use has employees and clients moving constantly in and out of the parking lot on a daily basis. This activity increases the traffic risk I addressed earlier. It is fair to say that it would not increase traffic from the present use and might actually reduce it.

Hope these comments are helpful to your deliberations. Thank you for serving.

Jorge Gutierrez

Meredith, Maureen

To: Sara Madera; commjms@
Subject: RE: 2208 Lake Austin Blvd

From: Sara Madera
Sent: Tuesday, April 08, 2014 10:31 AM
To: commjms@; Meredith, Maureen
Subject: 2208 Lake Austin Blvd

WANG voted against the requested mixed use zoning. The neighborhood plan contact team voted against the FLUM amendment request for mixed use. The request to terminate the restrictive covenant doesn't seem good either.

I think WANG and the contact team are right to object to these changes for the property.

Sara Madera
ABR,CNE,CRS,EPRO,GREEN,GRI,SRES
Luxury Institute, Broker
Platinum Top 50 Finalist 2012, 2013
Turnquist Partners REALTORS® Austin TX
<http://SaraMadera.com>

512-469-0894 home office
512-750-5536 mobile

Meredith, Maureen

To: Sara Madera
Subject: RE: 2208 Lake Austin Blvd.

From: Sara Madera
Sent: Tuesday, April 08, 2014 10:47 AM
To: Alfonso.Hernandez@austintexas.gov; Brian.Roark@austintexas.gov; Danette.Chimenti@austintexas.gov
Cc: Dave.Anderson@austintexas.gov; James.Nortey@austintexas.gov; Jean.Stevens@austintexas.gov; Meredith, Maureen; Myron.Smith@austintexas.gov; Stephen.Oliver@austintexas.gov; commjms@sbcglobal.net; mnrghatfield@yahoo.com
Subject: 2208 Lake Austin Blvd.

I strongly urge you to deny the requested zoning change, FLUM amendment and restrictive covenant termination and to preserve the quality and character of our neighborhood and support the neighbors of Johnson Creek. Our WANG (West Austin Neighborhood Group) and our Neighborhood Plan Contact Team also voted against the requested zoning changes based on their review of the proposed usage for the property and opposition from residents within our neighborhood.

Sara Madera
ABR,CNE,CRS,EPRO,GREEN,GRI,SRES
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CENTRAL CORRIDOR HIGH-CAPACITY TRANSIT STUDY BRIEFING

Step 6 Briefing
April 2014



Agenda

- 1) Phase 1 Recap
- 2) Phase 2 Overview
- 3) Service Profile
- 4) Alignment Alternatives Refinements
- 5) Evaluation of Final Alternatives
- 6) Next Steps



2

1

Phase 1 Recap

3

1

Phase 1 - Central Corridor Priority Area

East Riverside & Highland

- East Riverside (ERC) and Highland were consistently in the top two
- Advanced both into Phase 2
 - Develop best project
- Balanced corridor
 - System Development
 - Shaping Characteristics
 - Serving Characteristics

4

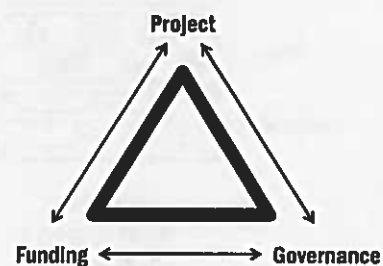
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Phase 2 Overview

2

Phase 2 Objectives

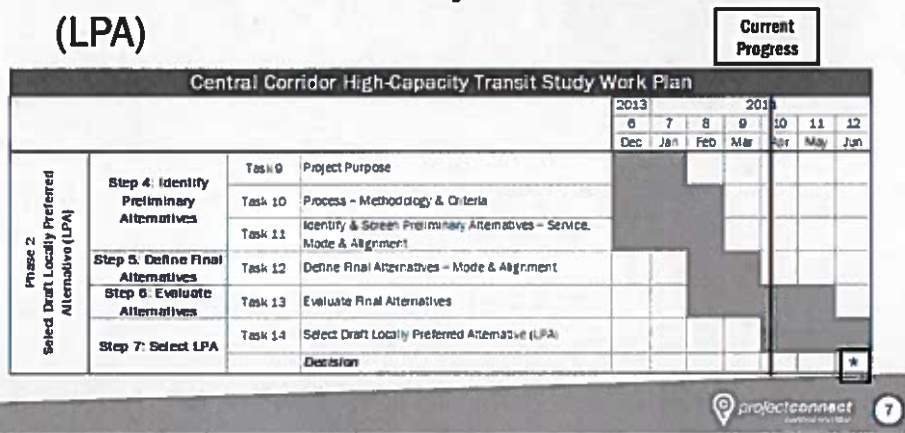
- Project Definition
 - Service, mode, alignment, stops
- Funding Plan
 - Capital and O&M costs, funding sources
 - *Within* overall Project Connect Plan
- Governance Structure
- *Programs and Policies*



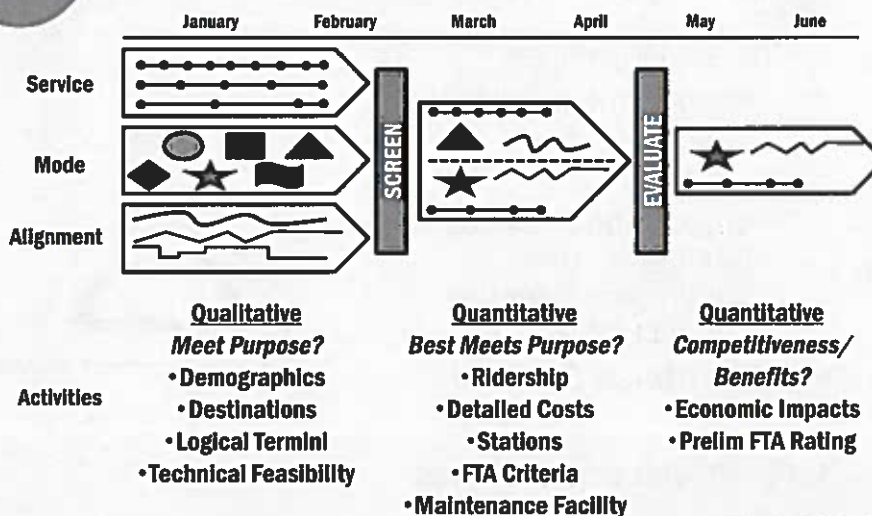
2 Phase 2 Work Plan & Schedule

Decision-Making Process

- Phase 2: Select Locally Preferred Alternative (LPA)



2 Evaluation Process



Phase 2 Public Involvement

2

Public Involvement: Recent Highlights

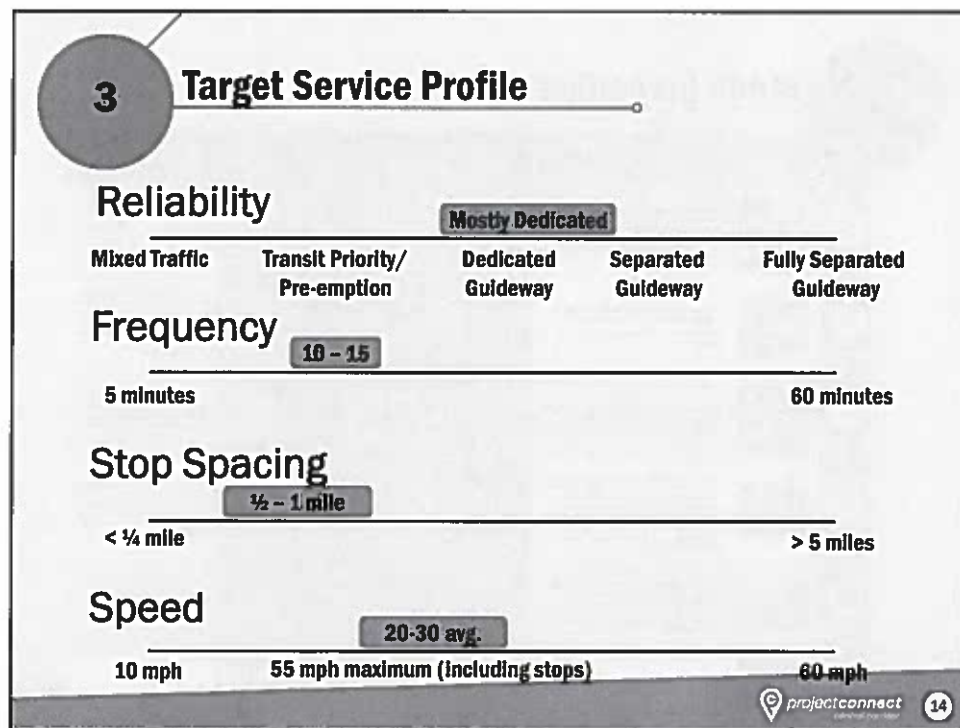
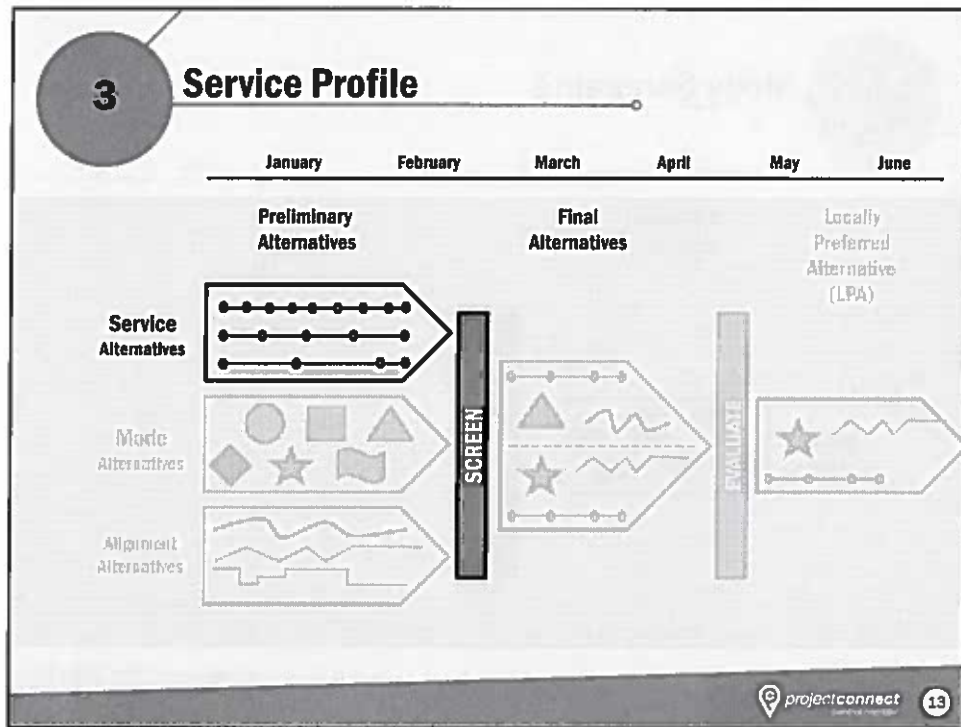
- 4/3 Workshop at Austin Chamber Transportation Committee
- 4/4 HousingWorks New Starts Forum
- Online Engagement Tool
 - MetroQuest
 - Topics: Purpose, service, modes and alignments
 - 1,100+ participants
- Input Report Published Online
 - Includes all survey responses and comments
- 18 Briefings past month
 - 4 Neighborhood Associations
 - 9 Stakeholder Groups
 - 5 Boards & Commissions

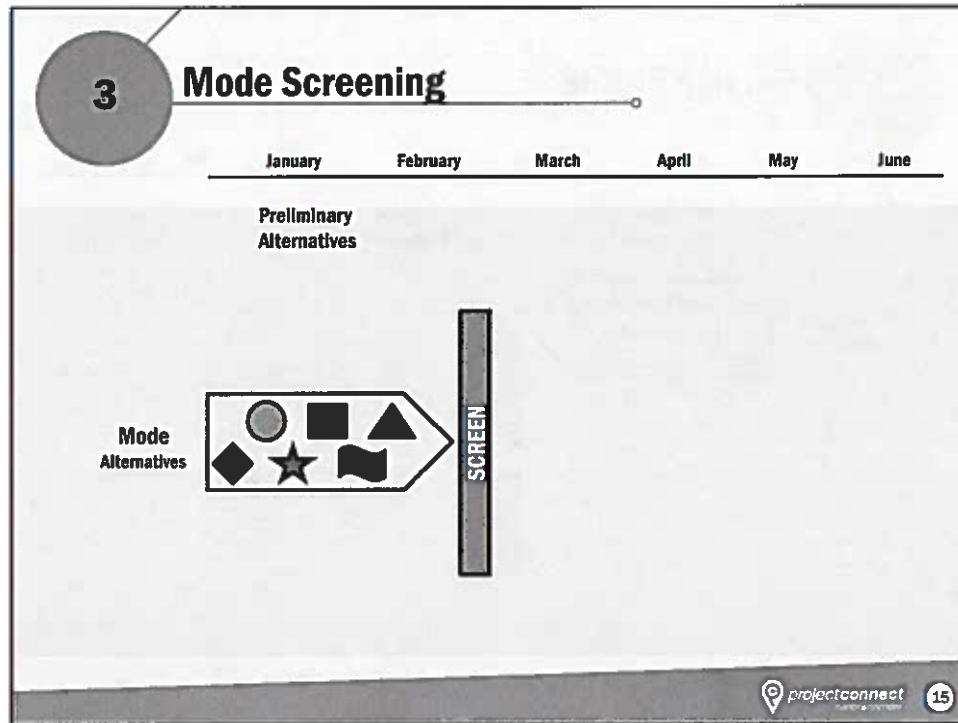


2**Public Involvement: Upcoming Activities**

- Step 5 Workshops
 - 4/12 East Riverside Corridor
 - TBD Congress for New Urbanism (CNU)
- Multiple SpeakUpAustin discussions planned
 - Reliability and Guideway
 - Mode discussion
- Webinar on Evaluation Process
- Briefings, Boards & Commissions, community events and festivals

3**Service Profile**





3 Mode Screening

What are the high-level goals for this mode?	What is it, where does it go, and where does it end?	How many people can it serve per hour during peak hour?	How fast does it go on an average?	How often does it stop?	Where can I get on?	Real World Example
Bike Speed 10 mph	High-Speed Rail uses conventional tracks to travel at high speeds on fully dedicated and grade-separated tracks or guideways. Typically used to travel quickly between major urban centers.	Speeding 100-120 mph (160-190 km/h)	Average speed 100-120 mph	Stops are 100 miles to 150 miles apart	Stops every 100 miles to 150 miles	High-Speed Rail
Regional Rail	Regional Rail connects suburban, exurban, and rural areas, typically serving existing railroad lines. Typically used to travel longer distances between large cities.	Speeding 100-120 mph (160-190 km/h)	Average speed 100-120 mph	Stops are 100 miles to 150 miles apart	Stops every 100 miles to 150 miles	The Capital Corridor between San Jose and Sacramento in Northern California is an example of regional rail. Locally, the Lakeview Rail System is planning the LRTA to connect the city and suburbs of Sacramento and San Francisco, with new stops in the region.
Commuter Rail	Commuter Rail provides express service between major urban centers. Typically used to travel between major urban centers.	Speeding 100-120 mph (160-190 km/h)	Average speed 100-120 mph	Stops are 100 miles to 150 miles apart	Stops every 100 miles to 150 miles	Commuter Rail is a high-speed rail line between Los Angeles and San Francisco, with new stops in the region.
Transit Bus Speed 10 mph	Express, or managed, lanes are highway lanes that are free to registered vanpools and transit vehicles, and closed to all other vehicles. The bus lane is typically through the city center or between major urban centers. Typically used to travel within a city and between major urban centers.	Speeding 100-120 mph (160-190 km/h)	Average speed 100-120 mph	Stops are 100 miles to 150 miles apart	Stops every 100 miles to 150 miles	Express, or managed, lanes are highway lanes that are free to registered vanpools and transit vehicles, and closed to all other vehicles. The bus lane is typically through the city center or between major urban centers.
Heavy Rail Speed 10 mph	Heavy Rail Transit uses conventional high-speed tracks on fully dedicated and grade-separated tracks or guideways. Typically used to travel within major urban centers and suburbs.	Speeding 100-120 mph (160-190 km/h)	Average speed 100-120 mph	Stops are 100 miles to 150 miles apart	Stops every 100 miles to 150 miles	Heavy Rail Transit uses conventional high-speed tracks on fully dedicated and grade-separated tracks or guideways.
Light Rail	Light Rail uses small, automated vehicles operated by a single operator from the ground. Typically used to travel within major urban centers and suburbs.	Speeding 100-120 mph (160-190 km/h)	Average speed 100-120 mph	Stops are 100 miles to 150 miles apart	Stops every 100 miles to 150 miles	Light Rail uses small, automated vehicles operated by a single operator from the ground.

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Final Mode Alternatives



Urban Rail



Bus Rapid Transit

3

Alignment Screening

January February March April May June

Preliminary
Alternatives

Alignment
Alternatives

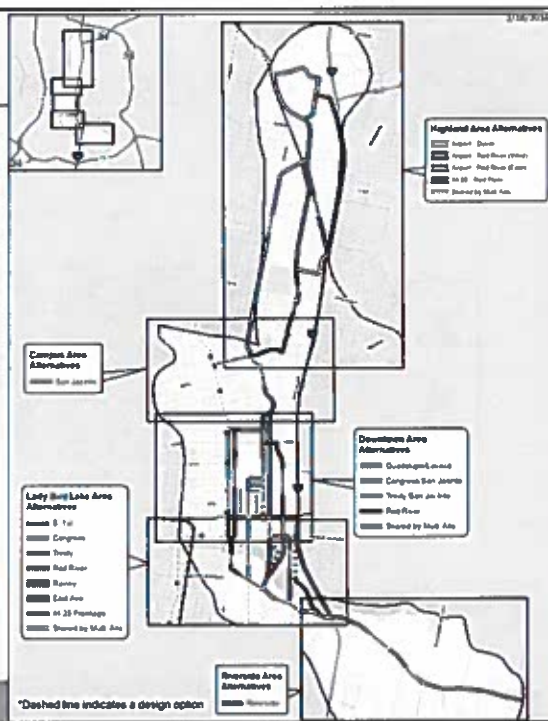


SCREEN

3

Alignment Screening

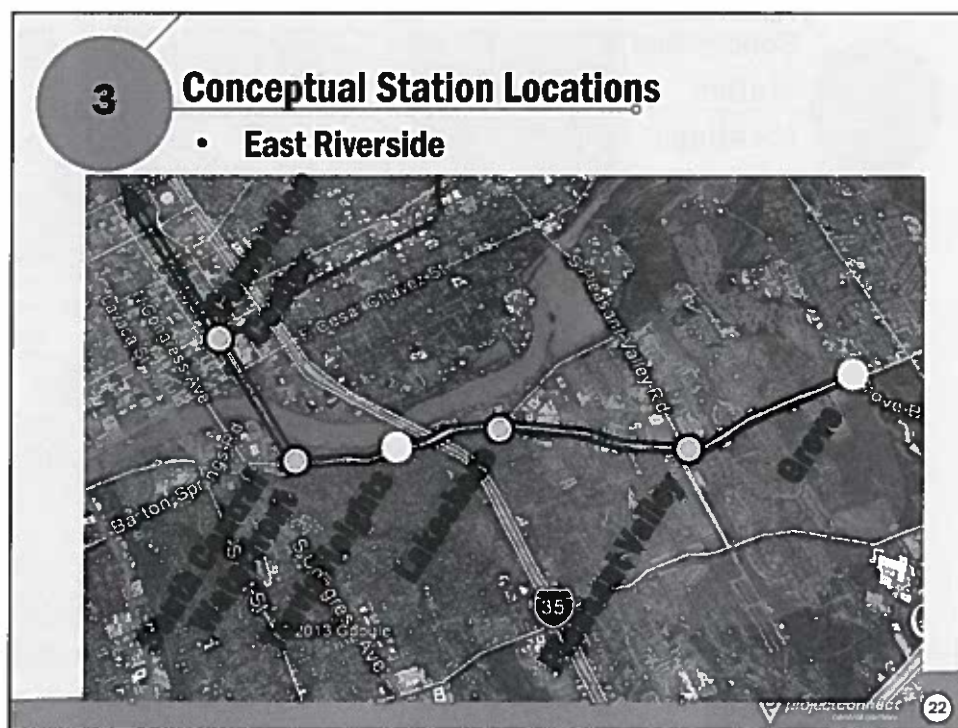
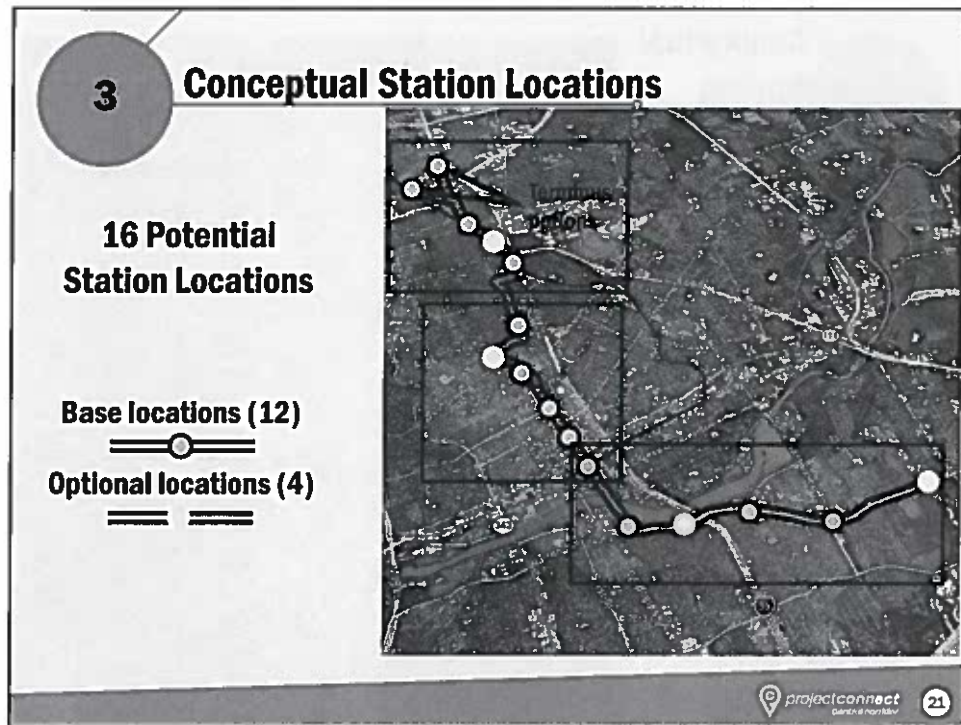
- **Corridor organized into five areas:**
 - East Riverside
 - Lady Bird Lake
 - Downtown
 - Campus
 - Highland

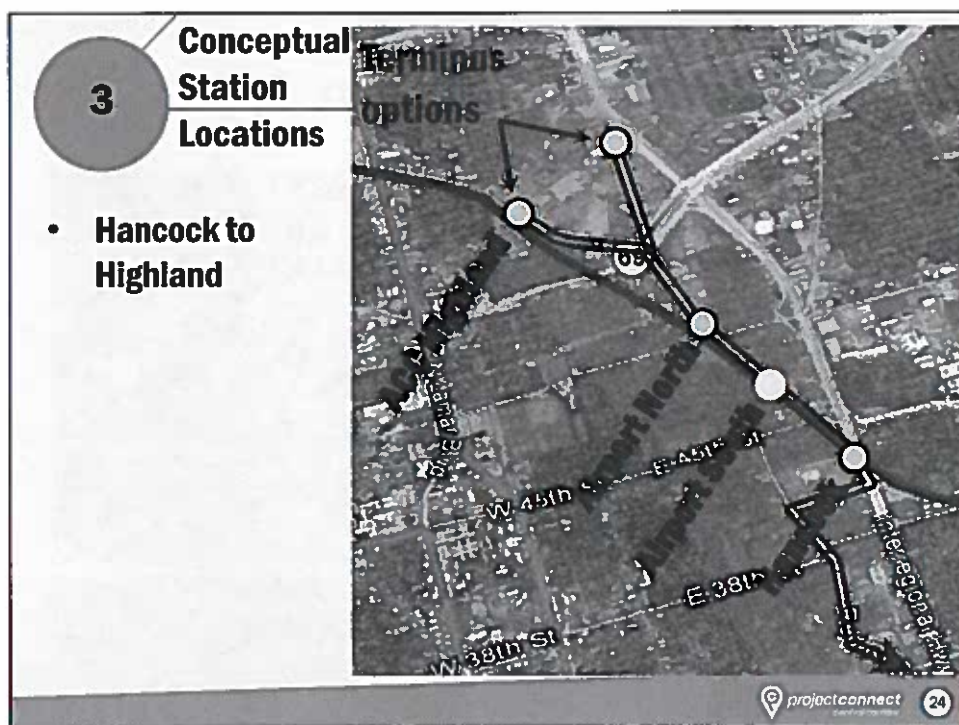
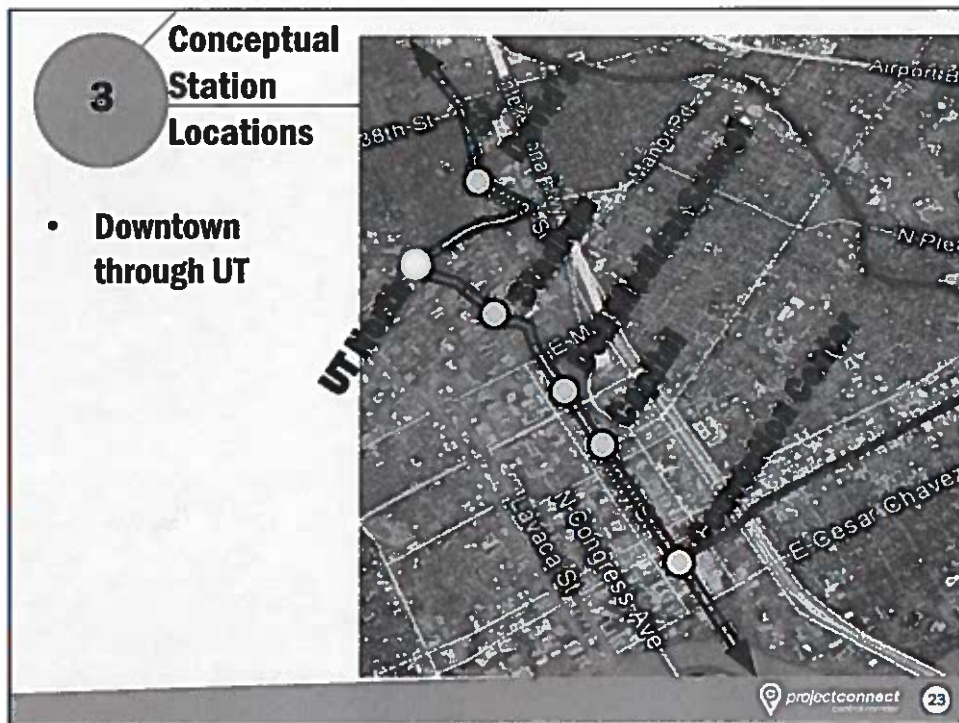


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Final Alternatives – Elements

- Number and locations of stops
- Alignment alternatives refinements
 - Additional screening
 - Typical sections
- Operations plan – *in progress*





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Alignment Alternatives Refinements

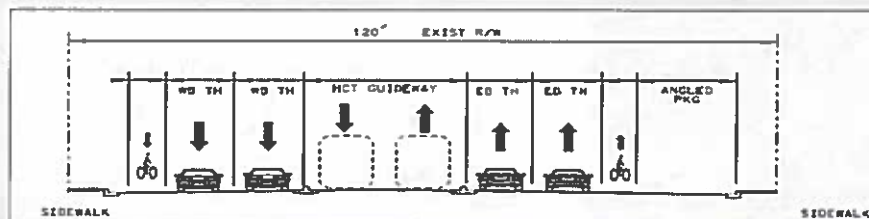
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Typical Section

Considerations

- ROW width
- Guideway requirements
- Operations
- At grade, elevated, tunnel
- Other modes
- Parking
- Driveways
- Etc.

*Guideway considerations and station platforms are virtually the same for both modes



4

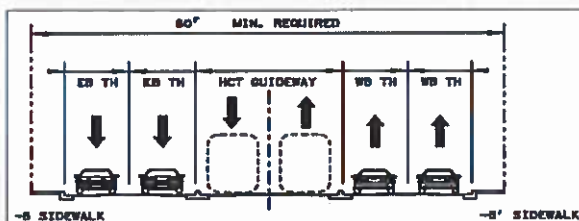
E. Riverside Dr. (East of I-35)

- Center running, at-grade
- Adequate ROW
- Stations at Grove, Pleasant Valley and Lakeshore
- Potential park & ride at Pleasant Valley and/or Grove

4

E. Riverside Dr. (West of I-35)

- Center running, at-grade
- Variable ROW
- South Central Waterfront station
- Optional Travis Heights station
- Requires roadway widening and bridge reconstruction at creek crossings



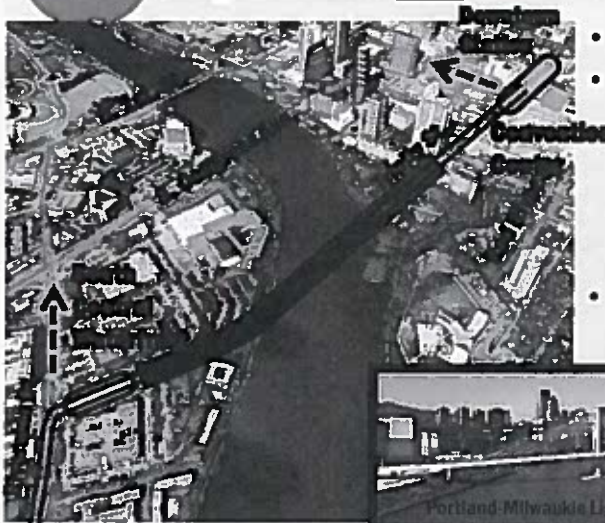
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Lady Bird Lake Crossing Alternatives

- 3 Alternatives: Bridge, Short Tunnel, Long Tunnel
- Common limits compared
 - East Riverside to 15th St



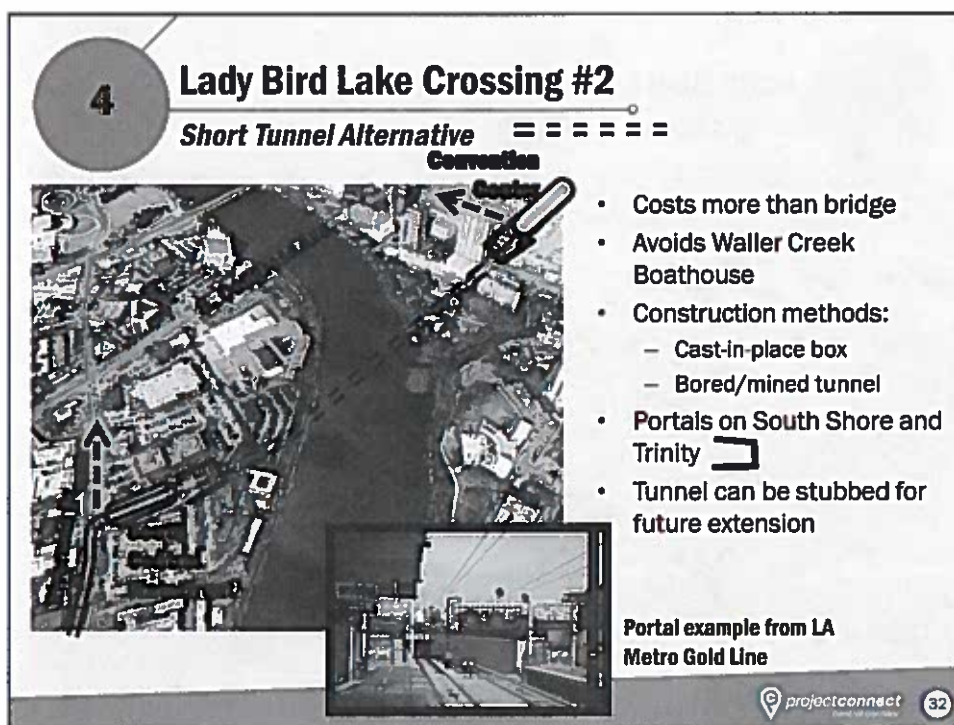
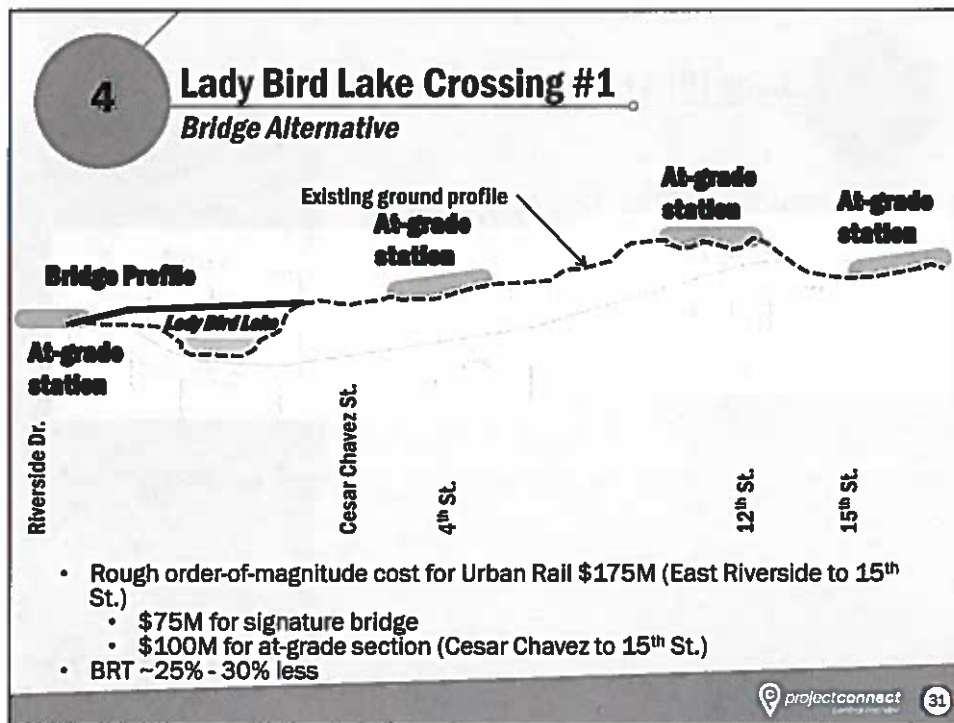
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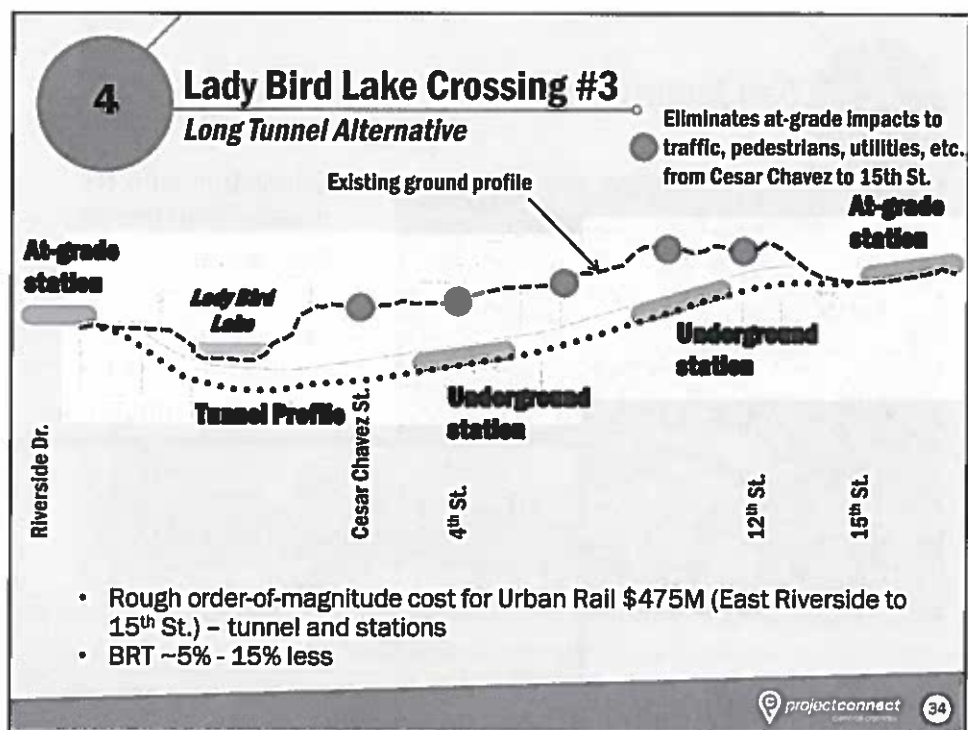
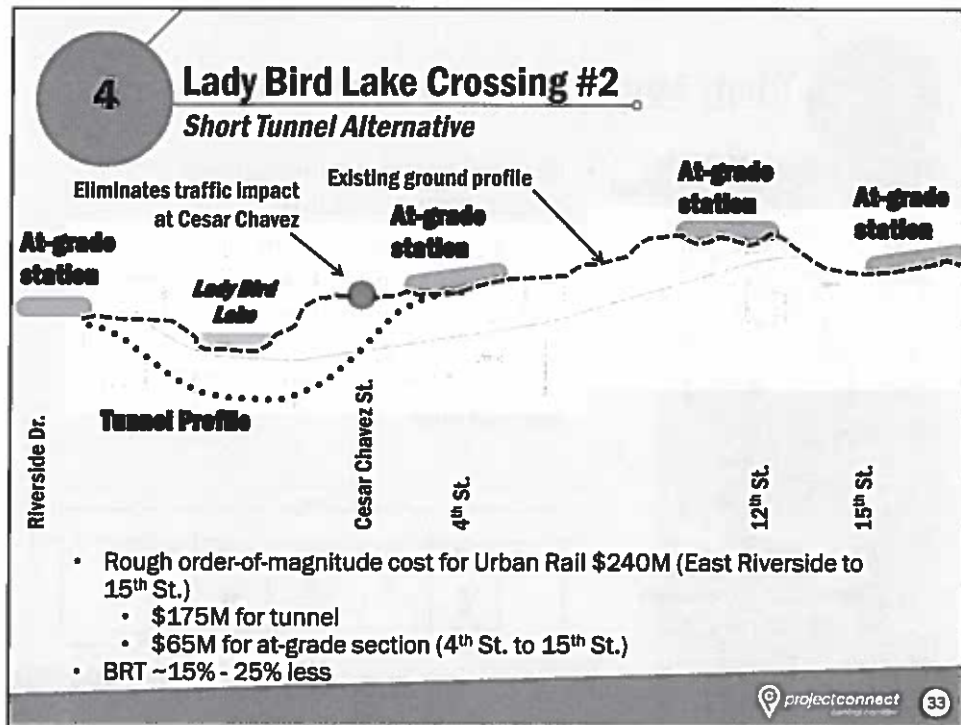
Lady Bird Lake Crossing #1**Bridge Alternative**

- Lower cost than tunnel
- Interface with Waller Creek Lattice, Waller Creek Boathouse, Four Seasons, TxDOT, Statesman, Housing Authority
- Opportunity for signature structure



Portland-Milwaukie Light Rail Bridge across Willamette River



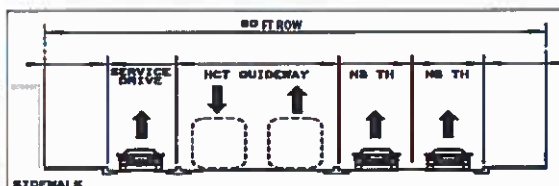


4

Trinity Street (At-Grade Alternative)



- Eliminated San Jacinto couplet preliminary alternative
- Numerous driveways and alleys
- Grades near recommended maximum for high-capacity transit vehicles
- Center-running on west side of street with two northbound through lanes and service lane



35

4

San Jacinto Boulevard



- Consistent with UT master plan (below)
- San Jacinto will become transit mall
- Crowd control and pedestrian activity
- Floodplain mitigation



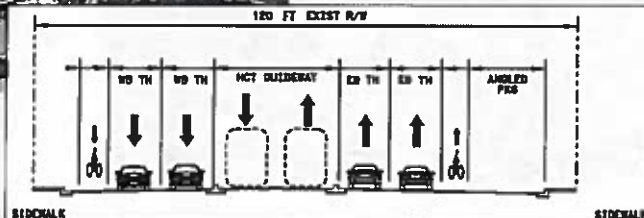
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4

Dean Keeton Street – Medical Arts



- Center-running in Dean Keeton and Medical Arts
- Opportunity for stop location next to St. David's Medical Center
- Opportunity to increase speed with wider curve at Dean Keeton/San Jacinto

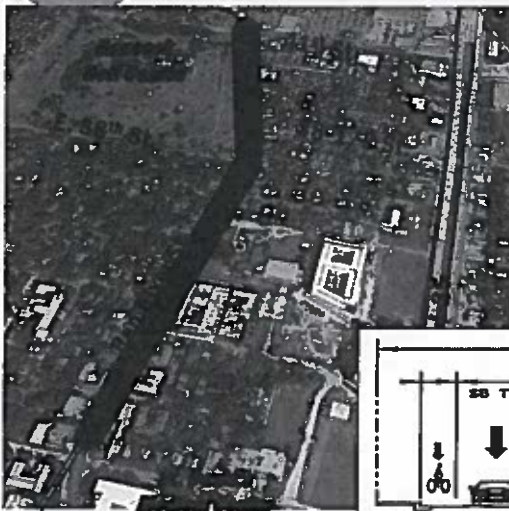


projectconnect
CONNECTIONS FOR THE FUTURE

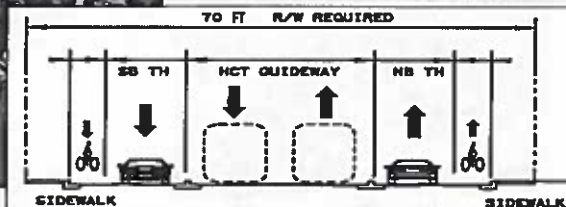
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Red River Street



- Center-running
- Frequent residential driveways
- Narrow ROW would require removal of one lane of traffic in each direction
- Additional design considerations required



projectconnect
CONNECTIONS FOR THE FUTURE

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4

Hancock Alternatives



- Grade separation with Red Line
- Property and neighborhood impacts
- I-35 improvements

East Tunnel Option = = =

- Portal on 41st
- Below-grade station at Red Line
- Potential tunnel extension under I-35 towards Mueller

West Tunnel Option = = =

- At-grade station and portal on Red River
- Red Line transfer at Highland or new station on Airport

4

Airport Boulevard



- Center-running
- Tunnel portal from Hancock in median
- Widen roadway to west
- Parallel drainage improvements

I-35 – Elevated over SB Frontage

- Eliminated due to significant ROW limitations and community opposition to additional elevated structures

4

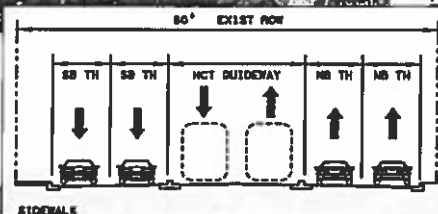
ACC Highland Terminus Options

Middle Fiskville Terminus

- Opportunity for park & ride
- Opportunity to extend to north or northeast
- Red Line transfer at Hancock or Airport Blvd. (new station)
- Potential tunnel from Airport Blvd to Middle Fiskville to increase service speed and reliability

Airport Blvd Terminus

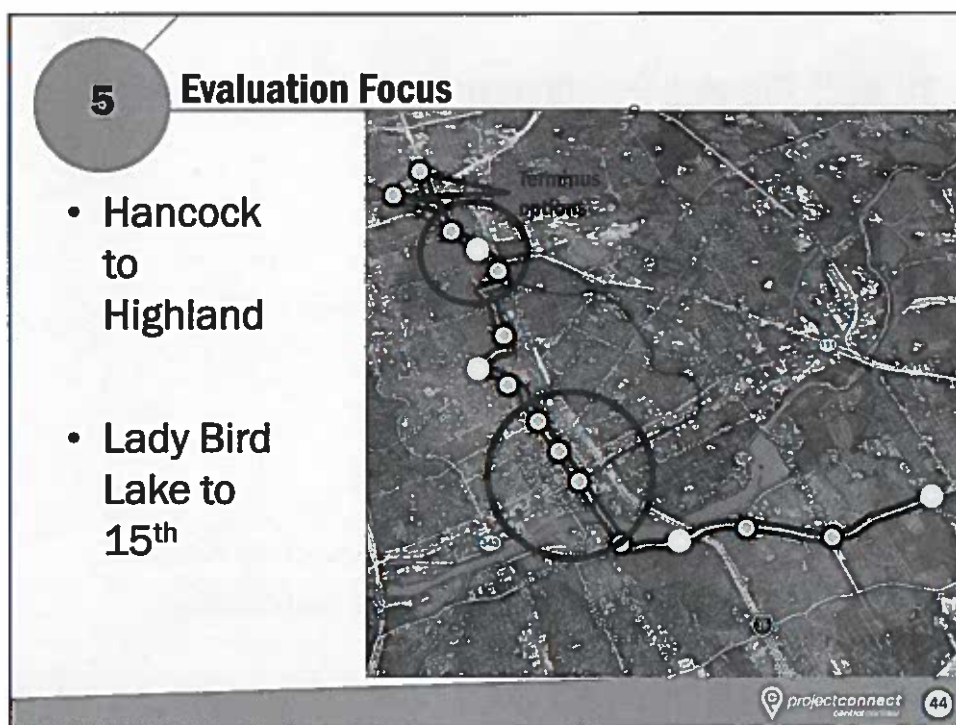
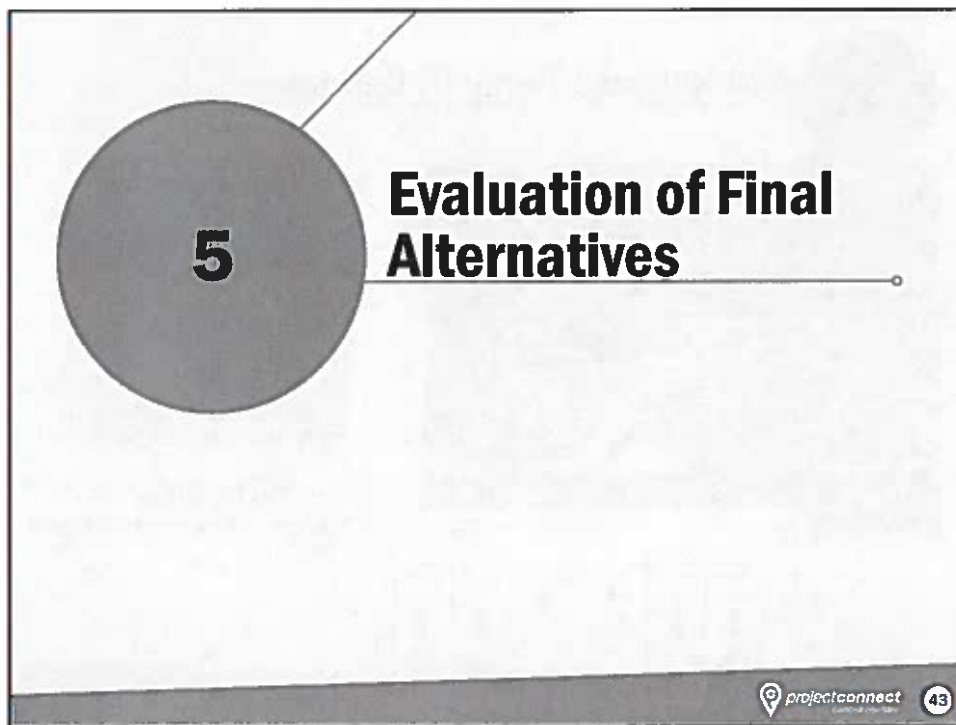
Transfer at existing Highland Station



4

Ongoing Considerations: System Connectivity

- MetroRail Red Line
 - Downtown Station improvements
 - Impacts of additional station at Hancock or Airport Blvd.
- E-W through downtown
 - 4th St. transit mall
 - Seaholm/LSTAR/Amtrak
- Future connections
 - Next tier sub-corridors (Lamar, Mueller, East Austin)
 - Other sub-corridors and Project Connect corridors



5

Evaluation Factors

- Basic characteristics
- Socioeconomic characteristics
- Ridership
- Travel time
- Cost effectiveness
- Economic development potential
- System connectivity
- Potential environmental effects
- FTA competitiveness (FTA criteria index)

6

Next Steps

6

Road to the LPA**Central Corridor Study Topics**

- April
 - Operations plan
 - Evaluation approach
 - FTA process
 - Project development timeline
- Early May
 - Project team recommendation for LPA (*end-to-end*)
 - System connectivity
 - Rough order-of-magnitude (ROM) cost estimates
 - Ridership estimates
 - Funding and governance
- Mid May
 - Phasing options (*the project*)
 - System connectivity
 - Scope and fee for additional system planning and project definition
- June
 - **Action** on recommended LPA and 1st Phase (*the project*)

**Council
Schedule**

- May 22nd
 - Briefing
- June (tbd)
 - Special Session
- June 26th
 - Action



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THANK YOU**More Information:**

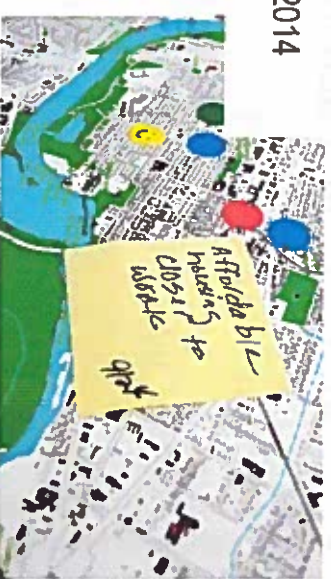
**Project Connect &
Central Corridor HCT Study**
projectconnect.com



projectconnect
central corridor

Listening to the Community Report Summary

INITIAL LISTENING PHASE | APRIL 4, 2014



Presentation Outline

- CodeNEXT Outreach Team
- About This Report
- What We Heard
- How People Participated
- Outreach & Engagement
- Who Participated
- Report Addendum & Online Resources



CodeNEXT Project Team



Lead Consultant

Opticos Design Inc., an award-winning firm that specializes in context-sensitive codes for vibrant, healthy, sustainable urban places.

National Firms

ECONorthwest
Fregonese Associates Inc.
Kimley-Horn and Associates
Lisa Wise Consulting Inc.
McGuireWoods LLP
Peter J. Park

Local Firms

McCann Adams Studio
Taniguchi Architects
Urban Design Group
Civic Collaboration
Cultural Strategies
Health & Community
Strategies
Group Solutions RJW

About The Report: How To Use It

Report outlines CodeNEXT Listening & Understanding: July 2013 - January 2014



- Presents a summary of what was heard from participants.
- Designed as a transparent and accessible resource and guide.
- Intended to deepen discussion by sharing viewpoints across the community.
- Three parts:

1. Report from CodeNext events and different ways people participated.
2. Addendum which includes interviews and links to on-line input.
3. Online access to a broad array of input from the community, organizations and City Department input.

What We Heard

- Compiled thousands of comments from nearly 800 Austin participants.
- Comments were analyzed using a key word identification approach.
- Method identified patterns to identify the main issues, or themes.
- Most frequently mentioned themes are listed here.
- Participant's comments were categorized under the themes that best represented their ideas.
- Themes may not be fully representative of all the key issues or points of view of the community at large.



What We Heard: Six Key Theme Categories

Affordability

Business Costs
Housing Costs and Diversity
Policies & Incentives for Affordable Housing

Environment/Open Space

Green Building & Infrastructure
Parks & Open Space – includes urban agriculture
Environmental Protection – includes clean air and water, habitat, trees

Neighborhood Characteristics

Historic Preservation
Gentrification
Neighborhood Plans
Social Values – ideals and beliefs such as family-friendly, diverse, inclusive, safe, quiet

Design of Development

Site Design – How buildings are located on a site, access, parking, watershed, drainage, impervious cover limits and landscape

Subdivision Design – includes block length, multi-modal road network, lot types and sizes, open space and trails, connectivity to surrounding areas

Building Form & Design – includes building height, density, design and relation to nearby buildings

Land Uses and Mixed Use – includes the range and combination of uses allowed on a site or in an area

Compatibility – regulations to achieve compatible buildings and developments

Special Agreements – includes incentives, density bonuses, Planned Unit Developments (PUDs)

What We Heard: Six Key Theme Categories

Transportation

Parking Accessibility – the ease or difficulty of finding a space to park, either on-street or off-street

Traffic Congestion – the ease or difficulty of driving in an area

Bicycling – the ease or difficulty of bicycling in an area

Walkability - the ease or difficulty of walking in an area

Transit – the ease or difficulty of using public transportation

Code Issues

Clarity, Flexibility, Predictability – how understandable and consistent are the rules

Structure and Organization of the Code

Complexity & Usability of the Code

Staff Interpretation & Enforcement – how consistent and coordinated are development reviews, inspections and enforcement

What We Heard: Listening Session Questions

(September-October 2013)

What I really “like” about the area...

where I live...

- Social Values
- Parks & Open Space
- Environmental Protection
- Walkability
- Land Uses and Mixed Use
- Transit

where I work/go to school...

- Land Uses and Mixed Use
- Walkability
- Parks & Open Space
- Social Values
- Transit
- Bicycling

where here I hang out...

- Land Uses and Mixed Use
- Parks & Open Space
- Social Values
- Walkability
- Environmental Protection
- Bicycling

What I really “don’t like” about the area...

where I live... (lack of, problem with)

- Social Values
- Land Uses and Mixed Use
- Traffic Congestion
- Walkability
- Housing Cost & Diversity
- Building Form & Design

where I work...

- Traffic Congestion
- Transit
- Walkability
- Parking Accessibility
- Bicycling
- Building Form & Design

where I hang out...

- Traffic Congestion
- Social Values
- Walkability
- Parking Accessibility
- Transit
- Parks & Open Space

What We Heard: Small Group / Housing Questions

(October 2013-January 2014)

What is it you really like about where you live, work or go to school, and hang out?

- Land Uses and Mixed Use
- Social Values
- Walkability
- Parks & Open Space
- Building Form & Design
- Bicycling

What do you don't like or wish was different about where you live, work or go to school, and hang out?

- Traffic Congestion
- Land Uses and Mixed Use
- Social Values
- Walkability
- Transit
- Housing Cost & Diversity

Based on your previous experiences with the Land Development Code, what are the most important issues to tackle during the code revision process as they relate to household affordability?

- Policies & Incentives for Affordable Housing
- Housing Cost & Diversity
- Structure & Organization of the Code
- Transit
- Site Design
- Social Values

What We Heard: Other Listening Session Questions

Have you had experience dealing with the Land Development Code?

- 136 responses - 69% had previous experience with the code, 31% of them did not.

Why are you interested in the Land Development Code revision?

- Respondents want the existing code to be improved.
- They want to ensure the new code helps keep Austin affordable.
- They care about Austin and want to improve their city and their quality of life.

What questions do you have about the code and the revision process?

- What is the process of revising a Land Development Code?
- What is wrong with the current Land Development Code?
- What the Land Development Code does NOT do?



How People Participated

Land Development Code Advisory Group

- 11 members, City Council appointed.
- Contact with 65 group representatives.

In-Depth Interviews

- Conducted August 19-27, 2013.
- One-on-one interviews with a diverse group of 24 Austin residents.

Listening Sessions

- Four events; Bowie High School, Kealing Middle School, Lanier High School September 23-25, 2013, and at St. David's Episcopal Church on October 24.
- An estimated 265 Austin residents representing 32 Austin ZIP codes attended.
- 139 completed surveys.
- Presentations, breakout tables, print and digital maps, Q&A.

Case Studies

- Real-life examples from Austinites who have experience with the Land Development Code.
- Aids in understanding some of the key issues with the Land Development Code.



How People Participated

Stakeholder Interviews

- 84 Interviews September 23-25, 2013.
- Groups represented include Neighborhoods, Environmental Preservation, Real Estate & Design Professionals, Business Associations, Nonprofit Organizations, Government Officials & Advisors.

City Staff Input

- City Departments shared their experience with the code and offered recommendations.
- Received over 100 survey responses.
- Interdepartmental Imagine Austin Priority Programs team analyzed the code to identify barriers.

Google Map

- Online Google Map used at Listening Sessions.
- Tool documented comments and concerns about the code with geographic identifiers.
- 60 comments mapped.



Outreach & Engagement

Imagine Austin Speaker Series

- January 24, 2013 – “Retrofitting Suburban Spaces into Lively Places” presentation
- February 27 & 28, 2013 – “Four Cities. Four Land Development Codes” panel
- May 13, 2013 – “Realistic Imagination – South Shore Central and the Envision Tomorrow Analytic Tool” presentation
- October 15, 2013 – “Best Practices in Development Review: Smoother! Faster! Smarter!” Panels
- November 12, 2013 - “Get on Your Bike and Ride!” Presentation



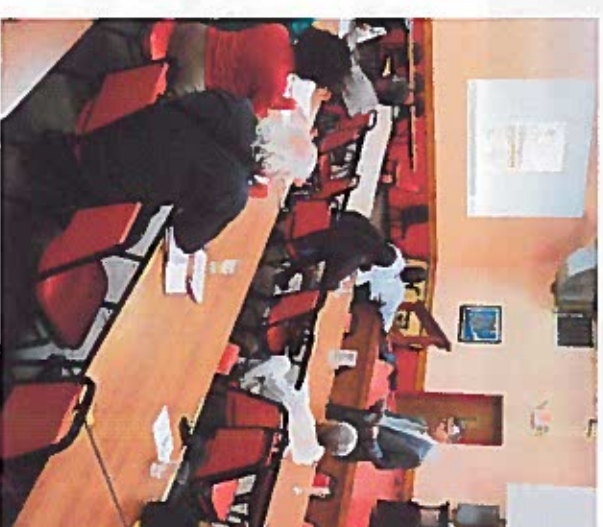
Outreach & Engagement

Media Outreach/News Coverage

iAhora Sí!
Austin American-Statesman
Austin Business Journal
The Austin Chronicle
Community Impact Newspaper
EDUCA-Austin AISD/Univision
Radio 107.1 FM
El Mundo Newspaper
Keilah Radio 106.5 FM
KVUE-TV
KUT-FM
KEYE-TV
Oak Hill Gazette
NotiHispano/Fiesta Radio 97.1 &
95.1FM
Telemundo Austin
Univision TV

Small Group Meetings

- 24 Small Group Meetings were conducted (September 2013 and January 28, 2014)
- Groups included neighborhoods, minority associations, chambers of commerce and advocacy organizations



Community Ambassadors

- Over 20 have been engaged
- Tasked with promoting participation and leadership activities in traditionally underrepresented communities

Emails/Blogs/Website

- 600 individuals have opted-in to receive CodeNEXT updates

Social Media

- Regular postings on Facebook and Twitter, hash tag #CodeNEXT

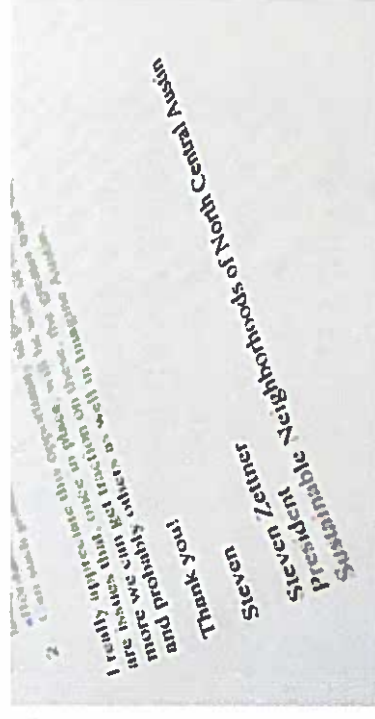
Outreach & Engagement

Community Viewpoints and Community Issue Papers

- Input from organizations, neighborhoods, businesses, or community groups on code issues.
 - Informal working group of members from American Institute of Architects (AIA) - Central Texas Chapter of the Congress for the New Urbanism (CNU) / American Society of Landscape Architects (ASLA)
 - Austin Independent Business Alliance
 - Home Builders Association of Greater Austin
 - HousingWorks Austin
 - Preservation Austin
 - Real Estate Council of Austin (RECA)
 - Sustainable Neighborhoods
 - Urban Land Institute (ULI)

SpeakUp! Austin

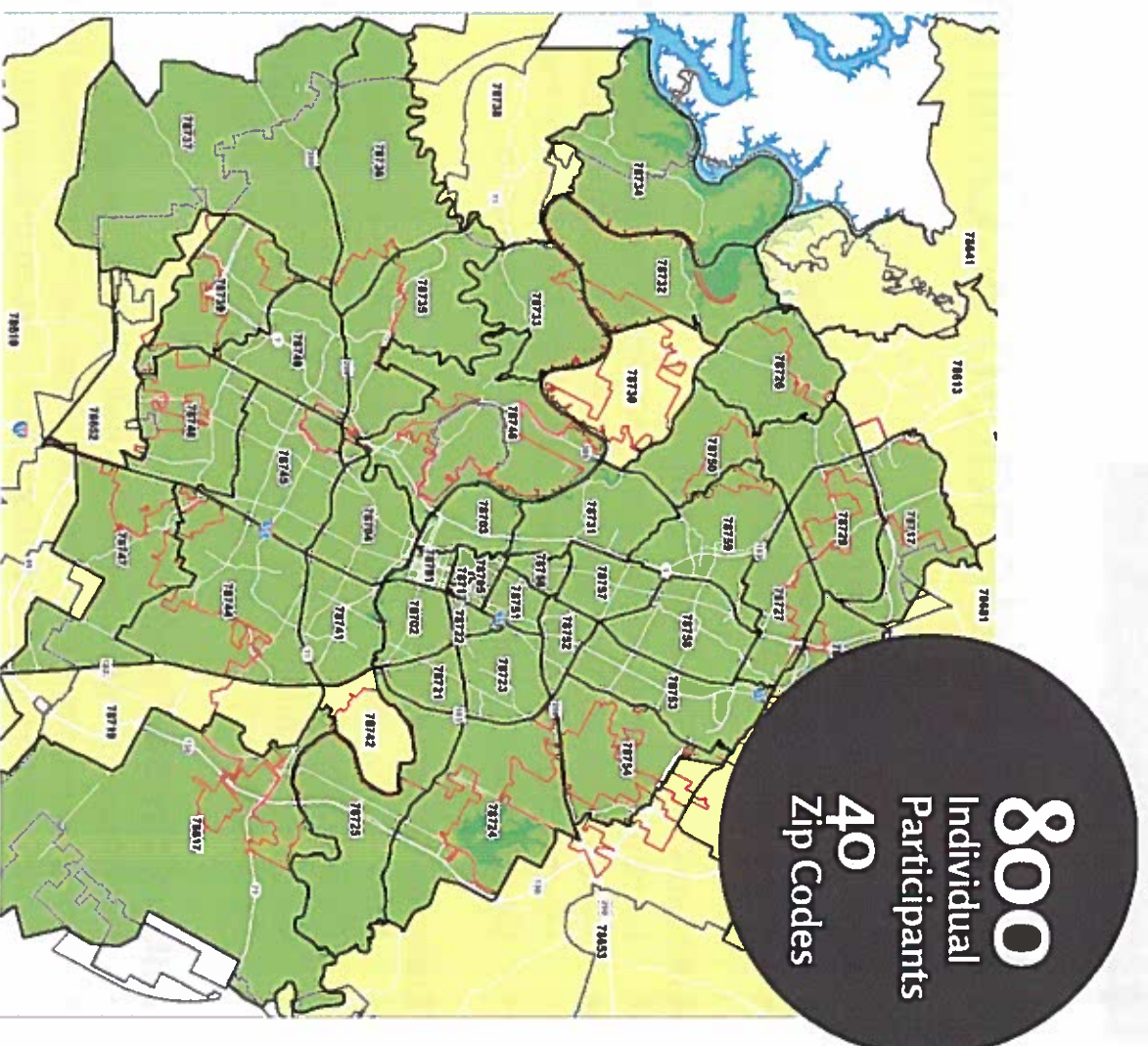
- Online portal used to solicit an online discussion on three questions; The Places, The Code, The Questions
- Approximately 24 respondents participated in the discussion.



Who Participated

- 800 Individual Participants
- 40 Zip Codes Represented
- 24 Small Group Meetings
- 268 people* (33%) filled out the demographic information

** Participants were asked to answer a standard set of demographic questions but not all completed that information.*



Report Addendum & Online Resources

Stakeholder Interview Report

- Prepared by Lisa Wise, CodeNEXT Team
- Interviews with 43 small groups, 83 individuals

Links to CodeNEXT Event Input

- Listening Session Questionnaires, worksheets, maps, and participant profiles
- Creative/Small Business Survey, Household Affordability Survey, Comments from Household Affordability, and combined Small Group meetings
- Google Map/SpeakUP! Austin – online comments

Links to Community Input

- Case study survey responses and emails to City Staff
- Community input: Informal working group of AIA, CNU, ASLA; Austin Neighborhood Council; Sustainable Neighborhoods; Hyde Park Neighborhood Association; RECA; Preservation Austin; Home Builders Association; ULI

Links to City Staff Input

- Interdepartmental Input, Code deficiencies surveys
- Imagine Austin Priority Program Task Teams: Creative Economy, Compact and Connected, Household Affordability, Green Infrastructure, Water Resources

How To Stay Involved

Stay plugged in at the Imagine Austin Facebook page and at the project website at www.austintexas.gov/codenext

Follow us on:



@ImagineAustin
Use #CodeNEXT



facebook.com/ImagineAustin



City of Austin Contact:

Matt Dugan (512) 974-7665

codenext@austintexas.gov

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City of Austin Planning and Development Review
One Texas Center, 505 Barton Springs Road, Austin TX 78704

#5 to 6

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.

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

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

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

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

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

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

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

~~(a) 75 feet; or~~

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

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

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

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

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

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

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

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

(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)]~~ no structural components, including load bearing beams, walls,
22 piers, or roofs, may be altered or replaced, except that one piling of a
23 dock may be replaced once every 3 years ~~[no more than 50 percent of~~
24 ~~existing piles, pilings, or sheet pile or no more than 50 percent of the~~
25 ~~length of the dock, bulkhead, or shoreline access may be removed or~~
26 ~~replaced and];~~

27 (6) no increase is allowed to:

28 (a) the number of walls;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) NORMAL POOL ELEVATION means:

(a) for Lake Austin, 492.8 feet above mean sea level;

(b) for Lady Bird Lake, 429 feet above mean sea level; and

(c) for Lake Walter E. Long, 554.5 feet above mean sea level.

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

2 ~~(a) fishing or swimming; or~~

3 ~~(b) anchoring, mooring, or storing not more than one vessel.]~~

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

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

11 **§ 25-2-1173 PERMIT REQUIRED FOR CONSTRUCTION.**

12 (A) A person may not modify a shoreline or construct or alter a dock, bulkhead, or

13 shoreline access unless the person first obtains a site plan and building permit~~[-as~~

14 ~~applicable,]~~ and pays the applicable ~~[permit fee set]~~ fees established by ordinance. A site

15 plan required under this section must be signed and sealed by a licensed professional

16 engineer and must include all information required by the director responsible for

17 administering this chapter.

18 ~~[(B) The building official or the director of the Parks and Recreation Department shall~~

19 ~~require the applicant to place an identification or registration tag on a dock. A person~~

20 ~~may not remove a tag placed under this subsection.]~~

21 ~~(B)[(C)]~~ A permit obtained under this section shall be prominently displayed at the

22 construction site until the final inspection and approval by the building official.

23 ~~[(D) The director of the Planning and Development Review Department may not~~

24 ~~approve an application for a permit for the construction of more than two residential~~

25 ~~docks or other similar structures on a single lot zoned MF-1 or more restrictive, unless:~~

26 ~~(1) the lot was platted and recorded before August 26, 1976, and perpetual~~

27 ~~rights to use the water frontage of the lot were granted or conveyed to one or~~

28 ~~more owners of other lots in the subdivision before June 23, 1979; or~~

29 ~~(2) the Parks and Recreation Board has approved a site plan that clusters~~

30 ~~the residential docks on one or more lots in the subdivision.]~~

31 ~~(C)[(E)]~~ If a permit is required under this section and is not obtained before construction

32 begins, the required fee is increased by an amount established by ordinance. Payment of

33 the additional fee does not relieve a person from complying with the requirements of this

34 title [Code].

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

§ 25-2-1174 STRUCTURAL REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

5
6 **PART 10.** Subsections (B) and (C) of City Code Section 25-2-1175 (*Lighting and*
7 *Electrical Requirements*) are amended to read:

8 (B) This subsection applies to a dock that extends more than eight feet from the
9 shoreline. In this subsection, the distance that a dock extends from a shoreline is
10 measured perpendicular to the shoreline, and the shoreline length of a dock is the length
11 of a dock measured parallel to the shoreline.

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

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

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

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

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

28 (b) A dock that extends 50 feet or more from the shoreline must have
29 light stations from the shoreline to the end of the dock at intervals
30 of not more than 25 feet, except that a light station may not be
31 located within 8 feet of the shoreline.

32 (c) A dock that has a shoreline length of at least 25 feet but less than
33 50 feet must have a light station located at each end of the dock on
34 the side farthest from the shoreline.

1 (d) A dock that has a shoreline length of 50 feet or more must have
2 light stations located at intervals of not more than 25 feet along its
3 length.

4 (e) Light stations are [also] required at each end of the dock on the
5 side farthest from the shoreline.

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

13
14 **PART 11.** City Code Section 25-2-1176 (*Regulations*) is amended to read:

15
16 **§ 25-2-1176 SITE DEVELOPMENT REGULATIONS FOR DOCKS, MARINAS,**
17 **AND OTHER LAKEFRONT USES.**

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

22 (1) A dock may extend up to 30 feet from the shoreline, except that the
23 director may require a dock to extend a lesser or greater distance from the
24 shoreline if deemed necessary to ensure navigation safety.

25 (2) The length of a dock from the shoreline may not exceed 20% of the lake
26 channel, as measured from the shoreline where the dock is located and
27 continuing to the opposite shoreline.

28 (3) A dock may not be constructed closer than 10 feet to the side property
29 line, regardless of the side-yard setback generally applicable within the
30 base zoning district.

31 (4) The width of a dock measured parallel to the shoreline of the lot or tract
32 where the dock is proposed, and including all access and appurtenances,
33 may not exceed:

34 (a) 20 percent of the shoreline width, if the shoreline width exceeds 70
35 feet;

1 (b) 14 feet, if the shoreline width is no greater than 70 feet.

2 (5) The footprint of a dock, including the portion of a cut-in slip, attached
3 access structures, or roof overhang, may not exceed:

4 (a) 1,200 square feet for a dock that is accessory to a principal
5 residential use;

6 (b) for a cluster dock, 600 square feet multiplied by:

7 (i) the number of dwelling units in a multifamily development;
8 or

9 (ii) the number of principal residential structures in a
10 subdivision, if:

11 the dock will be located in a common area that fronts
12 Lake Austin or Lady Bird Lake; and

13 lots within the subdivision have perpetual use rights to
14 the common area.

15 (6) A dock may not exceed 30 feet in height as measured from the highest
16 point of the structure above the normal pool elevation of the lake.

17 (7) No portion of a dock may be enclosed, except for an enclosed storage
18 closet that is:

19 (a) limited to no more than 48 square feet for each principal residential
20 use associated with the dock; and

21 (b) oriented to minimize cross sectional area perpendicular to flow.

22 (8) The dock must be designed and constructed to meet the following
23 requirements:

24 (a) except for storage closets permitted under Paragraph (6), no
25 more than one wall per floor may consist of solid structural
26 supports or building materials;

27 (b) except for solid structural components allowed under Paragraph
28 8(a), solid and mesh materials used for enclosure, including lattice,
29 wire panels, and screening, must be at least 66 percent open; and

30 (c) no framing materials that are capable of being converted to support
31 walls or windows may be used.

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

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

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

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

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

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

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

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

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

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

25 ~~(1) must be constructed of smooth wire or mesh;~~

26 ~~(2) may not extend more than 40 feet beyond the shoreline;~~

27 ~~(3) must include a navigation buoy indicating "DANGER", in accordance~~
28 ~~with the Texas Water Safety Act, installed at the end of the fence,~~
29 ~~unless the fence does not extend further beyond the shoreline than an~~
30 ~~immediately adjacent dock; and~~

31 ~~(4) must be removed if the livestock operation ceases.~~

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

3 ~~(1) — to be constructed or altered within 10 feet of a side property line; or~~

4 ~~(2) — except as provided in Subsection (E), that has a width, measured~~
5 ~~parallel to the shoreline, greater than 20 percent of the shoreline width~~
6 ~~of the lot or parcel of land on which the structure is to be constructed.~~

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

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

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

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

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

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

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

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

21 ~~(B)[(G) This subsection applies to a]~~ A marina area or [common area] cluster dock
22 must comply with the requirements of this subsection.

23 (1) ~~[Except for a boat dock or a combined storage area on the water's edge,~~
24 ~~a] A parking lot or permanent structure, other than a dock or a combined~~
25 ~~storage area on the water's edge [including a parking lot], must be set~~
26 ~~back at least 100 feet from the shoreline.~~

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

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

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

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

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

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

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

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

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

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

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

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

(2) is constructed of smooth wire or mesh;

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

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

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

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

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

3 **§ 25-2-1177** **[DOCKS EXEMPT FROM] CITY LICENSING REQUIREMENTS**
4 **FOR DOCKS, MARINAS AND OTHER LAKEFRONT USES.**

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

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

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

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

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

16 (2) the City's property interests in the easements and lakebeds identified
17 in Subsection (A), including the right to:

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

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

24
25 **PART 13.** City Code Chapter 25-2, Subpart C, Article 13 (*Docks, Bulkheads, and*
26 *Shoreline Access*) is amended to repeal Section 25-2-1178 (*Fire Protection*) and to
27 amend Section 25-2-1179 (*Environmental Protection*) to read:

28 **§ 25-2-1179 ENVIRONMENTAL PROTECTION.**

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

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

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

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

9 (E)~~(C)~~ Containers of hazardous materials, fuel, oil, herbicides, insecticides,
10 fertilizers or other pollutants may not be stored on docks extending into or above Lake
11 Austin, Lady Bird Lake, or Lake Walter E. Long.

12 (F)~~(D)~~ Construction of shoreline access structures must minimize disturbance to
13 woody and herbaceous vegetation, preserve the tree canopy, and replace herbaceous
14 ground cover to the extent practicable.

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

19
20 **PART 14.** City Code Chapter 25-2, Subchapter C, Article 13 (*Docks Bulkheads, and*
21 *Shoreline Access*) is amended to add a new Section 25-2-1180 to read:

22 **§ 25-2-1180 ENFORCEMENT AND REGISTRATION.**

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

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

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

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

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

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

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

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

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

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

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

(b)~~[(2)]~~ the work proposed does not:

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

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

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

(iv) add new walls.

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

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

1 (a) the bulkhead was legally constructed;

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

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

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

10
11 **PART 16.** Subsection (B) of City Code Section 25-5-3 (*Small Projects*) is amended to
12 read:

13 (B) The following are small projects:

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

18
19 **PART 17.** Subsection (A) of City Code Section 25-7-93 (*General Exceptions*) to read:

20 **§ 25-7-93 GENERAL EXCEPTIONS.**

21 (A) A site plan with a proposed building or parking area that encroaches on the
22 100-year floodplain may be approved if the encroachment is:

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

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

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

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

30 (a) recorded before September 25, 1983; and

31 (b) in which only one residential structure is built on a single lot;

(3) a building authorized by a waterway development permit issued under Chapter 9-10 before September 25, 1983;

(4) a building in the 100-year floodplain of:

(a) Town Lake; or

(b) the Colorado River downstream from Longhorn Dam[;or].

~~[(5) a boat dock in the 100-year floodplain of Town Lake, Lake Walter E. Long, or Lake Austin, and construction of the dock is otherwise permitted under this title.]~~

PART 18. Subsection (B) of City Code Section 25-7-96 (*Exceptions in the 25-Year Floodplain*) is amended to read:

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

(B) A development application with a proposed building or parking area that encroaches on the 25-year floodplain may be approved if:

(1) the building or parking area is located on parkland, a golf course, or other public or recreational land;

(2) the building, if any, is either:

(i) a restroom or bath facility, concession stand, tool shed, or pump house, with an area of less than 1,000 square feet; or

(ii) a dock that is located in the 25-year floodplain of Lady Bird Lake, Lake Walter E. Long, or Lake Austin and constructed, or proposed to be constructed, in compliance with the regulations of this title;

(3) the parking area, if any, is smaller than 5,000 square feet; and

(4) the director determines that the proposed development:

(a) will not result in additional adverse flooding impact on other properties; and

(b) otherwise complies with the requirements of this title.

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

1 (B) The Land Use Commission may grant a variance from a requirement of Section
2 25-8-422 (*Water Quality Transition Zone*), Section 25-8-452 (*Water Quality Transition*
3 *Zone*), Section 25-8-482 (*Water Quality Transition Zone*), Section 25-8-652 (*Restrictions*
4 *on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*, or
5 Article 7, Division 1(*Critical Water Quality Zone Restrictions*), after determining that:

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

11
12 **PART 20.** Subsection (A) of City Code Section 25-8-42 (*Administrative Variances*) is
13 amended to read:

14 (A) A variance under this section may not vary the requirements of Article
15 13 (*Save Our Springs Initiative*) [~~and may not be granted for development of a~~
16 ~~property if any portion of the property abuts or is within 500 feet of the shoreline~~
17 ~~of Lake Austin, measured horizontally~~].

18
19 **PART 21.** Subsection (C) of City Code Section 25-8-261 (*Critical Water Quality Zone*
20 *Development*) is amended to read:

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

- 23 (1) A [a boat] dock,[pier, wharf,] bulkhead or marina, and necessary access
24 and appurtenances, are [is] permitted in a critical water quality zone
25 subject to compliance with Chapter 25-2, Subchapter C, Article 12
26 (*Docks, Bulkheads, and Shoreline Access*). [~~;~~and]
- 27 (2) At least 50% of the area within 25 feet of the shoreline must be:
- 28 (a) preserved in a natural condition; or
- 29 (b) restored to a natural condition as prescribed by the Environmental
30 Criteria Manual, if the vegetation is disturbed or removed for
31 construction or other development activity, within the area of
32 disturbance.
- 33 (3) Not more than 30 percent of the woody vegetation within the shoreline
34 setback area as defined by Section 25-2-551 (*Lake Austin (LA) District*

1 Regulations) and within the area defined by 25-2-180 (Lake Austin (LA)
2 Overlay District) may be removed.

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

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

10 **§ 25-8-652 RESTRICTIONS ON DEVELOPMENT IMPACTING [FILLS AT]**
11 **LAKE AUSTIN, LADY BIRD LAKE, AND LAKE WALTER E. LONG.**

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

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

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

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

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

25 (2) The board shall review and comment on:

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

27 (b) ~~the effect of the development on the recreational and natural~~
28 ~~character of the lake.~~

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

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

31 (b) ~~the effect of a proposed development on the recreational and~~
32 ~~natural character of Lake Austin, Lady Bird Lake, or Lake Walter E. Long.]~~

(C) A retaining wall, bulkhead, or other erosion protection device may not capture or recapture land 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.

PART 23. This ordinance takes effect on _____

PASSED AND APPROVED

2025

_____, 2013

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

